



General Committee Meeting Agenda
Tuesday, April 18, 2017
1:00 p.m.
Council Chamber, Town Hall

Please note that added items are bolded and italicized.

CALL TO ORDER

DISCLOSURE OF PECUNIARY INTEREST

CONSENT AGENDA

DELEGATIONS

1. ***Tim Forster, Resident, Town of Caledon re: Integrity Commissioner's Report dated April 11, 2017***
2. ***Ian Sinclair, Resident, Town of Caledon re: Integrity Commissioner's Report dated April 11, 2017***
3. ***John Rutter, Resident, Town of Caledon re: Integrity Commissioner's Report dated April 11, 2017***
4. ***Michael Ellis, Resident, Town of Caledon re: Integrity Commissioner's Report dated April 11, 2017***
5. ***Representative, Terra Cotta Community Centre re: Notice of Motion concerning High Street Parking (Ward 2)***
6. ***John Rutter, Resident, Town of Caledon re: Notice of Motion concerning High Street Parking (Ward 2)***

STAFF REPORTS

<u>Staff Report 2017-12</u>	Use of Corporate Resources for Election Purposes
<u>Staff Report 2017-50</u>	Proposed On-Street Parking – Willow Street
<u>Staff Report 2017-54</u>	Waiving of 2017 Farmers' Market Fees for the Bolton Farmers' Market
<u>Staff Report 2017-55</u>	Community Safety Zone, Landsbridge Street South of Allan Drive for a Distance of 225 meters (North of Fountainbridge Drive)
<u>Staff Report 2017-57</u>	Review of the Current Height Restrictions Regarding Shrubs and Hedges in the Town's Fence By-law

RECOMMENDATIONS OF ADVISORY COMMITTEES

1. Accessibility Advisory Committee Report dated [March 23, 2017](#)

General Committee has been requested to consider the following recommendations from the Accessibility Advisory Committee:

That an accessible parking space be included in the on-street parking on Hope Valley Avenue for access to the Caledon Villas Park.

INTEGRITY COMMISSIONER'S REPORT

1. Code of Conduct Complaints, Councillor Barb Shaughnessy dated [April 11, 2017](#)

NOTICES OF MOTION

1. **Councillor Shaughnessy re: Holiday Assistance for Community Groups**

Whereas the beautification of a community helps tourism by attracting more visitors, creating an inviting environment, and creates community pride; and

Whereas community groups are seeking assistance on an annual basis for Holiday Celebrations held within their communities; and

Whereas funding is not annually awarded to local organizations; and

Whereas community groups require a consistent reliable means of obtaining funds for Holiday Celebrations

Now therefore be it resolved that staff develop a new service level for Council consideration as part of the 2018 budget process where the Town of Caledon funds the annual set-up and take down of holiday decorations on behalf of recognized community groups within the villages and hamlets in Caledon.

2. **Councillor deBoer re: Albion Hills Conservation Areas Master Plan Endorsement**

Whereas the Albion Hills Conservation Area is Ontario's first conservation park providing the community with over 40 km of trail, camping, fishing, picnicking, splash pad; and pool facility for the last 60 years; and

Whereas the Albion Hills Conservation Area is 495 ha outdoor recreation area just north of Bolton off Hwy 50; and

Whereas the Master Plan supports the optimization and restoration of existing features; the creation of new opportunities in emerging tourism markets, the provision of inclusive opportunities to a diverse audience, and improving capacity as a four season destination;

Now therefore be it resolved, that Council endorse the Albion Hills Conservation Areas Master Plan.

That staff be directed to look for partnership opportunities with the TRCA regarding the Master Plan and report back to Council.

3. Councillor Mezzapelli re: Headwaters Food Charter Endorsement

Whereas a Food Charter is a document shaped by community members that describes local values and priorities concerning food; and

Whereas a Food Charter can be used by producers, consumers, institutions, business and local governments to guide the development of local food policies and programs; and

Whereas Food Charters have been developed or are in development for Kingston, Frontenac, Lennox and Addington, Guelph-Wellington, Sudbury, Kawartha Lakes, Toronto, and others;

Whereas Headwaters Food and Farming Alliance has created a Food Charter; and

Whereas the Food Charter aligns with Council Work Plan priority area “Protection of the Rural Environment”; and

Now therefore be it resolved, that Council endorse the Headwaters Food and Farming Alliance Food Charter.

4. Councillor McClure re: High Street Parking (Ward 2)

Whereas Council approved an amendment to the Traffic By-law to include a “No Parking Anytime” Prohibition on the north side of High Street from Isabella Street to King Street on July 7, 2015; and

Whereas staff prepared a memo to Council on September 20, 2016 updating Council that staff have not received any concerns/complaints since implementing a one-way status and parking restrictions on High Street and do not recommend any further actions; and

Whereas the Terra Cotta Community Centre Board has recently expressed concerns regarding parking capacity on their site and lack of on-street parking on High Street; and

Now therefore be it resolved that staff be directed to review the on-street parking restriction and direction of the one-way on High Street and report back to Council on any recommended changes.

CORRESPONDENCE

Memorandums

1. Memorandum to Council from Carey deGorter, General Manager, Corporate Services/Town Clerk dated April 18, 2017 re: [Contrary Motions](#)
2. Memorandum to Council from Colleen Lipp, CEO/Chief Librarian, Caledon Public Library dated April 18, 2017 re: [Poet Laureate](#)
3. Memorandum to Council from Angie Mitchell, Interim Manager, Building Services/Chief Building Official dated April 18, 2017 re: [Building Permit Fees 2016 Annual Report](#)

General Correspondence

4. **Ministry of Transportation dated April 13, 2017 re: [Draft Province-wide Cycling Network](#)**

CONFIDENTIAL SESSION

Confidential Staff Report 2017-10 re: Personal matters about an identifiable individual, including municipal or local board employees – Senior of the Year Award

ADJOURNMENT



Accessibility Accommodations

Assistive listening devices for use in the Council Chamber are available upon request from the Staff in the Town's Legislative Services Section. American Sign Language (ASL) Interpreters are also available upon request.

Please provide advance notice if you require an accessibility accommodation to attend or participate in Council Meetings or to access information in an alternate format please contact Legislative Services by phone at 905-584-2272 x. 2366 or via email to accessibility@caledon.ca.

Staff Report 2017-12

Meeting Date: Tuesday April 18, 2017

Subject: Use of Corporate Resources for Election Purposes

Submitted By: Wendy Sutherland, Legislative Specialist, Corporate Services

RECOMMENDATION

That the Policy for the Use of Corporate Resources for Election Purposes, attached as Schedule A to Staff Report 2017-012, be approved.

REPORT HIGHLIGHTS

The *Municipal Elections Act, 1996* contains specific guidelines prohibiting a municipality from making a contribution to a candidate and which forbids the use of municipal resources, by candidates, during any municipal election campaign. These provisions are in place to ensure that all those who run for office have fair and equitable treatment during an election campaign.

This report is intended to provide clarification regarding the provisions of the Municipal Elections Act relating to contributions to election campaigns and the use of corporate resources for election purposes by candidates seeking municipal office. Through the establishment of a policy, clear guidelines are established in an effort to provide for the fair and equitable treatment of all candidates while meeting the requirements under the Municipal Elections Act.

DISCUSSION

The Municipal Elections Act, 1996 s. 88.12 (4.3) states that “The Crown in right of Canada or Ontario, a municipality or local board shall not make a contribution”.

Section 88.15 (1) of the Act defines a contribution as: “money, goods and services given to and accepted by a person for his/her election campaign, or given to and accepted by another person who is acting under the person’s direction, are contributions”.

By defining money, goods and services as contributions to a campaign, it is clear that the use of the Corporation’s resources (facilities, equipment, supplies, services, staff or other resources of the municipality) for any election campaign or campaign related activities would be foreseen as a contribution by the municipality to the Candidate, which is a violation of the Act.

Campaign related activities on municipal property and the use of staff services (or any person receiving compensation from the municipality) during regular working hours, are viewed to be a contribution and therefore are not permitted.

Staff Report 2017-12

The proposed policy, if approved, would be applicable to all candidates; all members of Town Council, including any acclaimed member or member of Council who is not seeking re-election. The policy would not preclude a Member of Council from performing their job as a Councillor or inhibit them from representing the interest of the constituents who elected them. This policy is also applicable to all staff of the Town of Caledon.

It should be noted that the establishment of guidelines on the appropriate use of corporate resources during an election period would also serve to protect the interests of both the candidates (including current Members of Council) and the Corporation. Should an individual launch a legal challenge, the offence provisions of the Act provide for a fine of up to \$25,000 for an individual and of not more than \$50,000 for a Corporation.

Enforcement of the policy is the responsibility of The Town Clerk.

Conclusion

The adoption of this policy represents a positive step by the municipality in delivering an election process that achieves the principles set out by the Ministry of Municipal Affairs and Housing during the development and review of the Municipal Elections Act. These principles include:

- The election should be fair and non-biased;
- The integrity of the process should be maintained through the elections;
- Candidates should be treated fairly and consistently within a municipality.

By clarifying the expectations to all candidates through the adoption of the policy on the Use of Corporate Resources for Election Purposes, it will reduce the possibility that either an individual candidate or the Corporation would inadvertently violate the *Municipal Elections Act, 1996*. Further, it will provide for the fair and open treatment of all candidates while enhancing the election process.

FINANCIAL IMPLICATIONS

Implementation of this policy has no impact on the Elections operating budget.

COUNCIL WORK PLAN

The matter contained in this report is not relative to the Council Work Plan.

ATTACHMENTS

Schedule A – Use of Corporate Resources for Election Purposes

Corporate Policy

Subject: Use of Corporate Resources for Election Purposes

Policy Statement:

Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

This policy clarifies that all election candidates, including members of Town Council are required to follow the provisions of the *Municipal Elections Act, 1996* and that:

- No candidate shall use the facilities, equipment, supplies, services staff or other resources of the Town for any election campaign of campaign related activities; and
- No candidate shall undertake campaign-related activities on Town property; and
- No candidate shall use the services of persons during hours in which those persons receive any compensation from the Town.

This policy does not preclude a member of Council from performing their duties as a Councillor, nor inhibit them from representing the interests of their constituents.

Scope:

This policy is applicable to all candidates, and all members of Town Council, including any acclaimed member of Council or member of Council who is not seeking re-election.

This policy is also applicable to all staff of the Town of Caledon.

This policy shall become effective immediately upon approval by municipal Council.

In accordance with the Municipal Elections Act, 1996, the Town Clerk and authorized designate(s) are responsible for the administration of this policy.



Corporate Policy

Purpose:

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council and the Corporation. The *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council of the Town's resources for his or her election campaign would be viewed as a contribution by the Town to the member, which is a violation of the Act.

However, it should also be noted that the establishment of guidelines on the appropriate use of corporate resources during an election period would also serve to protect the interests of both the candidates (including current Members of Council) and the Corporation. Should an individual launch a legal challenge, the offence provisions of the Act provide for a penalty of up to \$25,000 for an individual and of not more than \$50,000 for a Corporation. (s. 94.1 (1) (2))

Policy Applications:

Throughout the Campaign Period all restrictions noted in this policy will be applied to all candidates, all members of Council, including acclaimed candidates, those members of Council not seeking re-election and employees of the Town of Caledon.

Technology Related Provisions

- Candidates, and members of Council shall not use Corporate Resources, provided by the Town, for any election related purposes, including computers, cell/smart phones, tablets, printers, scanners, or other services such as email, internet and file storage; and
- Web sites or domain names that are provided by the Town of Caledon shall not include any election-related campaign material or links to sites that feature election-related campaign material; and
- The online Candidate's list shall be the only area of the Town of Caledon's websites where links to external election campaign websites will be posted during the election period; and
- Once a member of Council registers to be a Candidate, links to Twitter, Facebook and other social media accounts, as well as links to personal external website(s) will be removed from all Town of Caledon webpages. In addition, any website activity such as a blog account, for a member of Council will be de-activated and their page will be removed; and
- In an Election year, Members of Council's biographies will remain static and no changes to these pages will be permitted; and
- The Town of Caledon's voice mail system shall not be used to record election related messages nor shall the computer network, including the Town of Caledon's email system be used to distribute election related correspondence.



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Corporate Policy

Facilities Related Provisions

- Candidates may not campaign and/or distribute campaign literature during any function being hosted by the Town of Caledon, whether on municipal property or not, e.g. Cheers Caledon, Caledon Day, Canada Day celebrations, etc.; and
- “All-Candidates” meetings may be held in a Town facility at the discretion of the Clerk, subject to the usual rental charges and permit procedures for such use and provided that no campaigning signs or material may be displayed in any Town owned or operated facilities.
- Candidates shall not use any municipally provided facilities for any election-related purposes. Neither campaign related signs nor any other election-related material will be displayed in any municipally-provided facilities; and
- In accordance with the Elections Signs By-law, no campaign related signs nor any other election-related material shall be displayed in any municipally owned facilities.

Communications Related Provisions

- Members of Council are responsible for ensuring that the content of any communication material, printed; hosted or distributed by the Town of Caledon, is not election campaign related; and
- Candidates shall not print or distribute any election campaign related material using municipal funds; and
- The Town of Caledon will not distribute material through electronic or non-electronic means, which it determines to be election campaign related; and
- The Town of Caledon's logo; crest; coat of arms; slogan; etc. shall not be printed or distributed on any election materials or included on any election campaign related website, except in the case of a link to the Town's website to obtain information about the municipal election; and
- Photographs produced for and owned by the Town of Caledon shall not be used by Candidates for any election purposes; and
- Distribution lists or contact lists developed utilizing Corporate resources or through contact in a Member of Council's role shall not be utilized for election purposes; and
- No advertising paid for by the Town of Caledon shall contain the name of a Councillor or the Mayor unless consistent with their duties as an elected official; and
- In a municipal election year, Town of Caledon's resources and members of Council's expenses shall not be used to sponsor any advertisements, flyers, newsletters from the day after Nomination Day up to and including the final voting day. This prohibition also applies to the use of any Town of Caledon equipment, facilities or websites if the access is Town-sponsored.

Corporate Policy

Employee Provisions

- Employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activity at the federal, provincial and municipal levels providing that such activity does not take place during work hours or use corporate assets or resources, or property. Notices, posters or similar material in support of a particular Candidate or political party are not to be produced, displayed or distributed by employees on the Town of Caledon work sites or property; and
- Employees shall not canvass or actively work in support of a municipal Candidate during normal working hours unless they are on a leave of absence without pay, lieu time, flex day or vacation leave; and
- Employees shall not canvass or actively work in support of a municipal Candidate or political party while wearing a uniform, badge, logo or any other item identifying them as an employee of the Town, or using a vehicle owned or leased by the Town; and
- Employees must ensure that they act in compliance with the Employee Code of Conduct.

References and Related Documents:

Council Code of Conduct for Council and Committee Members
Election Signs By-law
Municipal Elections Act, 1996
Public Office Leave



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Staff Report 2017-50

Meeting Date: Tuesday, April 18, 2017

Subject: Proposed On-Street Parking – Willow Street

Submitted By: Steve Mathew, Traffic Technologist, Finance and Infrastructure Services

RECOMMENDATION

That a by-law be enacted to amend Traffic By-law 2015-058, to repeal and replace Schedule “A” to update the No-Parking, Anytime restriction on the south side of Willow Street as outlined in Schedule A to Staff Report 2017-50.

REPORT HIGHLIGHTS

- Town staff received a request from residents to consider removing of no-parking restrictions on the south side of Willow Street between Queen Street (Highway 50) to David Street to provide for on-street parking.
- Currently, there are parking restrictions in place to prohibit parking on both sides of Willow Street from Queen Street (Highway 50) to David Street.
- Transportation staff conducted an on-street parking review and determined the roadway is suitable for parking on the south side of Willow Street from David Street to a point 42m east of Highway 50 to provide for on-street parking.

DISCUSSION

Purpose (background)

Willow Street is a local roadway serving a residential/commercial area with an Average Daily Traffic (ADT) of 1096.

Parking on Willow Street is currently restricted along the north side and south side from Highway 50 (Queen Street) to David Street as shown in Schedule “A” (attached). Transportation staff within the Finance and Infrastructure Services department has received requests from residents for on-street parking.

In response, staff conducted an on-street parking review of Willow Street between Queen Street (Highway 50) to David Street. In this section of Willow Street, the road width is 8.5m from curb to curb which is sufficient to allow for parking on one side of the road according to Transportation Association of Canada (TAC) guidelines.

Survey

Transportation staff have conducted a survey to determine if there is interest in permitting parking on the south side of Willow Street between Highway 50 and David Street as shown in Schedule “B” (attached). Surveys were sent out to the 9 affected houses on Willow Street. The results of the survey indicate 7 out of the 9 houses (78%) are in favour of on-street parking with one (1) house not in favour and the remaining one (1) house did not respond to the survey.

Recommendation

As a result of the survey and staff evaluation, staff recommends that a No Parking Anytime Prohibition be removed on the south side of Willow Street from David Street to a point 42m east of Highway 50 to provide for on-street parking. An amendment to the Town Traffic By-law is required to capture this change, as outlined in Schedule A.

Traffic Calming Measures

Transportation staff have received concerns in the past regarding speeding and traffic cutting through the neighborhood along Willow Street and David Street to avoid the traffic signal at Queen Street (Highway 50) and King Street (RR 9) due to construction projects the Region has been working on within the Bolton core. In the summer of 2016, two temporary speed cushions were installed to help reduce the number of short-cutting and vehicles. Temporary speed cushions will continue to be installed this summer from May to October as there are further construction projects planned for this area in 2017. Providing on-street parking is another form of traffic calming that can potentially reduce the speed of vehicles and short cutting along Willow Street. In 2018, staff will conduct further studies in the area to determine whether speed cushions are warranted on a permanent basis.

FINANCIAL IMPLICATIONS

There are no significant costs associated with this report. The signage costs estimated at \$70 and the installation costs (by internal staff) will be funded by the Finance and Infrastructure Services operating budget.

COUNCIL WORK PLAN

The matter contained in this report is not relative to the Council Work Plan.

ATTACHMENTS

Schedule A – Willow street No Parking Traffic Bylaw
Schedule B – Existing No Parking Prohibitions on Willow Street
Schedule C – Proposed On-Street Parking on Willow Street
Schedule D – Temporary Speed Cushions Installation

SCHEDULE "A" TO STAFF REPORT 2017-50
NO PARKING

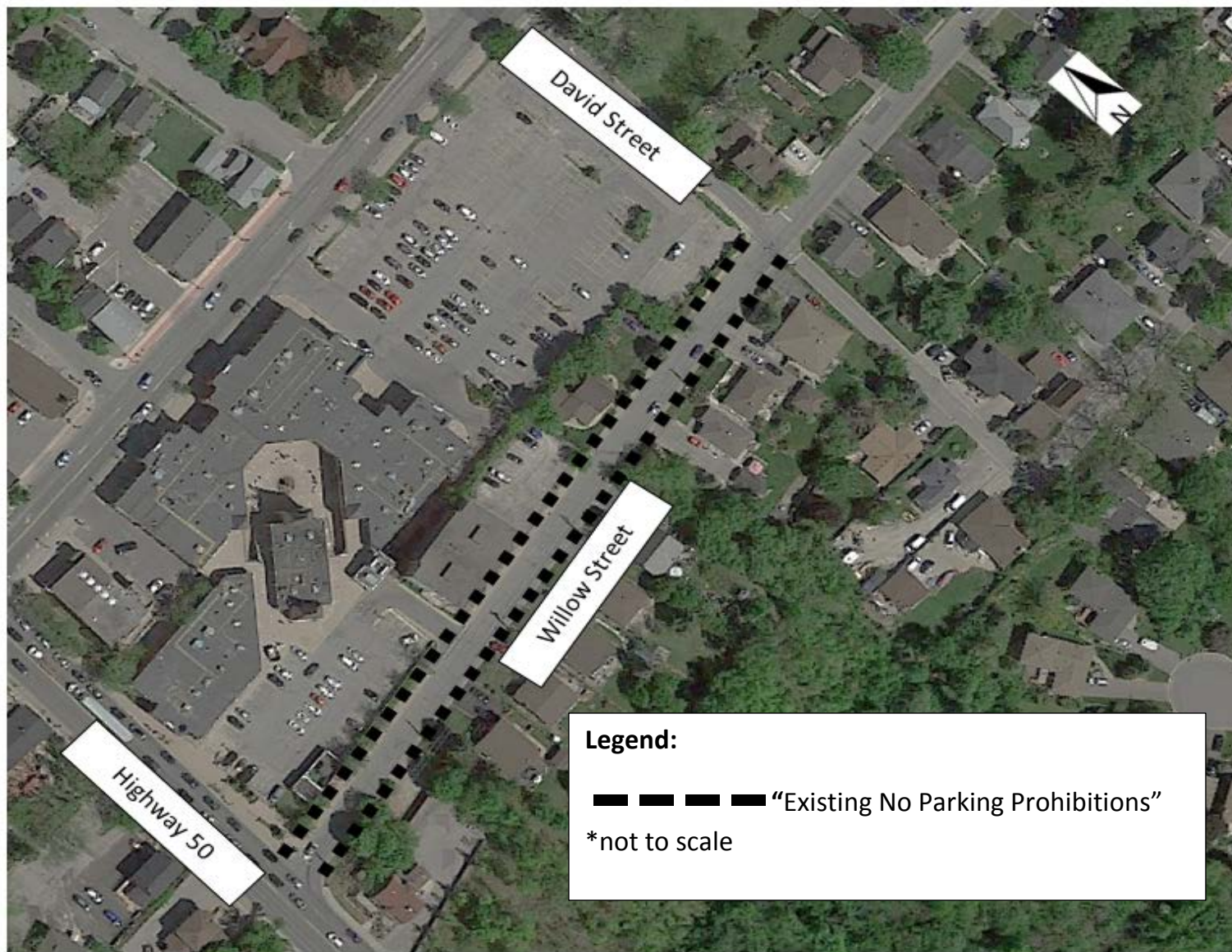
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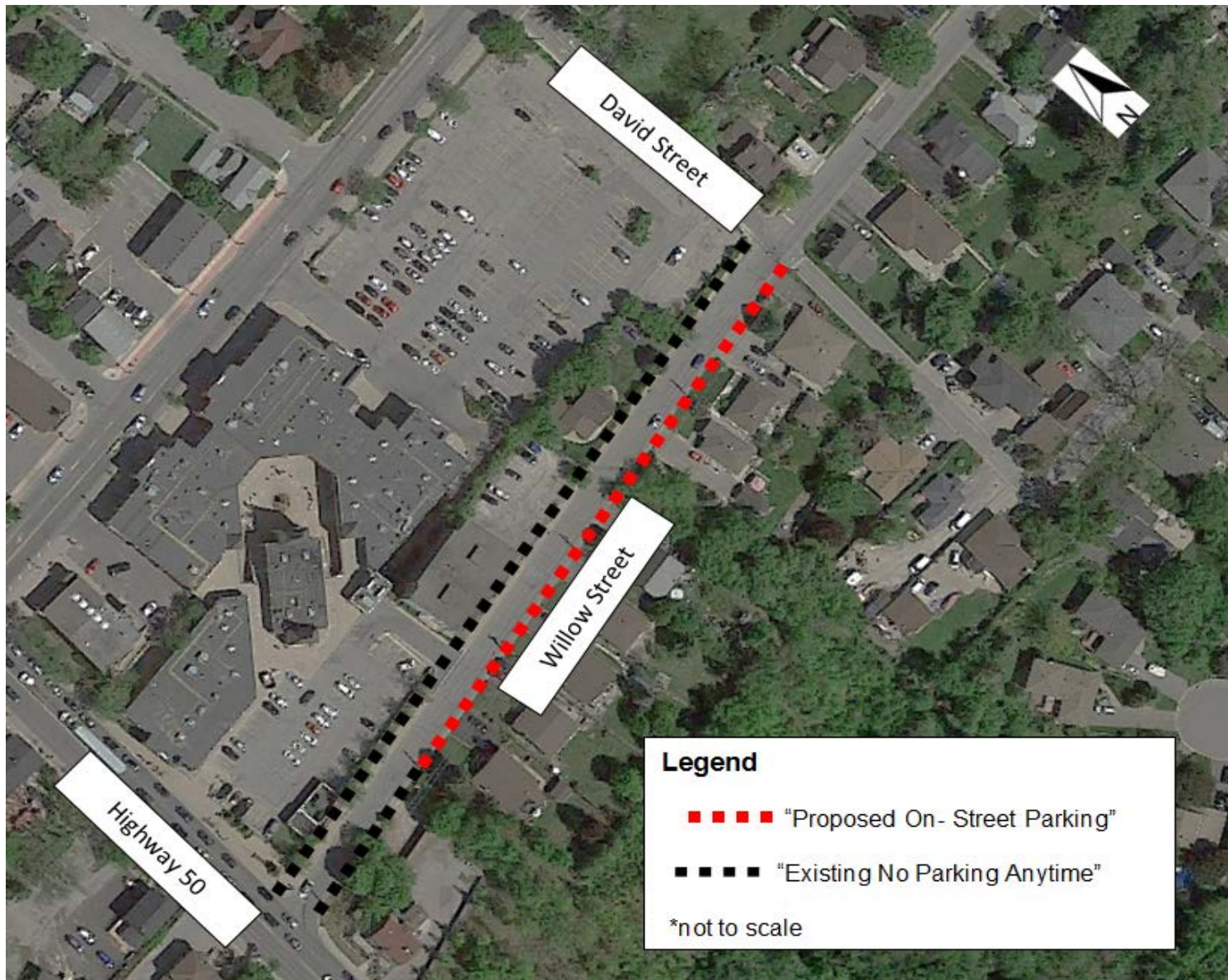
Column 1	Column 2		Column 3	Column 4
Street	Side(s)	From	To	Days & Time
Willow Street	South Side	Willow Street	A point 42m east of Highway 50	Anytime

Column 1	Column 2		Column 3	Column 4
Street	Side(s)	From	To	Days & Time
Willow Street	North	Willow Street	David Street	Anytime

To Delete

Column 1	Column 2		Column 3	Column 4
Street	Side(s)	From	To	Days & Time
Willow Street	Both	Willow Street	David Street	Anytime







Staff Report 2017-54

Meeting Date: Tuesday, April 18, 2017

Subject: Waiving of Farmers' Market Fee for the Bolton Farmers' Market

Submitted By: Sandra Dolson, Economic Development Officer, Strategic Initiatives

RECOMMENDATION

That the 2017 Bolton Farmers Market Fee be waived in the Amount of \$1,002.60.

REPORT HIGHLIGHTS

- On December 20, 2016 Council adopted Fees By-Law 2016-102. This by-law included a new fee for "Farmers' Markets". This fee is to be charged to organizations operating a farmers market on Town property.
- The Bolton BIA took over operation of the Bolton Farmers' Market (the Market) in 2015, and, at this time they negotiated locating the Market on the free public parking lot located at the corner of Ann and Sterne Street in Bolton.
- Due to the nature of the negotiations, the purpose of the Market, and that the Market does not require any Town resources to operate, Economic Development staff request that the fees be waived indefinitely, unless the BIA's requirement for Town's resources changes.

DISCUSSION

The 2017 Fees By-Law includes a fee for Farmers' Markets operating on Town property. It is Economic Development staff's opinion that the fee should not be applicable to the Bolton Farmers' Market based on the following:

- the Town of Caledon developed the Bolton Farmers Market as a community development initiative offering a platform for social interaction, community gathering and producer-consumer interaction, while supporting local small business, entrepreneurs and the agricultural sector
- launched in 2009, the intention was to establish the Market as community-based event that would eventually be transferred to a community group
- impact on the Town's budget for operation of the Market was approximately 25% of a full time staff person + marketing/promotion and capital costs
- the Bolton Business Improvement Area (BIA) took over full control of the market in 2015
- BIA negotiated the location of the Market on the public parking lot, located at the corner of Ann and Sterne Street, with Public Works, specifically delineating the number of spaces that could be used for this purpose ensuring there was adequate parking available for visitors to the Market as well as visitors to other businesses in the area

- BIA purchased all equipment associated with the Market, i.e. generator, tents, signs at a price determined by the Town's Purchasing Division (\$2700)
- Fully run by volunteers, dedicating hundreds of hours each season for the planning, promotion, administration, set up, etc.
- Vendors fees charged are fully used in the promotion and programming of the Market – a profit has never been realized
- Market runs Saturdays from 9:00 to 1:00 for 16/17 weeks June to October – the volunteer Market Manager is onsite from 6:00 a.m. to 3:00 p.m. every Saturday
- Operation of the Market does not require any Town resources (i.e. garbage pick-up, picnic tables, fencing)
- Bolton BIA/Farmers Market carries appropriate insurance and names the Town as "other insured"
- Community groups, Region of Peel and Town of Caledon staff often use the Market as a means of connecting with the community – a fee is not charged to do so
- Town parking lot provides free parking to residents therefore no revenue is being lost due to holding the Market in the parking lot

Having a Farmers' Market in the historic commercial core area of Caledon's largest urban centre has many benefits. The Bolton BIA has taken on the responsibility and cost of running the Market with a team of volunteers to promote the area, provide a sense of belonging to local residents and deliver a positive reflection of the community to visitors. There is the possibility that the BIA will not have the resources or desire to continue to operate the Market if the Town creates barriers rather than encouraging a sense of collaboration.

In the interest of partnership, collaboration, and community development, and given the Market does not require any Town resources, and negotiations with the BIA took place prior to the implementation of the "farmers market" fee in the 2017 Fees By-law, Economic Development staff is recommending the fees be waived indefinitely. Should the BIA's need change and Town resources are requested, fees would be applicable.

FINANCIAL IMPLICATIONS

The 2017 Bolton farmer's market fees that are proposed to be waived amount to \$1,002.60 and will have a minimal budget impact on the Town. However, in general user fees allow the Town to shift the recovery of costs from the general tax base to the end user of specific services offered by the Town.

Staff Report 2017-54

There are two other farmers markets held in the Town of Caledon, the Market at Southfields Village and the Inglewood Farmers Market. The 2017 estimated market fees for these farmers markets is \$1,070 and \$1,121 respectively.

COUNCIL WORK PLAN

The matter contained in this report is not relative to the Council Work Plan.

ATTACHMENTS

None.

Staff Report 2017-55

Meeting Date: Tuesday, April 18, 2017

Subject: Community Safety Zone, Landsbridge Street South of Allan Drive for a Distance of 225 meters (North of Fountainbridge Drive)

Submitted By: Arash Olia, Transportation Planning Technologist, Finance and Infrastructure Services

RECOMMENDATION

That a by-law be enacted to amend Traffic By-law 2015-058 to repeal and replace Schedule "L" to include a Community Safety Zone on Landsbridge Street South of Allan Drive and North of Fountainbridge Drive for a distance of 225 meters.

REPORT HIGHLIGHTS

- Transportation staff received a request from residents regarding speeding concerns along Landsbridge Street between Allan Drive and Fountainbridge Drive.
- In September 2016, Transportation staff conducted one-week traffic speed and volume studies. From this review, it was concluded that the 85th percentile speed is on average 15 kilometres per hour (KM/H) above the posted speed.
- Transportation staff recommends designating Landsbridge Street between Allan Drive and Fountainbridge Drive as Community Safety Zone.
- Installing of Community Safety Zones Signage lets motorists know they are within a zone where fines have been increased through a special designation under the Highway Traffic Act.
- Combined with active enforcement by the Ontario Provincial Police (OPP), it is anticipated that this designation will result in a reduction in vehicle speeds along Landsbridge Street.

DISCUSSION

Transportation staff received requests from residents regarding speeding concerns. In response, staff conducted one-week traffic volume and speed study on Landsbridge Street in September 2016. The Traffic Speed Study indicates that the 85th percentile speed for the southbound traffic is 54 KM/H, for a posted speed of 40 KM/H. For the northbound traffic, the 85th percentile speed is 57 KM/H, for a posted speed of 40 KM/H.

Staff reviewed several options (internally and with the Town's Cycling Task Force) to deal with the Landsbridge speeding complaint.

Community Safety Zone legislation was introduced by the Province of Ontario in 1998. Community Safety Zones are road sections and/or intersections where safety is of special concern, and the fines for most moving violations have been doubled. The provincial guidelines specifically mention but do not require or limit the application of Community Safety Zones to roads contiguous to schools, retirement facilities, and community centres. The goal of a Community Safety Zone is to improve road safety on a roadway by modifying driver behaviour and encouraging compliance with traffic bylaws.

The road user is made aware of the existence of a Community Safety Zone through regulatory signs posted at the start and throughout the zone. Implementing a Community Safety Zone requires no physical modifications to the roadway. They are therefore considered an enforcement tool rather than an engineering tool.

Designation of Landsbridge Street between Allan Drive and Fountainbridge Drive as Community Safety Zone will help OPP in enforcing the offences, subject to increased fines if committed within a Community Safety Zone.

By enacting a by-law to designate Landsbridge Street between Allan Drive and Fountainbridge Drive for a distance of 225 meters as a Community Safety Zone, Council is creating a safer traffic environment in the vicinity of Holy Family Elementary School.

In the Fall, 2017, Staff will conduct a further Volume/Speed study to determine the effectiveness of the Community Safety Zone and to determine the impact on speeding in the area. If a speeding issue still exists, staff will look into additional options such as speed cushions.

FINANCIAL IMPLICATIONS

There are no significant costs associated with this report. The Community Safety Zone signage costs estimated at \$250 and the installation (by internal staff) costs will be funded from the Finance and Infrastructure Services operating budget.

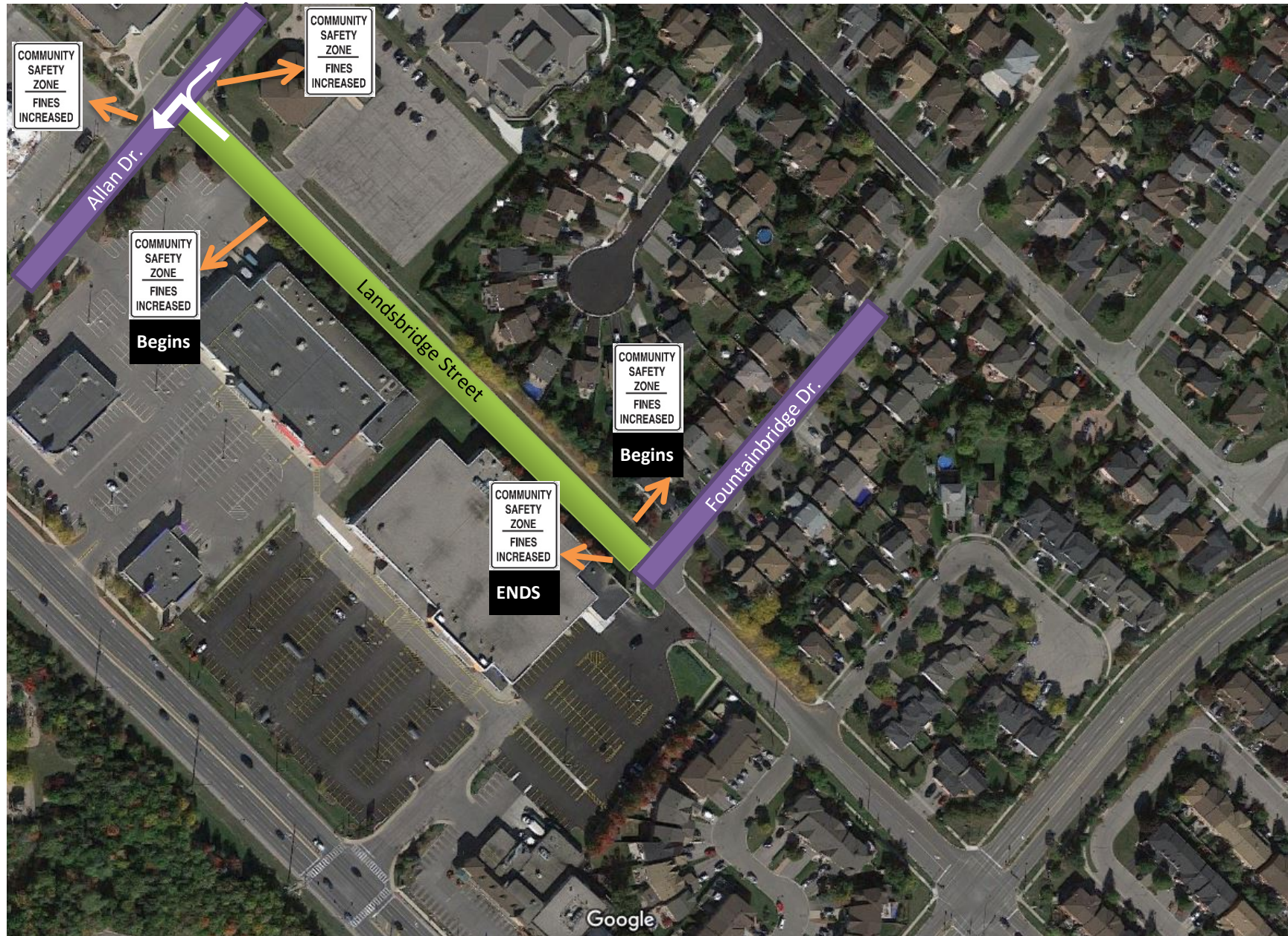
COUNCIL WORK PLAN

The matter contained in this report is not relative to the Council Work Plan.

ATTACHMENTS

Schedule A – Landsbridge Community Safety Zone Signage Plan

Schedule A to Staff Report 2017-55 – Landsbridge Community Safety Zone Signage Plan



Staff Report 2017-57

Meeting Date: Tuesday, April 18, 2017

Subject: Review of the Current Height Restrictions Regarding Shrubs and Hedges in the Town's Fence By-law

Submitted By: Patrick Trafford, Analyst, Legislative, Corporate Services

RECOMMENDATION

That Option 2 be selected - Remove Hedges and Shrubs from the Definition of a Fence in the Town's Fence By-law; and

That Fence By-law 2005-36 be amended to remove shrubs and hedges from the definition of a fence.

That Staff be directed to conduct a full review of the Fence By-law and report back.

REPORT HIGHLIGHTS

- If the Fence By-law is amended to remove hedges and shrubs from the definition of a fence, this will result in their height no longer being regulated.
- Only one (1) complaint regarding hedges and shrubs has been received by Regulatory Services between 2015 and the present.
- As long as visibility is maintained within sight triangles, many municipalities do not otherwise regulate the heights of hedges and shrubs.
- Staff recommend that Option 2 be adopted, removing hedges and shrubs from the definition of a fence and allowing residents to grow them to their desired height.

DISCUSSION

The purpose of this report is in response to a request regarding an assessment of the benefits and drawbacks of amending the Town's Fence By-law to remove hedges and shrubs from the current definition of a fence. Staff has reviewed the relevant Town By-laws, the frequency of complaints and best practices of other municipalities to develop a list of options for consideration.

Review of Relevant By-laws

Fence By-law

A review of the Town of Caledon Fence By-law is first necessary to determine how the provisions currently apply to hedges and shrubs. These terms are only referred to once in the By-law as part of the definition of a fence, few provisions in the By-law are actually applicable to hedges and shrubs. The main regulations that apply are the height restrictions.

Zoning By-law

The Town's Zoning By-law further regulates the height of hedges and shrubs. Any fence, hedge or other vegetation, located within a sight triangle on a corner lot, is prohibited from exceeding 1 metre in height above the adjacent street. This provision protects the safety of pedestrians and motorists by keeping sight lines open around corners and would continue to limit the height of hedges and shrubs if the definition of a fence is amended.

Property Standards By-law

Finally, as outlined in the Fence By-law, hedges and shrubs should be maintained in accordance with the Town's Property Standards By-law. The provisions in the Property Standards By-law do not speak to height but rather outlines the maintenance of trees, hedges and bushes, unsightly appearance and safety requirements.

Based on the review of the applicable Town By-laws, if the definition of a fence does not include a hedge or a shrub, property owners would be permitted to grow a hedge or shrub to their desired height as long as it is not within a sight triangle and maintains the provisions of the Property Standards By-law. Staff would not have any alternate tools to regulate height.

Review of the Number of Complaints Received Regarding Hedges and Shrubs

Reviewing the number of complaints received regarding hedges and shrubs provides the context to assess whether this is a relevant issue for residents or if current provisions are overly restrictive. It is important to note that Regulatory Services only enforces the Fence By-law on a reactive basis once a complaint has been received. Therefore, a significant number of hedges and shrubs across the Town may not comply with the current height provisions. Regardless, the number of complaints is very minimal. For example, between 2015 and 2017, thirty (30) complaints related to fences were received by Regulatory Services. However, only one (1) complaint was received with respect to a hedge during this period. Due to the nature of the particular property subject to the complaint, it may not be representative of an average property.

Based on the small number of complaints, the height of hedges and shrubs does not appear to be an issue which residents are particularly concerned about. This suggests that hedges and shrubs may be removed from the definition of a fence.

Review of the Approaches Used by Other Municipalities

Staff has researched several municipalities including Guelph, Vaughan, Brampton, Mississauga, Newmarket, Milton, Halton Hills, Scugog and Clarington to determine if the height of hedges and shrubs are commonly regulated. This review demonstrates that a clear best practice does not appear to have been established. Mississauga, Milton and Scugog have all imposed height limits by including hedges or shrubs in their definition of a fence. Although Newmarket defines a hedge separately, the fence height restrictions still apply. In contrast Guelph, Vaughan, Brampton, Halton Hills and Clarington do not

consider hedges and shrubs to be a fence and do not regulate their heights as such. Further, no clear pattern, such as an urban rural divide, is apparent as an explanation for which municipalities regulate height. For example, among the municipalities that regulate, both urban and urban/rural mixed communities are included. This diverse combination is exactly the same for the municipalities that do not regulate height, including both Brampton and Clarington. Based on this review, it appears that there is no clear consensus whether the height of hedges and shrubs should be restricted. Therefore, the decision may simply come down to the individual preference of each municipality between imposing uniformity in neighbourhoods or allowing residents more flexibility to landscape their properties to suit each individual lot.

Although there is no consensus regarding the regulation of hedge and shrub height generally, one clear pattern is evident from the review. Several of the municipalities' Fence and Zoning By-laws speak directly to maintaining visibility for pedestrian and motorist safety. This is a clear priority regardless of whether a municipality regulates the height of hedges and shrubs. For example, in addition to regulating height generally, Mississauga restricts the height of a fence, hedge or shrub to 1 metre within a sight triangle unless the fence is of open construction and does not obstruct the visibility of motorists or pedestrians.

Based on this review, maintaining visibility to ensure the safety of pedestrians and motorists is a crucial priority. As long as this issue is addressed, the choice to regulate the height of hedges and shrubs appears to be discretionary based on whether uniformity or flexibility is preferred. Several municipalities have refrained from imposing regulations, demonstrating that this may be a viable option for Caledon.

Options for Consideration

Staff have reviewed two (2) options and considered the benefits and drawbacks of each. These options include maintaining the status quo by continuing to apply the fence height restrictions to hedges and shrubs or removing hedges and shrubs from the definition of a fence and no longer regulating their height.

Option 1 - Status Quo: Continue to Apply the Height Restrictions to Hedges and Shrubs

If the status quo approach is maintained, the heights of hedges and shrubs will continue to be regulated resulting in few additional benefits. However, no Staff resources would be required to implement this approach and there would be no impact on residents. The main benefit of this option is that Staff would continue to have a tool to address any complaints with respect to height of hedges and shrubs.

There are several benefits which hedges and shrubs produce including offering privacy from neighbouring properties, acting as a natural sound barrier, reducing the impact of snow on driveways and acting as a windbreak which can reduce the demand for winter heating, resulting in financial savings for residents. Therefore, one major drawback of the status quo approach is that it would continue to limit these benefits which could be enhanced if hedges and shrubs are permitted to grow higher.

This option would continue to emphasize uniformity as a priority by regulating height. Realistically, many residents may not currently be in compliance and enforcing uniformity across the Town would require significant resources. Therefore, a second drawback is that this approach perpetuates non-compliance without necessarily achieving uniformity.

Option 2 - Remove Hedges and Shrubs from the Definition and Cease Regulating Height

Several benefits will result from removing hedges and shrubs from the definition of a fence. First, removing the height regulations will create a less restrictive and bureaucratic system for residents, providing the flexibility to landscape each individual property to their preference. This increased flexibility will address the problem of abnormally shaped lots. For example, under the current height restrictions, some residents are unable to achieve their desired level of privacy on a property with an extended front yard. Removing the height restriction will solve this problem.

By no longer restricting the heights of hedges and shrubs, the above benefits identified will be enhanced. These increased benefits will promote hedges and shrubs as a viable natural alternative to fences which would continue to have height regulated. Therefore, this approach will be consistent with the Town's emphasis on promoting green alternatives.

As Regulatory Services only responds reactively and complaints are very rare, realistically the hedge and shrub height regulations are almost never being enforced. Further, the fact that there are so few complaints demonstrates that hedge height does not appear to be a serious concern for residents and suggests that the current regulation is excessive. Therefore, Staff does not anticipate an increase in the number of complaints if hedge height is no longer regulated. Finally, removing the height restrictions will resolve any ongoing non-compliance that is not being addressed by the Town.

It is important to note that this option will not impact the safety of pedestrians or motorists as the height restrictions on hedges and shrubs within sight triangles will continue to be in effect under the Zoning By-law. Staff have confirmed that, as long as visibility is maintained within sight triangles, taller hedges will not pose a safety risk.

To implement this option Staff would need to prepare an amendment to the Fence By-law for Council's consideration to remove hedges and shrubs from the definition of a Fence.

Recommended Option

Based on the review conducted, Staff recommend removing the height restrictions on hedges and shrubs as they relate to a fence in the Town's Fence By-law. This recommendation will provide residents with more flexibility, promoting a green alternative and enhancing the benefits related to hedges and shrubs. Further, this option will

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remove the overly restrictive provisions which currently regulate an issue that residents do not appear to be concerned about. This best practice approach has been successfully used by several municipalities.

Staff will continue to monitor the number of complaints and encourage property owners to maintain trees, hedges and shrubs in accordance with the Property Standards By-law.

In order to respond to specific direction from Council, Staff feel that the amendment regarding hedges and shrubs should be addressed separately at this time. However, through this report Staff has realized that By-law 2005-36 is outdated and requires an in depth review. This was made clear by reviewing the best practice provisions contained in the By-laws of other local municipalities. Therefore, it is recommended that Staff undertake a full review of the Fence By-law and report back.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report.

COUNCIL WORK PLAN

Customer Service – To adopt an innovative approach that adapts to the changing needs and expectations of our community while supporting best practices.

ATTACHMENTS

None.



Accessibility Advisory Committee Report
Thursday, March 23, 2017
6:15 p.m.
Committee Room, Town Hall

Members Present

Councillor B. Shaughnessy
Chair: M. Tymkow (absent)
Vice-Chair: D. Farrace
D. St. Clair
R. Cowan
K. Lynch (absent)

Town Staff

Legislative Specialist: W. Sutherland
Coordinator, Council Committee: D. Lobo

CALL TO ORDER

Vice-Chair D. Farrace called the meeting to order at 6:15 p.m.

DECLARATION OF PECUNIARY INTEREST – none stated.

RECEIPT OF MINUTES

The minutes of the February 23, 2017 Accessibility Advisory Committee meeting were received.

Councillor B. Shaughnessy arrived at 6:27 p.m.

DELEGATIONS/PRESENTATIONS

Anam Ansari, Community Outreach Coordinator, Regional Diversity Roundtable re: The Diversity and Inclusion Charter of Peel

Anam Ansari from the Regional Diversity Roundtable provided a presentation regarding the Diversity and Inclusion Charter of Peel. She provided background information on the Charter's vision and commitments, its endorses, and how the charter can be used. She outlined the phases of implementation and efforts to offer the Charter in accessible formats. Ms. Ansari sought feedback from the Committee on how to connect to people with accessibility needs and identify leaders within the Caledon community.

A member of the Committee asked questions and received responses from the presenter.

Councillor B. Shaughnessy left from 6:46 p.m. to 6:48 p.m.

REGULAR BUSINESS

1. Preliminary Plan re: Caledon Villas Park

N. Pirzas, Senior Landscape Architect, Community Services provided an overview of the park location, landscape, accessible features, and parking.

Members of the Committee asked questions and received responses from staff.

Moved by R. Cowan

2017-AAC-2

That an accessible parking space be included in the on-street parking on Hope Valley Avenue for access to the Caledon Villas Park.

Carried.

2. Accessibility Advisory Committee Work Plan - 2017 Priority Next Steps

W. Sutherland, Legislative Specialist, Corporate Services provided an overview of the 2017 priority and requirements to report to council on the priority.

S. Dolson, Officer, Economic Development, Strategic Initiatives outlined resources available to connect with and educate businesses on making their goods and services accessible. She explained that resources include an electronic newsletter, business packages, website, and social media channels.

3. Site Plan Review re: SPA 2016-0066 – 8895 George Bolton Parkway, Bolton- Bolton 50 Developments Inc. (proposing to develop Phase 3 of the site which includes one commercial building)

All accessibility concerns have been addressed; therefore there are no further accessibility recommendations for consideration.

4. Site Plan Review re: SPA 2017-0008 – 120 Parr Boulevard, Caledon – A. Baldassara Architect Inc. (proposing to construct a 5 unit industrial building).

The Committee reviewed the site plan and confirmed the following recommendation:

- 1) Site Plan shall indicate that the main entrances for the units of the proposed industrial building are barrier-free with either a power door operator or an automatic sliding door feature as per the barrier free section of the Ontario Building Code.
- 2) Once parking has been confirmed, Site Plan shall indicate that Accessible parking space(s) for the site comply with By-law 2015-058. – Schedule “K”.
- 3) Site Plan shall indicate that accessible aisles leading directly to an access route or walkway shall contain a curb ramp that meets the provisions of the Ontario Building Code as it relates to curb ramps.

- 4) Please locate one of the required accessible parking spaces to the mezzanine entrance of Unit A-5.
- 5) Exterior travel routes (walkways) shall be a minimum of 1.5 metres wide in compliance with the Design of Public Spaces requirements within the Accessibility for Ontarians with Disabilities Act.
- 6) Site Plan shall indicate exterior lighting at the main entrances and accessible parking spaces shall be at a lighting level not less than 35 lux.
- 7) Site Plan shall outline snow storage areas on the plan to ensure the accessibility provisions on the site are maintained.

ADJOURNMENT

On a motion by R. Cowan, the meeting adjourned at 8:00 p.m.

**John E. Fleming
Integrity Commissioner
The Town of Caledon**

**Report to the Council
RE: CODE OF CONDUCT COMPLAINTS
COUNCILLOR BARB SHAUGHNESSY
April 11, 2017**

Background

I have been appointed by Council as the Integrity Commissioner for the Town of Caledon to serve in that role for the full 2014-2018 term (and previously) of the incumbent Council.

As Integrity Commissioner, it is my function to:

- a. Provide information and education to the Council and the public regarding the Code of Conduct and the role of the Integrity Commissioner
- b. Provide advice to members of Council regarding their ethical obligations and responsibilities under the Code of Conduct, and any other procedures, rules or policies covering their ethical behaviour; and
- c. Conduct inquiries and investigations of alleged contraventions of the Code of Conduct in accordance with the procedures set out in the Code, and make decisions, including the imposition of penalties, in regard to such alleged contraventions.

I received on February 1, 2 and 3 three Code of Conduct complaints of alleged breaches by Councillor Barb Shaughnessy.

The Code requires that a series of steps be followed when formal complaints are filed with the General Manager of Corporate Services/Town Clerk. All three of the complaints were fully compliant with the requirements of the Code, and all required steps have been followed. A copy of each complaint was forwarded to the respondent, Councillor Shaughnessy, providing her with the opportunity to respond to each within 10 days. She did respond, and her responses were in turn forwarded to the respective complainants, who then had a further 10 days to comment on the response, to me. Each of the complainants did respond in a timely way.

I have been provided with extensive documentation by both the complainants and the respondent, and in each case I have reviewed that documentation carefully. Copies of numerous emails have been provided to me, as well as links to recordings of relevant meetings of Council and committees, to which I have listened.

Finally, I have conducted interviews wherever I felt it necessary to do so with individuals who have knowledge of the matters complained about. With specific reference to complaint number three, filed by the Chief Administrative Officer on his own behalf and on behalf of numerous staff concerned, I have conducted interviews with 10 members of Town staff.

I note that under the Code I am to determine whether or not complaints fall within the jurisdiction of the Integrity Commissioner, and whether or not they are frivolous or vexatious. Given the number and nature of the complaints, I determined that the substance of those complaints falls within the provisions of the Code, and that they were neither frivolous nor vexatious. On that basis, I proceeded with my investigation.

While there are *three separate complaints* this single report will comment on my investigation, findings, conclusions and sanctions of all three, as they are all in respect of the actions and behaviour of one member of Council. **Each specific complaint will be addressed separately within this report.**

For easy reference, I have attached to this report Appendix A, which sets out the wording of the relevant sections of Caledon's Code of Conduct.

The context

I believe that it is important to set out the context as I see it and as it pertains to the Council of the Town, and the issues facing Caledon generally, today and in the future.

The Town is and will be addressing in the future significant change. Within the "Places to Grow" strategy of the Province of Ontario, significant growth will come to Caledon, resulting in a number of pressures on the elected council, as development moves the Town forward from its long tradition as an agricultural community. The Council itself changed significantly in the 2014 election, with a number of new members taking office.

Complainant	#	Code Section	The Complaint
Coun. J. Downey	1a	2.3	Matters pertaining to a confidential issue (negotiations concerning an OMB matter) were commented on in a public letter to the editor.
	1b/c	3.1/3.2	Lack of respect for the decision-making process of Council. The accurate communication of the decisions of Council was not reflected in public blog comments. Is very suggestive about the intent of other council members.
Coun. J. Innis	2a	4.4	Made it appear as though staff are not following standard procedures for this matter (pertaining to the OMB hearing); and called into question the integrity of Town staff.
	2b	2.4	Concerned that there was a violation of confidentiality regarding requests for information pertaining to a confidential matter (the OMB hearing).
Mike Galloway, CAO <i>(on his own behalf, and that of numerous staff concerned)</i>	3a	Policy Statement/1.1	Repeated portrayal of staff in a negative manner is not in accordance with the policy statement "perform their duties in a manner that promotes confidence".
	3b	2.4	Requested confidential information that is not appropriate for her to obtain.
	3c	4.2	Undermining staff
	3d	4.3	Constant interference to matters that have been directed by Council is contravening the requirement that Councillors refrain from using their position to improperly influence employees.
	3e	4.4	Repeatedly portrayed staff in a negative manner in letters to newspapers and in her blog.

In my work as the Integrity Commissioner since that 2014 election, I have noted, and discussed with Council, the differences of opinion and perspective that arise as political working relationships change, stressing the need for members of Council to find ways to disagree with each other in a manner that reflects the expectations of the Code of Conduct. Tensions arise from time to time as policy issues come before Council, and as the differences in perspective and positions taken become clear between and amongst the members of the Council. This is of course normal in a political body.

Councillor Barb Shaughnessy, about whom these alleged breaches are centred, finds herself from time to time in a minority of one or two members, when votes are called. Councillor Shaughnessy, from what I understand, has a relatively long history in Caledon as an “activist” community member, and appears to have carried that stance into the Council chamber as a member, and has been outspoken on issues of concern to her.

Central to these complaints is the *manner* in which Councillor Shaughnessy has conducted herself in Council meetings, in committee meetings, in the community and – importantly – in her dealings with Town staff.

The specific complaints

Findings

Complaint 1a:

The complaint alleges that Councillor Shaughnessy wrote letters to the editor of the local newspaper with regard to a Committee of Adjustment/Ontario Municipal Board matter which was the subject of confidential negotiations between the parties, thereby breaching section 2.3 of the Code.

The reference in the letter to the editor was to an email of December 29 which stated “we have had productive discussions with counsel for the Town and believed that the settlement is likely”. In reviewing the documentation, I have learned that December 29 email was a communication between lawyers involved in the hearing, which led me to question how the document came into the hands of Councillor Shaughnessy. In fact, the Case Coordinator for the Ontario Municipal Board forwarded the email in question to Mr. Tim Forster, who I understand to be Councillor Shaughnessy’s spouse. There is no indication in the communication from the OMB Case Coordinator that the attached message of December 29 was indeed confidential. Therefore I am unable to make the determination that Councillor Shaughnessy, as she was writing to the editor of the local newspaper, knew that she was sharing information pertaining to a confidential matter.

I have no understanding of the role of Mr. Forster might play in this matter; however, I make the general observation that any confidential information in the hands of Councillor Shaughnessy, as a result of her position on Council, should never be shared with parties other than those authorized by the Town to be in possession of such information.

Therefore, with respect to that *specific* allegation in the complaint, i.e. that the letter to the editor was breach of the Code; I do not find that it was a breach.

There are, however, other matters that arise from this letter to the editor in other complaints, addressed below.

Complaint 1B:

The complaint alleges that Councillor Shaughnessy in her letters to the editor and in her blog did not accurately portray decisions made by Council, failed to show respect for the decision-making process of Council and was “suggestive towards the intent of other council members.”

The substance of this complaint centres on the matter of Council’s consideration of the decision to approve a new pool in the community. Councillor Shaughnessy’s blog was highly critical of the decision made by Council, using such terms as “egregious decision”; the decision was “myopic and defies logic” and references key points “ignored by some Council members.”

Numerous incidents have been related to me, describing occasions when Councillor Shaughnessy during meetings of Council or committees has used unparliamentary language, engaged in name-calling and stormed out of meetings.

Such behaviour does not reflect respect for the decision-making process of Council, nor does it promote public confidence.

Such incidents, taken on an individual basis, might not be considered overly serious; taken collectively, however, **I find them to be a breach of the provision of the Code in Section 3.1, as well as section 7.1** (although not referenced in the complaint) which requires members to “conduct themselves with the decorum” as well as the general statement of purpose of the Code of Conduct which requires “respect for differences.”

Central to this aspect of the complaint is the apparent disregard Councillor Shaughnessy demonstrates for the rules and processes approved by the whole Council for the efficient and orderly conduct of meetings in the Town of Caledon. These are defined in the Council Procedural Bylaw. It is unclear whether Councillor Shaughnessy has not had sufficient orientation and training to that bylaw, does not fully understand the bylaw, or chooses to wilfully disregard it in the way she conducts herself at meetings. I am aware that staff, the Mayor and other members of Council have drawn this to her attention. Again, taken individually, isolated incidents might be overlooked; taken collectively the Councillor’s persistent failure to “conduct [herself] with decorum and in accordance with the Town’s Procedural Bylaw” (section 7.1) in my opinion **constitutes a further breach of the Code.**

Complaint 2a:

The complaints of Councillor Innis and Chief Administrative Officer Galloway allege that Councillor Shaughnessy breached section 4.4 of the Code, that “a member shall refrain from publicly criticizing employees in a way that casts aspersions on their professional confidence and credibility.”

The complaint specifically references Councillor Shaughnessy’s January 30 letter to the editor of the local newspaper, in which she states “someone at the Town must’ve given approval to enter into settlement negotiations” and “someone was misguided and took more authority and they should have” with the implication that staff were not following proper procedures. The letter went further, drawing attention to timing of the staff report on the Committee of Adjustment appeal process, making use of the word “suspicious”, implying that staff had not acted properly or with integrity in this matter.

I’m satisfied, following my review of the decision by the Town’s legal staff to enter into negotiations around settlement of an OMB matter that the steps taken and processes followed were indeed appropriate. It is unfortunate that Councillor Shaughnessy chose to publicly criticize Town staff, albeit in a somewhat indirect manner, when they were following proper process.

It is clear that Councillor Shaughnessy does not agree with the process in place, but publicly maligning professional staff of the Town is not the way to address that disagreement.

There is a clear implication in the use of the word “suspicious” by the Councillor in her public statements that Town staff’s motives in preparing and submitting a policy report regarding the appeal of Committee of Adjustment decisions were improper. I have carefully reviewed with the General Manager Corporate Services/Town Clerk the complete history of the development of this policy report, and satisfied myself that the report, whose preparation had occurred over a period of time, was motivated by a growing awareness of a number of Committee of Adjustment decisions about which Town staff were concerned, and would benefit from a clear Council policy on the appeal of such decisions. Nowhere in the several drafts of that report that I have reviewed is there reference to the matter of settlement negotiations. The insinuation that the report to Council was motivated by the legal matter in question was, in my opinion, unfounded and inappropriate.

To my mind, there was no justification for the implicit allegation in Councillor Shaughnessy’s public statements on this matter, and they constituted an inappropriate criticism of those staff. It goes without saying that, given the nature of the public service and its relationship with elected officials, staff have no opportunity to defend themselves when such allegations are made. This is, I believe, the core reason why section 4.4 was included in the Code of Conduct when it was first drafted.

Given the language used, **I find that particular statement by Councillor Shaughnessy to be a breach of the Code, Section 4.4.**

Complaint 2b

Councillor Innis expressed concern in her complaint regarding the confidential matters pertaining to the OMB case earlier referenced.

My comments on this complaint were addressed under complaint 1a above.

Complaint 3a

The complaint alleges that by publicly criticizing Town employees, and calling their integrity into question, the Councillor has breached her duty to conduct herself in a manner that promotes public confidence and will bear close scrutiny.

This aspect of the complaint pertains primarily to the allegation that section 4.4 of the Code has been breached; this matter is addressed below section pertaining to complaints 3c, 3d and 3e.

Complaint 3b:

The complaint alleges that Councillor Shaughnessy contravened section 2.4 of the Code of Conduct by requesting confidential information that is not appropriate for her to obtain. This is in reference to her numerous communications seeking information with respect to the appeal before the Ontario Municipal Board regarding a Committee of Adjustment decision under appeal by the Town.

Reference to this aspect of the complaint has already been made in my comments respecting complaint 1a above. Since I cannot, with certainty, determine whether or not Councillor Shaughnessy was aware that she was seeking confidential information, and whether the request for such information was clearly enough stated to make such a determination, I make no finding with respect to a breach in this specific matter.

Complaint 3c, 3d and 3e:

These three aspects of the complaint filed by Mr. Galloway, on his own behalf and that of a number of other Town employees pertain to the relationship between Councillor Shaughnessy and numerous employees of the Town, and her ongoing interactions with them. I took the time to interview 10 employees of the Town, including Mr. Galloway, and will in large measure make my determination on these three aspects of the complaint based on those conversations and a number of supporting documents.

Complaint 3c focuses on the requirement of the Code of Conduct (sections 4.2 and 4.3) to “acknowledge and respect the fact that employees work for the Town as a corporate body, and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without undue influence from any members.” This raises two concerns:

- **Proper lines of communication**

There is a common thread raised in my conversations with Town staff, indicating that Councillor Shaughnessy persistently approaches employees at many levels in the organization seeking information, input, and advice. I am advised that she does so, on occasion, in an aggressive manner, making it clear that as an elected member of Council she is entitled to do so. Several staff used the word “intimidated” when relating to me their experiences in dealing with the Councillor.

There is in place a Council and Staff Communications Procedure which makes it clear to whom members of Council are directed, within the staff, when they have questions or requests for information. Staff expressed frustration with the fact that Councillor Shaughnessy will disregard those mandated communication channels, seeking out the information she wishes, at times “shopping” her request to numerous individuals, despite being regularly and on occasion repeatedly directed to speak to the appropriate manager, as per the protocol.

- **Influencing staff on reports for Council**

Councillor Shaughnessy has expressed her dissatisfaction to her Council colleagues, and on occasion to staff, when she is not successful in her quest to have input into the preparation of professional staff reports for Council and its committees. These are matters directly addressed in sections 4.2 and 4.3 of the Code of Conduct, and are the subject of complaints 3c and 3d.

Staff are placed in a very difficult position when faced with this type of conduct from a member of Council.

This issue was recently discussed during a Committee of the Whole meeting, wherein another member of Council commented as follows:

"I just wanted to say from my perspective; there should not be influence of council on a staff report. We are there to let staff do their work, their professional work, unencumbered, and then we speak to it when it comes to this Council table. So I'm not sure, but I just want to make clear for me that if there's a big ward 5 issue, I don't expect to, by that very nature, be able to influence a report that comes to council. My job is to have my influence here, amongst my peers."

In my opinion, eloquently expressed.

In my comments regarding complaint 2a I have already addressed the allegations of a breach of section 4.4 of the Code. As a result of the interviews with numerous Town employees, I am similarly convinced that in her many interactions with Town employees, **Councillor Shaughnessy has also breached section 4.2 and section 4.3.**

Conclusions

Since the inception of the 2014 – 2018 Council, I have come to know Councillor Shaughnessy quite well. We have interacted on a series of occasions, as I have carried out my advisory functions as Integrity Commissioner. I have come to know her as a dedicated, hard-working and highly determined representative of her community.

As stated at the beginning of this report the issue that lies at the centre of all three complaints is the *manner* in which Councillor Shaughnessy has conducted herself in Council meetings, committee meetings, the community and – importantly – in her dealings with Town staff.

Considering:

- the substance of all three complaints
- the comments of the many people I have interviewed, including members of Council and staff
- previous matters which have been raised with me informally regarding Councillor Shaughnessy's conduct
- together with the numerous documents, newspaper commentaries, audio recordings blogs and emails that I have reviewed

I have come to the conclusion that the manner in which Councillor Shaughnessy has conducted herself falls short of the standard required by the Code, as evidenced in my findings of several breaches.

I do not arrive at that conclusion lightly, and in fact have gone to considerable lengths to ensure the complaints against Councillor Shaughnessy have been dealt with as fairly as I have promised to her in the past when we have, together, met to consider various concerns she has raised with me.

The Bylaw that established the Code of Conduct in Caledon, and the Code itself, assign to me the responsibility for imposing appropriate sanctions (within the limits set out in *The Municipal Act*) where a breach of the Code has occurred. I will be imposing a sanction here, considering the fact that the Code has been breached on more than one occasion in more than one area.

I also wish to make recommendations to the Council for its consideration, recommendations which in my view go somewhat beyond my mandate.

Central to several of the issues within these complaints is the lack of alignment between the role and authority that Councillor Shaughnessy sees for herself as a member of Council, and the roles generally perceived by others, and embodied in Caledon's Procedural Bylaw, the Code of Conduct, and the Council and Staff Communications Procedure. While I know that these have been drawn to Councillor Shaughnessy's attention in numerous venues since her election, the conduct which has resulted in these complaints does not appear to have lessened as she gains experience as a member of Council. It's my sincere hope that as a result of this process, together with what I am both recommending and imposing, that the Councillor will modify her approaches to better align herself with both the "rules" and her colleagues on Council.

I do have some concern that despite the results of these complaints and my subsequent investigation and sanctions Councillor Shaughnessy may find it difficult to modify her approach. I wish to make it clear that, should the conduct that I have found to be in breach of the Code of Conduct in this investigation continue, I will expect that further complaints will be filed with my office, and I will treat such complaints in the context of this investigation. For clarity, in the event that further conduct that I conclude is offensive to the Code occurs, I will impose more onerous sanctions.

Put plainly, while this investigation is now complete, my file will remain open.

As I have done previously, I urge all members of Council to continue to make every effort to work collaboratively and respectfully, despite obvious differences.... which are normal in the political environment.... amongst the various members. Similarly, I urge the Mayor and those charged with chairing meetings of the Council and its various committees to continue their efforts to ensure that all members of Council adhere to those rules and protocols, and Code, going forward.

Sanctions:

- i. I recommend that Council put in place a special training session on the rules, protocols, and procedures of the Town pertaining to the Members of Council, specifically for Councillor Barb Shaughnessy. I am aware that the Town on occasion has engaged the services of firms such as Amberley Gavel Inc., a knowledgeable and expert resource which may be able to assist the Councillor in understanding the precise dimensions of her role and authority within the municipality.
- ii. Within the mandate granted to me as Integrity Commissioner, I direct the following:
 - a. That The Treasurer suspend the remuneration paid to Councillor Barb Shaughnessy for one week, commencing as soon as possible following the meeting at which this report is considered by the Council.
 - b. That Councillor Shaughnessy be required to attend the meeting recommended in I, in the event that Council adopts my recommendation.

APPENDIX A

Relevant excerpts from

The Council Code of Conduct

Schedule A to By-law 2015-090

Purpose:

The Code of Conduct for Council Members ("Member or Members") and related policies identify the Town of Caledon's expectations of Members and establishes guidelines for appropriate conduct to ensure that:

- Caledon residents have confidence in the integrity of their elected Members and local government;
- The decision-making process of Council is open, transparent, equitable and accountable;
- Decisions are made through appropriate channels of government structure;
- Public office is not used for personal gain;
- There is fairness and respect for differences and a duty to work together for the common good of the community and the residents;
- Members behave in a manner that is both ethically responsible and accountable at all times in upholding the public interest and will withstand public scrutiny;
- Members demonstrate an understanding of the fundamental rights, privileges and obligations of their elected position;
- Members are provided with and able to obtain information on the ethical propriety of conduct in different situations;
- Members seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the Town.

1.1 Members must recognize their responsibility to:

- Represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the Town;
- Endeavour to demonstrate sound financial management, planning and accountability;
- Be aware of and understand statutory obligations imposed upon individual Members and Council as a statutory body.

1.2 The onus is on Members to ensure that they adhere to and uphold the Code.

2.3 Members shall not disclose the content of a matter that has been discussed or the substance of deliberations of a closed session, except for content that has been authorized by Council to be released to the public.

Examples of the types of content that Members must keep confidential under this section include but are not limited to:

- Items under litigation, negotiation, or personnel matters;
- The source of a complaint;
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be personal information under the *Municipal Freedom of Information and Protection of Privacy Act*;
- Statistical data required by law not to be released (e.g., certain census or assessment data).

- 2.4 Members shall not access or attempt to gain access to confidential information in the possession of the Town unless it is necessary for the performance of their duties and not prohibited by law or Council policy.
- 3.1 Members shall show respect for the decision making process of Council. Information concerning adopting policies, procedures and decisions of the Council shall be conveyed openly and accurately.
- 3.2 Members shall accurately communicate the decisions of Council even if they disagree with the decision.
- 4.2 Members shall acknowledge and respect the fact that employees work for the Town as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without undue influence from any Members.
- 4.3 In addition, Members shall acknowledge and respect the fact that Town employees carry out directions of Council as a whole and administer the policies of the Town. Members shall refrain from using their position to improperly influence employees in their duties or functions to gain an advantage for themselves or others.
- 4.4 Members shall refrain from publicly criticizing employees, in a way that casts aspersions on their professional competence and credibility.

Memorandum

Date: Tuesday, April 18, 2017

To: Members of Council

From: Carey deGorter, General Manager, Corporate Services / Town Clerk

Subject: Contrary Motions

In March 2017 Council asked a number of questions concerning “Contrary Motions”. The Town’s Procedural By-law states “that a Motion to Amend shall be relevant and not contrary to the principle of the report or motion under consideration.”

When considering amendments to a motion the Chair of the meeting must determine if the amendment is “germane” to the main motion or in other words “not contrary”. Parliamentary law and Robert’s Rules of Order explain that any amendment must be relevant to the main motion.

For example if Council was debating a motion about selecting the recipient of the Senior of the Year Award and a Member of Council put an amendment on the floor to build a new parking lot – this would not be permitted as it is not relevant to the main motion (debating the Senior of the Year Award). However an amendment with another recipient name would be deemed in order (even if it was different than staff’s recommendation) because the topic is about selecting the Senior of the Year Award.

Memorandum

Date: Tuesday, April 18, 2017

To: Members of Council

From: Colleen Lipp, CEO/Chief Librarian, Caledon Public Library

Subject: Poet Laureate

A report regarding a Poet Laureate for Caledon was received by the General Committee of Council on December 13, 2016. The report included an investigation of similar programs in other municipalities, responsibilities typically associated with the role and the likely cost of such a program. This included a recommendation that the proposal be re-envisioned as a Writer in Residence in support of existing and expanded writing and literacy programs. Council referred the matter back to staff to investigate options to partner with Dufferin County in pursuing a Poet Laureate program.

Prompted by this direction, a meeting of representatives from Dufferin County, the Caledon Public Library and the Town of Caledon was scheduled and it was determined that a joint effort with Dufferin County would best support the development of a Poet Laureate program across both municipalities. County representatives were eager to assume the lead on this initiative and confirmed that Library and/or Town staff would be invited to participate in the resulting committee. Initial discussions included the cost of such a program and shared funding of a \$5000 stipend over a four year term. It was proposed that the cost would be equally split between Caledon and Dufferin County.

As neither the Town or Library budgets currently include funds in support of a Poet Laureate, it was determined that related reports to the Library Board and Town Council be prepared as a means of seeking additional funds be added to the Library's 2017 operating budget in support of the program. A proposed timeline for these reports, based on scheduling of Library Board and Council meetings, was shared with Dufferin County staff. Library and Town staff also questioned whether the availability of funds could be confirmed in sufficient time to allow for a fulsome nomination, selection and appointment process within the current term of Council.

Darrell Keenie, General Manager of Dufferin County Museum & Archives has since confirmed that Dufferin County Council has directed that a Poet Laureate be appointed from within the Dufferin community for a term that will run from July 1st of 2017 to the end of the current term of Council in late 2018. A special committee under the auspices of the Dufferin Arts Council has assumed responsibility for drafting and communicating a call for applications from local poets, with the intent of providing a related report and recommendation to the County by mid-May. This report will first be considered by the Dufferin County Museum Board in late May, before proceeding to Council for ratification in early June. Responsibility for remuneration of \$1500 for the remaining term will be assumed by the County.

Mr. Keenie also reiterated Dufferin County's intent and expectation that Caledon join the County in appointing a Poet Laureate to serve both communities in the new term of Council in 2019. He again suggested that remuneration of the Poet Laureate be shared equally between both municipalities. As per recent correspondence from the Minister of Canadian Heritage shared by David Tilson, supporting funds may also be available through the Canada Council for the Arts or the League of Canadian Poets.

Given the recommended launch of the joint program in 2019, there are no immediate financial implications related to the Poet Laureate. That said, dependent on the availability of and success in obtaining funds through external grants, related Service Level Changes would be reflected in future annual operating budget requests in order to support Caledon's participation in a joint Poet Laureate program as of 2019.

Memorandum

Date: Tuesday, April 18, 2017

To: Members of Council

From: Angie Mitchell, Interim Manager, Building Services/Chief Building Official, Community Services

Subject: Building Permit Fees 2016 Annual Report

Pursuant to the Building Code Statute Law Amendment Act, all principal authorities are required to report, on an annual basis, how the revenue collected for building permits has been used to cover the direct and indirect costs of administering and enforcing the Building Code Act and the Ontario Building Code.

The Building Code Act requires that the annual report identify fees collected for both the direct and indirect costs of delivering services related to the administration and enforcement of the Act for the previous year. Direct costs include the review of applications for permits and inspections; indirect costs include support and overhead costs.

The costs must be broken down into the following categories:

Direct Costs

- Review of applications for permits
- Inspections and enforcement of buildings
- Administration of building permit files

Indirect Costs

- Support
- Overhead

Reserve Fund

- Established for any purpose relating to the administration or enforcement of the Building Code Act.
- Must report the amount of the dedicated fund at the end of the twelve (12) month period.

The 2016 Building Permit Fees Annual Report (attached as Schedule A to this memo) outlines the fees and costs that are directly and indirectly attributable to the costs and associated fees permitted in accordance with the Building Code Act.

In addition, the Annual Report includes information regarding the Building Services Division's 2016 expenditures and revenues, including a transfer of \$332,343.75 from the Building Permit Stabilization Reserve Fund, established under the authority of the Building Code Act, to balance the 2016 operations of the Division.

The Building Code Act requires that the principal authority provide notice of the preparation of the 2016 Building Permit Fees Annual Report to every person and organization that has requested to be notified. As of the date of this memo the Town has not received any requests for this report.

The following is a breakdown of the fees collected and operating costs for 2016:

- The Building Services Division collected \$2,492,897.58 in Building Permit fees during 2016.
- Total direct and indirect expenses for the Division during 2016 were \$2,825,241.33.
- The operating deficit for the Division to be transferred from the Building Permit Stabilization Reserve Fund is \$332,343.75.
- The audited balance of the Building Permit Stabilization Reserve Fund as of December 31, 2016 is \$3,420,600.51 (after the \$332,343.75 reserve transfer).
- As part of the 2015 fees review council approved a reserve budget target of 2 years of revenue vs expense budget to give the Building Services Division funding to operate for 2 years with no new building permits submitted.
- The current ratio based on the reserve balance divided by 2016 actuals is 1.21 years which is below the targeted balance in the reserve.
- Staff will continue to monitor the building permit activity to address the decline in the ratio requirement. If the reserve continues to decline staff will need to re-evaluate the building permit fee structure.

Financial Implications

Building permit fees were established to fully recover the Town's cost of providing building permit services, including an allocation of administrative overhead/indirect costs. Any surplus revenue from building permit fees is transferred to a reserve fund, to be drawn upon in years of declining building activity.

Other than the Town's recovery, from the Building Services Division, for indirect costs such as human resources, finance/accounting, information technology, facility space, there is no impact to Town's property tax revenues related to building permit activity.

Excluding the transfer to the Building Permit Stabilization Reserve Fund, the Building Division ended 2016 with an audited operating budget deficit of \$332,343.75 (2016 Revenues of \$2,492,897.58 - Expenditures of \$2,825,241.33). The 2016 operating budget deficit was primarily due to lower revenues than anticipated related to residential and industrial development. The 2016 operating budget deficit, in the amount of \$332,343.75 was transferred from the Building Permit Stabilization Reserve Fund, account no. 08-00-910-35007-000-25000 in December 2016.

Following this transfer, the Building Permit Stabilization Reserve Fund balance is \$3,420,600.51. As part of the 2015 fees review council approved a reserve budget target of 2 years of revenue vs expense budget (e.g. sufficient reserves to cover 2 years to operate the Building Services Division and perform all of the work required to complete the process for issued permits on all open and active permits). The ratio after the transfer from the reserve is 1.21 years, which is below the reserve balance target of 2 years. Staff will continue to monitor building permit activity and the reserve fund balance, and will report back on whether a review of building permit fees or a reduction in expenditures is required.

Attachments

Schedule A – Building Permit Fees 2016 Annual Report

TOWN OF CALEDON
BUILDING PERMIT FEES 2016 ANNUAL REPORT
Year-to-date Results as of December 31, 2016

	<u>2016 ACTUALS</u>
REVENUE	
Fees	\$2,492,897.58
Reserve Fund to Revenue	<u>332,343.75</u>
Total Revenues	<u>\$2,825,241.33</u>
 EXPENSES	
Direct	\$2,036,361.33
Indirect	<u>788,880.00</u>
Total Expenses	<u>\$2,825,241.33</u>
 Net Revenues	 <u><u>\$0</u></u>

BUILDING PERMIT STABILIZATION RESERVE FUND
BALANCE AS OF DECEMBER 31, 2016

Opening Balance (January 1, 2016)	\$3,933,651.78
Capital Project Funding Commitments	(220,000.00)
Interest	39,292.48
2016 Reserve Fund to Revenue	<u>(332,343.75)</u>
 Closing balance (December 31, 2016)	 <u>\$3,420,600.51</u>

Ministry of Transportation

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Sustainable and Innovative
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Bureau pour la durabilité et l'innovation
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April 13, 2017

Dear Sir/Madam,

We are following up to provide information on the next steps in the Ministry of Transportation's project to identify a province-wide network of cycling routes in Ontario.

We sincerely thank everyone who provided information through our online survey, mapping tools and regional workshops in 2016. A draft province-wide cycling network has been developed based on the input received so far, quantitative evaluation and qualitative analysis. We are now embarking on the next stage of engagement.

From April 12 to May 12, 2017, the province is inviting the public to submit comments on the draft province-wide cycling network online through the Environmental Registry.

We encourage you to review the [map of the draft network](#), accessible through the Environmental Registry [at www.ebr.gov.on.ca](http://www.ebr.gov.on.ca) (posting number 013-0190) and the Ministry of Transportation web site at Ontario.ca/cycling, and provide your comments on the recommended routes by May 12, 2017. We also encourage you to share this information with others who may want to participate. The input received will be taken into consideration by the Ministry of Transportation as the final preferred network is confirmed.

If you have any questions about the proposal please contact the Ministry of Transportation by email at CycleONStrategy@ontario.ca, by phone at 1-844-637-6464 or by mail at the address above. We look forward to hearing from you.

Sincerely,

Darryl Soshycki
Manager, Sustainable & Innovative Transportation Office

c. Jamie Austin, Director, Transportation Policy Branch