

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
VIRTUAL COMMITTEE OF THE WHOLE MEETING  
WEDNESDAY, JUNE 2, 2021  
6:00 p.m.**

To view our live stream visit the Township of [Essa's YouTube Channel](#)

**AGENDA**

- 1. OPENING OF MEETING BY THE MAYOR**
- 2. DISCLOSURE OF PECUNIARY INTEREST**
- 3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS**

p. 1           **Public Meeting – OPA 35, ZBA Z5/20 and Draft Plan of Subdivision**  
                  re: 6537 Browns Line and 8307 County Road 10, Angus

**STAFF REPORTS**

- 4. PLANNING AND DEVELOPMENT**

p. 37    a.       **Staff Report PD013-21 submitted by the Manager of Planning and Development,**  
                  **re: Proposed Zoning By-law Amendment Z2/21 – 28 Brentwood Road, Angus.**

*Recommendation: Be it resolved that Staff Report PD013-21 be received; and  
That Council direct staff to proceed with processing the subject application and the  
scheduling of a Public Meeting.*

- 5. PARKS AND RECREATION / COMMUNITY SERVICES**
- 6. FIRE AND EMERGENCY SERVICES**
- 7. PUBLIC WORKS**

**8. FINANCE**

**a. Reduction of Securities – Brookfield Residential, Marshal Subdivision.**

Recommendation: *Be it resolved that Council approve the reduction of securities relating to Brookfield Residential, Marshal Subdivision, as recommended by the Manager of Public Works as follows:*

<i>Current Securities Held by Township of Essa:</i>	<i>\$4,074,959.56</i>
<i>LESS Recommended Reduction:</i>	<i>\$420,515.66</i>
<i>Securities to be Retained by Township of Essa:</i>	<i>\$3,654,443.90</i>

*And,*

*That this approval is conditional upon the Developer providing the municipality with a Statutory Declaration indicating that all accounts have been paid in full, including all of the Township’s legal and engineering costs.*

**9. CLERKS / BY-LAW ENFORCEMENT / IT**

**p. 42 a. Staff Repory C013-21 submitted by the Manager of Legislative Services, re: 2021 Council Vacancy – Ward 1 Councillor.**

Recommendation: *Be it resolved that Staff Report C013-21 be received; and That Council direct staff to proceed with filling the vacancy for the seat of Councillor Ward 1 by means of appointment through an Open Call for Applications; and That the Draft “Council Vacancy” Policy with the included procedures be approved; and*

*That a Special Meeting of Council be scheduled for July 7, 2021 at 1:00 p.m., for the purpose of filling the council vacancy in Ward 1.*

**p. 60 b. Staff Repory C014-21 submitted by the Manager of Legislative Services, re: Council Vacancy – Appointments to Local Boards and Committees.**

Recommendation: *Be it resolved that Staff Report C014-21 be received; and That, as the result of a council vacancy, Council appoint members to the various committees and boards for the remainder of the term as follows:*

- Mayor Macdonald to the Angus BIA Board of Directors;*
- Deputy Mayor Smith to the NVCA Board of Directors; and*
- Councillor Sander to the Essa Public Library Board.*

**p. 62 c. Staff Repory C015-21 submitted by the Deputy Clerk, re: Proposed Amendments to Fees and Charges By-law 2013-28.**

Recommendation: *Be it resolved that Staff Report C015-21 be received; and That staff be authorized to proceed with a Public Meeting to consider proposed amendments to fees and charges as described within this report.*

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**10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)**

- p. 67 a. **Staff Report CAO022-21 submitted by the Chief Administrative Officer, re: Grass Cutting.**

Recommendation: *Be it resolved that Staff Report CAO022-21 be received; and That Council authorize use of Varcoe Maintenance for a week of grass cutting across the municipality at a rate of \$5,900 (plus HST) to cover for municipal staff absence due to COVID and protocols and advice of the Simcoe Muskoka District Health Unit (SMDHU) to eliminate the spread of COVID-19 and variants amongst staff in the municipality.*

- p. 69 b. **Staff Report CAO023-21 submitted by the Chief Administrative Officer, re: Operation of Thornton Union Cemetery – Fees/Hours/Services.**

Recommendation: *Be it resolved that Staff Report CAO023-21 be received; and That Council acknowledge that all 3 members of the Thornton Union Cemetery Board voted to “terminate our operating license” immediately effective March 19, 2021; and That Council acknowledge that the records and accounts of the Thornton Union Cemetery were turned over to the municipality on April 19 and May 3, 2021, following instruction of the Province (Bereavement Authority of Ontario); and That Council acknowledge that the Thornton Union Cemetery Board submitted \$27,746.14 for operations, and \$6,083.15 for care and maintenance, to the municipality on May 3, 2021; and That Council consider increasing fees for interment rights and other cemetery services in accordance with Attachment 1 to this report; and That Council recognize that certain services may not be available throughout 2021, in order to accommodate the transition of the operation of the cemetery and that such services, currently not available, are identified with an asterisk in the Attachment #1 of this Report.*

**11. OTHER BUSINESS**

**12. ADJOURNMENT**

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at \_\_\_\_\_ p.m., to meet again on the 16<sup>th</sup> day of June, 2021 at 6:00 p.m.*



**PUBLIC MEETING OUTLINE  
PROPOSED OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT AND DRAFT  
PLAN OF SUBDIVISION**

**RE: 6537 BROWNS LINE AND 8307 COUNTY ROAD 10, ANGUS  
NOTICE TO RE-DESIGNATE THE LANDS FROM INDUSTRIAL, TO RESIDENTIAL,  
COMMERCIAL, INSTITUTIONAL, AND ENVIRONMENTAL PROTECTION WITH SITE  
SPECIFIC ZONING TO PERMIT THE DEVELOPMENT OF 487 RESIDENTIAL UNITS, A  
BLOCK FOR A FUTURE SCHOOL, A BLOCK FOR A NURSING HOME AND SENIOR  
CITIZENS APARTMENT CONTAINING 100 UNITS, A COMMERCIAL BLOCK, A BLOCK  
FOR STORMWATER MANAGEMENT, AND ENVIRONMENTAL PROTECTION.**

**June 2<sup>nd</sup>, 2021**

**INTRODUCTION BY MAYOR:**

The purpose of this Public Meeting is to discuss proposed Amendments to the Township's Official Plan, 2001, and Zoning By-law 2003-50 and a proposed Draft Plan of Subdivision in accordance with Sections 22, 34, and 51 of the Planning Act, R.S.O., c.p. 13, to hear a presentation from Brandi Clement from The Jones Consulting Group Limited introduced by Township Planning Staff, and to hear all comments from residents of the Township of Essa.

**DESCRIPTION OF THE PROPOSAL – MANAGER OF PLANNING AND DEVELOPMENT**

The Township is in receipt of a complete application submission for 6537 Browns Line and 8307 County Road 10, Angus. The submission includes applications for an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA), and a proposed Draft Plan of Subdivision.

6537 Browns Line and 8307 County Road 10 is 34.4 hectares in size, designated 'Industrial' in the Township's Official Plan and is zoned 'General Industrial (M1)'. There are currently no buildings or structures on the subject lands.

The Official Plan Amendment is to facilitate an Employment Lands Conversion and to permit the redesignation of land from 'Industrial' to 'Residential', 'Commercial', 'Institutional', and 'Environmental Protection'. The Zoning By-law Amendment is to provide site specific zoning for a Mixed-Use development.

The Proposed Plan of Subdivision is for the development of 487 residential units, a block for a future School, a block for a Nursing Home and Senior Citizens Apartment containing 100 units, a Commercial Block, a block for Stormwater Management, and Environmental Protection.

A full comment set concerning this application's circulation is pending Staff's review and will inform the forthcoming recommendation Report that will be provided to Council for their decision at a future meeting of the Committee of the Whole. Staff will be intaking comments on this matter until June 30<sup>th</sup>, 2021.

Staff welcomes Brandi Clement from The Jones Consulting Group Ltd. to deliver her presentation on the subject applications.

**COMMENTS FROM THE PUBLIC – PLANNER**

Those wishing to ask questions or provide comments must type their name and address into the 'Chat Function' on Zoom so that proper records may be kept, and Notice of future decisions can be sent to those persons involved in the review process.

**REPLY – MAYOR**

Council may ask questions for clarification.

**FINAL STATEMENT – MAYOR**

If there are no further questions, Council wishes to thank all those in attendance for their participation. The Planning and Development Department will be preparing a Staff Report to be presented to Council at a future meeting of the Committee of the Whole.

# Statutory Public Meeting

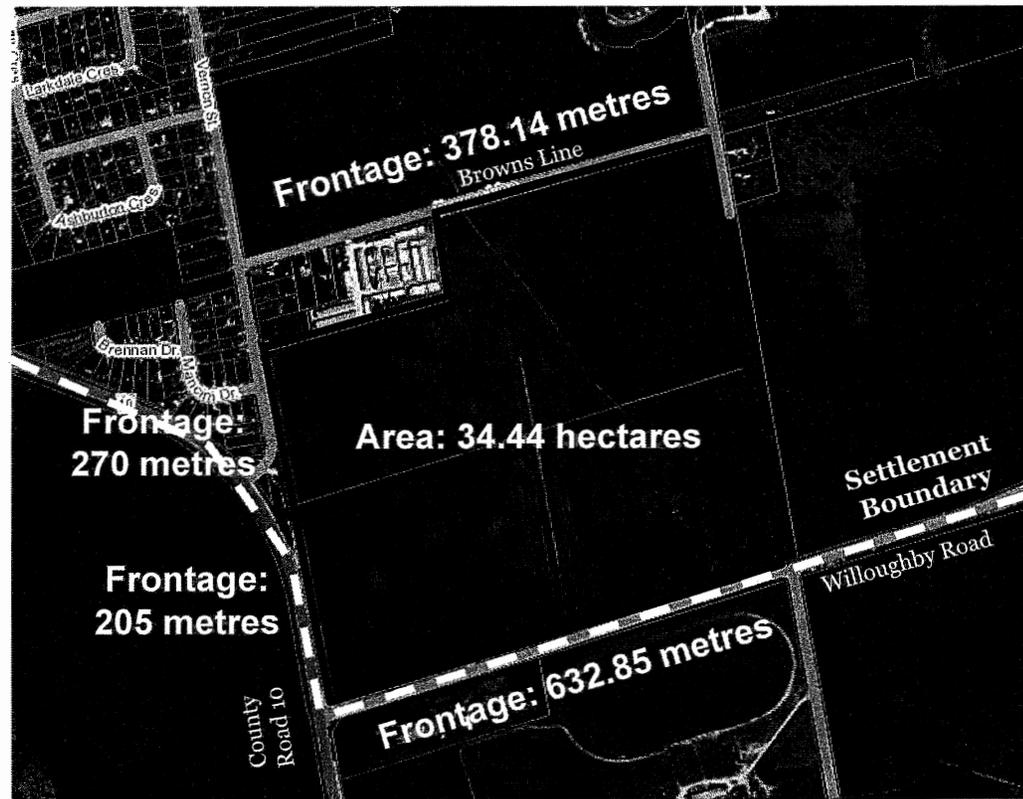
**6537 Browns Line &  
8307 County Road 10**

**Township of Essa**

**Bush Properties Inc. & Borden Self Storage Ltd.**

# Site Location

- Lot Area: 34.44 ha
- Frontage:
  - 632.85 metres along Willoughby Road;
  - 205 metres along County Road 10;
  - 270 metres along Vernon Street; and
  - 378.14 metres along Browns Line
- Vacant lands partially used for agricultural cash crops



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# Surrounding Land Uses

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# Proposed Land Uses

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- Residential uses (487 residential units)
  - Single Detached Dwellings (186 units)
  - Street Townhouses (142 units)
  - High Density Residential (159 units)
- Future School
- Nursing Home and Senior Citizens Apartments (100 units)
- Commercial uses
- Stormwater Management
- Environmental Protection

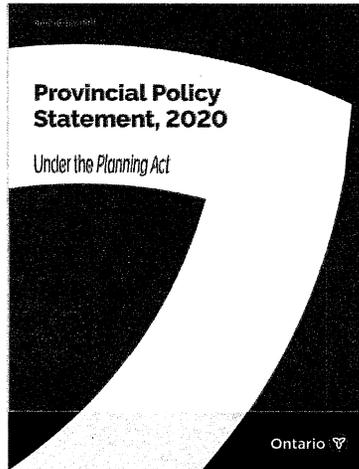
# Required Planning Applications

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- **Official Plan Amendment:** Facilitate an Employment Land Conversion. Designate lands from Industrial to Residential, Residential Exception, Residential-Multiple, Commercial Exception, Commercial, Environmental and Open Space.
- **Zoning By-law Amendment:** Rezone lands to permit Residential, Commercial, and Institutional uses, including Environmental Protection, as well as recognize site specific development provisions.
- **Plan of Subdivision:** Create 487 residential units, future School block, Nursing Home and Senior Citizens Apartments Block, Commercial block, Stormwater Management block, and Environmental Protection block. In addition, a block in Northeast corner to be retained by owner for future residential purposes.

# Provincial Policy Statement & A Place to Grow: Growth Plan

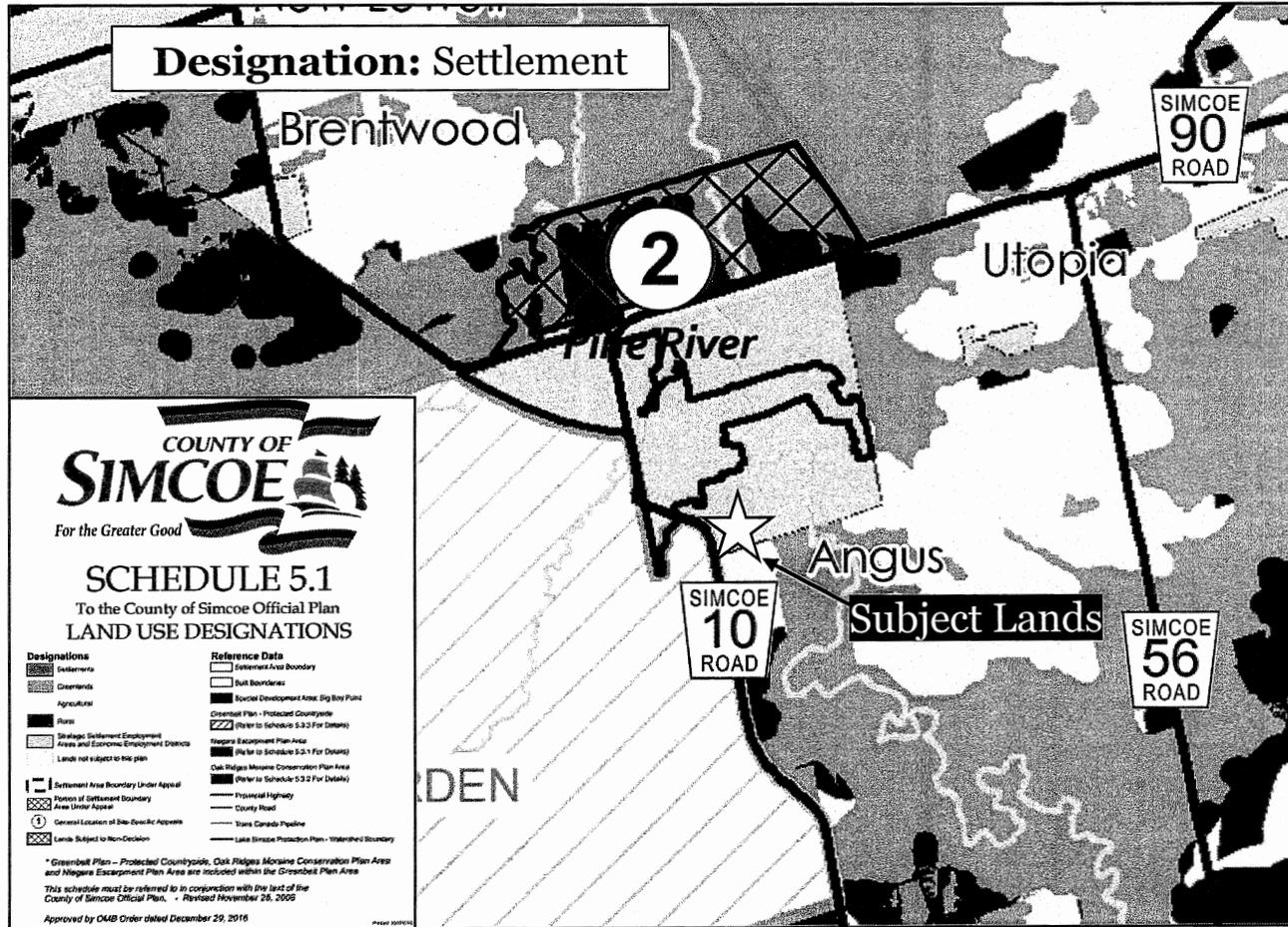
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- Until the official plan review or comprehensive review is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially or regionally significant and subject to specific criteria (PPS S.1.3.2.5)
- The conversion of the lands will provide additional housing supply and types in the Township of Essa to accommodate population projections up to 2031 and beyond (PPS S.1.1.2)
- Until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would: satisfy the requirements of policy 2.2.5.9 a), d) and e); maintain a significant number of jobs on those lands through the establishment of development criteria; and not include any part of an employment area identified as a provincially significant employment zone (APTG S.2.2.5.10)

# County of Simcoe Official Plan

01



# Existing Official Plan Designation

**Designation: Industrial**

**Subject Lands**

## LEGEND

- RESIDENTIAL
- RESIDENTIAL - MULTIPLE
- RESIDENTIAL - SPECIAL
- RESIDENTIAL - MOBILE
- RESIDENTIAL - FUTURE
- COMMERCIAL
- COMMERCIAL - RECREATION
- INSTITUTIONAL
- OPEN SPACE
- RURAL
- TRANSPORTATION & UTILITY
- AGRICULTURAL
- ENVIRONMENTAL
- ENVIRONMENTAL - WETLAND
- INDUSTRIAL
- ABANDONED WASTE DISPOSAL SITE
- ARTERIAL ROADS
- COLLECTOR ROADS

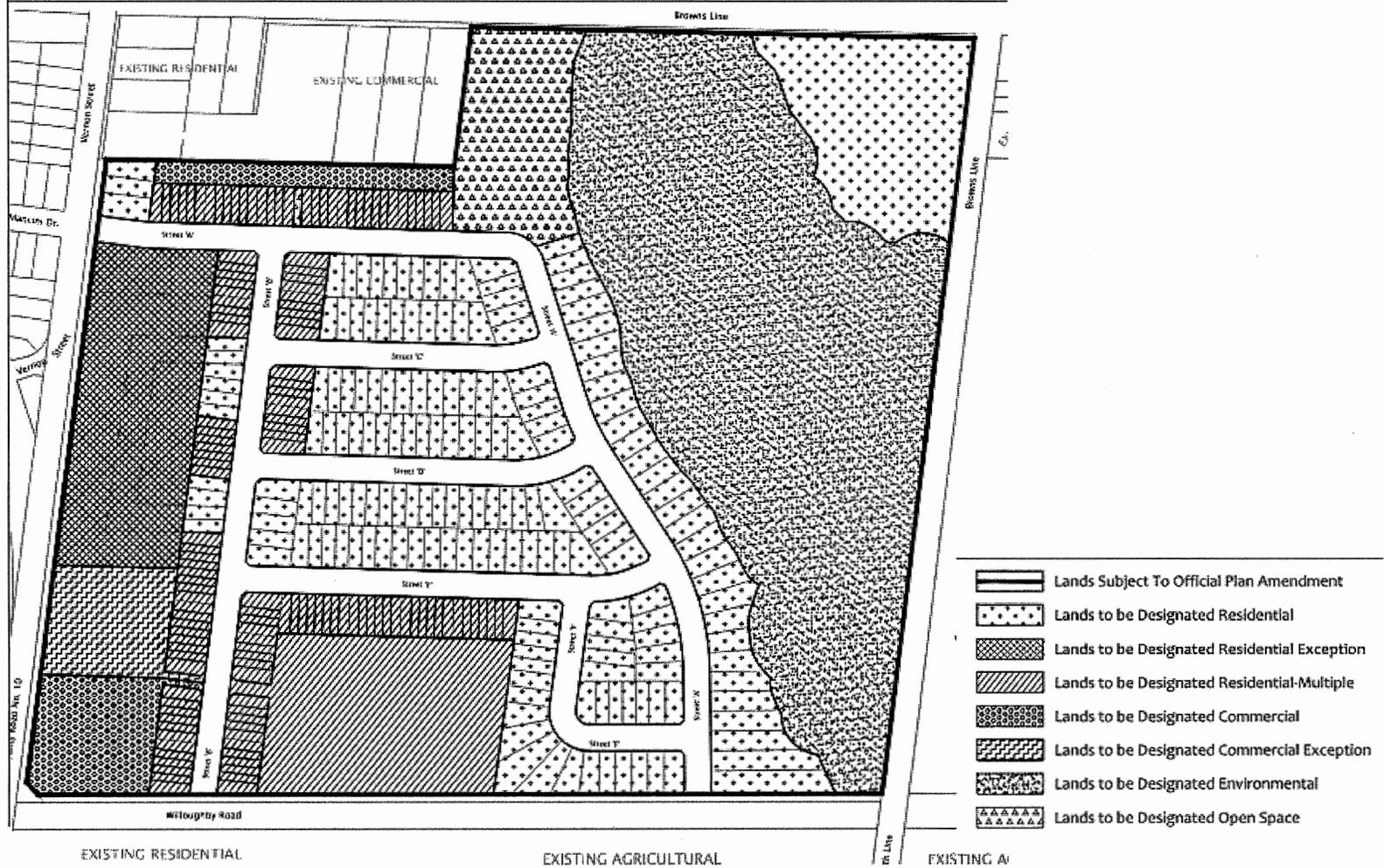
**Anley** CONSULTING ENGINEERS PLANNERS

SCALE 1:15000

0 600m

# Proposed Official Plan Amendment Application

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# Proposed Official Plan Amendment Application

•Residential Designation - Permit Single Detached Dwellings

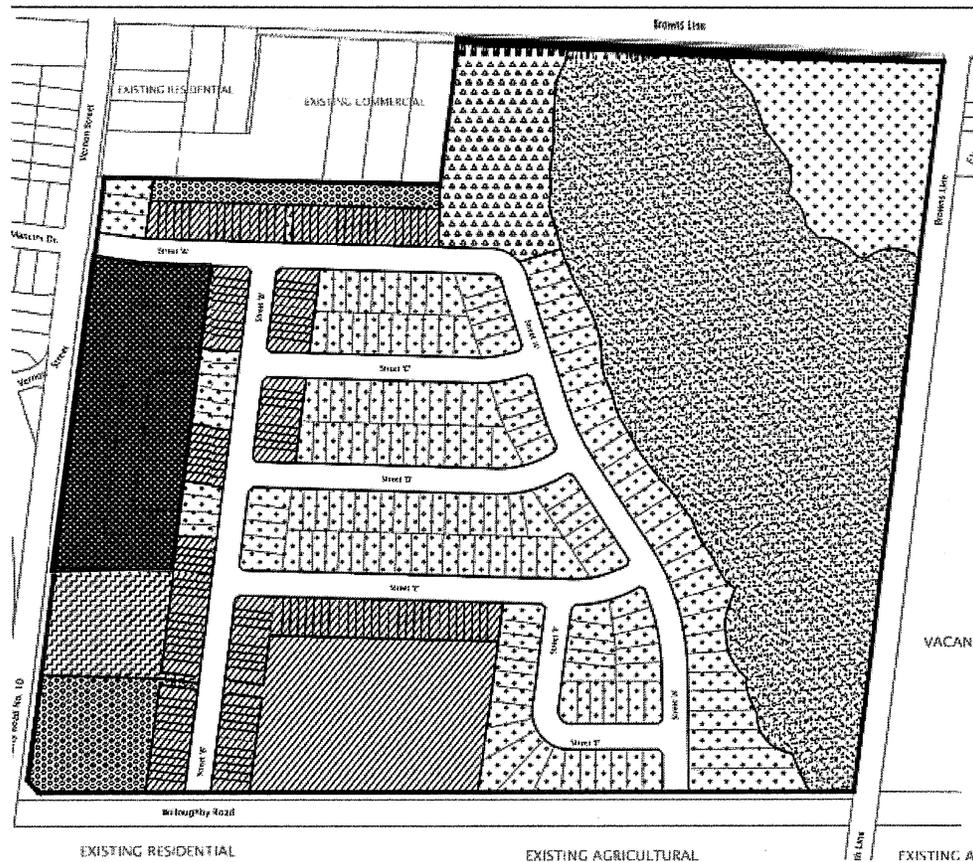


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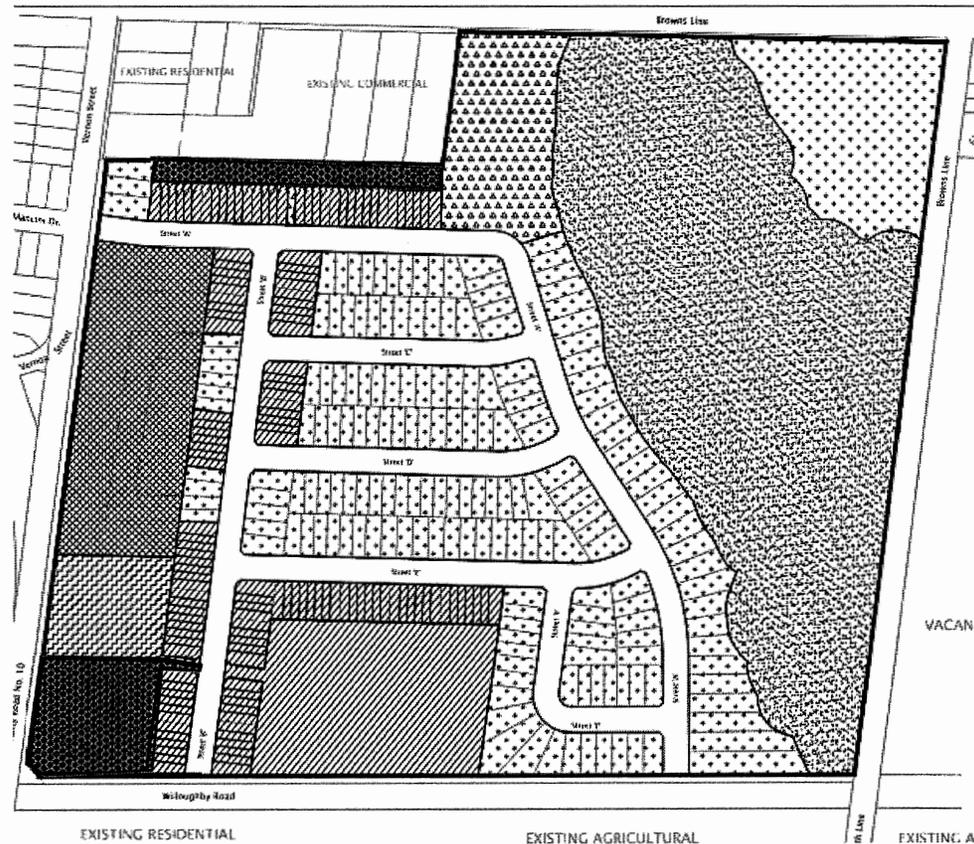
# Proposed Official Plan Amendment Application

## •Residential Exception Designation – Permit School Block



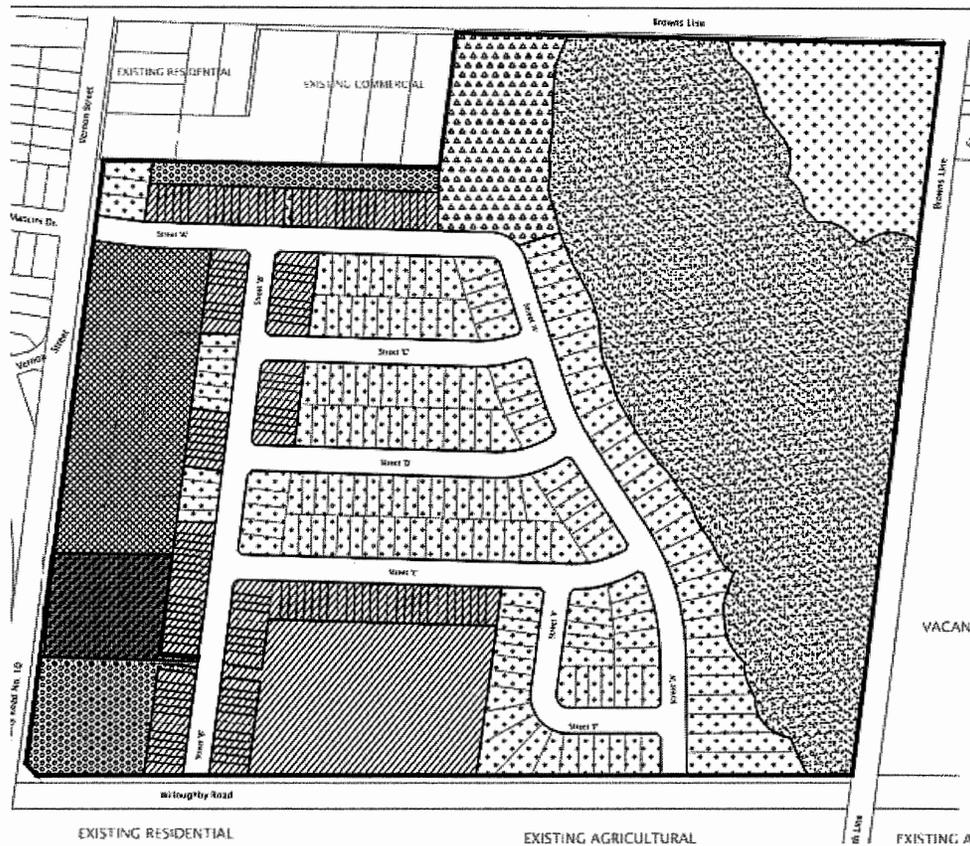
# Proposed Official Plan Amendment Application

## •Commercial Designation – Permit Commercial Block



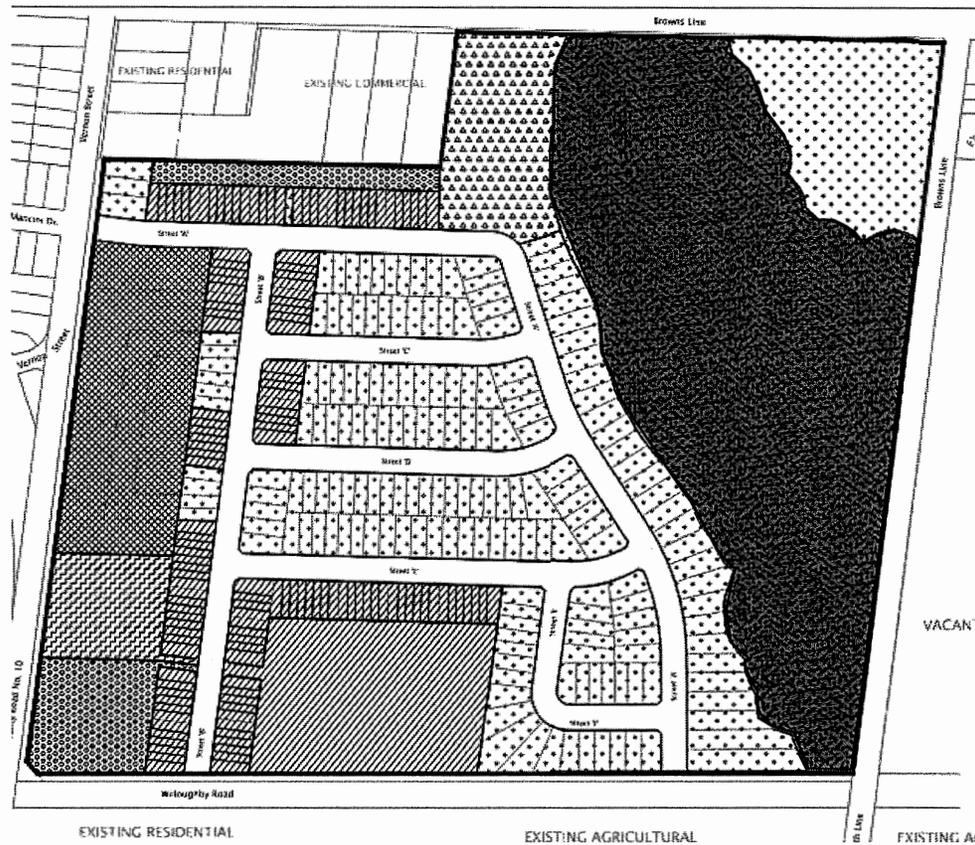
# Proposed Official Plan Amendment Application

- **Commercial Exception Designation** – Permit Nursing Home and Senior Citizens Apartments Block



# Proposed Official Plan Amendment Application

- **Environmental Designation** – Permit Environmental Protected Lands (Wetland)

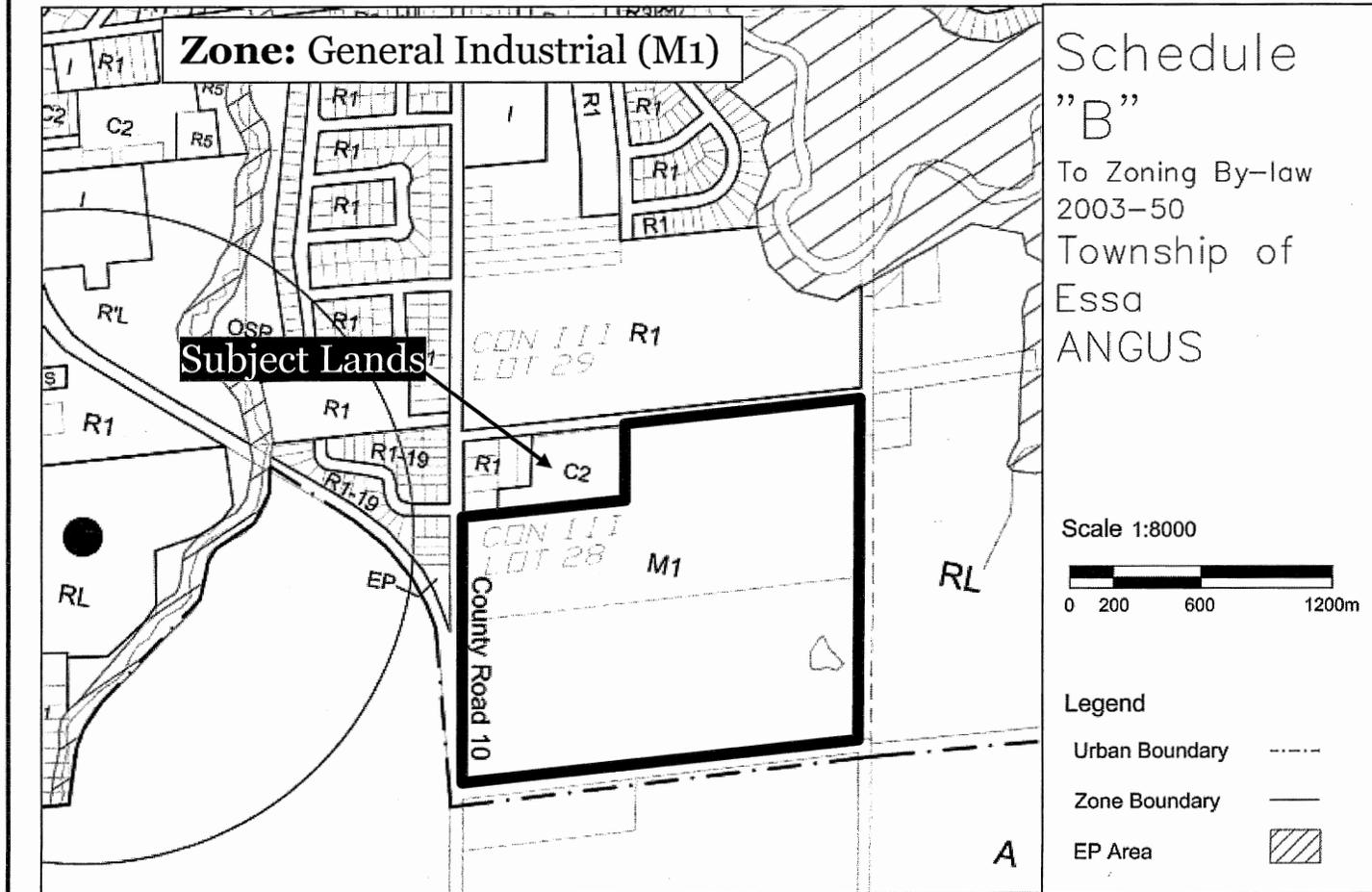


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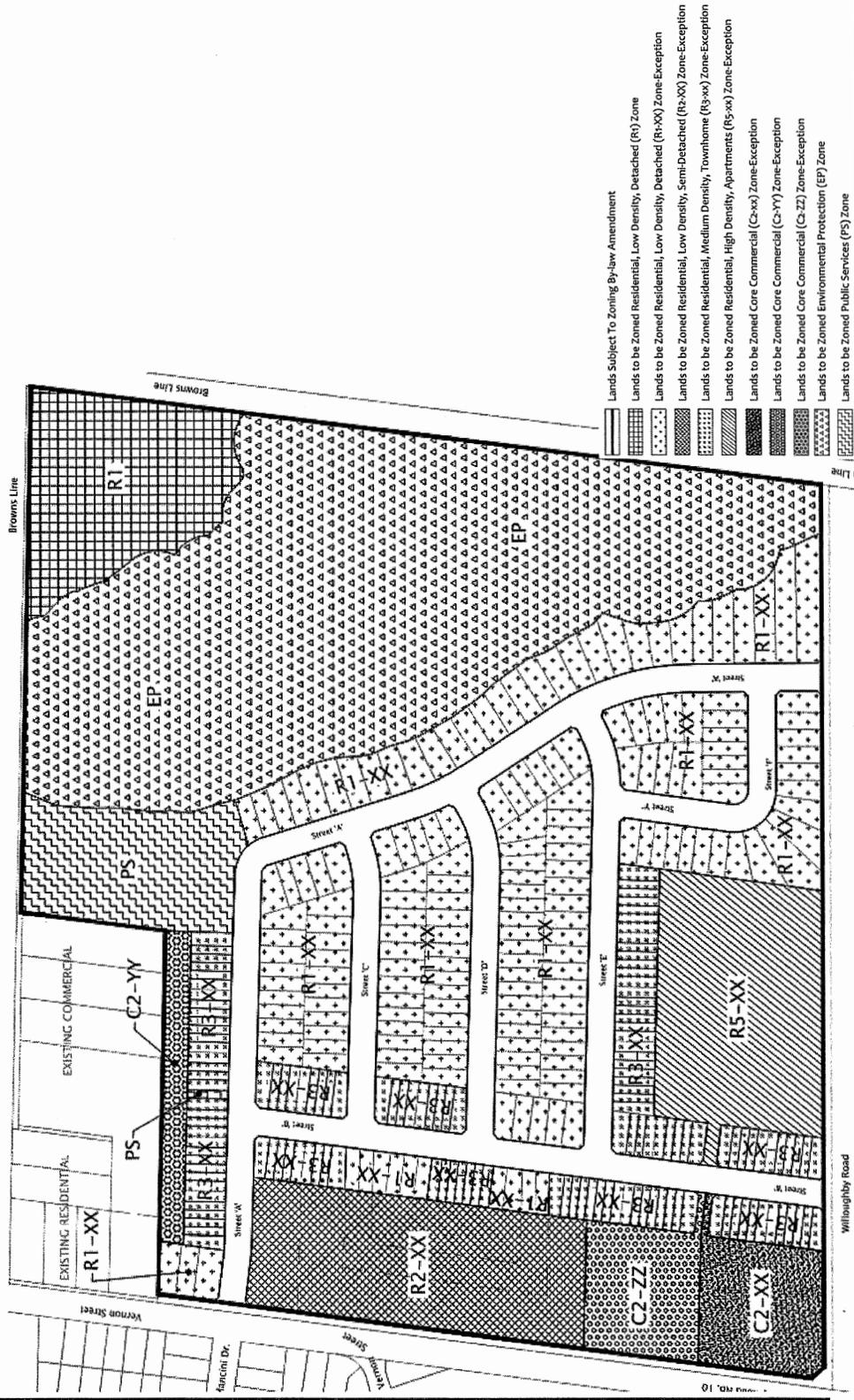


# Township of Essa Zoning By-law

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# Proposed Zoning By-law Amendment Application

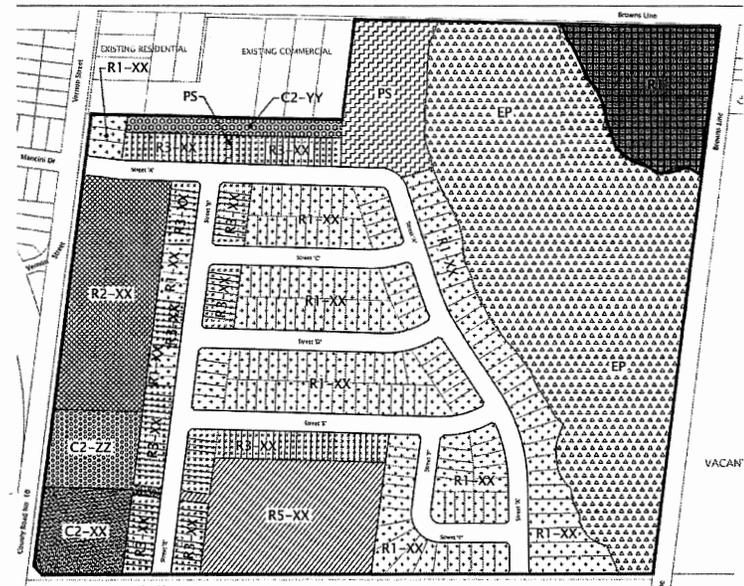


- Lands Subject To Zoning By-law Amendment**
- Lands to be Zoned Residential, Low Density, Detached (R1) Zone
  - Lands to be Zoned Residential, Low Density, Detached (R1-XX) Zone-Exception
  - Lands to be Zoned Residential, Low Density, Semi-Detached (R2-XX) Zone-Exception
  - Lands to be Zoned Residential, Medium Density, Townhome (R5-XX) Zone-Exception
  - Lands to be Zoned Residential, High Density, Apartments (R5-XX) Zone-Exception
  - Lands to be Zoned Core Commercial (C2-XX) Zone-Exception
  - Lands to be Zoned Core Commercial (C2-YY) Zone-Exception
  - Lands to be Zoned Core Commercial (C2-ZZ) Zone-Exception
  - Lands to be Zoned Environmental Protection (EP) Zone
  - Lands to be Zoned Public Services (PS) Zone

# Proposed Zoning By-law Amendment Application

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- Residential, Low Density, Detached (R1)
  - Permit Single Detached Dwellings

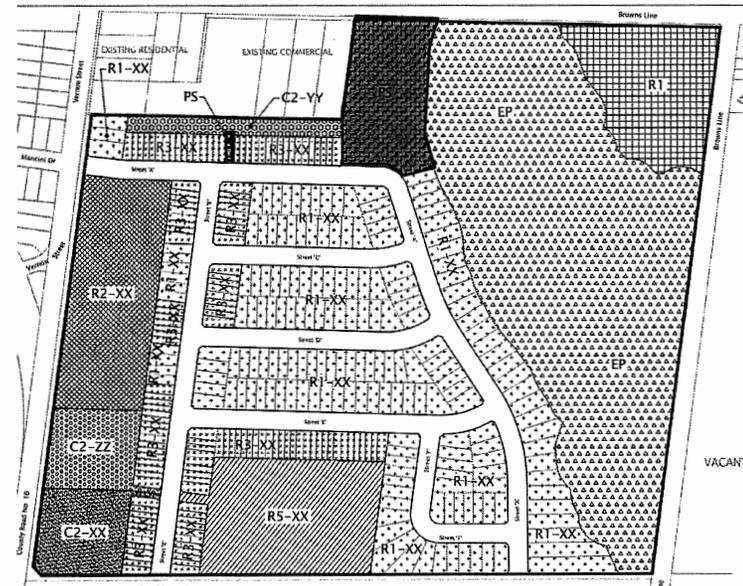






# Proposed Zoning By-law Amendment Application

- Public Services (PS)
  - Permit Stormwater Management Pond and drainage block

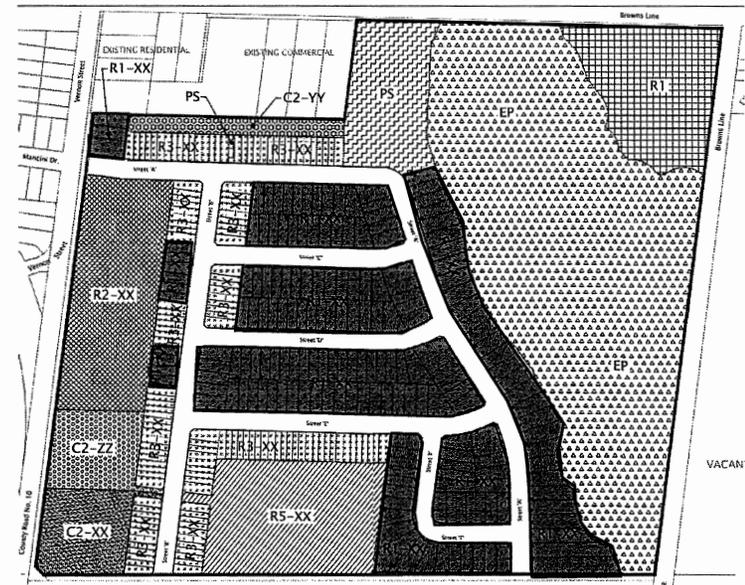


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# Proposed Zoning By-law Amendment Application

## Special Provisions:

- Residential, Low Density, Detached (R1-XX) Exception
  - Reduced Lot Frontage
  - Reduced Lot Area
  - Reduced Exterior and Rear Yard Setbacks
  - Increased Lot Coverage
  - Reduced Exterior Side Yard for Detached Accessory Buildings



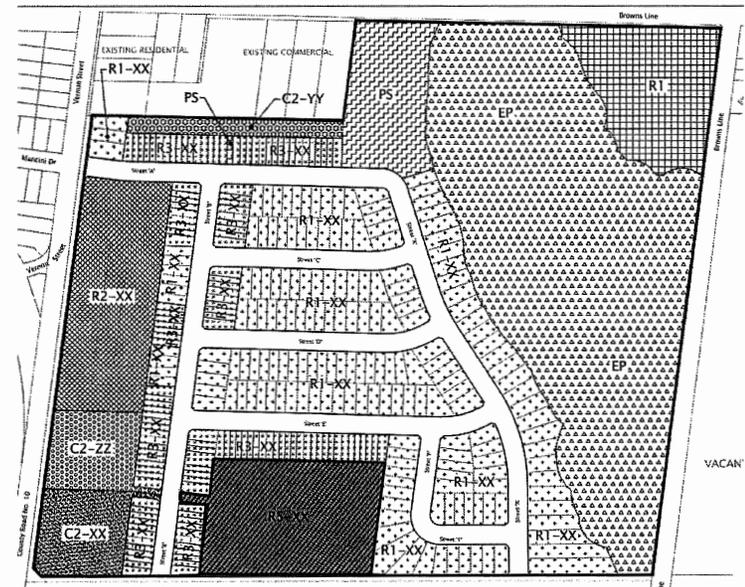
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# Proposed Zoning By-law Amendment Application

## Special Provisions:

- Residential, High Density, Apartments (R5-XX) Exception
  - Reduced Rear Yard Setback
  - Increased Building Height
  - Increased Lot Coverage
  - Reduced Exterior Side Yard for Detached Accessory Buildings

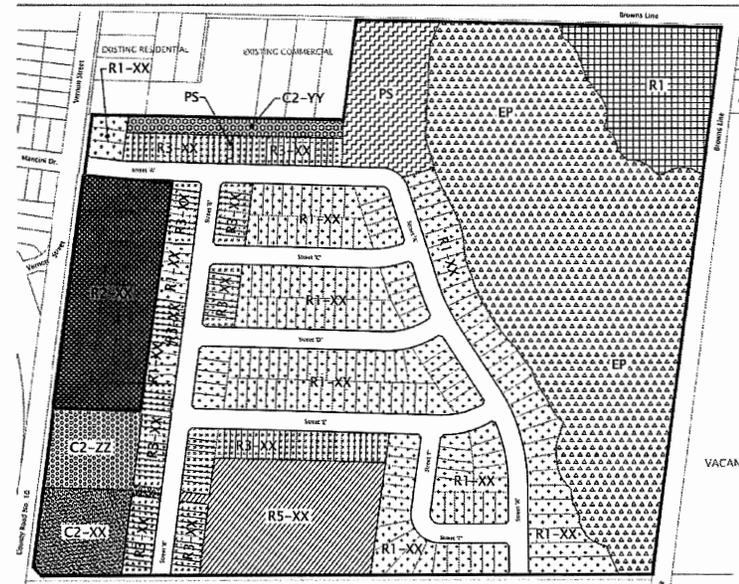


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# Proposed Zoning By-law Amendment Application

## Special Provisions:

- Residential, Low Density, Semi-Detached (R2-XX) Exception
  - Permit a School, but allow for residential if a school site not needed
  - Reduced Lot Frontage
  - Reduced Lot Area
  - Reduced Exterior and Rear Yard Setbacks
  - Increased Lot Coverage
  - Reduced Exterior Side Yard for Detached Accessory Buildings



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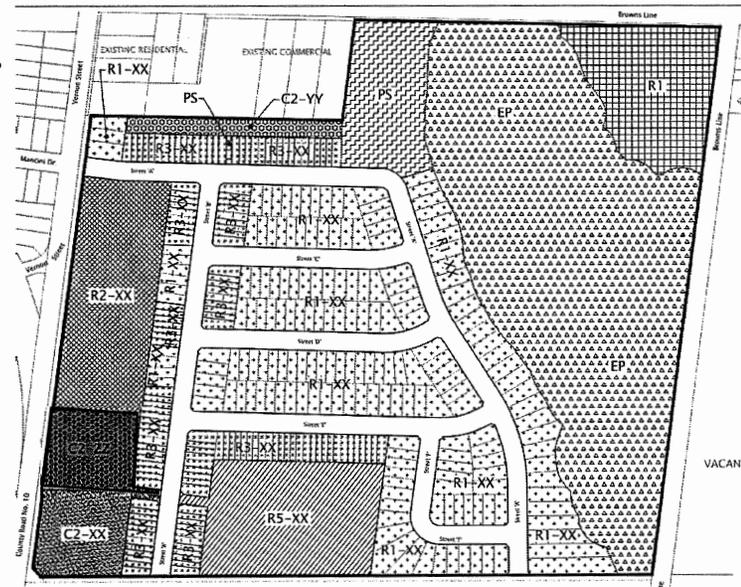
# Proposed Zoning By-law Amendment Application

## Special Provisions:

- Residential, Core Commercial (C2-ZZ)

### Zone-Exception

- Permit a Nursing Home and Senior Citizens Apartment
- Permits all uses permitted in the Residential, High Density, Apartments (R5) Zone as amended
- Reduced Lot Frontage
- Reduced Exterior Side Yard
- Increased Building Height
- Increased Lot Coverage
- Reduced Setbacks for Detached Accessory Buildings



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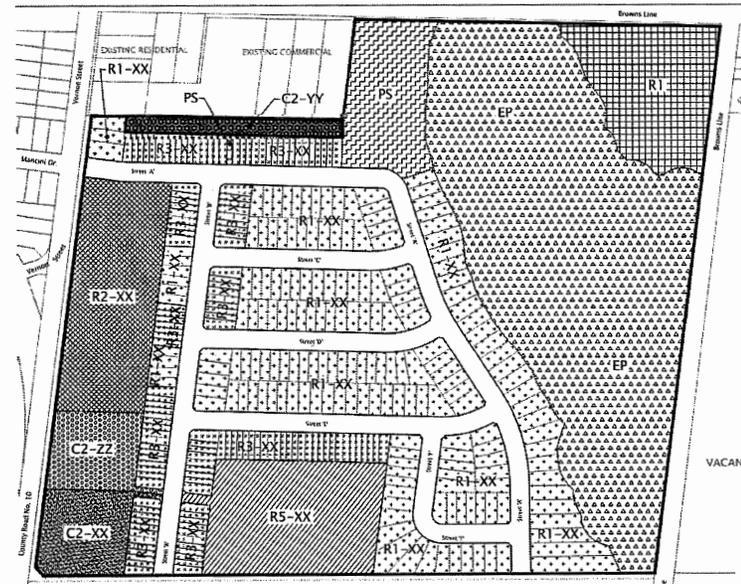
# Proposed Zoning By-law Amendment Application

## Special Provisions:

- Core Commercial (C2-YY)

## Exception

- Permits that no frontage on a public street required
- Reduced Setbacks



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# Technical Work Submitted to Township

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- Planning Justification Report
- Employment Land Conversion Study
- Traffic Impact Study
- Tree Inventory, Analysis and Preservation Report
- Geotechnical Report
- Hydrogeological Report
- Servicing & Stormwater Management Report
- Environmental Impact Study
- Stage 1-2 Archaeological Assessment Report

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# Employment Land Conversion Study

- The Township of Essa population has already exceeded the projected County of Simcoe Land Budget calculations, which suggests there will not be enough residential land supply to accommodate the 2031 population projections including up to the 2041/2051 population projections.
- Site is less favourable to industrial development given the lack of convenient accessibility to the 400 Highway series and the surrounding uses which include residential, commercial and agricultural.
- Industrial land supply currently in Township of approximately 84 ha and a demand of 34 ha. With conversion of subject lands (34 ha) would still have surplus industrial lands of 16 ha.
- The plan would accommodate a population of approximately 1,400 residents and a workforce of some 160 employees, resulting in an overall density of 53.4 persons and jobs per hectare (excluding environmental lands and un-serviced lands).



## Conclusion

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- The employment land conversion is justified through supporting materials particularly the Employment Land Conversion Study.
- The proposed Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications will allow for the intensification of a site with a mix of uses to promote complete communities, and a range of housing types and densities within the settlement boundary of the Community of Angus.
- The proposed applications are in conformity with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe policies, as well as are consistent with the Provincial Policy Statement policies.
- Applications conform to the applicable policies of the County of Simcoe Official Plan and the Township of Essa Official Plan.



## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PD013-21

**DATE:** June 2<sup>nd</sup>, 2021

**TO:** Committee of the Whole

**FROM:** Aimee Powell, B.URPI., MPA, MCIP, RPP  
Manager of Planner and Development

**SUBJECT:** Proposed Zoning By-law Amendment Z2/21  
28 Brentwood Road, Angus

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### RECOMMENDATION

That Staff Report PD013-21 be received for information and that Council direct staff to proceed with processing the subject application and the scheduling of a Public Meeting.

### BACKGROUND

The Township received an application for a Zoning By-law Amendment for the lands located at 28 Brentwood Road, Angus (see Attachment 'A'). The site has an area of 1,233.7 m<sup>2</sup> (0.123 ha), with 35.3 m of frontage on Brentwood Road (County Road 10). The subject lands previously contained a one-storey, vacant, single detached dwelling, which was recently demolished.

The purpose of the Applicant seeking the Zoning By-law Amendment is to permit the development of four (4) new semi-detached residential units, following the Pre-Consultation process that took place with Township Staff in the Fall of 2019. A Zoning By-law Amendment is required to rezone the lands from 'Residential, Low Density, Detached (R1)' to 'Residential, Low Density, Semi-Detached Exception.(R2-X)'. Three Consent Applications will be required to create the three new lots (see Attachment 'B').

### COMMENTS AND CONSIDERATIONS

The lands are in the Settlement Area of Angus in both the Township of Essa's and the County of Simcoe's Official Plans (OP). Land Use Schedule "B" in the Township of Essa's Official Plan, 2001 depicts that the lands are designated as 'Residential'. Per Section 8.2 of the Township of Essa's Official Plan, 2001, the predominant use of those lands designated as 'Residential' shall be for single detached, semi-detached, and duplex dwellings.

The lands are currently zoned 'Residential, Low Density, Detached (R1)'. The Zoning By-law Amendment proposes to rezone the lands to 'Residential, Low Density, Semi-Detached Exception (R2-X)'. The rezoning of the lands would allow for semi-detached housing typologies and the proposed concept plan requires a total of seven (7) special provisions, the majority of which are triggered by the road widening identified by Simcoe County of 7.5 m along the north side of Brentwood Road (County Road 10).

The property is regulated by the Nottawasaga Valley Conservation Authority (NVCA); therefore, the Applicant will have to satisfy any necessary requirements of the NVCA's office in this regard alongside the necessary planning approvals.

The development application is subject to water and sewer capacity allocation based on the outcome of the infrastructure master plan and any potential system upgrades that may be required.

Settlement Areas are to be the focus of future growth, and Essa's Official Plan states that urban development within the Township is to be directed primarily to the Angus area. The Applicant states the topography of the site is relatively flat, with no significant changes in grade and that the proposed semi-detached units will be provided full municipal water and sanitary servicing by connections to existing infrastructure along Brentwood Road.

### FINANCIAL IMPACT

All costs associated with the requested development will be borne by the Landowner.

Township Staff have received the following payments:

\$5000.00 – Zoning By-law Amendment Application Fee  
\$2000.00 – Legal/Engineering Deposit  
 \$7000.00 – Total

### SUMMARY/OPTIONS

Council May:

1. Take no further action, in effect denying the application for reasons to be outlined by Council.
2. Receive the Report for Information and that Council direct staff to proceed with processing the subject application and the scheduling of a Public Meeting.
3. Direct Staff in another manner Council deems appropriate.

### CONCLUSION

Option # 2 is recommended.

Prepared by:

Respectfully submitted by:

Reviewed by:

*Carly Murphy*

Carly Murphy  
Planner

*Aimee Powell*

Aimee Powell B.URPL., MPA ,MCIP,  
RPP  
Manager of Planning &  
Development

*C. Healey*

Colleen Healey-Dowdall  
CAO

Attachments:

Attachment 'A' - Context Map

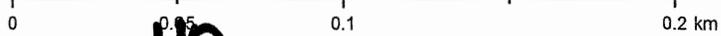
Attachment 'B' - Concept Plan

4a  
Attachment 'A' - Context Map



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40 May 25, 2021

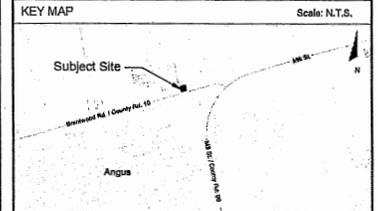
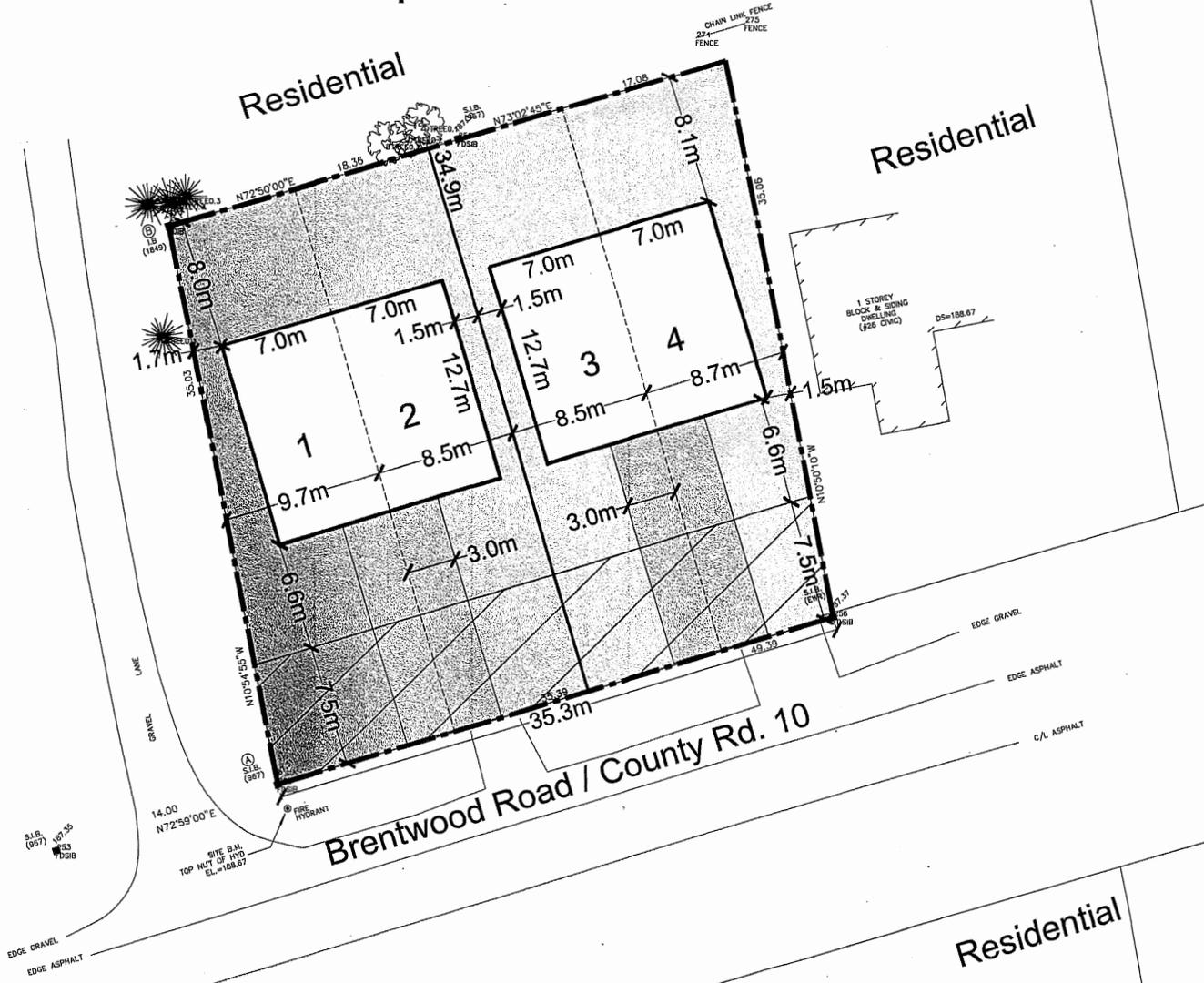




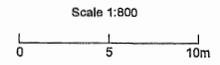
# Attachment 'B' - Concept Plan

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Residential



## CONCEPTUAL SITE PLAN



### LEGEND

- Subject Site (Area: 1,233.7m<sup>2</sup> - incl. road widening)
- Semi-Detached Dwellings
- Landscaped Area
- Driveway
- 7.5m Road Widening (Area: 265.7m<sup>2</sup>)

ZONING TABLE - R2 ZONE		
PROVISION	REQUIRED	PROVIDED
Min. Lot Area (m <sup>2</sup> ) (with full municipal services)	390.0m <sup>2</sup>	232.4m <sup>2</sup> (after road widening)
Min. Lot Frontage (m) (with full municipal services)	11.0m	8.5m
Min. Front Yard Setback (m)	7.5m	6.6
Min. Interior Side Yard Setback (m)	1.5m	1.5m
Exterior Side Yard Setback (m)	7.5m	1.7m
Min. Rear Yard Setback (m)	9.0m	8.0m
Min. GFA (m <sup>2</sup> )	84.0m <sup>2</sup>	159.8m <sup>2</sup> (2 storeys)
Max. Bldg Hight (m)	10.5m	<10.5m
Max. Lot Coverage (m <sup>2</sup> )	35.0%	35% (after road widening)

Source: Township of Essa, Zoning By-Law No. 2003-50  
 C.A. MacDonald Surveying Inc., September 21, 2020  
 Note: Information shown in approximate and subject to change.

**CONCEPT PLAN: 4 UNITS**  
**28 BRENTWOOD ROAD, ANGUS**

SCHEDULE OF REVISIONS			
No.	Date	Description	By
1	Sept. 23, 2020	Underlay survey;	A.S.
2	April 21, 2021	Update zoning matic;	A.S.

**IPS INNOVATIVE PLANNING SOLUTIONS**  
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Date: August 5, 2020      Drawn By: A.S.  
 File: 19-877      Checked: D.V./T.K.

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## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** C013-21  
**DATE:** June 2, 2021  
**TO:** Committee of the Whole  
**FROM:** Lisa Lehr, Manager of Legislative Services  
**SUBJECT:** 2021 Council Vacancy – Ward 1 Councillor

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### RECOMMENDATION

That Staff Report C013-21 be received; and

That Council fill the council vacancy for the seat of Councillor Ward 1 by means of appointment through an Open Call for Applications; and

That the Draft "Council Vacancy" Policy with the included procedures be approved; and

That a Special Meeting of Council be scheduled for July 7, 2021 at 1:00 p.m., for the purpose of filling the council vacancy in Ward 1.

### BACKGROUND

Section 259(1) of the *Municipal Act*, 2001, S.O. 2001, c.25 (the "Act"), states that the office of a member of Council of a municipality becomes vacant if a member:

- (a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;
- (b) fails to make the declaration of office before the deadline in section 232;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from his or her office and the resignation is effective under section 260;**
- (e) is appointed or elected to fill any vacancy in any other office on the same council;
- (f) has his or her office declared vacant in any judicial proceeding;
- (g) forfeits his or her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).

Section 260 of the Act stipulates that the Notice of Resignation shall be filed with the Clerk of the municipality.

In accordance with section 262 of the Act, if the office of a member of Council becomes vacant by resignation, then Council shall, at its next meeting, declare the office to be vacant.

Section 263(1) of the Municipal Act, states that Council can:

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act*.

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Rules applying to filling the vacancy are outlined in subsection 263(5), which stipulates that:

1. *Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall:*
  - i. *Appoint a person to fill the vacancy under subsection (1) or (4); or*
  - ii. *Pass a By-law requiring a by-election to be held to fill the vacancy under subsection (1).*

To reiterate, once a seat has been declared vacant, **Council has sixty (60) days to either appoint a person to fill the vacancy, or pass a by-law requiring a by-election to be held to fill the vacancy** (ss. 263(1)(5) of the Act). The successful individual elected or appointed to office will then serve for the remainder of the current term of Council.

### COMMENTS AND CONSIDERATIONS

On May 12, 2021, the Clerk received written notice in accordance with section 259 of the Act, from Keith White, Councillor Ward 1, advising that he will be resigning from his seat on Council (Attachment No. 1).

In accordance with the Act, the seat for Councillor Ward 1 was declared to be vacant at the Council meeting held on May 19, 2021, whereby the following resolution was passed by Council:

**Resolution No: CW073-2021 Moved by: Henderson Seconded by: Smith**

*Be it resolved that the written notice from Councillor Ward 1, Keith White, regarding his resignation from municipal council effective May 12, 2021 be received with regret; and That effective May 19, 2021, the seat for Ward 1 Councillor be declared to be vacant in accordance with section 262 of the Municipal Act; and That staff be directed to bring a Staff Report forward at the next meeting of Council outlining options available to fill the vacancy.*

As stated previously, in accordance with section 263 of the Act, Council has two options available to fill a council vacancy.

#### **Option 1 - By-Election**

Council may decide to fill the vacancy by directing that a by-election be conducted. In accordance with section 263(5) of the Municipal Act, should Council wish to proceed with this method, a By-law must be enacted within sixty (60) days after the seat is declared vacant. As the date for declaring the vacancy is May 19, 2021, a By-law calling for a By-election would be required to be passed by Council no later than July 18, 2021. As July 18, 2021 falls on a Sunday, Council would be required to pass the By-law by July 19, 2021.

Following the passage of the By-law, Nomination Day must be set not less than 30 days and not more than 60 days thereafter (Municipal Elections Act ss65(4) para 1).

Voting day shall then be 45 days after Nomination Day (Municipal Elections Act ss65(4) para 3).

The Municipal Elections Act stipulates that by-elections be conducted as far as possible in the same manner as regular elections. The method used for regular elections in Essa Township has been traditional ballot, manual count. The anticipated cost(s) for conducting a by-election to fill the council vacancy is estimated to be \$20,000 to \$25,000.

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As Council is aware, to achieve representative democracy a by-election is optimal. Of significance however, this method presents the most challenges in terms of ensuring the health and safety of all stakeholders during the current pandemic situation. At this time, the logistics for conducting a by-election present various challenges for candidates (ie: they need to collect nomination signatures and campaign) and will have a significant impact on the recruitment of election workers.

Should Council wish to proceed with this method, an updated and accurate timeline will be provided at a later date.

### **Option 2 – Appointment to Office**

Council may decide to appoint an individual to fill the vacancy. Should Council wish to proceed in filling the vacancy by appointment, the seat will have to be filled prior to the end of sixty (60) days from the date that the vacancy was declared. As such, an individual would be required to be appointed by July 18, 2021. As July 18, 2021 falls on a Sunday, Council would be required to fill the vacancy by July 19, 2021.

The Act does not set out any specific requirements relating to the appointment of an individual to fill a Council vacancy, other than the individual must be eligible to hold office in the Township of Essa, and they must consent to their appointment by Council.

In order to be considered for appointment, individuals must meet the following qualifications as outlined in the *Municipal Elections Act*:

- Reside in or be an owner/tenant of land in the municipality, or spouse
- Canadian Citizen
- At least 18 years of age
- Not be prohibited from voting under section 17(3) of the MEA or otherwise by law.

As there is no prescribed process to be followed in filling a vacancy by appointment, Council could consider one of the following appointment processes.

**Option 2 (a) – Direct Appointment by Council Nomination** – Council could appoint an eligible individual without an application. Using this method, Council would nominate an eligible individual in a regular meeting of Council. Council would then proceed to vote on the nomination (majority required). After the regular meeting, the Clerk would contact the individual to confirm his/her consent to fill the vacant seat. A By-law would be required to be passed by Council at the next meeting to appoint the individual, and a Declaration of Office would be required to be affirmed by the individual. ***While this might be the fastest possible result, the author of this Report would recommend against using this method to fill a Ward Councillor seat vacancy as it does not allow an equitable opportunity for all eligible electors to become involved in the representative role of Council. This method would be best used when filling the vacant seat of Mayor or Deputy Mayor, where experience on Council is a benefit for the candidate filling these seats. As such, the attached Draft Procedure (Attachment No. 2) does not include provisions for filling a vacant Ward Councillor seat using this method, but rather reserves this method for filling the vacant seat of Mayor or Deputy Mayor.***

**Option 2 (b) Appointment by Open Call for Applications** – this method would permit eligible individuals to submit an application for appointment to Council. An open call for applications would be placed through a newspaper advertisement in addition to being placed on the Township's website and social media accounts. The process would include an application in addition to a declaration of qualification, and if a procedure is drafted and approved by Council (strongly recommended) there would a special meeting

component of which would allow for five minute presentations from each applicant. Following each individual presentation, members of Council are provided the opportunity to ask the speaker(s) questions from a pre-determined list. Concluding this, each member of Council would be called upon to cast their individual vote to support their preferred candidate. This whole method would be conducted in the public forum (the Manager of Legislative Services has confirmed with the Ministry of Municipal Affairs and Housing that Closed Session is not permitted to allow for Council deliberations). ***This method is open and transparent and would work to support the principles of the democratic process***. [This method has been used recently in many municipalities in Ontario – Tay, Tiny, Severn, Clearview, Wasaga Beach, West Gray, Tay, Lake of Bays, and many others].

The Clerk has contacted the Ministry of Municipal Affairs and Housing (MMAH) to confirm the process to be used when Council fills a vacancy by appointment. MMAH advised that it would be in Council's best interests to approve a written process for accountability, openness and transparency in the method to be used if proceeding to fill the council vacancy by an appointment, be it by Direct Nomination or by an Open Call for Applications. As such, a Draft Policy with subsequent procedures has been attached for Council's consideration of approval (Attachment No. 2).

Should Council approve the draft procedures as attached, and proceed in filling the Council vacancy through the Open Call for Applications method, it is proposed that the intake period for applications opens June 3, 2021 and closes on June 24, 2021 at 2:00 p.m.

As Council's last meeting before summer recess falls on July 7, 2021, a Special Meeting of Council could be scheduled earlier in the day on July 7, 2021 with the purpose of filling the Council vacancy in Ward 1.

#### **To Note:**

The Ministry of Municipal Affairs and Housing confirmed that all proceedings in the filling of a Council vacancy are to be done so in the public forum. Section 239 of the *Municipal Act* does not provide for any such provisions to move into Closed Session, nor does the *Municipal Elections Act* contain any such privilege.

Additionally, the Ombudsman Ontario "Open Meetings-Guide for Municipalities" states the following, among other things, under section 239(2)(b) Personal Matters about an Identifiable Individual:

- *Does not include discussions about an individual in their professional or official capacity*

The book further provides that "*discussion about the process to be used to appoint a new member of council does not fit in the exception.*"

In respect of the voting method to be used, section 244 of the Act states the following:

#### ***Open Voting***

244 *Except as provided in sections 233 and 238, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.*

As Council will be voting to appoint a Ward Councillor (not a Head of Council or a Presiding Officer), the voting method to be used when appointing a person to fill a vacancy is required to be open. Secret ballots are not permitted under the Act when voting to appoint to fill a seat other a Head of Council or a Presiding Officer.

To further support the mandated notion of Open Voting under the Act, the Township's Procedural By-law 2017-77 states the following in respect of Voting in Council meetings:

17.8 No Other Voting Methods

*No vote shall be taken by ballot or by any other method of secret voting.*

As such, the voting method contained in the Draft Policy calls for the votes to be cast as such:

**3.3 The Clerk shall call out each candidate name individually. Members of Council will cast their vote by show of hands.**

**3.4 The Clerk or designate shall tabulate the results. The results shall be disclosed.**

**FINANCIAL IMPACT**

Should Council wish to proceed with a by-election, financial impacts will be taken out of the municipal election reserve, however this will have an impact on 2022 Budget Deliberations as the regular municipal election is being held on October 24, 2022.

Should Council wish to proceed with the appointment method, advertisement costs will be coded to the Clerk's Department Advertising G/L.

**SUMMARY/OPTIONS**

Council may:

- 1. Fill the Council vacancy for the seat of Councillor Ward 1 by means of appointment through an Open Call for Applications (Option 2b in the body of the Report).**
- Fill the Council vacancy for the seat of Councillor Ward 1 by means of appointment through Direct Nomination (Option 2a in the body of the Report).
- 3. Approve the Draft "Council Vacancy Policy" with its included procedures.**
- Approve the Draft "Council Vacancy Policy" with amendments as deemed appropriate by Council.
- 5. Approve a Special Meeting to be held on July 7, 2021 at 1:00 p.m. for the purpose of filling the council vacancy in Ward 1.**
- Direct the Manager of Legislative Services to conduct a By-election, with a By-law being brought forward prior to the expiry of the 60 days from May 19, 2021.

**CONCLUSION**

It is recommended that Council proceed with **Options 1, 3 and 5.**

Respectfully submitted:



Lisa Lehr  
Manager of Legislative Services

Reviewed by:



Colleen Healey-Dowdall  
Chief Administrative Officer

Attachments:

- 1 – Letter of Resignation from Keith White, Councillor Ward 1, dated May 12, 2021.
- 2 – Draft Policy "Council Vacancy – Policy and Procedure"

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Attachment 1

Keith White  
34 Brian Avenue,  
Angus, ON  
L0M 1B3

May 12, 2021

Lisa Lehr  
Clerk & Manager of Legislative Services  
Township of Essa  
5786 County Road 21,  
Utopia, ON  
L0M 1T0

Re: Township of Essa, Ward 1 (Angus) Municipal Council Responsibilities

Dear Lisa.

I wish to advise you that I have decided to resign from my elected position as the Township of Essa municipal Councillor for Ward 1 (Angus). Please accept this letter as my official notice.

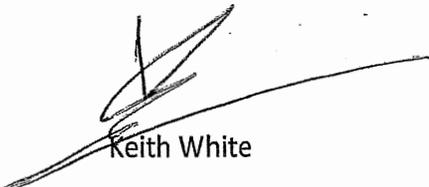
With just over ten years on Council, I have found the experience extremely rewarding and hope that I have been able to contribute to the community and the entire township in a positive manner. Having had the support of the past and present Council Members and Staff during this time, the responsibilities have been a pleasure and extremely rewarding. Thankyou all, very much!

It has been an honour to get to know many of the Angus and Essa constituents, both residential and business. I have done my best to represent everyone honestly, fairly and with respect - keeping in mind the best interests of the Corporation of the Township of Essa.

The point has now come that I wish to spend more of my time and energy with my family and friends, as the challenges of COVID-19 subside, and to pursue hobbies & other interests.

I offer my full cooperation to Council, staff, committees, and boards in the coming days to ensure a smooth transition, as I recognize that we are not quite at the end of this current term.

Most sincerely,



Keith White

cc: Mayor Macdonald, Deputy Mayor Smith, Councillor Henderson, Councillor Sander.



**Township of Essa**  
**“Council Vacancy – Policy and Procedure”**

<b>SUBJECT:</b> COUNCIL VACANCY	<b>Effective Date:</b> TBD	<b>Resolution No:</b>
<b>SCOPE:</b> COUNCIL	<b>Revised:</b> n/a	DRAFT

**1. PURPOSE:**

The purpose of this procedure is to provide for a clear, accountable and transparent process for the filling of council vacancies which occur during a term of Council.

**2. POLICY PRINCIPLES**

In accordance with the *Municipal Act*, S.O. 2001, c.25, as amended, when the seat of a member of Council becomes vacant during the term of office, Council may fill a vacancy by appointing a person who has consented to accept the office if appointed, or by requiring that a by-election be held to fill a vacancy in accordance with the *Municipal Elections Act*, S.O. 1996, c.32.

This Policy will provide for a clear, accountable and transparent process for filling vacancies on Council.

**3. SCOPE**

This procedure applies to any vacancy on Council which occurs during the term of office.

**4. DEFINITIONS**

In this Procedure, the following terms have the meanings as set out below:

“*Appointment*” means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current term of Council.

“*Appointment by Open Call for Applications*” refers to the process for eligible individuals to submit an application to fill a council vacancy, once declared.

“*Appointment by Direct Nomination*” refers to the process used by Council to appoint an eligible by directly nominating:

- a) an existing member of Council to fill the vacant seat of Mayor or Deputy Mayor; or,
- b) a qualified individual to fill the vacant seat of Mayor or Deputy Mayor.

“*By-election*” means an election (other than a regular election) held to fill a vacancy on Council and that is conducted in accordance with Section 65 of the *Municipal Elections Act*, 1996, as amended.

“*Candidate*” means any individual qualified to be elected to hold office as a member of Council in accordance with the *Municipal Elections Act*.

“*Clerk*” means the Clerk of the Township of Essa or his/her designate.

“*Council*” means the Council of the Township of Essa.

"*Regular Election Year*" means the year established for a regular municipal election in accordance with the Municipal Elections Act, 1996, as amended.

"*Term of Office*" means the period of time a member is elected to hold office for which he/she is elected in accordance with the Municipal Elections Act, as amended.

"*Vacancy*" means when a seat on Council has become vacant in a manner described in Section 259 of the Municipal Act, S.O. 2001, c.25, as amended.

## 5. GENERAL

The Township Clerk or designate in consultation with the Chief Administrative Officer shall be responsible for interpreting, and where appropriate, administering the Council Vacancy Policy. The Clerk or designate has the authority to make minor technical amendments to this Procedure as may be required from time to time to ensure compliance with legislation.

### 5.1 DECLARING A SEAT TO BE VACANT

Council shall declare the seat to be vacant in accordance with the Municipal Act.

Within 60 days after the day a Declaration of Vacancy is made by Council, Council shall:

- Pass a By-law to call for a By-election; or
- Fill the council vacancy by appointment in accordance with section 263 of the Municipal Act.

In making its determination, Council will consider the costs and timelines and other factors associated with filling a vacancy by appointment or by by-election.

### 5.2 ELIGIBILITY REQUIREMENTS

Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the Municipal Act and the Municipal Elections Act, 1996, as noted below:

- 18 years of age or older;
- A Canadian Citizen;
- A resident of the Township of Essa, or an owner or tenant of land in the Township or the spouse of such an owner or tenant; and
- Not prohibited from voting under any other Act or from holding municipal office.

### 5.3 CANDIDATE REQUIREMENTS

5.3.1 All individuals wishing to be considered for appointment to the vacancy shall submit to the Clerk prior to the deadline as established by the Clerk:

- Council Vacancy Application Form
- Declaration of Qualification Form
- Personal identification as deemed acceptable in accordance with the *Municipal Elections Act*.

5.3.2 Failure to file the required documents by the deadline established by the Clerk shall result in the application being void.

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5.3.3 If the Clerk determines that the individual is not eligible to be an elector within the Township of Essa, the application shall be rejected and the applicant advised in writing as soon as possible.

**6. METHODS FOR FILLING COUNCIL VACANCY**

Council will determine which method to use when filling a vacancy and will follow the process for the selected method as outlined in the applicable Schedules attached to this Policy and Procedure.

**6.1 BY BY-ELECTION**

Should Council decide to fill the vacancy by calling a by-election, it is required that a By-law be enacted within 60 days of the seat being declared vacant. When using this method to fill the vacancy, the *Municipal Elections Act* stipulates that the by-election is to be conducted as far as possible in the same manner as a regular election.

If a vacancy is to be filled utilizing this method, the by-election shall be held in accordance with the *Municipal Elections Act*, 1996, as amended.

**6.2 BY APPOINTMENT**

Section 263 of the *Municipal Act*, 2001, provides that Council may, within sixty (60) days after declaring the seat vacant, fill the vacancy by appointing a person who has consented to accept the appointment.

As confirmed with Senior Policy Advisors, the Ministry of Municipal Affairs and Housing advise that section 239 of the *Municipal Act* does not provide for any provisions for Council to move into Closed Session when filling a vacancy. As such, all deliberations and discussions shall be held in the public forum in accordance with the *Municipal Act*, 2001.

The *Municipal Act*, 2001, does not prescribe a process to be followed in filling a vacancy by appointment. As such, a written process has been developed and is attached as Schedules 1 and 2 to assist with a clear and transparent process, should Council decide to fill a vacancy through appointment. The following is a brief summary of the processes that can be used when filling a council vacancy by appointment:

**6.2.1 APPOINTMENT BY DIRECT NOMINATION**

If a vacancy in the office of Mayor or Deputy Mayor has been declared, Council can proceed in filling this seat by appointment through direct nomination within 60 days of the seat having been declared to be vacant.

If a vacancy in the Office of Mayor or Deputy Mayor is to be filled by direct nomination, Council may choose to directly nominate:

- a) A current member of Council; or
- b) Any qualified individual as outlined in Section 256 of the *Municipal Elections Act*.

Refer to Schedule "1" for the procedure to be followed when using this method.

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### **6.2.2 APPOINTMENT BY OPEN CALL FOR APPLICATIONS**

If a vacancy in the office of Mayor, Deputy Mayor or Ward Councillor has been declared, Council can proceed in filling this seat through appointment by an open call for applications. Council would be required to fill this seat by appointment within 60 days of the seat having been declared. This method would require eligible individuals to submit an application to the Clerk.

Refer to Schedule "2" for the procedure to be followed when using this method.

### **7. ACCESSIBILITY**

The municipality shall provide this document in an alternative format, upon request.

The municipality shall make every reasonable effort to assist persons requiring accommodation throughout the process outlined in this Policy and Procedure, upon request.

### **8. SCHEDULES ATTACHED TO POLICY**

- 1 – Procedure for Appointment by Direct Nomination
- 2 – Procedure for Appointment by Open Call for Applications

### **9. APPENDICES**

- 1 – Council Vacancy Application Form
- 2 – Declaration of Qualification Form

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## Council Vacancy Procedure - Schedule 1

### Procedure for Appointment by Direct Nomination

This method may be used to fill a vacancy for the seat of Mayor or Deputy Mayor.

#### 1. GENERAL

- 1.1 Once a seat on Council has been declared to be vacant, the Clerk shall post a Council Vacancy Notice in the local newspaper, on the Township's website and on social media outlets. The Notice shall indicate the following:
- The seat which has been declared to be vacant (ie: Deputy Mayor or Mayor)
  - The method to be used by Council in filling the vacancy (Open Call for Applications or by Direct Nomination)
  - The date for the Special Meeting of Council to be held for the consideration of Council in filling the vacancy.

The Notice will also steer interested applicants to refer to this written process.

- 1.2 During an open meeting of Council, members shall directly nominate:
- (a) an existing member of Council; or
  - (b) any qualified individual as outlined in Section 256 of the Municipal Elections Act.

to consider for appointment in filling the vacant seat of Mayor or Deputy Mayor.

*If Council does not select to nominate any one individual directly to fill the seat of Mayor or Deputy Mayor, then the Clerk shall proceed to use the Open Call for Applications method in filling the vacancy.*

- 1.3 Each nomination is required to be moved and seconded and voted on by Council (majority required for each individual nominated). A resolution shall be passed to confirm the individual(s) nominated for consideration in filling the vacancy.
- i. If only one individual is directly nominated by a member of Council to fill the vacancy of Mayor or Deputy Mayor, however a majority vote to support the nomination is not obtained, then the Clerk shall automatically default to the Procedure for Appointment by Open Call for Applications in filling the council vacancy.
  - ii. If only one individual is directly nominated by a member of Council and receives a majority vote of Council thereby confirming support of the nomination, then the Clerk shall declare that person to be the successful candidate in filling the position of Mayor or Deputy Mayor immediately, only upon the nominated candidate having consented to fill the vacancy. A By-law would be required to be enacted to confirm the appointment.
  - iii. If Council nominates more than one individual to fill the vacancy for the seat of Mayor or Deputy Mayor, and a majority vote has been cast to support each nomination, then the Procedure in Section 2 shall be followed.

- 1.4 Following the meeting where direct nominations are made by Council and are supported by a majority vote (resolution is passed), the Clerk shall contact the nominees and have them complete a Council Vacancy Application Form and

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Declaration of **Qualification Form**. Individuals whom are nominated by Council shall provide **personal** identification showing their name and qualifying address within the **Township** of Essa.

- 1.5 The Clerk shall **review** and certify that the nominees are eligible for consideration by Council by **appointment**.

## 2. **Council Meeting to Consider Appointment of Nominees to Fill Vacancy**

- 2.1 A vote to fill the **vacancy** of Mayor or Deputy Mayor shall occur at an open meeting of **Council**. The meeting may be a regular Council meeting (if only one candidate has **been** nominated at a previous meeting of Council), or a Special Council meeting **of** Council that is called for that purpose (if more than one candidate has **been** nominated at a previous meeting of Council).
- 2.2 If more than one **nominee** is to be considered for the **vacancy**, the names shall be displayed in the **room** where the meeting is taking place. The Clerk shall read out the names of all **nominees** in alphabetical order by surname. The Clerk shall place the names **of** all nominees in a container and draw the names randomly by lot to decide the **order** of speaking.
- 2.3 In an effort to **provide** for an even playing field, all nominees shall be sequestered until such time as **the** Clerk or designate calls upon the speaker to enter the meeting room.
- 2.4 Nominees will be **permitted** a **maximum of five (5) minutes each** to speak with no extension, prior **to** Council voting to fill the vacancy.
- 2.5 Each member of **Council** will be permitted to pose one question to each nominee. All questions of **Council** will be deemed to be confidential and will be pre-determined. All **questions** of Council shall be the same for each candidate and shall be asked **immediately** following the speaker's presentation to Council.  
  
Each speaker shall **be** allotted a **maximum two-minute timeframe (per question) to answer each question** of Council. Speakers shall be cut off immediately at **two** minutes.
- 2.6 Once the candidate **has** finished answering the questions of Council, they may remain in the **meeting**.
- 2.7 After all interviews **have** concluded, the Chair may provide an opportunity for members of **Council** to discuss the outcome of the interviews in the public forum prior to voting.
- 2.8 If the slate of **candidates** includes more than one qualified individual, voting will be conducted in **accordance** with Section 3 below.

## 3. **Voting Procedure – Direct Appointment by Council Nomination**

- 3.1 Each member of **Council** is entitled to **one (1) vote only**.
- 3.2 Council members shall cast their vote by **show of hands in the affirmative** after the Clerk calls out **the** name of each individual candidate.
- 3.3 Any member of **Council** that abstains from voting foregoes their vote.

- 3.4 The Clerk or designate shall tabulate the results. The results shall be disclosed and the winner declared.
- 3.5 If a tie has resulted after members of Council have cast their votes, the Chair will proceed in asking one (1) additional question which will be directed ONLY to the candidates that have tied. (The question will be confidential and pre-determined and shall be the same question for the tied candidates. Candidates will be provided a two-minute timeframe to provide an answer and shall be cut off promptly at two minutes.).
- 3.6 The order of speakers shall be in accordance with section 2.2 of Schedule 1.
- 3.7 Speakers shall be sequestered until such time as the Clerk or designate calls upon the speaker to enter the meeting.
- 3.8 After each speaker has answered the question, Council members shall once again cast their vote by show of hands in the affirmative voting ONLY between the candidates that previously resulted in the tie.
- 3.9 The Clerk or designate shall tabulate the results. The results shall be disclosed, and the winner declared.
- 3.10 If the voting results in another tie, then the Clerk or designate will break the tie by placing the names of both candidates into a container and randomly draw the name of the successful candidate.
- 3.11 Upon conclusion of voting, the Clerk will announce the successful candidate having received the greatest number of votes cast by voting members of Council, or the candidate selected through 3.8.
- 3.12 The Clerk will administer the Declaration of Office required by subsection 232(1) of the Municipal Act, 2001, after the winner has been declared in the meeting.
- 3.13 The By-law confirming the appointment of the successful candidate to fill the vacant seat of Ward Councillor, Mayor or Deputy Mayor will be made in the same meeting following the Declaration of Office.

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## Council Vacancy Procedure - Schedule 2

### Procedure for Appointment by Open Call for Applications

This method shall be used to fill a **vacancy for the seat of a Ward Councillor**.

(This method may be used to fill a vacancy for the seat of Mayor or Deputy Mayor ONLY if the method for Direct Nominations is not being used.)

#### 1. General

- 1.1 Once a seat on Council has been declared to be vacant, the Clerk shall post a Council Vacancy Notice in the local newspaper, on the Township's website and on social media outlets. The Notice shall indicate the following:
  - The seat which has been declared to be vacant (ie: Ward Councillor, Deputy Mayor or Mayor)
  - The method to be used by Council in filling the vacancy (Open Call for Applications or by Direct Nomination)
  - The date for the Special Meeting of Council to be held for the consideration of Council in filling the vacancyThe Notice will also steer interested applicants to refer to this written process.
- 1.2 Interested persons shall complete a Council Vacancy Application Form and a Declaration of Qualification Form and submit the completed forms to the Clerk or designate. In addition, the applicant is required to provide personal identification showing their name and qualifying address within the Township of Essa.
- 1.3 The intake period for applications to be submitted for consideration in filling the vacancy shall be twenty-one (21) days. The intake period shall commence within the first thirty (30) days from the date that the seat was declared to be vacant.
- 1.4 The Clerk shall review and certify that the candidates are eligible for consideration by Council by appointment upon the close of the intake period, and shall post the certified candidate names on the website with the accompanying Council Vacancy Application Form and the Declaration of Office Form.
  - \* *If no individuals have submitted an application for Council's consideration to fill the vacancy after the close of the initial intake period, then the Clerk or designate shall re-advertise.*
  - \*\* *If no applications have been received after the Notice has been advertised a second time, then Council shall proceed to nominate an individual to fill the vacancy.*
- 1.5 A Special Meeting of Council shall be called within 30 days of the close of the intake period, but not longer than 60 days from when the seat was declared to be vacant. The purpose of the Special Meeting of Council will be for Council to consider the certified applicants to fill the vacancy. The appointment of the successful candidate will take place following the vote by members of Council at the Special Meeting.

*Please Note: If only one individual has submitted an application for appointment through the Open Call for Applications, then a Special Meeting of Council might not be required (see section 2.2).*

**2. Council Meeting to Consider Appointment of Candidates to Fill Vacancy**

- 2.1 A vote to fill a vacancy on Council shall occur at an open meeting of Council. The meeting may be a Regular Council meeting (if only one qualified candidate has submitted the necessary applications), or a Special Meeting of Council that is called specifically for the purpose of providing a platform to the qualified candidates to speak, and for the purpose of voting on the candidates (if more than one qualified candidate has submitted the necessary applications).
- 2.2 If only one qualified candidate has filed the necessary forms prior to the deadline, Council may:
  - appoint that individual to the fill the vacancy, or
  - vote to hold a second shortened intake period in order to determine if there is any additional interest.
- 2.3 Candidate names shall be displayed in the room where the meeting is taking place. The Clerk shall read out the names of all candidates in alphabetical order by surname. The Clerk shall place the names of all nominees in a container and draw the names randomly by lot to decide the order of speaking.
- 2.4 In an effort to provide for an even playing field, all candidates shall be sequestered until such time as the Clerk or designate calls upon the speaker to enter the meeting room.
- 2.5 Candidates will be permitted a **maximum of five (5) minutes each to speak** to Council with no extension, prior to Council voting to fill the vacancy.
- 2.6 Each member of Council will be permitted to pose one question to each candidate. All questions of Council will be deemed to be confidential and will be pre-determined. All questions of Council shall the be same for each candidate and shall be asked immediately following the speaker's presentation to Council.  
  
Each speaker shall be allotted a **maximum two-minute timeframe (per question) to answer each question** of Council. Speakers shall be cut off at two minutes.
- 2.7 Once the candidate has finished answering the question of Council, they may remain in the meeting.
- 2.8 The Chair may provide an opportunity for members of Council to discuss the outcome of the interviews in the public forum prior to proceeding to the vote.
- 2.9 If the slate of candidates includes more than one qualified individual, voting will be conducted in accordance with Section 3 below.

**3. Voting Procedure – Appointment by Open Call for Applications**

- 3.1 Each member of Council is entitled to **one (1) vote only**.
- 3.2 Council members shall cast their vote by **show of hands in the affirmative** after the Clerk calls out the name of each individual candidate.
- 3.3 Any member of Council that abstains from voting foregoes their vote.

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- 3.4 The Clerk or designate shall tabulate the results. The results shall be disclosed and the winner declared.
- 3.5 If a tie has resulted after members of Council have cast their votes, the Chair will proceed in asking one (1) additional question which will be directed ONLY to the candidates that have tied. (The question will be confidential and pre-determined and shall be the same question for the tied candidates. Candidates will be provided a two-minute timeframe to provide an answer and shall be cut off promptly at two minutes.)
- 3.6 The order of speakers shall be in accordance with section 2.3 of Schedule 2.
- 3.7 Speakers shall be sequestered until such time as the Clerk or designate calls upon the speaker to enter the meeting.
- 3.8 After each speaker has answered the question, Council members shall once again cast their vote by show of hands in the affirmative voting ONLY between the candidates that previously resulted in the tie.
- 3.9 The Clerk or designate shall tabulate the results. The results shall be disclosed, and the winner declared.
- 3.10 If the voting results in another tie, then the Clerk or designate will break the tie by placing the names of both candidates into a container and randomly draw the name of the successful candidate.
- 3.11 Upon conclusion of voting, the Clerk will announce the successful candidate having received the greatest number of votes cast by voting members of Council, or the candidate selected through 3.8.
- 3.12 The Clerk will administer the Declaration of Office required by subsection 232(1) of the Municipal Act, 2001, after the winner has been declared in the meeting.
- 3.13 The By-law confirming the appointment of the successful candidate to fill the vacant seat of Ward Councillor, Mayor or Deputy Mayor will be made in the same meeting following the Declaration of Office.

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**TOWNSHIP OF ESSA**

**Appendix 1  
COUNCIL VACANCY APPLICATION FORM**

**Please complete this form in its entirety and submit in person with identification to:**

**Township of Essa  
Attention: Clerk / Deputy Clerk  
5786 County Road 21  
Utopia, On LOM 1B0**

**To make an appointment to submit your completed forms, please call the Township of Essa at 705-424-9917**

**Clerk – Extension 117  
Deputy Clerk – Extension 116**

**Forms that are faxed or emailed will not be accepted.**

<b>Application to Fill Seat of</b>			
		(Ward Councillor, Deputy Mayor, Mayor)	
<b>APPLICANT NAME</b>			
Last Name		Given Name(s)	
<b>QUALIFYING ADDRESS WITHIN MUNICIPALITY</b>			
Suite/ Unit No.	Street No.	Street Name	
City/Town	Province	Postal Code	
<b>MAILING ADDRESS</b>		<input type="checkbox"/> <b>SAME AS QUALIFYING ADDRESS ABOVE</b>	
Suite/ Unit No.	Street No.	Street Name	
City/Town	Province	Postal Code	
<b>CONTACT INFORMATION</b>			
Telephone No. (including area code)			
Business	Home/Cell	Email Address	
<b>Eligibility Requirements</b>		<b>Yes</b>	<b>No</b>
Canadian Citizen			
Minimum 18 years of age			
Eligible Elector in the Township of Essa (owner or tenant or spouse of such owner or tenant)			
Not prohibited from voting otherwise by law			
<b>Explain why you would like to serve on Council (if extra space required, please attach additional pages)</b>			

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DECLARATION OF QUALIFICATION	
<p>I _____, the applicant mentioned in this application form, declare that I am presently legally qualified, or would be presently legal qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada, to be appointed and to hold the office to which I have applied for appointment, and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.</p>	
<p>DECLARED before me at the Township of Essa, in the County of Simcoe, this _____ day of _____, 20____.</p>	

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Clerk or Commissioner

Identification Verified  
Copy Attached?    Y    /    N

\_\_\_\_\_  
Received by:

\_\_\_\_\_  
Date:

To be completed by Clerk or Deputy Clerk after the close of Call to Fill Vacancy		
CERTIFICATE		
<p>I, the undersigned Clerk of this municipality do hereby certify that I have examined the application form of the aforesaid applicant filed with me and am satisfied that the individual is qualified for appointment to municipal office.</p>		
Signature of Clerk or Designate		Date of Certification

Personal information collected on this form is pursuant to the Municipal Act and is collected in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of determining a nominee's eligibility for appointment to municipal office. **This application form will be attached to a Special Meeting Agenda where Council will consider the appointment of nominees to fill a vacancy and will be posted on the Township's website. Questions can be directed to the Clerk or Deputy Clerk.**

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## TOWNSHIP OF ESSA STAFF REPORT

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**STAFF REPORT NO.:** C014-21  
**DATE:** June 2, 2021  
**TO:** Committee of the Whole  
**FROM:** Lisa Lehr, Manager of Legislative Services  
**SUBJECT:** Council Vacancy - Appointments to Local Boards and Committees

---

### RECOMMENDATION

*That Staff Report C014-21 be received; and*

*That, as the result of a council vacancy, Council appoint members to the various committees and boards for the remainder of the term as follows:*

- *Mayor Macdonald to the Angus BIA Board of Directors;*
- *Deputy Mayor Smith to the NVCA Board of Directors; and*
- *Councillor Sander to the Essa Public Library Board.*

### BACKGROUND

Members of Council are appointed at the beginning of their term of office to sit on various committees and local boards. The appointment generally expires at the termination of the current term of office.

As the seat for Councillor of Ward 1 was declared to be vacant effective May 19, 2021, it is necessary for Council to appoint members to sit on the various committees and boards that are now without Council representation.

### COMMENTS AND CONSIDERATIONS

Councillor White sat on the following boards and committees during this current term of office:

- Alliston and Area Physician Recruitment Committee
- Angus BIA
- NVCA Board of Directors
- Essa Public Library Board

Keith White has expressed interest in remaining active with the Alliston and Area Physician Recruitment Committee as a community member on the committee. (Please Note: There was no formal request at the start of the current term from this committee for a Council representative or a community representative.)

It is recommended that Council consider appointing members to sit on the remaining boards and committees as follows:

- Angus BIA – Mayor Macdonald
- NVCA Board of Directors – Deputy Mayor Smith
- Essa Public Library Board – Councillor Sander

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### FINANCIAL IMPACT

There are no financial considerations regarding this matter.

### SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Appoint members of Council to the various committees and boards for the remainder of the term as follows:
  - a. Mayor Macdonald to the Angus BIA Board of Directors;
  - b. Deputy Mayor Smith to the NVCA Board of Directors; and
  - c. Councillor Sander to the Essa Public Library Board.
3. Appoint members of Council to the various local boards and committees as Council deems appropriate.

### CONCLUSION

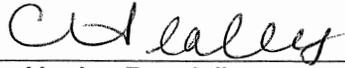
It is recommended that Council proceed with Option No. 2, as put forward in this Report.

Respectfully submitted:



Lisa Lehr  
Manager of Legislative Services

Reviewed by:



Colleen Healey-Dowdall  
Chief Administrative Officer

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## TOWNSHIP OF ESSA STAFF REPORT

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**STAFF REPORT NO.:** C015-21  
**DATE:** June 2, 2021  
**TO:** Committee of the Whole  
**FROM:** Krista Pascoe, Deputy Clerk  
**SUBJECT:** Proposed Amendments to Fees & Charges By-law 2013-28

---

### RECOMMENDATION

That Staff Report C015-21 be received; and

That staff be authorized to proceed with a public meeting to consider proposed amendments to fees and charges as described within this report.

### BACKGROUND

Section 391 of the *Municipal Act*, 2001, permits a municipality to enact By-laws to impose fees and charges for municipal services and activities. The purpose of the fees is to recover costs for services and activities provided or done by or on behalf of a municipality.

Municipalities face increasing costs to deliver essential services that residents and ratepayers require on a daily basis while maintaining reasonable and affordable tax rates. Fees and charges help to cover all, or a portion of the cost, of delivering specific services so that ratepayers are not adversely impacted financially for the delivery of them. Although full cost recovery is not always achieved, all budgeted user fee revenue is applied against the total cost for the service.

Fees and charges traditionally have been developed using a combination of actual direct costs to deliver the service, including in some instances the overhead and administrative costs, as well as market comparison with neighbouring municipalities.

### COMMENTS AND CONSIDERATIONS

As Council is aware the Township has recently taken over the Thornton Union Cemetery and has been charging fees similar to what has been charged in the past by the Thornton Union Cemetery Board relating to operations and daily maintenance. Attachment No.1 contains the proposed increase to these fees effective upon passage of the By-law.

The following is a breakdown of all other proposed amendments to the Schedule of Fees (By-law 2013-28) for Council's consideration:

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Proposed Amendments to Fee Schedule (By-law 2013-28)			
PARKS AND RECREATION DEPARTMENT FEES – EFFECTIVE SEPTEMBER 1, 2021			
Fee Description	Current Fee	Proposed Fee	Rationale for Amendment
<b>AMEND EXISTING FEE</b> 3.1 Day Use (6am-5pm) Per Hour	\$138.00	\$142.14	3% Increase as per inflation adjustment.
<b>AMEND EXISTING FEE</b> 3.2 Prime Time Use (5pm-12pm) Adult Per Hour	\$220.00	\$226.60	3% Increase as per inflation adjustment.
<b>AMEND EXISTING FEE</b> 3.3 Prime Time Use (5pm-12pm) Minor League Per Hour	\$170.00	\$175.10	3% Increase as per inflation adjustment.
PUBLIC WORKS FEES – SITE ALTERATION AND FILL FEES			
Fee Description	Current Fee	Proposed Fee	Rationale for Amendment
<b>AMEND EXISTING FEE</b> Road Occupancy Permit – (New – Major)	\$60.00	\$300.00	Increase is required to cover Admin Fees and to align with other municipalities. Deposit will vary upon application. Major is defined as greater than 5 days.
<b>AMEND EXISTING FEE</b> Road Occupancy Permit – (New – Minor)	\$60.00	\$110.00	Increase is required to cover Admin Fees and to align with other municipalities. Deposit will vary upon application. – Minor is defined as less than 5 days.
<b>AMEND EXISTING FEE</b> Wide or Heavy Load Permit – Project <b>CHANGE NAME</b> to Seasonal Load Permit	\$100.00	\$175.00	Increase is required to cover admin fees and to align with other municipalities. Fees go back into maintaining our roads. Name change will allow season only (farmers, landscaping etc.)
<b>AMEND EXISTING FEE</b> Wide or Heavy Load Permit – Single Trip	\$25.00	\$75.00	Increase is required to cover admin fees and to align with other municipalities. Fees go back into maintaining our roads.
<b>AMEND EXISTING FEE</b> Wide or Heavy Load Permit – Annual	\$150.00	\$300.00	Increase is required to cover admin fees and to align with other municipalities. Fees go back into maintaining our roads.
<b>AMEND EXISTING FEE</b> Property Identifier Signs – Rural, Replacement etc. <b>CHANGE NAME</b> to Property Identifier Sign.	\$32.50	\$75.00	For both new homes and vacant lots, as well as replacement the fee will be \$75.00 and installed by the Township only.
<b>AMEND EXISTING FEE</b> Sewer/Water Inspections (done by OCWA)	\$75.00	\$120.00	Fee covers administration fees and Staff time as well as OCWA inspection.
<b>AMEND EXISTING FEE</b> Tile Drainage Inspection Fee	\$150.00	\$250.00	Increase due to travel, inspection, admin, report and follow-up.
<b>AMEND EXISTING FEE</b> Encroachment Agreement	\$100.00	\$1000.00 (\$5000 Deposit)	Legal and survey required but not included. Deposit \$5000.00 to cover legal review.
<b>AMEND EXISTING FEE</b> Entrance Permit - Commercial	\$90.00	\$250.00 PLUS \$1000.00 Deposit	Increase to cover onsite inspection and staff time. Deposit to only be returned upon satisfactory inspection.
<b>AMEND EXISTING FEE</b> Entrance Permit - Residential	\$60.00	\$150.00 PLUS \$400.00 Deposit	Increase to cover onsite inspection and staff time. Deposit to only be returned upon satisfactory inspection.
<b>NEW FEE</b> Engineering Services – Water and Sewer Connection	n/a	\$1000.00	Will cover services for 1 connection per dwelling (1 of each water and sewer). Will include typical site inspections (flushing, chlorination, pressure testing, restoration)

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<b>NEW FEE</b> Engineering Services	n/a	\$145.00/hr	Hourly Rate, for in house reviews, inspections etc. to cover staff time.
<b>NEW FEE</b> Survey/GIS Technician	n/a	\$225.00/hr	New hourly rate for surveying and GIS services as required for various projects.
<b>PLANNING AND DEVELOPMENT FEES</b>			
Fee Description	Current Fee	Proposed Fee	Rationale for Amendment
<b>AMEND EXISTING FEE</b> <i>Pre-Servicing or Earthworks Permits and Agreements</i>	\$1000.00	\$1,500.00	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>BUILDING DEPARTMENT FEES</b>			
Fee Description	Current Fee	Proposed Fee	Rationale for Amendment
<b>AMEND EXISTING FEE</b> <i>9 Group F, Farm Uses (9.1, 9.2 and 9.3)</i>	.10/.19 ft <sup>2</sup>	.20/ft <sup>2</sup>	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND WORDING</b> <i>9.3 Change from "Accessory Structures &lt;500 ft<sup>2</sup> to "Accessory Structures"</i>	.10/.19 ft <sup>2</sup>	.20/ft <sup>2</sup> (as above)	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND EXISTING FEE</b> <i>10.4 Below Grade Exterior Stairs</i>	.85 ft <sup>2</sup>	\$150.00 flat rate	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND EXISTING FEE</b> <i>10.5 Decks, No Roof</i>	.11/.38ft <sup>2</sup>	.38ft <sup>2</sup>	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND EXISTING FEE</b> <i>12.11 Park Model Trailers/Mobile Homes (incl. Foundation)</i>	\$150.00	\$200.00	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND EXISTING FEE</b> <i>12.12 Modular Factory Built Homes (incl. Foundation)</i>	\$100.00 flat rate	\$400.00 flat rate	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND EXISTING FEE</b> <i>13.5 Re-Inspection</i>	\$25.00 flat rate	\$100.00 flat rate	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>AMEND EXISTING FEE</b> <i>15.4 Re-Inspection</i>	\$75.00	\$100.00 flat rate	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>NEW FEE</b> <i>10.6 Decks, With Roof (re-number current 10.6 and below)</i>	n/a	.40ft <sup>2</sup>	Currently non existent.
<b>NEW FEE</b> <i>11.5 Compliance Inspection of Existing System</i>	n/a	\$100.00	These Agreements take substantial time to administer and a fee increase would better align to cover staff time.
<b>DELETE EXISTING FEE</b> <i>5.10 Sheds – Under 200 ft<sup>2</sup></i>	.11 / ft <sup>2</sup>	Remove	Contradicts \$100.00 minimum fee.

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As well, justification for each proposed fee change is contained on the attached forms completed by staff of the corresponding department.

**FINANCIAL IMPACT**

The proposed fees are designed to ensure that the cost of providing a specific service is fully recovered for the user of that service, while minimizing the cost and affect to all ratepayers. All fees proposed are able to be justified by reviewing staff time, data entry, proper records management and to allow for repairs and restoration on sites.

Manager of Finance Approval:

  
\_\_\_\_\_

**SUMMARY/OPTIONS**

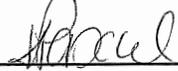
Council may:

1. Take no further action.
2. **Authorize staff to proceed with a public meeting.**
3. Further amend the Fees and Charges as Council deems appropriate.

**CONCLUSION**

Staff recommends that Council approve Option No. 2.

Respectfully submitted:

  
\_\_\_\_\_  
Krista Pascoe  
Deputy Clerk

Reviewed by:

\_\_\_\_\_  
Lisa Lehr  
Manager of Legislative Services

Reviewed by:

  
\_\_\_\_\_  
Colleen Healey-Dowdall  
Chief Administrative Officer

Attachments:

1. Proposed Thornton Union Cemetery Fees

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Thornton Union Cemetery Fees

RECREATION RELATED FEES HST to be added to all Fees				2.5% Increase		
<b>1. Sale of Burial Rights (Site Lot Size 3'3 x 10)</b>	<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
1.1 Interment Rights, Care & Maintenance and 4 Corner Posts	1360.00	176.80	1536.80	1394.00	181.22	1575.22
1.2 Vault	350.00	45.50	395.50	358.75	46.64	405.39
1.3 Crypt	250.00	32.50	282.50	256.25	33.31	289.56
<b>2. Sale of Columbarium-Niche (Size 11x11x11)</b>	<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
2.1 Top Row, Care & Maintenance	1650.00	214.50	1864.50	1691.25	219.86	1911.11
2.2 3 <sup>rd</sup> Row, Care & Maintenance	1450.00	188.50	1638.50	1486.25	193.21	1679.46
2.3 2 <sup>nd</sup> Row, Care & Maintenance	1250.00	162.50	1412.50	1281.25	166.56	1447.81
2.4 1 <sup>st</sup> Row, Care & Maintenance	1050.00	136.50	1186.50	1076.25	139.91	1216.16
<b>3. Opening and Closing Cost</b>	<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
3.1 Cremated Remains in Ground	330.00	42.90	372.90	338.25	43.97	382.22
3.2 Cremated Remains in Niche	209.00	27.17	236.17	214.23	27.85	242.09
3.3 In Ground Burial	825.00	107.25	932.25	845.63	109.93	955.56
3.4 Flat Markers	50.00	6.50	56.50	51.25	6.66	57.91
3.5 Upright Marker	100.00	13.00	113.00	102.50	13.33	115.83
3.6 Extra Deep Burial Adult	450.00	58.50	508.50	461.25	59.96	521.21
3.7 Extra Deep Burial Child	200.00	26.00	226.00	205.00	26.65	231.65
3.8 Transfer of Internment Rights	200.00	26.00	226.00	205.00	26.65	231.65
3.9 Staking Fee (Monument Base)	200.00	26.00	226.00	205.00	26.65	231.65
3.10 Funerals Entering Cemetery after 3:00pm ADD on	300.00	39.00	339.00	307.50	39.98	347.48
3.11 Burials on Holidays and Saturdays: After 11:30am ADD on	700.00	91.00	791.00	717.50	93.28	810.78
3.12 Cremation Burials on Holidays and Saturdays: After 11:30am ADD on	275.00	35.75	310.75	281.88	36.64	318.52
<b>4. Disinterment</b>	<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
4.1 Adult in Ground	3500.00	455.00	3955.00	3587.50	466.38	4053.88
4.2 Child in Ground	1700.00	221.60	1921.00	1742.50	226.53	1969.03
4.3 Cremated Remains from in Ground	375.00	48.75	423.75	384.38	49.97	434.35
4.4 Cremated Remains from in Niche	200.00	26.00	226.00	205.00	26.65	231.65
<b>5. Social Services Department (Welfare/On Assistance)</b>	<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
5.1 Grave (Interment Rights, Care & Maintenance, Grave Opening)	1300.00	169.00	1469.00	1332.50	173.23	1505.73

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## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** CAO022-21

**DATE:** June 2, 2021

**TO:** Committee of the Whole

**FROM:** Colleen Healey-Dowdall, Chief Administrative Officer

**SUBJECT:** Grass Cutting

### RECOMMENDATION

That Staff Report CAO022-21 be received; and

That Council authorize use of Varcoe Maintenance for a week of grass cutting across the municipality at a rate of \$5,900 (plus HST) to cover for municipal staff absence due to COVID and protocols and advice of the Simcoe Muskoka District Health Unit (SMDHU) to eliminate the spread of COVID-19 and variants amongst staff in the municipality.

### BACKGROUND

Parks staff were impacted by COVID and protocols, and the SMDHU had instructed that 10 parks staff members were to isolate until approximately May 25<sup>th</sup> (10 days). This put grass cutting operations behind at the time of year when grass is growing at a very fast rate.

Varcoe Maintenance, a locally owned and operated business, agreed to assist the municipality during this time. The rate quoted is to be expected for 106 acres and is not out of line with industry standard.

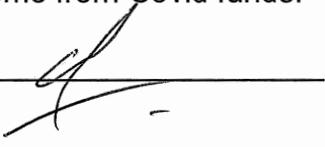
The Township's Procurement Policy states that emergency purchases may be made when there has been an emergency declared by the head of Council.

### COMMENTS AND CONSIDERATIONS

Given that the Township was in need of grass cutting services on a temporary basis, immediately, and Varcoe Maintenance had submitted a quote which seemed reasonable; and that the municipality is in a State of Emergency and the Mayor and CAO have authority along with the Community Control Group to make timely decisions; Varcoe Maintenance was hired to cut the Township's 106 acres of open space/parkland for a week.

**FINANCIAL IMPACT**

\$5,900 plus HST which may come from Covid funds.

Manager of Finance Approval: 

**SUMMARY/OPTIONS**

Council may:

1. Take no further action.
2. Formally accept that work has been performed in accordance with an Emergency decision to hire Varcoe Maintenance to cut the Township's 106 acres of greenspace for a week while Township Parks staff was recovering/isolating according to SMDHU instructions.

**CONCLUSION**

Option #2 is recommended.

Respectfully submitted:



Colleen Healey-Dowdall  
CAO

Attachments: None.



## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** CAO23-21

**DATE:** Jun 2, 2021

**TO:** Committee of the Whole

**FROM:** Colleen Healey-Dowdall, Chief Administrative Officer

**SUBJECT:** Operation of Thornton Union Cemetery – Fees/Hours/Services

### RECOMMENDATION

That Staff Report CAO023-21 be received; and

That Council acknowledge that all 3 members of the Thornton Union Cemetery Board voted to “terminate our operating license” immediately effective March 19, 2021; and

That Council acknowledge that the records and accounts of the Thornton Union Cemetery were turned over to the municipality on April 19 and May 3, 2021, following instruction of the Province (Bereavement Authority of Ontario); and

That Council acknowledge that the Thornton Union Cemetery Board submitted \$27,746.14 for operations, and \$6,083.15 for care and maintenance, to the municipality on May 3, 2021; and

That Council consider increasing fees for interment rights and other cemetery services in accordance with Attachment 1 to this report; and

That Council recognize that certain services may not be available throughout 2021, in order to accommodate the transition of the operation of the cemetery and that such services, currently not available, are identified with an asterisk in the Attachment #1.

### BACKGROUND

The Thornton Union Cemetery Board (Board) asked the Province to relieve them of their responsibility to operate the Thornton Union Cemetery (TUC) in the summer 2020.

The Province, through the Bereavement Authority of Ontario (BAO), accommodated the Board’s request and Ordered the municipality to assume the responsibility of the TUC in March 2021 once they had formally received a Board request and Resolution (dated March 19, 2021). All records and accounts were transferred to the municipality’s Parks & Recreation Department on April 19 and May 3, 2021, respectively.

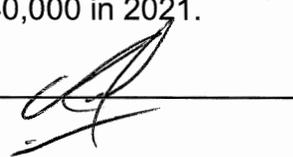
It should be noted that the BAO's Order to cease selling interment rights, dated December 20, 2016, is still in effect. Still, the municipality has an obligation to honour past purchases and has been providing for limited burials/niche placement and maintenance since April.

**COMMENTS AND CONSIDERATIONS**

The fees of the TUC are low and can be increased. It is proposed that fees increase to industry standard within the year to help the municipality offset its new expenses/costs. Industry standard would generally mean about a 2.5% increase "across the board" given that the cemetery fees have not been increased since at least 2019. Council is reminded that its expenses include staff time to operate the cemetery, coordinate plot management and burials, and as well, maintenance. Other associated cemetery costs include excavation, topsoil, markers and posts, etc. Fees should reflect all municipal expenses.

**FINANCIAL IMPACT**

The TUC is costing the municipality approximately \$40,000 in 2021.

Manager of Finance or Deputy Treasurer Approval: 

**SUMMARY/OPTIONS**

Council may:

1. Take no further action.
2. Increase fees for interment rights and other cemetery services in accordance with Attachment 1 to this report.
3. Increase fees per Council direction.
4. Continue to restrict cemetery services per the BAO Order and advice for 2021 and while the organization of records, plots and land holdings is on-going.
5. Open the cemetery for all listed services but subject to the risk of improper procedure and/or placement taking place and therefore increasing costs and the risk of liability of the municipality.

**CONCLUSION**

Options #2 and #4 are recommended.

Respectfully submitted:

  
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 Colleen Healey-Dowdall  
 CAO

Attachments:  
 Attachment 1

Thornton Union Cemetery Fees

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RECREATION RELATED FEES HST to be added to all Fees				2.5% Increase					
<b>1. Sale of Burial Rights (Site Lot Size 3'3 x 10)</b>				<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
* 1.1	Interment Rights, Care & Maintenance and 4 Corner Posts	1360.00	176.80	1536.80	1394.00	181.22	1575.22	*	
* 1.2	Vault	350.00	45.50	395.50	358.75	46.64	405.39	*	
* 1.3	Crypt	250.00	32.50	282.50	256.25	33.31	289.56	*	
<b>2. Sale of Columbarium-Niche (Size 11x11x11)</b>				<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
2.1	Top Row, Care & Maintenance	1650.00	214.50	1864.50	1691.25	219.86	1911.11		
2.2	3 <sup>rd</sup> Row, Care & Maintenance	1450.00	188.50	1638.50	1486.25	193.21	1679.46		
2.3	2 <sup>nd</sup> Row, Care & Maintenance	1250.00	162.50	1412.50	1281.25	166.56	1447.81		
2.4	1 <sup>st</sup> Row, Care & Maintenance	1050.00	136.50	1186.50	1076.25	139.91	1216.16		
<b>3. Opening and Closing Cost</b>				<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
3.1	Cremated Remains in Ground	330.00	42.90	372.90	338.25	43.97	382.22		
3.2	Cremated Remains in Niche	209.00	27.17	236.17	214.23	27.85	242.09		
3.3	In Ground Burial	825.00	107.25	932.25	845.63	109.93	955.56		
3.4	Flat Markers	50.00	6.50	56.50	51.25	6.66	57.91		
3.5	Upright Marker	100.00	13.00	113.00	102.50	13.33	115.83		
3.6	Extra Deep Burial Adult	450.00	58.50	508.50	461.25	59.96	521.21		
3.7	Extra Deep Burial Child	200.00	26.00	226.00	205.00	26.65	231.65		
3.8	Transfer of Internment Rights	200.00	26.00	226.00	205.00	26.65	231.65		
3.9	Staking Fee (Monument Base)	200.00	26.00	226.00	205.00	26.65	231.65		
* 3.10	Funerals Entering Cemetery after 3:00pm ADD on	300.00	39.00	339.00	307.50	39.98	347.48	*	
* 3.11	Burials on Holidays and Saturdays: After 11:30am ADD on	700.00	91.00	791.00	717.50	93.28	810.78	*	
* 3.12	Cremation Burials on Holidays and Saturdays: After 11:30am ADD on	275.00	35.75	310.75	281.88	36.64	318.52	*	
<b>4. Disinterment</b>				<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
4.1	Adult in Ground	3500.00	455.00	3955.00	3587.50	466.38	4053.88		
4.2	Child in Ground	1700.00	221.60	1921.00	1742.50	226.53	1969.03		
4.3	Cremated Remains from in Ground	375.00	48.75	423.75	384.38	49.97	434.35		
4.4	Cremated Remains from in Niche	200.00	26.00	226.00	205.00	26.65	231.65		
<b>5. Social Services Department (Welfare/On Assistance)</b>				<b>RATE</b>	<b>HST</b>	<b>TOTAL</b>	<b>New Rate</b>	<b>HST</b>	<b>New Total</b>
5.1	Grave (Interment Rights, Care & Maintenance, Grave Opening)	1300.00	169.00	1469.00	1332.50	173.23	1505.73		

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