Please Note: Cellular phones/pagers must be switched to the non-audible function during this meeting.

Agenda
Municipality of West Grey Committee of the Whole
To be Held on Tuesday, April 30, 2019 at 9:00 a.m.
At the Council Chambers – West Grey Municipal Office

1. Call to Order 9:00 a.m.

2. Declarations of Pecuniary Interest

3. Closed Session - None

REGULAR AGENDA: 9:05 a.m.

4. Matters Arising from the Closed Session – n/a

5. Public Meetings - None

6. Delegations 10:15 a.m.

Tom Bovingdon, Infinity Networks Security – re: security of the West Grey computer system 10:15 a.m.

Charles James – sewer bill dispute regarding his property at 471 Lambton St. W. 10:30 a.m.

Bob Miller – re: concerns with people floating/accessing on the Saugeen River 11:00 a.m.

7. Business Arising From Previous Meeting

8. Staff Reports 11:15 a.m.

Clerk – Report COW #04/30/19 (attachment)
Director of Infrastructure and Public Works – Report COW #04/30/19 (attachment)
Director of Finance/Treasurer – Report COW #04/30/19 (attachment)
Manager, Community Services – Report COW #04/30/19 (attachment)
9. **New Business**
   - Major Conferences – Council update (maximum three minutes/Council member)

10. **Adjournment**
    
    *Please Note: all times are approximate, and are subject to change.*

As per the attached correspondence from the Association of Municipalities of Ontario (AMO) dated April 9, 2019, and the Ministry of Community Safety and Correctional Services email dated April 2, 2019, the Ontario Society for the Prevention of Cruelty to Animals (OSPCA), has announced it has stopped enforcing animal cruelty legislation related to livestock and horses as of April 1, 2019.

The OSPCA has also advised that all other animal cruelty enforcement activities will cease on June 28, 2019. These announcements are a result of a recent Superior Court of Justice ruling declaring the OSPCA’s enforcement powers to be unconstitutional. This decision is under appeal and the ruling has been suspended for one year. The ceasing of enforcement by the OSPCA will have significant financial repercussions for municipalities.

I have also included some notes from Cheryl Roberts, Canine Control Officer, expressing her thoughts respecting the matter. Cheryl Roberts and Chief Martin will both be in attendance during discussion of this item in my report to provide their own insights and opinions. Cheryl Roberts was at one time an OSPCA employee, so will be able to provide a relevant perspective on the issue at hand.

An email from Naomi Jardine, in support of an open letter regarding animal welfare in Ontario from the Animal Welfare Watch Ontario (AWWO) is also enclosed. (attachment)

COW#1 Recommendation: Seek direction from Committee of the Whole.

Grey Bruce Health Unit/Ministry of Community Safety and Correctional Services

New legislative pursuant to the Comprehensive Ontario Police Services Act, 2019, S.O. 2019, c. 1 - Bill 68 mandates every municipal council to prepare and adopt a Community Safety and Well-Being (CSWB) Plan. Municipalities have until January 1, 2021 to prepare and adopt a CSWB Plan. Municipalities have the discretion and flexibility to develop joint plans with surrounding municipalities or
First Nation Communities.

Rob Martin, West Grey Police Service Chief, attended a Grey Bruce Community Safety and Well-Being Planning meeting held at the Grey Bruce Health Unit building in Owen Sound on March 22, with over 70 participants attending. During this meeting, community partners (health, community and social agencies) voiced support for the concept of working collaboratively during the planning phase in order to support the development of a plan framework that could be customized to reflect individual community needs.

Chief Martin and the Clerk both agree that a CSWB Plan should be developed jointly with the aforementioned stakeholders given the complexity/enormity of developing a CSWB Plan. The Grey Bruce Health Unit is waiting to hear from municipalities and the Counties as to the direction that they plan to take.

COW#2 Recommendation: That the Committee of the Whole pass a resolution recommending Council supports working with vested stakeholders in the development of a Community Safety and Well-Being Plan (CSWB).

Draft Municipality of West Grey Corporate Asset Naming Policy

A draft Municipality of West Grey Corporate Asset Naming Policy is attached for discussion purposes. This draft policy echoes the existing Grey County Corporate Asset Naming Policy.

COW#3 Recommendation: Seek direction from Committee of the Whole.

Draft By-law re: Financial Securities Policy for Subdivision Agreements

A draft by-law to establish a policy setting out required financial securities for inclusion in Subdivision Agreements based on previous direction from the Committee of the Whole (Planning) is attached for consideration for a recommendation to Council. The specific on-site and off-site works for a plan of subdivision will be detailed in the respective Subdivision Agreements.

COW#4 Recommendation: Seek direction from Committee of the Whole.

Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke

Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke, has submitted a letter to West Grey, and I suspect all other Ontario municipalities, noting concerns with Federal Government Bill C-68, An Act to amend the Fisheries Act and other Acts, currently before the Senate.
Bill C-68 aims to provide a framework for the proper management and control of fisheries and the conservation and protection of all fish and fish habitat, including pollution prevention. The proposed Bill C-68 is broad-based as it will impact bodies of water ranging in size from oceans to streams, rivers, and municipal drains. It is quite difficult to assess/project what the actual impacts of the Bill will be. I have included a number of articles from environmental legal firms/lawyers that assist in noting the aim of Bill C-68.

COW#5 Recommendation: Receive for information.

Respectfully submitted:
Mark Turner, Clerk
Update on Animal Protection

April 1, 2019 4:00 P.M.

Ministry of Community Safety and Correctional Services

An agreement has been reached between the Government of Ontario and the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) to extend animal welfare law enforcement services until June 28, 2019.

The province has committed to developing a more robust animal protection regime that provides greater transparency and accountability. The regime will be informed by thoughtful engagement with a diverse range of interested individuals and groups. More details on the consultation will be announced in the coming weeks.

The government is committed to ensuring no animals fall through the cracks during this transition. Cooperation between government, animal protection organizations, agriculture groups, and other stakeholders will be essential for the protection of animals and livestock in the interim. This government is committed to ensuring enforcement continues during this transition.

To report if an animal is in distress or suspected animal abuse, people can:

- Call 310-SPCA (7722) or 1-888-668-7722 or email cruelty@ospca.on.ca
- Contact your local OSPCA branch or affiliate, local humane society, or your local police service.

Quick Facts

- The OSPCA has provided animal welfare protection services in Ontario for over 100 years. They provided the province notice they intended to discontinue those services on March 4, 2019.

- In 2018-19, the OSPCA received $5.75 million from Ontario for provincewide enforcement of animal welfare legislation, as part of a transfer payment agreement that will end March 31, 2019.

- Police services continue to have the authority to enforce the laws that protect animals in Ontario.

Media Contacts
April 9, 2019

Municipal budgets may be affected by animal cruelty enforcement changes

A download risk is developing for municipal governments and police services regarding the enforcement of animal cruelty laws.

AMO has been advised that the Ministry of the Solicitor General is canvassing all municipal CAOs and police services for information related to current practises. The Ministry is seeking input by April 24, 2019. A number of developments are driving the request for data to inform the redesign of Ontario’s animal cruelty enforcement system:

- The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) announced that it has stopped enforcing animal cruelty legislation related to livestock and horses as of April 1, 2019.
- The OSPCA has also advised that all other animal cruelty enforcement activities will cease on June 28, 2019.
- A Superior Court of Justice ruling recently declared the OSPCA’s enforcement powers to be unconstitutional. The decision is under appeal and the ruling has been suspended for one year.

Last week the Ministry of Community Safety and Correctional Services (now called the Ministry of the Solicitor General) wrote to all Chiefs of Police and the OPP advising that, “Police services may see an increase in calls for service related to these matters.” Typically, police are not trained for specialized enforcement related to livestock and horses. Some fee for service resources will be available to
support police to address the immediate enforcement gaps.

The Ministry has not indicated whether the downloading of livestock and horse related enforcement to the police is permanent or temporary. This represents a new unfunded municipal mandate. Last year the OSPCA received 1,650 complaints related specifically to livestock and horses. In the long-term, AMO believes the Ministry of Agriculture, Food, and Rural Affairs should assume responsibility for livestock and horse cruelty enforcement.

The AMO’s Board of Directors adopted a position with respect to this emerging issue. AMO encourages the Ontario government to:

- Adopt a **provincial service delivery model** for animal cruelty enforcement that could be based on other provincial models or a hybrid of these models, and
- Provide provincial funding to those municipal governments that might be willing to provide animal cruelty enforcement services.

Animal cruelty investigations are based on complaints only. To give a sense of the workload, in 2017 the OSPCA investigated 15,519 complaints which resulted in 3,988 animal care orders, 1,220 animals removed, 573 provincial charges, and 21 criminal charges. In 2017, the OSPCA’s activities (including enforcement) were supported by $5.6 million in provincial funding, $7 million in private donations, and $2.3 million worth of municipal contracts. The OSPCA has used 65 inspectors across the province.

OPSCA enforcement activities have varied considerably across the province depending, in part, on whether a specific municipality offers animal services or standards of care. At present, municipal bylaw enforcement officers lack the necessary powers for animal cruelty investigations. In addition, police officers and bylaw enforcement officers do not have the training required to conduct this work.

Municipal Councils seeking to inform the government’s decisions are encouraged to contact their MPP or write to the Solicitor General (sylvia.jones@ontario.ca), the Minister of Municipal Affairs and Housing (minister.mah@ontario.ca), and the Minister of Agriculture, Food, and Rural Affairs (minister.omafra@ontario.ca). The AMO President, Jamie McGarvey, would appreciate receiving copies of any correspondence at: amopresident@amo.on.ca.

**AMO Contact:** Matthew Wilson, Senior Advisor, mwilson@amo.on.ca, 416-971-9856 extension 323.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.*
OSPCA tells Ontario government it will no longer enforce animal cruelty laws

Liam Casey
The Canadian Press
Published March 4, 2019 11:52 a.m. ET
Updated March 4, 2019 5:12 p.m. ET

TORONTO -- For the first time in a century, Ontario's animal welfare agency will no longer investigate and enforce animal cruelty laws.
In a letter Monday to Community Safety Minister Sylvia Jones, the Ontario Society for the Prevention of Cruelty to Animals said it will not sign a new contract with the province after the current one expires at the end of March.

"The current model is just simply not working," CEO Kate MacDonald told The Canadian Press in an interview. "This is a very significant shift in who we are and what we do."

The letter, obtained by The Canadian Press, said the OSPCA will offer a three-month transition phase, by way of contract, until June 28.

"During the transition period, we will not be accepting complaints or cases dealing with livestock," said the letter signed by MacDonald and Catherine MacNeill, the chair of the OSPCA's board of directors.

MacDonald said the organization will shift into a support role in animal cruelty investigations, providing animal shelter, forensic evidence collection and veterinary services.

She said the OSPCA would like to see a model similar to that in New York, where the NYPD has an animal cruelty squad that leads investigations and works with the American SPCA, which handles similar support services.

"We expect to continue to be involved as a support to law enforcement agencies," MacDonald said. "They're going to need help and we're the logical choice."

The minister of community safety said the government is "actively reviewing" the implications of the OSPCA decision.

"We are committed to ensuring no animals fall through the cracks as a result of today's announcement," Jones said in a statement.

The OSPCA has police powers -- it can enforce both provincial and Criminal Code animal cruelty laws -- under the OSPCA Act that became law in 1919.

Its role came into question in early January when an Ontario court found the OSPCA's powers to be unconstitutional and gave the government a year to remedy the situation. The judge said the province erred when it gave police powers to a private organization without imposing accountability and transparency standards on the agency. The province appealed the decision.

MacDonald said the court's ruling was the "catalyst" in its move away from animal cruelty investigations.

"The recent decision has helped us to see, truly, that enforcement is a function of government," she said, adding that community members concerned about animal cruelty should contact their local police force or animal control units.
MacDonald said the agency’s 65 enforcement officers will be offered jobs on the organization’s expanding animal rescue arm.

A scathing 2016 report by Kendra Coulter, a labour studies professor at Brock University, found that the majority of the OSPCA officers were poorly paid, worked in the field alone often facing dangerous circumstances, and were responsible for extremely large geographic regions.

Coulter said Monday that there are many reasons a government should fund and operate animal welfare law enforcement, including transparency and accountability.

"But the government has not yet shown any leadership on this issue," she said. "We are in a time of troubling uncertainty. We need clarity from the government, promptly."

The Ontario Provincial Police said animal cruelty enforcement is not a "core function of policing" and municipalities are the ones responsible for animal control.

"If there's criminality, we can look after that -- we will not ignore complaints of animal cruelty," said OPP spokesman Bill Dickson.

Coulter said the NYPD-American SPCA model is a good one to aspire to, but noted that it required plenty of planning, including a four-month pilot project and significant resources from both sides.

"There is no plan in place, no public announcements, there's been little to no communication with stakeholders," she said of the situation in Ontario.

Some animal rights groups applauded the move by the OSPCA.

"Law enforcement by private charities is no longer appropriate in 2019, and vulnerable animals in Ontario deserve a robust, well-resourced public system," said Camille Labchuk, executive director of Animal Justice.

Lynn Perrier, the founder of Reform Advocates for Animal Welfare, said she wasn't surprised at the news.

"They haven't been doing their job for ages -- at least it's official now," she said. "They have now made an easy path for the government to restructure the animal welfare system in Ontario so our animals will be protected. Let's hope they don't have to wait long."

The OSPCA first talked about transforming its operations about a year ago. In October, management told frontline officers it planned to pull out of investigating cruelty complaints involving horses and large farm animals, trying to farm those out to the Ontario Ministry of Agriculture, Food and Rural Affairs. Frontline officers were also told they would no longer euthanize dogs involved in attacks as required by law.
The province gives the OSPCA $5.75 million annually, but the organization has long complained the funding is not enough to carry out enforcement duties.
I took the opportunity to make some notes for the committee meeting for April 30 2019, I hope you find this useful.

Wildlife
I do not feel it is necessary to include any wildlife in a prospective new bylaw as wildlife is regulated by the MNRF, the MNRF policy seems to be let nature take its course, to harbour, keep or rehab wildlife the MNRF requires a person to hold a permit issued by them.

The MNRF does not interfere with wildlife unless there is illegal activity involved like poaching, their role seems to be management and licencing for hunting.

That being said there are some circumstances where I have asked to assist, usually in dealing with a suspected rabid animal as the MNRF does not collect live samples.

For other Municipalities I have attended and had the animal destroyed and a sample sent to the appropriate agency for testing in the interest of public safety, usually at the request of Public Health as a person has been bit.

Cats
I do not feel it is necessary to include cats in a prospective new bylaw. In my opinion feral/barn cats fall under wildlife as they are not socialized. I have found that Georgian Triangle humane society are supportive in “cleaning up” feral cat colonies, they do this at their own expense. Georgian Triangle has never been involved with investigations associated with the OSPCA, they are strictly an animal shelter.

If looking into cats I think a possible humane clause of allowing a cat to be picked up if it was hit by a car and required euthanasia for humane reasons.

Livestock
I feel that we could possibly look at including livestock in an animal care and control bylaw. The minimum standards of care can be found in the species specific codes of practice.

Canine
Updating the canine control bylaw could be helpful with a standards of care section that would allow a set fines for inappropriate confinement of an animal, inappropriate sheltering, fail to provide an adequate amount of food and water, cleanliness ECT.

Limiting the number of dogs allowed on a property I find useful as it is simply an easy prosecution, “Keep or permit more than 3 dogs”. Rather than trying to prove it is a kennel for breeding, I would suggest that anyone in our current data base that has more than 3 dogs would be grandfathered in.

I would suggest that increasing the set fines under the bylaw from the current 55.00 dollars to 125.00-250.00 range would keep West Grey in line with neighbouring Municipalities. I believe that under the agreement with the POA court the Municipalities do receive 80 % (?) Of the value of the ticket back.

As far as the Criminal Code offences this looks like it will have to fall on the Police. I would be willing to assist the Police in any animal related investigations if they felt they needed it.
I have attached Brockton’s canine control bylaw for reference and hopefully I will have a draft bylaw for Arran Elderslie by the end of this week or soon after.

If you feel that there are any other questions or concerns please let me know and I will do my best to find an answer for you.

Cheryl
Hi Mark,

Thanks for following up on this. Currently the government has given funds to the OSPCA for another 3 months of their shoddy animal protection - and OSPCA has even stated they are no longer providing protection for large animals in the province, despite the bail out. So in 3 months from now, this short term contract with OSPCA will run out, and I urge you strongly to consider and support AWWO's alternative plan, which I attached in the initial email.

All best,
Naomi Jardine

On Mon, Apr 1, 2019 at 3:16 PM Mark Turner <mturner@westgrey.com> wrote:

Hi Naomi,

Thank-you for your email that has been forwarded to Council members. I anticipate the WG Canine Control Officer will be attending a future Council or Committee of the Whole meeting to discuss this matter. The WG Canine Control Officer used to work for the SPCA and presently provides animal/canine control services to 4-5 Grey-Bruce municipalities, so her advice will be helpful when addressing this issue.

Mark Turner, B.A., AMCT
Clerk

402813 Grey Rd 4, RR 2, Durham ON N0G 1R0
519.369.2200 ext. 229 | f: 519.369.5962
mturner@westgrey.com | www.westgrey.com
To be forwarded to Council? or on agenda??

Eunice Henning
Clerical Assistant / Customer Service Representative
Municipality of West Grey

402813 Grey Rd 4, RR 2, Durham ON N0G 1R0
519-369-2200 1-800-538-9647, ext 221 f: 519-369-5962
info@westgrey.com or ehenning@westgrey.com www.westgrey.com

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From: Naomi Jardine [mailto:]
Sent: Monday, March 25, 2019 5:39 PM
To: info@westgrey.com
Subject: Animal Protection in West Grey - Please consider this option...

Dear Ms. Robinson, and all governing members of West Grey municipality,

I've recently adopted a mother dog rescued from a puppy mill in the West Grey area, and I have learned that the OSPCA has given the mill owner a pass, even though the conditions are abysmal for these dogs, locked in chicken wire cages 24/7 with appalling health issues the owner has not addressed. Our dog may require thousands of dollars of surgery because of his terrible practices. I am aware that the OSPCA may be given more money by the government even though they have abandoned enforcing animal protection in the province, and the only other option the government is considering is to have police handle animal abuse cases, which is far beyond the scope of the time and training they have.

I am writing to urge you to support a third option, proposed by Animal Welfare Watch Ontario (Please see the attached open letter from AWWO below for details on their proposal) where existing entities are used for enforcement, including Municipalities for domestic animals, the Ministry of Agriculture, Food and Rural Affairs for farm animals and horses, and the Ministry of Natural Resources for wildlife abuse cases. Rather than reinventing the wheel, this proposal is more easily put in place, and would cost approximately the same as the current funding to OSPCA.

In your case, the municipality could take on the responsibility of protecting domestic animals and – while there would be start-up costs – the province should help cover those. Also, the municipality's subsequent ability to fund raise in support of this service would recover costs and could even
generate additional revenue. Once a municipality has the authority to enforce animal welfare laws they can fund raise like a humane society.

I'm sure you care about the health and welfare of the animals in West Grey, and I can tell you there is unbelievable suffering going on RIGHT NOW, including that of 100 dogs in this one puppy mill alone, that needs urgent attention. You could have a lasting impact on animal protection in this province, I urge you to please consider AWWO's proposal attached.

Thank you very much for your time,
Naomi Jardine
Elmwood, Ont.
March 25, 2019

An open letter from AWWO regarding animal welfare in Ontario:

- The recent decision by the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) to renege on their law enforcement responsibilities as of April 1, 2019 has brought the animal welfare crisis in our province to a head.

- As of that date, seven days from now, Ontario stands to become the only jurisdiction in Canada or the United States without an animal welfare system. The options for the provincial government are few but some kind of action is required to prevent animals across the province from being left unprotected and to prevent animal abusers from going unpunished.

To the Minister and Ministry of Community Safety and Correction Services (MCSCS):

We urge you: do NOT contract with the OSPCA to extend their law enforcement activities beyond the April 1, 2019 deadline that they themselves have set. The OSPCA has failed to provide adequate animal welfare law enforcement service for years and they should not be rewarded for that poor performance or for their irresponsible shirking of their obligations. In effect they have created this crisis by their willful ineffectiveness and by arbitrarily setting the April 1 deadline instead of giving the province sufficient time to implement a new animal welfare system. We remind you that the OSPCA remains completely unaccountable due to their unelected board of directors, secret board meetings, removal of a government observer from their board meetings and their exclusion from Freedom of Information legislation. Paying an organization with this terrible track record of poor performance and lack of accountability would be an offensive misuse of public funds. They are holding Ontario’s animals as hostages... please, don’t pay this ransom!

We implore you to consider the option AWWO has recommended to maintain animal welfare services, which is: use the Minister’s existing authority to annul the OSPCA’s
operating bylaw, remove the current OSPCA senior management team and appoint a Trustee to manage the affairs of what's left of the organization who will merge it into a new system that is effective and accountable. Taking this swift and decisive action could also prevent the corrupted and unaccountable OSPCA board from paying senior management members enormous exit packages which would come from money that donors would have given the OSPCA in support of front-line animal services.

Then, with the Trustee managing OSPCA branches and reaching out to OSPCA-affiliated humane societies, animal welfare services can be continued while the province works towards the implementation of a new system. In addition, simple changes could be made to the OSPCA Act to enable the Minister to appoint a new Chief Inspector (CI) of the OSPCA (the position has been vacant since the middle of 2018) and to enable the new CI to appoint employees of provincial ministries and municipalities as investigators.

Of immediate concern in any transitional phase as of April 1, is the status of ongoing OSPCA investigations as well as follow-up on any orders and animal removals made under the OSPCA Act. Whether it is the OSPCA, police or some other agency enforcing the Act after April 1, there must be an orderly handoff of these ongoing items and a commitment to follow through thoroughly with all of them.

Incidentally, we understand the OSPCA has tried to sell you on using them in support of Ontario police if police inherit the responsibility to protect animals in our province. This is another bad idea. In addition to rewarding the OSPCA for causing this current crisis, there are many reasons why this model will not work in Ontario. Some of the reasons why police should not take this on are detailed below in the section addressed to police services. Of significance, though, is that while this model is used in New York City, we understand the ASPCA who provide a support role to police are not paid for this service. In addition, you should be mindful that the January 2, 2019 Superior Court ruling that declared the OSPCA’s law enforcement activities to be unconstitutional would logically affect the integrity of any future investigations and potential prosecutions if the OSPCA is involved even in a support role as they would still be an unaccountable private organization as referred to in that decision.

To OSPCA-affiliated humane societies across the province:

We urge you to stand together to call for the removal of the OSPCA board and OSPCA senior management and to work with the provincial government towards a new effective and accountable animal welfare system.

In addition to participating in interim animal protection measures while the OSPCA is managed by a provincial Trustee, under the AWW-recommended service delivery model for a new system, OSPCA affiliates who would like to continue providing law enforcement services could do so under contract to municipalities. This would enable these affiliates to carry on their law enforcement activities while getting paid to do so by
the municipality and - via the contract for their services - they would become subject to municipal Freedom of Information legislation

To OSPCA investigators:

We know you are hard-working, dedicated professionals who care about the protection of animals. We understand you’re been restricted in your enforcement activities by OSPCA senior management. Please hang in there! In the AWWO-recommended model for a new system you would be ideal candidates to continue the vital work of animal protection whether you become employed by a provincial ministry, a municipality or you work for an OSPCA affiliate that is contracted by a municipality to provide animal welfare services.

To Ontario police services:

As you know, according to the OSPCA Act, where the OSPCA doesn’t operate, police may enforce the Act. We believe you are aware that as of April 1 - unless the province bows to OSPCA demands for a paid extension to that deadline - the OSPCA will cease enforcement throughout the province which would leave police with that responsibility.

AWWO does not support the imposition of this responsibility on police. We recognize police have other priorities and do not have the training, infrastructure or equipment to deal with day-to-day animal protection. Of course, police should maintain their longstanding role regarding enforcement of the animal-related sections of the Criminal Code of Canada.

The suggestion that police could take on animal welfare services in Ontario is ill-informed and problematic for many reasons which we have detailed in other AWWO material and can supply upon request. AWWO does not know of anyone actually involved in animal welfare service delivery who supports the transfer of animal welfare law enforcement to police.

To Ontario municipalities:

The AWWO-recommended model for a new animal welfare system includes the protection of domestic animals as a municipal responsibility. Under the Municipal Act, municipalities already have the authority to enact bylaws pertaining to animals and most use that authority to enact animal control bylaws (which primarily address the impact of animals on human health and well-being, such as limits on numbers and types of animals that may be owned). While some municipalities have bylaws that address some aspect of animal welfare, they do not have the authority to enforce the provincial animal welfare law with all its enforcement tools and significant potential penalties. AWWO
believes municipalities can take their existing infrastructure and turn it into a combined animal control/welfare approach to the benefit of all. Indeed, in jurisdictions that have combined animal control and animal protection service, both services work better and more efficiently.

In any cursory review of AWWO’s recommended model, the issue of cost immediately arises. However, AWWO contends that animal welfare law enforcement can be operated on a full cost-recovery basis and could even be a money maker for municipalities. Under the Municipal Act, municipalities can fundraise in support of services they provide either directly or via contract. That means that if a municipality provides animal welfare services it could fundraise as if it were a humane society.

Ontarians donate approximately $100 million annually to animal-related charities and AWWO contends that with a provincially delivered public education strategy to help people make better informed choices, a significant portion of that money would be donated to the new system with most of it collected by municipalities in support of protecting domestic animals. In 2017, the OSPCA and its affiliated humane societies accounted for approximately $80 million of that $100 million and we believe most of that money could be redirected to the new system once people understand who is actually doing what.

In addition, AWWO supports a 2% surcharge on purchases of pet supplies. We contend pet owners are prepared to financially support an accountable and effective animal welfare system and this “2% solution” alone could fully fund the new system.

To all:

An organizational chart for the new AWWO-recommended animal welfare system has been prepared and is available by request or at our website: www.awwontario.com. It is significant to note that mainstream animal protection stakeholders as well as industry groups in the agriculture and wildlife sectors could all support this proposed set-up. All have consistently called for the public sector to take on animal welfare law enforcement after years of OSPCA inconsistency, ineptitude and unaccountability.

It is also important to stress that the current animal protection provisions in the OSPCA Act are likely the best in the country and already have broad stakeholder support. This means new legislation could build on those provisions and be framed as solely addressing oversight and enforcement responsibilities.

Our priority is the protection of all animals in Ontario and we remain optimistic that the provincial government will act quickly and thoughtfully in support of that vital cause.

Sincerely,

Brenda Thompson and Mike Zimmerman
for Animal Welfare Watch Ontario and its 2,000+ members province wide
PART XVI
COMMUNITY SAFETY AND WELL-BEING PLANS
PREPARATION AND ADOPTION

Municipal community safety and well-being plan

248 (1) Every municipality shall prepare and, by resolution, adopt a community safety and well-being plan.

May be prepared individually or jointly
(2) The community safety and well-being plan may be prepared by the municipality individually or jointly in consultation with other municipalities or band councils.

First community safety and well-being plan
(3) A municipality must prepare and adopt its first community safety and well-being plan before the second anniversary of the day on which this section began applying to the municipality.

Transition
(4) Every community safety and well-being plan prepared and adopted under the Police Services Act before it was repealed shall be deemed to have been prepared and adopted under this Act.

Same, deemed compliance
(5) The Minister may deem a community safety and well-being plan to have met all of the requirements in section 250 if,

(a) consultations to develop the plan were completed before January 1, 2019; and
(b) in the Minister’s opinion, the consultations substantially complied with the obligations set out in section 250.

Same, time limit
(6) If a municipality was required to prepare and adopt a community safety and well-being plan under section 143 of the Police Services Act but no plan was prepared and adopted before that Act was repealed, the two-year period under subsection (3) shall begin on the day section 143 of the Police Services Act first began applying to the municipality.

First Nation community safety and well-being plan

249 (1) A band council of a First Nation may prepare and adopt a community safety and well-being plan.

May be prepared individually or jointly
(2) The community safety and well-being plan may be prepared by the band council individually or jointly in consultation with other band councils or municipalities.

Preparation of plan by municipality

250 (1) A municipality that prepares a community safety and well-being plan shall establish an advisory committee.

Joint preparation of plan
(2) Despite subsection (1), a group of municipalities that are jointly preparing a community safety and well-being plan shall jointly establish and consult with a single advisory committee.

Membership of committee
(3) The advisory committee must, at a minimum, consist of the following members:

1. A person who represents,
   i. a local health integration network for a geographic area in which the municipality is located, as determined under the Local Health System Integration Act, 2006, or
   ii. an entity that provides services to improve the physical or mental health of individuals in the community or communities.

2. A person who represents an entity that provides educational services in the municipality.

3. A person who represents an entity that provides community or social services in the municipality, if there is such an entity.

4. A person who represents an entity that provides community or social services to children or youth in the municipality, if there is such an entity.

5. A person who represents an entity that provides custodial services to children or youth in the municipality, if there is such an entity.

6. An employee of the municipality or a member of the municipal council.

7. A person who represents the police service board or, if there is no police service board, the commander of the detachment of the Ontario Provincial Police that provides policing in the area or his or her delegate.
8. A chief of police of a police service that provides policing in the area or his or her delegate.

9. Any other person prescribed by the Minister.

Single individual may meet multiple requirements
(4) A single individual may satisfy the requirements set out in multiple paragraphs of subsection (3).

Same, joint plans
(5) If the community safety and well-being plan is prepared by a group of municipalities or band councils,

(a) the members of the advisory committee shall be appointed by agreement of the participating municipalities and band councils; and

(b) the provisions of this Act that apply to community safety and well-being plans apply, with necessary modifications, to joint community safety and well-being plans.

Considerations
(6) In appointing the members of the advisory committee, the municipality or municipalities shall consider the need to ensure that advisory committee is representative of the municipality or municipalities, having regard for the diversity of the population in the municipality or municipalities.

Consultations
(7) In preparing a community safety and well-being plan, the municipality or municipalities shall,

(a) consult with the advisory committee;

(b) consult with members of the public, including youth, individuals who have received or are receiving mental health or addictions services, members of racialized groups and of First Nation, Inuit and Métis communities, in the municipality or municipalities and, in the case of a joint plan with a First Nation, in the First Nation reserve;

(c) consult with community organizations, including First Nation, Inuit and Métis organizations and community organizations that represent youth or members of racialized groups, in the municipality or municipalities and, in the case of a joint plan with a First Nation, in the First Nation reserve; and

(d) comply with any consultation requirements that may be prescribed by the Minister.

Use of information
(8) In preparing a community safety and well-being plan, the municipality or municipalities shall consider available information related to crime, victimization, addiction, drug overdose, suicide and any other risk factors prescribed by the Minister, including statistical information from Statistics Canada or other sources, in addition to the information obtained through its consultations.

Other prescribed requirements
(9) The municipality or municipalities shall meet the requirements prescribed by the Minister, if any, in preparing their community safety and well-being plan.

Transition
(10) A community safety and well-being plan that was adopted in accordance with this section, as it read at the time, continues to be valid despite any intervening changes to this section.

Content of community safety and well-being plan
251 A community safety and well-being plan shall,

(a) identify risk factors in the municipality or First Nation, including, without limitation, systemic discrimination and other social factors that contribute to crime, victimization, addiction, drug overdose and suicide and any other risk factors prescribed by the Minister;

(b) identify which risk factors the municipality or First Nation will treat as a priority to reduce;

(c) identify strategies to reduce the prioritized risk factors, including providing new services, changing existing services, improving the integration of existing services or coordinating existing services in a different way;

(d) set out measurable outcomes that the strategies are intended to produce;

(e) address any other issues that may be prescribed by the Minister; and

(f) contain any other information that may be prescribed by the Minister.

Publication of community safety and well-being plan
252 A municipality that has adopted a community safety and well-being plan shall publish it on the Internet in accordance with the regulations made by the Minister, if any.

Implementation of community safety and well-being plan
253 A municipality that has adopted a community safety and well-being plan shall take any actions that the plan requires it to take and shall encourage and assist other entities to take any actions the plan requires those entities to take.
REPORTING AND REVISION

Monitoring, evaluating and reporting
254 (1) A municipality that has adopted a community safety and well-being plan shall, in accordance with the regulations made by the Minister, if any, monitor, evaluate and report on the effect the plan is having, if any, on reducing the prioritized risk factors.

Publication
(2) The reports referred to in subsection (1) shall be published on the Internet in accordance with the regulations made by the Minister, if any.

Revision by municipality
255 (1) A municipality that has adopted a community safety and well-being plan shall review and, if appropriate, revise the plan within the period prescribed by the Minister.

Revision by band council
(2) A band council that has adopted a community safety and well-being plan may review and, if appropriate, revise the plan within the period prescribed by the Minister.

Process for revision
(3) Sections 250 to 252 apply, with necessary modifications, to the revision of a community safety and well-being plan.

MISCELLANEOUS

Information to Minister
256 (1) Every municipality shall provide the Minister with any information prescribed by the Minister respecting,

(a) the municipality’s community safety and well-being plan, including the preparation, adoption or implementation of the plan;
(b) any outcomes from the municipality’s community safety and well-being plan; and
(c) any other matter prescribed by the Minister related to the community safety and well-being plan.

Time to comply
(2) The municipality shall provide the information within the period prescribed by the Minister.

No personal information
(3) Personal information cannot be prescribed for the purposes of this section.

Community safety and well-being planner
257 (1) The Minister may appoint a person as a community safety and well-being planner for a municipality if, in the Minister’s opinion, the municipality has intentionally and repeatedly failed to comply with one of its obligations under this Part, other than section 253.

Notice of appointment
(2) The Minister shall give the municipality at least 30 days’ notice before appointing the community safety and well-being planner.

Term of office
(3) The appointment of a community safety and well-being planner is valid until terminated by order of the Minister.

Powers of planner
(4) Unless the appointment provides otherwise, a community safety and well-being planner has the right to exercise any powers of the municipality that are necessary to prepare a community safety and well-being plan that the municipality could adopt.

Same
(5) The Minister may specify the powers and duties of a community safety and well-being planner appointed under this section and the terms and conditions governing those powers and duties.

Right of access
(6) A community safety and well-being planner appointed for a municipality has the same rights as the municipal council in respect of the documents, records and information of the municipality.

Minister’s directions
(7) The Minister may issue directions to a community safety and well-being planner with regard to any matter within the jurisdiction of the planner.

Directions to be followed
(8) A community safety and well-being planner shall carry out every direction of the Minister.

Report to Minister
(9) A community safety and well-being planner shall report to the Minister as required by the Minister.

Municipality to pay costs

(10) The municipality shall pay the community safety and well-being planner’s remuneration and expenses as set out in the regulations made by the Minister.
Good evening:

Our introductory meeting on Friday March 22nd regarding Grey Bruce Community Safety and Well-Being Planning was an overwhelming success with over 70 participants attending. Chief Martin it was great that you could join us. Attached are the notes captured during that meeting. We are writing today because we are very interested in keeping the momentum going in order to support municipalities to meet the January 2020 timeline to have a Community Safety and Well-Being Plan in place.

As an outcome of the meeting Municipal and County participants planned to have some conversations as to what the preferred next steps would be. Community partners (health, community and social agencies) voiced support for the concept of working collaboratively during the planning phase. The rationale is to have one central table to support the development of a plan framework that could be customized to reflect individual community needs.

Although the Grey Bruce Healthy Communities Partnership will hold a follow up discussion at the Friday April 26th Breakfast meeting no further action is planned. We will await to hear from Municipalities and the Counties as to the direction that they plan to take.

For more information please contact Public Health Manager, Lynda Bumstead at l.bumstead@publichealthgreybruce.on.ca or 519-376-9420 ext 1463.

Regards,

Lynda Bumstead  Sarah Cowley  Mike Daze

Special Meeting March 22, 2019 Planning Committee
# GREY BRUCE HEALTHY COMMUNITIES PARTNERSHIP SPECIAL MEETING:
## Community Safety and Wellbeing

**MINUTES**

**Date:** Friday, March 22, 2019  
**Time:** 8:30 – 11:00 (Breakfast Meeting---Breakfast available 8:00 am)  
**Location:** Grey Bruce Health Unit Classrooms 125 and 126

<table>
<thead>
<tr>
<th>Agenda Item</th>
<th>Discussion Notes</th>
<th>Facilitator</th>
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| 1. Welcome & Introductions  
Review of Agenda  
8:25-8:30 am | Setting the Stage for the Meeting  
* See Attendance List | Lynda Bumstead & Sarah Cowley, Co-Chairs |
| 2. Ministry of Community Safety and Correctional Services  
8:30-9:40 am | Presentation: Comprehensive Police Services Act  
- Modernized approach to community safety and well-being  
- Legislative requirements, provincial tools and resources  
- Municipalities have until January 1\(^{st}\), 2021 to develop and adopt municipal plans (single-tier municipalities, lower-tier municipalities, regional municipalities)  
- Discretion to develop joint plans with surrounding municipalities or First nation communities  
- Additional requirements include development of an advisory committee (including, but not limited to, LHIN health/mental health, child and youth services, education, community/social services, custodial services, municipal council members/employees, police services)  
- Must conduct consultation across the community  
- Specific contents of the plan were highlighted (identifying risk factors, identifying strategies and setting measurable outcomes)  
- There are regulatory requirement to publish a completed plan within 30 days after adoption (online and in print)  
- Additional regulations will come regarding monitoring, evaluating, reporting and reviewing the plan  
- History of the legislation/resources discussed (2012 – | Representatives from the Ministry of Community Safety and Correctional Services  
Oscar Mosquera  
Tiana Biordi  
James Lee |
<table>
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<tr>
<th>Time</th>
<th>Event</th>
<th>Details</th>
<th>Presenter</th>
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| 9:45-10:00 am| **Presentation: STAR (Situation Table for Acute Risk)**              | • Overview of STAR Grey Bruce; launched late 2016 after planning for the model (an external coordinator assisted); much discussion regarding the multi-jurisdictional nature of our communities  
• STAR involves incident response and risk intervention (inner rings of the CSWB framework); have built infrastructure for intervention on a smaller scale, have lessons learned that can inform creation of the model for Grey Bruce  
• Owen Sound Police Services are using the RTD for data collection for STAR  
• Lessons learned: 17 municipalities working independently could lead to an overwhelming need for resources, duplication of participation, too many plans; great benefit to working together to create one plan for Grey Bruce; this could lead to better data and understanding of risks/outcomes for our region, and more streamlined application of the plan for our communities | Mike Dazé, Inspector – Owen Sound Police Services |
| 9:40-10:00 am| **Presentation: Safe Communities Committee**                        | • Safe Communities Designation; program launched by Safe Communities Canada in 1989, now led by Parachute (Preventing Injuries, Saving Lives); 10 step process to designation  
• 69 communities across the country are designated; Bruce Peninsula and South Bruce are 2 of those  
• Steps To Be Taken: create a leadership table, adopt Terms of Reference, complete a priority | Adam Belanger  
Bruce Peninsula OPP  
Jason Weppler  
Health Promoter  
Grey Bruce Health Unit |
<table>
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<tr>
<th>Setting exercise (structured, facilitators guide, includes data like Statistics Canada, Emergency Department visits, police services contacts, etc.), complete a community scan (services/agencies already involved in enhancing safety), identify your initiatives and evaluation plan, identify your budget, ensure administrative coordination, develop a community action plan, finalize your application, designation ceremony</th>
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<tbody>
<tr>
<td>Bruce Peninsula Safe Communities: designated in 2017; Hwy 6 Safety project; AED’s now available on Sauble Beach; “We Love The Way You Drive” campaign (high schools)</td>
</tr>
<tr>
<td>South Bruce County Safe Communities: designated in 2018; “Pocket Your Keys” campaign (to enhance awareness of risks associated with leaving keys in cars); Safe Internet Exchange Sites (for exchange of purchases/sale items through online forums); Teen Driver Safety Week</td>
</tr>
<tr>
<td><strong>See presentation for further details:</strong></td>
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5. **Question & Answer Period**  
**10:00-10:10 am**  
**Panel of Presenters**  
- Representatives from the Ministry of Community Safety and Correctional Services: Oscar Mosquera, Tiana Biordi, James Lee  
- Owen Sound Police Services: Mike Dazé, Inspector  
- Safe Communities Committees (Bruce Peninsula and South Bruce County): Adam Belanger, Bruce Peninsula OPP; Jason Weppler, Health Promoter Grey Bruce Health Unit  

Moderator: Mike Dazé

6. **Next Steps & Closing**  
**10:10-10:20 am**  
**Actions to Consider as We Move Forward:**  
- Some steps have already been taken to support the creation of plan(s) (database use, committee tables)  
- Discussion needs to be had by municipalities/counties regarding interest in creating one shared plan; there is a need to identify if there are municipalities that want to create their own plan, separate and apart from others  
- Lessons learned from Situation Table include the need for a Coordinator (dedicated position) to facilitate the creation of the plan(s)  

Mike Dazé
- There are community agencies who would be willing to host the Coordinator position, if funding were available from municipalities/counties to support a shared approach.

| 7. Next Healthy Communities Partnership Meeting | Proposed Topic: Growing our Workforce | Friday, April 26, 2019  
Grey Bruce Health Unit |
Safe Communities Committee

Jason Weppler
Health Promoter
Grey Bruce Health Unit

Adam Belanger
Media Relations Constable
Bruce Peninsula OPP

March 22, 2019
Safe Communities Designation

Program originally launched by Safe Communities Canada

Now led by Parachute Canada

10 Step Process to Designation
Steps 1 - 5

1. Create a leadership Table
2. Adopt a Terms of Reference
3. Complete a Priority Setting Exercise
4. Complete a Community Scan
5. Identify your Initiatives and Evaluation Plan
Steps 6 - 10

6. Identify your Budget
7. Ensure Administrative Coordination
8. Develop a Community Action Plan
9. Finalize Your Application
10. Designation Ceremony
Local Safe Community Committees

Bruce Peninsula Safe Communities
- Designated 2017
- Highway 6 Safety
- AED’s on Sauble Beach
- “We Love The Way You Drive” campaign

Southern Bruce County Safe Communities
- Designated 2018
- “Pocket Your Keys” campaign
- Safe Internet Exchange Sites
- Teen Driver Safety Week
Contact

Jason Weppler
Health Promoter
Grey Bruce Health Unit
j.weppler@publichealthgreybruce.on.ca

Adam Belanger
Media Relations Constable
Bruce Peninsula OPP
Adam.Belanger@opp.ca
Community Safety and Well-Being Planning in Ontario

Public Safety Division, Ministry of Community Safety and Correctional Services

Presented to: Healthy Communities Committee Meeting
Date: March 22, 2019
Purpose

- Provide an overview of the ministry’s approach to community safety and well-being (CSWB) planning, including:
  - new legislative requirements related to mandating CSWB planning under the Police Services Act, 1990; and
  - the CSWB Planning Framework.

- Highlight provincial tools and resources to support CSWB planning, including results from the Risk-driven Tracking Database which can inform the planning process.
Mandating CSWB Planning

- New legislative amendments outlined under Part XI of the current Police Services Act (1990) mandates every municipal council to prepare and adopt a CSWB plan.
  - First Nation band councils are encouraged to engage in CSWB planning but will not be required to do so by legislation.

- This new legislative requirement for CSWB planning came into force on January 1, 2019, and municipalities have two years from this date to prepare and adopt a plan (i.e., by January 1, 2021) [s. 143 (3)].

- Under the legislation [s. 4 (1)], the responsibility to prepare and adopt a CSWB plan applies to:
  - single-tier municipalities;
  - lower-tier municipalities in the County of Oxford and in counties; and
  - regional municipalities, other than the County of Oxford.

- Municipalities have the discretion and flexibility to develop joint plans with surrounding municipalities or First Nation communities [s.143 (2)].
Mandating CSWB Planning (cont’d)

- Additional legislative requirements related to CSWB planning include:
  - Establishing a multi-sectoral advisory committee, including representatives from, but not limited to [s. 145 (3)]:
    - LHINs or health/mental health services
    - Educational services;
    - Community/social services;
    - Community/social services to children or youth;
    - Custodial services to children or youth;
    - Municipal council member or municipal employee;
    - The police service board or a detachment commander (or delegate).
  - Conducting consultations with the advisory committee, members of public, including youth, members of racialized groups and of First Nations, Métis and Inuit communities, as well as community organizations that represent these groups [s. 145 (6)].
  - Contents of the plan [s. 146]:
    - Identifying priority risk factors (e.g. without limitation, systemic discrimination and other social factors that contribute to crime, victimization, addiction, drug overdose and suicide)
    - Identifying strategies to reduce the prioritized risk factors (e.g. new services, changing/coordinating existing services)
    - Setting measurable outcomes
Mandating CSWB Planning (cont’d)

- Regulatory requirements related to CSWB planning include [s. 149 (2), O. Reg. 527/18]:
  - Publishing a completed CSWB plan within 30 days after adopting the plan in the following manner:
    - Online;
    - In print for review by anyone who requests it;
    - In any other manner or form determined by the municipality.

- Additional regulations prescribing requirements related to monitoring, evaluating, reporting, and reviewing of the CSWB plan may be outlined at a later date.
Context

CRIME PREVENTION IN ONTARIO
A Framework for Action

COMMUNITY SAFETY AND WELL-BEING IN ONTARIO
A Snapshot of Local Voices
Booklet 2

COMMUNITY SAFETY AND WELL-BEING PLANNING FRAMEWORK
A Shared Commitment in Ontario
Booklet 3

2012  2014  2017

Ministry of Community Safety and Correctional Services
Community Safety and Well-Being Planning Framework (cont’d)

Areas of Focus:
- Collaboration
- Information Sharing
- Performance Measurement

Critical and non-critical incident response
Mitigating situations of elevated risk
Proactively reducing identified risks
Promoting and maintaining safety and well-being

Ministry of Community Safety and Correctional Services
Critical and non-critical incidents requiring first responders (e.g., police, fire, EMS)

Police as the primary response to persons in crisis, often non-criminal in nature

Significant resources that could be better dedicated to reducing the number of incidents requiring enforcement/corrections (e.g., reactive vs. proactive)

Limited information being shared about the incident at hand

Focused on output measures (e.g., number of calls for service, number of complaints received, response times)
Reduce harm before critical or non-critical response is required (e.g., situations of acutely elevated risk)

Implement immediate multi-sector responses (e.g., Situation Tables, the Violent Threat Risk Assessment protocol) to address multiple risk factors

Collaboration between acute care agencies (e.g., mental health, addictions, transitional housing)

Collect risk-based data (e.g., Risk-driven Tracking Database)

Outcomes focused on mitigating harm (e.g., reduction in emergency room visits and victimization rates)
Proactively identify and address local risk factors before they escalate

Use evidence and data to inform programs/policies

Implement integrated programs that involve various sectors working together to address priority issues for vulnerable groups

Engage non-traditional groups in crime prevention efforts (e.g., local Business Improvement Areas, libraries)

Outcomes focused on the result of prevention efforts (e.g., increased feeling of safety)
Long-term investment to improve the social determinants of health and well-being (i.e., the underlying conditions shaping daily life)

Address complex social issues (e.g., poverty, mental health, homelessness) using an integrated, multi-sectoral approach

Ensure awareness of/access to services in the community

Challenge institutional boundaries and organizational culture at the systemic level

Outcomes include quality of life indicators (e.g., health status, educational attainment rates)
Critical Success Factors

- **Strength-Based** - Leverage existing resources, programs and services in the community

- **Risk-Focused** - Risk-based planning rather than incident-driven

- **Awareness & Understanding** - Ensuring all community members understand the benefits of, and their role in, CSWB planning

- **Highest Level Commitment** - Buy-in from individuals of influence (e.g., political leaders, decision makers) to champion the cause

- **Effective Partnerships** - Creating meaningful, integrated partnerships across multiple sectors

- **Evidence & Evaluation** - Using research and data to inform the planning process

- **Cultural Responsiveness** - Effectively interacting with, and responding to, the needs of diverse groups of people in the community
How to Plan

- Engage the community
- Use local data from multiple sources
- Establish priorities
  - Identify risk factors, vulnerable groups, and protective factors

- Determine measurable outcomes
- Establish performance measures

- Develop an Implementation Plan
- Measure progress to address risks
- Review and update the Plan

- Use research/evidence to select appropriate strategies
- Leverage existing assets
- Implement strategies in all planning zones
Benefits of Planning

- Enhanced collaboration among sectors
- Increased understanding of risks & vulnerable groups
- Individuals with complex needs receive appropriate services
- Increased awareness and access to services
- Better coordination of services
- Significant cost-benefits
- Transformation of service delivery
Examples of Local CSWB Plans

Our Shared Commitment

The Town of Bancroft's Community Safety and Well-being Plan
Approved By Council: 2016

Community Safety & Well-Being in Halton

SAFER THUNDER BAY
2017 - 2020 COMMUNITY SAFETY & WELL-BEING STRATEGY

A Plan for Collaboration & Action
Provincial Supports and Resources

- Booklets #1, #2, and #3
- Ministry Grants
- Guidance on Information Sharing in Multi-Sectoral Risk Intervention Models document
- OPP Situation Table eModules
- Risk-driven Tracking Database

Ministry of Community Safety and Correctional Services
Risk-driven Tracking Database (RTD)

The RTD provides a standardized means of gathering de-identified information on situations of elevated risk for communities implementing multi-sectoral risk intervention models, such as Situation Tables.

It is one tool that supports these models by helping communities collect data about local priorities and evolving trends to assist with the community safety and well-being planning process.

The Ministry has leveraged the work of Saskatchewan to develop a customized solution that meets Ontario’s needs. As a result, Ontario’s data elements align with other jurisdictions across Canada to allow for national comparatives.

As of March 2019, 47 sites across Ontario have been on-boarded to the RTD with 55 expected by the December of 2019.
2018 Provincial RTD Results - Overview

47 Sites
2,855 Discussions

91% of Discussions have "Met the Threshold of Elevated Risk"

74% Resulted in "Overall Risk Lowered"

Total of 20,035 Risk Factors
Average of 8 Risk Factors per Discussion

Average of 6 Agencies per Discussion

*All results are based on data from the 47 sites that have been on-boarded as of January 29, 2019 and operational in 2018.

Ministry of Community Safety and Correctional Services
2018 Provincial RTD Results – Originating Sector vs. Lead Sector

**Originating Sector**
- Justice: 58%
- Health: 12%
- Community and Social Services (CSS): 10%
- Child and Youth Services (CYS): 10%
- Housing: 7%
- Education (EDU): 3%

**Lead Sector**
- Health: 40%
- Community and Social Services (CSS): 20%
- Justice: 17%
- Child and Youth Services (CYS): 14%
- Housing: 6%
- Education (EDU): 3%
2018 Provincial RTD Results – Sector Engagement

Overall Sector Engagement

- **Health**
  - Originating: 355
  - Lead: 1028
  - Assisting: 4339

- **Justice**
  - Originating: 1647
  - Lead: 448
  - Assisting: 2365

- **Community and Social Services**
  - Originating: 290
  - Lead: 513
  - Assisting: 3104

- **Child and Youth Services**
  - Originating: 276
  - Lead: 361
  - Assisting: 1293

- **Housing**
  - Originating: 187
  - Lead: 163
  - Assisting: 778

- **Education**
  - Originating: 100
  - Lead: 414

Ministry of Community Safety and Correctional Services
2018 Provincial RTD Results – Risks

Risk Category (by occurrence)

- Mental Health: 2813 (14.0%)
- Criminal Involvement: 1826 (9.1%)
- Drugs: 1373 (6.9%)
- Antisocial/Negative Behaviour: 1214 (6.1%)
- Physical Health: 1085 (5.4%)
- Basic Needs: 1053 (5.3%)
- Housing: 1003 (5.0%)
- Physical Violence: 971 (4.9%)
- Alcohol: 918 (4.6%)
- Emotional Violence: 887 (4.4%)
- Crime Victimization: 882 (4.4%)
- Suicide: 833 (4.2%)
- Negative Peers: 750 (3.7%)
- Parenting: 610 (3.0%)
- Self Harm: 574 (2.9%)
- Poverty: 548 (2.7%)
- Threat to Public Health and Safety: 497 (2.5%)
- Unemployment: 453 (2.3%)
- Social Environment: 365 (1.8%)
- Cognitive Functioning: 269 (1.4%)
- Missing School: 278 (1.4%)
- Missing/Runaway: 275 (1.4%)
- Sexual Violence: 236 (1.2%)
- Supervision: 181 (0.9%)
- Elderly Abuse: 92 (0.5%)
- Gangs: 90 (0.5%)
- Gambling: 10 (0.1%)

Total Risk Factors Reported = 20,035
Risk Factors Identified (out of 105 risk factors) = 105

Risk Category (by discussion)
Top 5

1. Mental Health: 2119 (82%)
2. Drugs: 1221 (47%)
3. Criminal Involvement: 1140 (44%)
4. Antisocial/Negative Behaviour: 1129 (43%)
5. Housing: 1000 (38%)
2018 Provincial RTD Results – Age Range (Person)

**Age Group - Provincial Breakdown**

- 60+ Years: 301 (14.8%)
- 40-59 Years: 452 (22.2%)
- 30-39 Years: 375 (18.4%)
- 25-29 Years: 207 (10.2%)
- 18-24 Years: 314 (15.4%)
- 12-17 Years: 363 (17.8%)
- 6-11 Years: 20 (1.0%)
- 0-5 Years: 1 (0.05%)
- Unknown: 3 (0.1%)

**Top Age Group – Regional Breakdown**

<table>
<thead>
<tr>
<th>Central Region</th>
<th>East Region</th>
<th>North East Region</th>
<th>North West Region</th>
<th>West Region</th>
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<tbody>
<tr>
<td>40-59 Years</td>
<td>12-17 Years</td>
<td>30-39 Years</td>
<td>12-17 Years</td>
<td>40-59 Years</td>
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</tbody>
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Ministry of Community Safety and Correctional Services
2018 Provincial RTD Results – Top Risks by Age Group and Sex

<table>
<thead>
<tr>
<th>Top 5 Risk Categories for 12-17 Age Group</th>
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<tbody>
<tr>
<td>1. Mental Health (12%)</td>
</tr>
<tr>
<td>2. Criminal Involvement (11%)</td>
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<tr>
<td>3. Drugs (8%)</td>
</tr>
<tr>
<td>4. Antisocial/Negative Behaviour (7%)</td>
</tr>
<tr>
<td>5. Negative Peers (6%)</td>
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<tr>
<td><strong>Female</strong></td>
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<tr>
<td>1. Mental Health (12%)</td>
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<td>5. Missing/Runaway (6%)</td>
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<td><strong>Male</strong></td>
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<td>3. Drugs (8%)</td>
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<tr>
<td>4. Antisocial/Negative Behaviour (8%)</td>
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<td>5. Parenting (6%)</td>
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<table>
<thead>
<tr>
<th>Top 5 Risk Categories for 40-59 Age Group</th>
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<tbody>
<tr>
<td>1. Mental Health (16%)</td>
</tr>
<tr>
<td>2. Criminal Involvement (8%)</td>
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<tr>
<td>3. Physical Health (7%)</td>
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<tr>
<td>4. Housing (6%)</td>
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<tr>
<td>5. Basic Needs (6%)</td>
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<tr>
<td><strong>Female</strong></td>
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<tr>
<td>1. Mental Health (17%)</td>
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<td>2. Physical Health (7%)</td>
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<tr>
<td>3. Crime Victimization (7%)</td>
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<td>4. Basic Needs (6%)</td>
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<td>4. Physical Health (7%)</td>
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<td>5. Alcohol (6%)</td>
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Examples of Data Sources

- Statistics Canada:
  - Census Profile 2016
  - Examples of CSWB indicators include educational attainment, low income and unemployment
  - CANSIM tables (customized data tables by Ontario regions/communities for specific indicators)
  - Crime/Justice related statistics through Uniform Crime Reporting Survey, Homicide Survey, etc.
  - Labour Force Survey
  - Canadian Community Health Survey

- Canadian Institute for Health Information:
  - Ontario Mental Health Reporting System, Discharge Abstract Database, National Ambulatory Care Reporting System, etc.

- Ontario Government's Open Data catalogue:
  - various sectoral data and existing services at local levels (e.g., health and wellness data)

- MCSCS' Risk-driven Tracking Database

- First Nations Regional Health Survey and First Nation Profiles (available through Indigenous and Northern Affairs Canada)

- Local Sector-specific Data:
  - police services (e.g., data on calls for service and occurrences)
  - municipal offices
  - local non-profit organizations
  - school boards (e.g., truancy rates, graduation rates)
  - Hospitals (e.g., ER visits)

- Local Strategies and Initiatives:
  - Community-wide strategies (e.g., Mental Health and Addictions, Drug Strategy, Homelessness)
  - Multi-sectoral Planning Tables
  - Situation Tables
Examples of Resources to Inform Local Programs and Strategies

Public Safety Canada

Crime Prevention Inventory

ontario Working Group (OWG)

National Institute of Justice

Robuproints

VitalSigns.

NIJ National Institute of Justice

SAMHSA

Ministry of Community Safety and Correctional Services
Questions?

Tiana Biordi
Community Safety Analyst
Program Development Section
External Relations Branch
Public Safety Division
MCSCS
Tiana.Biordi@ontario.ca
(416) 326-9355

James Lee
Community Safety Analyst
Program Development Section
External Relations Branch
Public Safety Division
MCSCS
James.Y.Lee@ontario.ca
(416) 325-6039
Appendix A: Provincial Resources

Community Safety and Well-Being Booklets:
- Booklet 1 – *Crime Prevention in Ontario: A Framework for Action*
  http://www.mcscts.jus.gov.on.ca/sites/default/files/content/mcscts/docs/ec157730.pdf
- Booklet 2 – *Community Safety and Well-Being in Ontario: A Snapshot of Local Voices*
  http://www.mcscts.jus.gov.on.ca/sites/default/files/content/mcscts/docs/ec167634.pdf
- Booklet 3 – *Community Safety and Well-Being Planning Framework: A Shared Commitment in Ontario*
  https://www.mcscts.jus.gov.on.ca/sites/default/files/content/mcscts/docs/Booklet%203%20English%20accessi ble%20Final.pdf

Information Sharing:
- *Guidance on Information Sharing in Multi-Sectoral Risk Intervention Models*
  http://www.mcscts.jus.gov.on.ca/english/Policing/ProgramDevelopment/PSDGrantsandInitiatives.html

Situation Table E-Learning Package:
# Appendix B: RTD Provincial Roll-out Strategy

## RTD Provincial Roll-out Strategy – Communities On-boarded

<table>
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<tr>
<th>PHASE 1</th>
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<td>Huron and Perth County</td>
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<td>Sarnia and Lambton County</td>
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Ministry of Community Safety and Correctional Services
Corporate Asset Naming Policy

Policy Statement

The Municipality of West Grey is committed to providing an equitable, consistent and efficient process for the naming or renaming of West Grey owned assets.

Purpose

The purpose of this policy is to:

1. Establish a clear, consistent and inclusive approach should Council wish to confer a specific name on West Grey owned assets;

2. Ensure asset naming is aligned with legislation, bylaws, the West Grey Strategic Plan and West Grey programs and services; and

3. Ensure taxpayers are aware of opportunities for their involvement in the naming or renaming of a West Grey asset.

Scope

West Grey Council approval is required for the naming/renaming of West Grey assets. This policy applies to the following West Grey owned assets:
| 1. Roads                        | 6. Trails                      |
| 2. Buildings and rooms or features therein | 7. Walkways/ bicycle paths |
| 3. Structures                  | 8. Landscape elements          |
| 5. Culverts                    | 10. Real property including public open space |

There are several instances in which the naming of a West Grey asset may be considered:

- When honouring an individual or group
- Providing recognition of donations, sponsorships and joint ventures
- Opening of new assets or re-opening assets following refurbishment
- When circumstances dictate the renaming of an asset
- As otherwise determined by West Grey Council

Certain West Grey assets, such as the West Grey administration building and others as may be determined by West Grey Council, are not eligible for naming proposals.

West Grey retains ownership and control over any named asset.

**Acceptable Names**

The selection of a name will be based on a number of criteria including but not limited to the following:

- Understandable to the majority of West Grey citizens
- Consistent with any other applicable policies
- Assists with emergency response situations by being consistent with street names and geographical locations

Preference will be given to names that:

- Give a sense of place, continuity and belonging reflecting the geographic location, community or neighbourhood where the corporate asset is located
- Recognize the historical significance of the area
- Reflect unique characteristics of the site or asset
- Recognize native flora and fauna
- Reflect the type of service offered
- Are in keeping with a selected theme
Honour individuals who have:

a. Demonstrated excellence, courage or exceptional service to the citizens of West Grey, the Province and/or Canada;
b. Provided extensive community service, worked to foster equality and reduce discrimination;
c. Made a significant financial contribution to an asset, that significantly benefits the community; or
d. Historical significance to West Grey, the Province and/or Canada

Naming in honour of elected or appointed public officials, administrative officials or staff is to occur only after their West Grey public service or employment has concluded.

Where the name of an individual is recommended, written consent must be obtained from the individual or their next of kin prior to consideration by West Grey Council or Committee of the Whole (Council).

This policy does not preclude any corporate sponsorship naming opportunities West Grey may wish to develop.

Prohibited Names

Unless otherwise determined by West Grey Council, no name shall be chosen that:

1. Causes confusion due to duplication of or similarity with existing named locations or features within West Grey;

2. Is the name of:
   a. An entity associated with tobacco, alcohol or obscenity
   b. A religious or political organization;

3. May have an inappropriate acronym, short form or modification;

4. Is discriminatory or derogatory; or

5. Is incompatible with West Grey's stated corporate vision, values and goals as set out in the West Grey Strategic Plan.

Changing an Existing Name

The following factors will be considered by West Grey when assessing the merits of a request to change the existing name of a West Grey asset:
1. Historical significance of the name;
2. Impact on the currently named individual, organization or entity
3. Cost and impact of:
   a. Changing existing signage
   b. Rebuilding community recognition
   c. Updating records such as letterhead, databases and promotional materials
   d. Emergency services/911

Unless otherwise provided in an asset naming agreement, West Grey may review, change or remove the name of a West Grey asset at any time.

Commemorative Naming of West Grey Roads

Notwithstanding the provisions of this policy to the contrary, West Grey Council may assign an honourary designation to a West Grey road or section of said road to commemorate truly exceptional achievements and/or contributions of an individual to West Grey. In doing so, West Grey Council must be satisfied that:

1. The honourary designation is not expected to create undue confusion for civic and mailing address purposes, particularly emergency services response situations.

2. It is well documented and communicated broadly that roads assigned an honourary designation are not officially renamed.

3. Individual family tribute or commercial and corporate related recognition is not permitted. Further, applying an honourary name to more than one West Grey road or portions thereof is not permitted.

Duration of Naming/Renaming

Donations/sponsorship naming initiatives will have a specific sunset clause associated with the length of time that the name will be used. Naming agreements may be renewed if an appropriate donation or sponsorship is received.

Naming/Renaming Procedure

The following procedure applies to the naming or renaming of a West Grey asset:
1. Any person may submit to the Clerk’s Office a written request to name or rename a specific West Grey asset. A complete submission is to include at least the following information:

   a. Proponent’s name, address, telephone number and where applicable, email address;

   b. A description of the West Grey asset to be named/renamed;

   c. Names relating to individuals, family names or community groups will require the written consent of the family member, estate, or group executive;

   d. A map showing the location of the asset which is the subject of the request;

   e. Background information concerning the rationale for the requested name;

   f. Biographical or background information if the name proposed is the name of an individual, group or organization;

   g. An overview of any public outreach and documented support received for the proposal;

   h. Any applicable fees as may be established by West Grey Council;

2. A review of the naming proposal will be conducted by West Grey using the assessment criteria set out in this policy to ensure the name has not been used in the past, is consistent with adopted policy and strategic direction of West Grey, and is meritorious.

3. A complete proposal package will be circulated for comment and review by the Clerk to West Grey departments, and other agencies as may be considered appropriate or necessary by the Clerk.

4. A staff report will be prepared and provided to the Committee of the Whole (Council) for consideration and recommendation to West Grey Council.
5. Before making a final determination on a name, West Grey Council may extend an invitation to members of the general public to provide input on the naming proposal, if deemed appropriate.

6. If West Grey Council denies the proposal by vote or failure to act, the matter cannot be re-considered for a period of one calendar year.

7. If a naming offer is not accepted, the proponent shall be advised as to the reasons.
THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
BY-LAW NUMBER - 2019

Being, a By-Law to establish a policy setting out required financial securities for inclusion in Subdivision Agreements;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:

1. That, the Municipality of West Grey shall require financial securities for inclusion in Subdivision Agreements as follows:

   a) 40% of the estimated cost of the on-site subdivision works by an irrevocable letter of credit or cash;
   b) 100% of the estimated cost of the off-site subdivision works by an irrevocable letter of credit or cash.

2. This By-Law shall come into force and effect on the date of final passing thereof.

Read a first and second time this day of , 2019.

Read a third time and finally passed this day of , 2019.

______________________________  ______________________________
Christine Robinson, Mayor          Mark Turner, Clerk
April 4th, 2019

West Grey Township
402813 Grey Rd., Rr#2
Durham, Ontario
N0G 1R0

Dear West Grey Township,

This letter is to alert you to Bill C-68, another piece of interventionist federal legislation that will have a negative impact on your municipality, and on the property rights of your ratepayers.

Bill C-68, which is currently before the Senate, reverses changes to the Fisheries Act – changes which municipalities similar to yours requested our previous Conservative government to make.

Specifically, we amended the "HADD" provisions of the Act, (Harmful Alteration Disruption or Destruction of fish habitat).

One of the most significant problems identified by municipalities about the HADD provision was its broad application and restrictive nature, which ended up costing property taxpayers thousands of dollars, with no real or apparent benefit to the environment.

Municipalities which needed to install culverts or other flood mitigation work were in too many cases faced with negative enforcement after work was completed, with inconsistent guidance when they sought direction for compliance.

In addition to repealing our amendments, the current Federal Government has expanded the definition of "habitat," and added a new concept to the Act, "water flow."

By explicitly adding in the concept of water flow, which was not in the old legislation, the scope of offences municipalities can be charged with, have been greatly expanded.

Worst of all, rather than specifically listing what is and is not an offence under this legislation, including fines or jail, this power has been handed over to the unelected technocrats, to determine by regulation, what the penalties for non-compliance will be, after they have determined what is non-compliance.

As the longest consecutive serving Conservative MP in Ontario, representing a predominantly rural riding, I am very aware of the challenges rural and small-town municipalities have faced dealing with the Federal government.
All municipalities should be demanding the Federal Government provide regulatory certainty before this legislation is passed into law.

Clear regulatory certainty is necessary to prevent the return of conflicted interpretations, and inconsistencies in enforcement of the Fisheries Act which happened in the past.

Sincerely,

Cheryl Gallant, M.P.
Renfrew—Nipissing—Pembroke
CG:mm
Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence ("Bill C-68"), was introduced on February 6, 2018, by the Federal Government. This bill aims to provide a framework for the proper management and control of fisheries and the conservation and protection of all fish and fish habit, including pollution prevention.

The Federal Government has described the purpose of Bill C-68 as restoring lost protections for fish and fish habitats, as well as to incorporate new safeguards in the Fisheries Act (R.S.C., 1985, c. F-14). In addition to certain changes to the Federal Government’s oversight of commercial fisheries, the proposed amendments will reinstate -- and in some cases, expand -- a number of environmental protections that existed in the Fisheries Act prior to June, 2012. The proposed amendments also include increased transparency through an online registry and enhanced enforcement and monitoring capacity.

This bulletin provides an overview of the main amendments to the Fisheries Act proposed by Bill C-68, focusing on the environmental protection and pollution prevention aspects of the proposed amendments.

Protection of fish and fish habitat

Bill-68 proposes amendments to regulate potential harms to fish and fish habitat by introducing various prohibitions. No person may, absent authorization:

- Carry on any work, undertaking or activity, other than fishing, that results in the death of fish (s. 34.4(1)); and
- Carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat (s. 35(1)).

Bill C-68 also proposes amendments that will modernize the permitting process under the Fisheries Act to authorize works, undertakings and activities that may result in the death of fish or the harmful alteration, disruption or destruction of fish habitat, or the introduction of a deleterious substance into waters frequented by fish.

The definition of fish habitat is also modified and broadened to include any waters frequented by fish in Canada. This modification will result in many more water bodies in Canada falling within the definition of fish habitat and therefore being subject to expanded federal regulatory oversight.


\textbf{Authorizations of designated projects}

In addition to new powers to designate environmentally sensitive areas, Bill C-68 introduces a new regulatory instrument related to projects that could affect fish and fish habitat. Some key components include:

- The introduction of a new category of “designated projects” (or classes of projects). This appears to be a significant departure from the current requirements to have authorizations only in respect of specific harms to fish and fish habitat.
- No person may carry on any work, undertaking or activity that is part of a designated project without a federal permit.
- The ability to establish standards and codes of practice for the avoidance of the death of fish and harmful alteration, disruption and destruction of the fish habitat, the conservation and protection of fish or fish habitat, and the prevention of pollution. Such codes of practice will be applicable through all phases of the project development lifecycle.
- Establishing a new system for project proponents to create fish habitat banks in exchange for certified habit credits that the proponent can apply to offset a project’s adverse effects on local fish and fish habitat.

The proposed regulations setting out the types of “designated projects” have not yet been released. It remains to be seen how broadly the Federal Government intends to apply these new powers and what kinds of projects it intends to regulate under the \textit{Fisheries Act}.

\textbf{Factors to be taken into consideration by the Minister when taking a decision}

Bill C-68 proposes a series of factors that the Minister must consider when making regulations or orders under the fish habitat and pollution prevention provisions in the \textit{Fisheries Act}, or when exercising powers related to authorization and permits, including in respect of designated projects.

Decision makers must consider the following factors, among others:

- The contribution to the productivity of relevant fisheries by the fish or fish habitat that is likely to be affected by a decision;
- Whether there are measures and standards to avoid, mitigate or offset death to fish or harmful alteration, disruption and destruction of the fish habitat; and
- The cumulative effects of carrying on proposed works, in combination with any other works, on fish and fish habitat.

The Minister also has the discretion to consider, among other things, the application of a precautionary and ecosystem approach and sustainability of the relevant fisheries.

\textbf{Indigenous Peoples}

The proposed amendments contain a number of provisions with respect to rights of Indigenous peoples and utilization of Indigenous traditional knowledge, including:

- Explicit reference to the protection of the rights of Indigenous peoples under section 35 of the \textit{Constitution Act, 1982};
- Mandatory requirements to consider any adverse effects on section 35 rights when making a decision under the \textit{Fisheries Act};
- Authority for the Minister to enter into agreements with Indigenous governing bodies relating to fisheries and fisheries management (formerly restricted to provinces and territories);
- Mandatory requirements to consider the traditional knowledge of Indigenous peoples and cooperation of Indigenous governing bodies when making decisions under the \textit{Fisheries Act}, including recommendations on regulations and decisions on authorizations and permits; and
• Confidentiality for traditional knowledge of Indigenous peoples that is provided under the Fisheries Act in confidence, subject to some narrow exceptions.

**Enforcement**

The proposed amendments would provide enhanced enforcement powers under the Fisheries Act. In addition, Bill C-68 proposes an alternative to traditional prosecutions in the event of non-compliance. The Federal Government may offer some persons charged with offences under the Fisheries Act to enter into “Alternative Measures Agreements” in lieu of prosecution.

**Public Registry**

Under the amended Fisheries Act a public registry will be established, with records relating to, among other things:

• Agreements with provinces, territories and Indigenous governing bodies;
• Permits issued in respect of a designated project; and
• Authorizations with respect to the fish and fish habitat protection provisions.

The new registry would only contain information that would be subject to disclosure in accordance with the federal Access to Information Act.

**Conclusion**

The changes to Canada’s regime for protecting fish and fish habitat from potential environmental harms must still be passed by Parliament. Until the new rules come into effect, the current Fisheries Act continues to apply.

**Practices**

**Environmental**

**Authors**

Pierre-Olivier Charlebois  
PARTNER | LEADER, CORPORATE SOCIAL RESPONSIBILITY  
Montréal, QC

Jean-Philippe Theriault  
ASSOCIATE  
Montréal, QC

Kerry Kaukinen  
ASSOCIATE  
Vancouver, BC
On February 6, 2018, the federal government introduced Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence*. Bill C-68 is part of an overhaul of environmental legislation, as promised by the federal Liberal Party as part of its election platform.

In November 2015, Prime Minister Justin Trudeau published mandate letters to his cabinet ministers detailing the federal government’s priorities. The mandate letter for the Minister of Fisheries, Oceans and the Canada Coast Guard...
prioritized the review of the previous government's amendments to the 
*Fisheries Act*, the restoration of lost protections, and the incorporation of new 
safeguards. The House of Commons Standing Committee on Fisheries and 
Ocean studied the 2012 amendments to the *Fisheries Act* and, in February 2017, 
issued its report on the subject.

This blog post considers the changes proposed to the *Fisheries Act* by Bill C-68 
relevant to those who are involved in developing or operating projects in or 
around fish habitat and waters frequented by fish.

**Protection of Fish and Fish Habitat**

Bill C-68 proposes to include a "purpose" section declaring that one of the 
purposes of the *Fisheries Act* is the "conservation and protection of all fish and 
fish habitat, including pollution prevention." The amendments also direct that 
decisions made under the *Fisheries Act* be guided by principles of sustainability, 
precaution and ecosystem management. Both of these provisions could 
become significant when interpreting provisions of the *Fisheries Act*.

The amendments restore the provisions for the protection of fish and fish 
habitat that were removed in 2012. In particular, Bill C-68 would amend the 
*Fisheries Act* by:

- no longer limiting the protection of fish to "commercial, recreational or 
  Aboriginal fisheries";
- restoring the express prohibitions against the harmful alteration, disruption 
  or destruction of fish habitat ("HADD"); and
- restoring the prohibition against killing fish (except by authorized fishing).

https://www.lawsonlundell.com/project-law-blog/the-return-of-the-hadd-canadas-proposed... 4/25/2019
The amendments propose to encourage or promote fish habitat restoration as part of development projects and conservation projects by permitting proponents to create “fish habitat banks” in exchange for certified habit credits which could be used to offset any adverse effects from a project.

The Minister would also have the power to recommend that areas be designated “ecologically significant areas,” which would require any work, undertaking or activity to be authorized under the *Fisheries Act*.

**New Permitting Process and Codes of Practice**

With the reintroduction of the HADD provision, the government has said it intends to enact regulations that will designate which projects require a federal assessment and permit. Certain types of works, undertakings or activities would be permitted to proceed without federal assessment or permits, but would still have to comply with codes of practice established by regulation.

The new permitting framework and codes of practice are not yet published and are still in the consultation phase.

**Reconciliation with Indigenous Peoples**

Consistent with the federal government’s objective of achieving reconciliation with Indigenous peoples, Bill C-68 expressly states that the Minister must consider any adverse effects of a decision on the constitutional rights of Indigenous peoples and must use any traditional knowledge provided by Indigenous peoples to inform habitat decisions.

Bill C-68 also provides authority for the Minister to consult with, or enter into agreements with, Indigenous governing bodies. Further, if the laws of an Indigenous governing body are equivalent to the provisions of the *Fisheries Act*
or its regulations, the Minister has the power to invoke an equivalency provision for the territory that is subject to the Indigenous governing body.

**Transparency**

Bill C-68 would also require the creation of a public registry including any standards, codes of practice, permits or authorizations.

** Enforcement**

Bill C-68 introduces the potential for Alternative Measures agreements to be used as an alternative enforcement tool. Alternative Measures agreements permit alleged offenders and the Ministry to enter into an agreement to resolve any alleged offence(s) out of court provided certain conditions have been met. In the right circumstances, Alternative Measures agreements can be a useful tool to encourage remediation or conservation projects to redress any alleged harm caused to the environment while reducing the burden that these complex prosecutions can have on the justice system.

The federal government has committed to spending $284 million over the next five years to protect fish habitat, with a portion of this money being reserved for enforcement activities including an increase in officers and enhanced monitoring.

We will provide further updates as Bill C-68 progresses through the legislative process and on the government’s consultation process, as well as the proposed regulations around its new permitting and codes of practice framework. For more information, please contact Clifford Proudfoot, Lauren Cook or a member of our Environmental & Regulatory Group.
Lauren E. Cook
Partner
Email | 604.631.9111

Lauren’s practice includes regulatory law, administrative law and commercial litigation, with a particular focus on environmental law issues. She has appeared as counsel in all levels of court in British Columbia, as well as ...

ABOUT US
Lawson Lundell’s Project Law Blog focuses on updating proponents on issues emerging in the law and policy that applies to the development of major projects in Canada. The focus of the blog is on matters relating to environmental assessment and compliance, regulatory matters and Indigenous consultation.
Though many laws regulate water and water use, the *Fisheries Act* remains the only legislation that directly addresses the protection and conservation of fish and fish habitat. Enacted in 1868, the Act is one of Canada’s oldest pieces of environmental legislation. The *Fisheries Act* has a significant scope of application to a wide variety of undertakings that directly or indirectly involve water, ranging from hydroelectric projects to wetland improvement and conservation works.

Significant amendments to the Act are underway through Bill C-68, now before the Senate. Some of the most important amendments will restore the broad habitat and fish protections that were removed in 2012. This article reviews what changed in 2012, why those changes occurred, and what protections Bill C-68 proposes to restore to the Act.
The 2012 Amendments to the Act

Other than the addition of pollution prevention provisions in 1970's, the *Fisheries Act* remained surprisingly similar to the original 1868 statute for most of its history. However, in 2012, the *Act* was significantly amended. The most controversial of these amendments involved a move from protecting fish generally to focus only on prohibiting serious harm to fish that were "part of a commercial, recreational or aboriginal fishery."

This more limited protection replaced two provisions from the pre-2012 *Act*: s. 32(1), which prohibited the killing of fish except by fishing and s. 35(1), which prohibited works or undertakings causing the *Harmful Alteration Disruption* or *Destruction of fish habitat* (the so-called "HADD" provision).

The changes were controversial and were accompanied by a sharp reduction in the budget of the Department of Fisheries and Oceans.

In an unprecedented open letter to the Government, four former ministers of Fisheries and Oceans wrote that "we find it troubling that the government is proposing to amend the *Fisheries Act* via omnibus budget legislation in a manner that we believe will inevitably reduce and weaken the habitat-protection provisions". Ecojustice, a well-known environmental advocacy organization, summed up the new state of affairs by stating that the amendments "weaken fish habitat protection and result in government largely abdicating its role in habitat management".

Problems pre-2012

The response to the 2012 amendments tends to obscure the reality that the pre-2012 *Act* was, like many laws, imperfect. One of the most significant
problems was that the broad application of the HADD provision was not accompanied by clear guidance to help people and organizations with compliance. A range of parties from a variety of sectors have expressed this concern. For example:

- Ducks Unlimited Canada, in written submissions to the Standing Committee on Fisheries and Oceans, observed that "many of our conservation projects and activities that sought to restore, enhance or management wetland habitat were deemed to be 'fish habitat destruction' by DFO or their enforcement partners [...] [T]his strict interpretation of the Act severely limited our ability to deliver new conservation programming designed to protect and conserve habitat that is essential for waterfowl and other wetland dependant species, including fish."

- The Canadian Federation of Agriculture testified before the Standing Committee on Fisheries and Oceans that "the experience that many farmers had with the Fisheries Act, unfortunately, was not a positive one. It was characterized by lengthy bureaucratic applications for permitting and authorizations, and a focus on enforcement and compliance measures taken by officials coupled with a lack of guidance or outreach on the purpose of these measures or information on how to navigate through the process."

- Duane Post, a municipal councillor from British Columbia testified that the HADD provisions "were restrictive in nature because you always had to compensate for ditch work or flood mitigation work that you've done, whereas the actual work was often an improvement for fish habitat. We always felt it was really quite restrictive."

Bill C-68
The above-noted concerns about the pre-2012 Act are important, because Bill C-68 will i) reinstate the HADD provision and ii) reinstate the prohibition on killing fish other than through fishing. This effectively undoes the most significant 2012 amendments regarding fish habitat.

This proposed change to the Act’s protective scope is accompanied by an expanded definition of "habitat" that, for the first time, explicitly includes the concept of water flow:

**fish habitat** means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas;

[...]

(2) For the purposes of this Act, the quantity, timing and quality of the water flow that are necessary to sustain the freshwater or estuarine ecosystems of a fish habitat are deemed to be a fish habitat.

The definition of fish habitat is broad. The inclusion of water flow suggests that habitat may be harmfully altered, for the purposes of the Act, even by temporary alteration or impairment of water flow in any water body where fish are known to exist. This is true whether or not that water body is natural or artificial.

How, then, will the Act address concerns about breadth and lack of guidance? New provisions of the Act, as well as the Government response to the Standing Committee's report on the 2012 amendments, are instructive. In its response to the Standing Committee's recommendations about the HADD provision's "vulnerability to being applied in inconsistent manner", the Government noted that "policy and program amendments, to ensure that the prohibition is easily
understood and applied will be considered. This may include the development of policies, standards and guidelines that establish how impacts can be effectively avoided and adequately mitigated."

The Government appears to envision 5 primary means of assisting with compliance:

1. **Standards and Codes of Practice.** Proposed s. 34.2(1) provides that the Minister may establish standards and codes of practice about how to avoid fish death and harm to fish habitat, fish and fish habitat conservation/protection, and pollution prevention. These are intended to assist project proponents with compliance. Though not clear at this time, it is possible that these standards and codes of practice will be industry-specific or activity-specific.

2. **Prescribed Exemptions.** Proposed s. 34.4(2) provides for an exception to the prohibition on killing fish and destruction of fish habitat and provides for regulatory authorization of projects that may affect same. The Legislative Summary for Bill C-68 states that "small and routine projects prescribed by regulations may proceed without prior authorization, provided they comply with standards and codes of practice that are established under the Act. The scope of what constitutes small and routine projects will only be known once regulations are published."

3. **Designated Projects.** Proposed s. 23 establishes that certain designated projects will always require ministerial permits before they begin. These would likely be large-scale projects that, by their nature, would be presumed to have an impact on fish and fish habitat.

4. **Self-Assessment.** Self-assessment was a feature of the 2012 changes to the Act. Project proponents were provided with a self-assessment framework to determine if further DFO intervention was required in a given
Deja vu again the new (old) Fisheries Act | Gowling WLG

project. However, it is not clear to what extent the new regime will maintain this approach. The Standing Committee on Fisheries and Oceans recommended reduced reliance on self-assessment. While the Government accepted that recommendation, its response was vague and non-committal, suggesting that some degree of self-assessment may remain in the new Act.

5. **Expedited Permitting.** The government's response to the Standing Committee's report suggests that it is open to establishing, by regulation, an expedited permitting process for restoration of infrastructure and emergency work.

Given that the above approaches will need to be established by regulation or policy-making, proponents will remain somewhat in the dark with respect to compliance until Bill C-68 comes into force. Given that other legal regimes, such as the *Ontario Water Resources Act*, overlap to some extent with the *Fisheries Act*, one might hope that those regulations will also determine to what extent compliance with other water-related laws will suffice for the purposes of the *Fisheries Act*. Until clarity is provided through regulation, project proponents and their advisors should assume that the new Act will have at least the same breadth of application as the pre-2012 Act (likely broader), and can assume that pre-2012 case-law regarding HADD will be applicable.

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Related **Environmental Law**
**Subject #1: Road Supervisor’s Report**

Staff has been busy with the following activities:

- Winter maintenance equipment being removed and cleaned from trucks and graders.
- Cold patching hard top roads.
- Grading roads as weather permits.
- Ayton and Neustadt sidewalk and street sweeping has been completed. Rural sweeping in Bentinck continues for intersections and bridges.
- West Grey has arranged with Brockton to complete the street sweeping in Elmwood.

**Subject #2: Utilities Supervisor’s Report**

Staff has been busy with the following activities:

- Winter maintenance equipment being removed and cleaned from trucks and sidewalk machines.
- Cold patching hard top roads
- Maintenance and small repairs to equipment
- Street sweeping in Durham is now complete and staff is working in Glenelg.

**PW#1 & 2: For COW information/discussion**

**Subject #3: Equipment**

- No issues reported.

**PW#3: For COW information/discussion**
Subject #4: Contracted Work

- Morrfield Construction has commenced the reconstruction work on Bruce Street.

PW#4: For COW information/discussion

Subject #5: Staff Update

- The Department is pleased to announce the hiring of Chad Becker as Utilities Operator/Labourer for the Durham patrol Shed, Paul Porter as Equipment Operator/Labourer and Nathan Weber as Equipment Operator/Labourer for the Normanby Patrol.

PW#5: For COW information/discussion

Subject #6: Bentinck and Durham Landfill Annual Monitoring Reports

Background:
In conformance to the Ministry of Environment and Climate and Planning (MECP) the Department has engaged the services of GM Blue Plan to provide Annual Monitoring Reports for the above operational landfills as well as the closed Neustadt and Glenelg sites and the Normanby transfer station.

Durham Landfill
- Current site life 1.5 years based on previous 5 year average.

Bentinck Landfill
- Current site life 42.8 years based on previous 5 year average.
- Expected site life 19.2 years based on all waste coming to Bentinck after Durham is closed.

The above noted reports and are available to view on the West Grey website. [http://www.westgrey.com/waste-environment.cfm](http://www.westgrey.com/waste-environment.cfm)

PW#6: For COW information/discussion
Subject#7: Request to lower speed and place three way stop on Baseline Road at Concession 8 NDR former Bentinck

Background:
Council recently received a delegation from Ms. Delores Reay on March 19, 2019 requesting West Grey to lower the speed limit on Base Line Road between Concession 6 and 8 and also place a three way stop sign at Concession 8. The Director recently reviewed the above noted section of road. The Director believes the road geometrically supports an 80 km speed limit, however did note that some of the entrances on the east side of the road may have visual impairment caused by the trees and brush growing in close proximity of the road side.

The Director has consulted with West Grey Police Services seeking information regarding accident history on the Baseline Road and the intersection at Concession 8. They confirm that there is no history of accidents through this area.

Recommendation:
The Director recommends that the current status of the road remain the same. The Director also recommends that the Department enhance the sight lines along the east side of Baseline from Side Road 12 to Concession 8 by brushing the road edge back to provide minimum sight lines of approximately 150 m. Furthermore, the Director cautions that installing signage that is not essential could be precedence setting and the increase of signage will create challenges for Public Works to maintain under current service levels.

PW#7: seeking COW direction

Subject#8: Rehabilitation of Road 71 former Normanby

Background:
The Director has previously informed Council of the hard top surface breakup of Road 71 during the 2019 budget presentations. The Director did a cursory review of the road and although the surface breakup was extensive, there was no evidence of wheel rutting that would suggest inadequate granular structure base or poor quality granular that would cause the surface treatment breakup.
The Department engaged the services of CMT Engineering Inc. to undertake the review of the road substructure through drilling to determine if the granular materials under the road surface are of adequate depth and quality. The report indicated that the road has adequate quality and depth of granular to support the present traffic volumes of 580 vpd.

The Consultant’s report suggests that the existing flat road crossfall and the higher shoulder edges caused water to lay on the pavement and maybe the cause of the premature breakup. West Grey road supervisor has also indicated that there were problems that developed with the surface treatment one year later that was never followed up on.

The consultant’s report recommended that the existing road surface be pulverized, reshaped to provide positive crossfall, compacted and apply 50 mm HL4 base hot mix with 40 mm HL3 hot mix top coat. Based on this recommendation, the Director estimates that the total cost to pulverize, grade, compact and apply 90 mm of hot mix along with shouldering the edge of the hot mix would cost approximately $650,000 minimum. This does not take into the vulnerability of the Asphalt Index which suggests this price may be higher given the higher market trends of asphalt cement during the peak construction season.

The Director reviewed an alternative option that would provide similar road structure to the application of the 90 mm of hot mix yet be a more affordable solution. The Director recommends the Department use a recycling process called Expanded Asphalt Recycling and recycle 100 mm depth of the existing surface and granular to provide a robust road structure followed by the application of a double surface treatment. This process involves the use of a ‘recycling train’ which consists of a large milling machine, a crushing, processing and pug mill unit, a paving machine followed by steel and rubber tire rollers (see photo attached). This process is highly recognized in the industry for recycling existing roads and its significant reduction of greenhouse gases. The cost of for completing this work along with the double surface treatment is approximately $455,000.

The Finance Director has indicated that since West Grey was unsuccessful with the joint OCIF application with Minto, West Grey’s OCIF allocation for 2019 is approximately $447,000 that had not been included in the 2019 Department’s Budget.
Recommendation:
The Director is seeking COW approval to immediately tender for the Cold In Place Expanded Asphalt Recycling in order to complete this work prior to the procured surface treatment contractor arrival in July.

PW#8: seeking COW approval

Respectfully submitted
Brent Glasier, C.E.T.
Director of Infrastructure and Public Works
Date: April 30, 2019.

SMART Request for additional funding
Attached is a letter from SMART requesting $28,773.67 from West Grey for fleet replacement in 2019. Below is a summary of further email correspondence from SMART:

- SMART has also been advised that they will be eligible for Provincial/Federal capital funding of $563,037 which must be matched with a minimum local funding of $204,776.
- Projects must be submitted to receive this funding and must be substantially spent by March 31, 2027.
- Kincardine Council has agreed to set aside $29,883.29 of the Municipality’s one-time Provincial funding payment for contribution to SMART fleet replacement subject to commitment by other participating municipalities.

FTR#1 Recommendation: Seeking direction.

Respectfully submitted:
Kerri Mighton
Director of Finance/Treasurer
Dear Member Council,

As a transportation service, Saugeen Mobility needs to purchase new vehicles every year.

For 2019, SMART needs to purchase at least 3 (preferably 5) new adapted minivans to replace aging vans but cannot because 97% of expected 2019 MTO Gas Tax funding has been budgeted for operational costs with nothing budgeted for capital purchases. In addition to not having funds for vehicle purchases, SMART has no reserves for any contingencies.

SMART has a fleet of 27 vehicles including 3 spares ranging in model years 2006 to 2018. Eight of these vehicles have over 300,000 kms on them with some now approaching or exceeding 400,000 kms. Another seven have more than 200,000 kms on them.

Keeping vehicles up to date and reliable is critical to the safe transportation of our vulnerable clients.

After considerable discussion at the March 22 general board meeting, the directors of SMART approved the following motion:

"That SMART send a request to all participating municipalities requesting a total of $250,000 contribution from recently announced provincial funding allocation in support of SMART’s aging fleet replacement and that the contribution amount be relative to current contributions."

Using the same contribution spreadsheet as 2019 contributions, the breakdown looks like this:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arran-Elderslie</td>
<td>$18,358.51</td>
</tr>
<tr>
<td>Brockton</td>
<td>$32,721.70</td>
</tr>
<tr>
<td>Chatsworth</td>
<td>$15,162.39</td>
</tr>
<tr>
<td>Hanover</td>
<td>$51,914.73</td>
</tr>
<tr>
<td>Huron-Kinloss</td>
<td>$20,035.54</td>
</tr>
<tr>
<td>Kincardine</td>
<td>$29,883.29</td>
</tr>
<tr>
<td>Saugeen Shores</td>
<td>$43,175.86</td>
</tr>
<tr>
<td>Southgate</td>
<td>$ 9,974.31</td>
</tr>
<tr>
<td>West Grey</td>
<td>$28,773.67</td>
</tr>
</tbody>
</table>

Your municipal representative will provide more information.

For 2020, SMART will need to purchase 3 9-passenger buses at a cost of $80,000 each as well as a new 18-passenger bus at a cost of $130,000.

local and personal since 1977
It is true that over the past decade, SMART's operational costs have grown due to a variety of factors including more rides and longer rides which has driven fuel costs and wage costs, an aging fleet which has driven up maintenance costs, a wage grid for employees and various other costs that have just increased over time.

In spite of that, SMART remains one of the most efficiently operated specialized transit services in the province with 'per vehicle' operational costs well below the average for its peer group.

I hope you will give this request serious consideration. It is critical that SMART have enough money available to replace vehicles before 'in service' breakdowns begin putting the safety of our clients at risk.

If you have any questions, please contact me.

Sincerely,

Roger Cook
Manager

local and personal since 1977
SAUGEEN MOBILITY
and REGIONAL TRANSIT
603 Bruce Road 19
Box 40  Walkerton, ON  NOG 2V0
519-881-2504     1-866-981-2504
smart@hurontel.on.ca

SMART is one of 22 specialized public transit services serving local populations of 50,000-150,000.

SMART is almost unique among transit services in that it will transport clients anywhere in Ontario they wish to go. Most services never leave their municipal borders.

As can be seen in the accompanying chart (which is based on data from 2016), SMART has the lowest population density of its peer group. Population density has a direct effect on operational efficiency and, by extension, operational costs.

SMART’s minimum individual user fee of $7.50 is the 4th highest “Adult Cash Fare” and is well above the peer average of $4.70.

SMART’s expenses per vehicle are the second lowest in its peer group and less than half the average of its peers (Milton does not report).

SMART’s municipal funding, in 2016, covered 42.57% of operating expenses, well below the average of its peers at 76.24%. On a per capita basis, SMART’s municipal funding was $7.35, well below the peer average of $9.76.

These statistics clearly show that SMART is operated very efficiently, providing a high level of service to its clients at very low cost to the municipal partners and their taxpayers.

SMART is much more dependent on its clients for operating funds than its peers. It is also heavily dependent on MTO Gas Tax funding, something that is not sustainable given the capital investments that need to made each year.

local and personal since 1977
### 2016 SPECIALIZED PUBLIC TRANSIT STATISTICS - PEER GROUP (50000 - 150000 population)

<table>
<thead>
<tr>
<th>Population</th>
<th>Area sq km</th>
<th>Density Pop/sq km</th>
<th>TOTAL Expenses</th>
<th>Municipal Contributions</th>
<th>Adult Cash Fare</th>
<th>Total Vehicles</th>
<th>TOTAL Expenses Paid by Mun.</th>
<th>EXPENSES per Vehicle</th>
<th>MUNICIPAL $ per capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>GUELPH</td>
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<td>87.0</td>
<td>1514.87</td>
<td>$1,907,059</td>
<td>$1,833,968</td>
<td>$3.00</td>
<td>10</td>
<td>$96.17%</td>
<td>$190,705.90</td>
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<td>1420.00</td>
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<td>$3.00</td>
<td>14</td>
<td>$70.78%</td>
<td>$76,830.07</td>
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<td>1534.64</td>
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<td>$93.46%</td>
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<td>$89.16%</td>
<td>$103,988.82</td>
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<td>1201.78</td>
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<td>$88.98%</td>
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<td>$74,698.71</td>
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<tr>
<td>SAULT STE MARIE</td>
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<td>289.81</td>
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<td>KINGSTON</td>
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<td>273.41</td>
<td>$2,374,555</td>
<td>$2,039,985</td>
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<td>$85.91%</td>
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<tr>
<td>NORTH BAY</td>
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<td>170.37</td>
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<td>$595,492</td>
<td>$3.00</td>
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<td>$85.67%</td>
<td>$139,021.60</td>
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<td>CALEDON</td>
<td>66502</td>
<td>647.0</td>
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<td>$715,071</td>
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<td>8</td>
<td>$1.84%</td>
<td>$89,383.88</td>
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<td>QUINTE WEST</td>
<td>54014</td>
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<td>74.81</td>
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<td>69.99</td>
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<td>759.5</td>
<td>68.56</td>
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<td>$68,684.50</td>
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<tr>
<td>LANARK</td>
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<td>25.50</td>
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<tr>
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<td>3769.3</td>
<td>21.50</td>
<td>$156,064</td>
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<td>$20.00</td>
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<td>$41.36%</td>
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<td>HALTON HILLS</td>
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<td>$997,226</td>
<td>$361,052</td>
<td>$2.00</td>
<td>5</td>
<td>$36.21%</td>
<td>$199,445.20</td>
</tr>
</tbody>
</table>

**TOTALS & AVERAGES**

| TOTALS & AVERAGES | 1884820     | 12800.8          | 147.24         | $24,123,041             | $18,390,759     | $4.70          | 209                         | $76.24%             | $115,421.25         | $9.76             |

**HANOVER**

<table>
<thead>
<tr>
<th>HANOVER</th>
<th>78918</th>
<th>4300.8</th>
<th>18.35</th>
<th>$1,362,397</th>
<th>$580,000</th>
<th>$7.50</th>
<th>24</th>
</tr>
</thead>
</table>
Recommendation
THAT Report CS-04-30-19 be received; and
THAT Council approves the proposed Durham Agriculture Society agreement presented by the Manager of Community Services; and
THAT staff presents the approved agreement to the Durham Agriculture Society.

Executive Summary
The Municipality of West Grey and the Durham Agricultural Society have a lease for the Block 1 south of South Street, Plan 506, in the former Town of Durham, now Municipality of West Grey, in the County of Grey. On May 1st 2019, the current lease will be up for renewal.

Background and Discussion
The Durham Agricultural Society allows the Municipality of West Grey to use said premises for recreational purposes only and the storage of frazil ice during emergency situations. The Durham Agricultural Society reserves the right to use said premises during the annual fall fair. The Manager, Community Services is seeking an approval for the attached lease.

Legal and Legislated Requirements
N/A

Financial and Resource Implications
N/A

Consultation
Durham Agricultural Society
Next Steps

On Council direction, staff will bring the agreement to Council on May 7th for approval, and present the lease to the Durham Agricultural Society.

Respectfully submitted:
Stephanie Stewart
Manager, Community Services
FORM OF LEASE

THIS INDENTURE made this day of , 2019, pursuant to the Short Forms of Lease Act, R.S.O. 1990, c.S,11;

BETWEEN: THE DURHAM AGRICULTURAL SOCIETY
(Hereinafter called the “Lessor” Of the FIRST PART)

AND

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
(Hereinafter called the “Lessee” Of the SECOND PART)

WITNESSETH, that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the lessee, the lessor doth demise and lease unto the lessee, its successors and assigns, all the lands and premises of the lessor being part of Block 1 south of South Street, Plan 506, in the former Town of Durham, now Municipality of West Grey, in the County of Grey, and being known by Assessment Roll no. 4205-260-004-18510-0000;

To have and to hold the said demised premises for and during the term of ten years, to be computed from the 1st day of May, 2019, and from thenceforth next ensuing and fully to be completed and ended;

Yielding and paying therefore, the sum of One Dollar ($1.00) to be paid by the Lessee to the Lessor on or before the 1st day of June, 2019, said payment to cover the entire term of this lease.
And the said lessee doth hereby covenant with the said lessor in the manner following, that is to say:

1. That the lessee will, during the said term, use the said premises only for recreational purposes, uses appurtenant thereto, and for storage of frazil ice during emergency situations.

2. That the lessee will, during the said term, will and sufficiently maintain and keep the demised premises in good and substantial repair at the lessee's sole expense.

3. That the lessee will leave the premises in good repair, reasonable wear and tear excepted, provided that the lessee may remove its fixtures.

4. Notwithstanding section 2, the lessor will leave the premises in good repair, reasonable wear and tear excepted, after using said premises.

5. That the lessor doth hereby covenant with the lessee that in paying the rent hereby reserved and performing the covenants hereinbefore on its part contained, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted, without any interruption or disturbance from the lessor, or any other persons lawfully claiming by, from or under it, save and except for those days the Lessor uses the premises for the Fall Fair.

6. That the lessor acknowledges that the lessee subcontracts the said premises for recreational purposes only and uses appurtenant thereto.

7. That this lease may be renewed for a further term of ten years, upon written mutual agreement to each other by the lessee and lessor not less than thirty days before the expiry of the term, upon terms and conditions to be agreed upon between them.
IN WITNESS WHEREOF the parties hereto have affixed their corporate seals, attested by duly authorized officers.

THE DURHAM AGRICULTURAL SOCIETY

Per: ____________________________

Witness

Per: ____________________________

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

Per: ____________________________

Witness

Per: ____________________________
Recommendation

THAT Report CS-2-04-30-19 be received; and

THAT Council approves the proposed amendments to the Summer Food Booth Agreements for the Durham Ball Diamond Pavilion; and

THAT staff execute the documents and the corresponding by-law.

Executive Summary

The West Grey’s Summer Food Booth agreement for the Durham pavilion has been reviewed by the Manager, Community Services, West Grey’s CAO and the Snack Bar Operator. The revised agreement is recommended for Committee of the Whole approval.

Background and Discussion

In 2018, the Durham Ball Diamond Project undertook a pilot program of utilizing the pavilion at the Durham ball diamonds to sell snacks as a fundraiser for the ball diamond project. Since that pilot, the municipality has formalized its agreement process. This report outlines the updated process and expectations on both parties.

Legal and Legislated Requirements

- Operators will be required to provide $2 million liability insurance.
- The Operators will be required to provided the Municipality with a copy of their worker’s compensation certificate if applicable.
- The Operators will be required to provide the Municipality with a copy of their public health inspection completed by the Grey Bruce Health Unit.
Financial and Resource Implications

- The Durham Ball Diamond Pavilion Operators will be required to donate all profit back to the Ball Diamond Project.

Consultation
Robin Brown- Ball Diamond Project
Randy Murray- Facilities Manager, Durham

Next Steps
On Council direction, staff will bring the agreement to Council on May 7th for approval, and present the lease to Robin Brown, snack booth operator.

Respectfully submitted:
Stephanie Stewart
Manager, Community Services
Witnesses that in consideration of the agreements hereinafter set forth, the parties hereto agree as follows:

1. **GRANT**— The Municipality of West Grey hereby grants to the Operator the right to use and occupy the Concession premises at the Pavilion located at Durham Ball Diamond for the sole purpose of Concession operation.

2. **EXCLUSIVITY**—Operator shall have the exclusive right to sell food, soft drinks and other cold beverage products at the facilities described in Schedule
   
   A. This right is subject to the following:
      
      a. The Municipality's right to close facilities for maintenance, improvements or to decommission facilities.
      
      b. During the period when Fall Fair is being held by the Durham & District Agricultural Society, the snack booth is not available.
      
      c. The public are permitted to bring food and beverage for their personal use to the facilities.
      
      d. Renters of public spaces in the facilities may serve food and beverage products to their guests.
      
      e. The Municipality has the right to grant outdoor food permits for special events/activities.
      
      f. The Municipality has the right to permit other organizations to sell food and beverages in other areas of the facility as part of a special event.

3. **PAYMENTS**— In granting the exclusive right to provide concession services, the operator agrees to donate all profit to the Ball Diamond Project.

4. **TERM**— This agreement will be effective the 1st day of May 2019, to be fully completed on the 30th day of September, 2019.
5. **DEFAULT**- If the operator defaults in the performance of any of its obligations under this Agreement, the Municipality, after giving three (3) business days written notice, may without prejudice to any other remedy available to it make good any deficiencies. The Municipality may invoice the cost to the Operator.

6. **TERMINATION**- The Municipality may immediately terminate this Agreement without cause by notice in writing if the Operator becomes insolvent, makes assignment for the general benefit of creditors, vacates or abandons the premises or ceases to carry on business in accordance with this Agreement, or is in default of any term hereof, which shall continue for three days following written notice of the Operator. In addition, this Agreement may be terminated upon thirty days written notice given by either party to the other party of this Agreement. In the event of early termination of this Agreement, the Municipality shall reimburse the Operator for all prepaid payments in respect of the unexpired portion of the Agreement.

7. **HOURS OF OPERATION**- The Operator must adequately serve the renters of the recreational facilities, as directed by the Municipality. Hours of operation will be:

   a. any time minor sports games are scheduled

   Municipal staff will notify the Operator of all new bookings as soon as possible. The concession stand may open for other events at their own discretion. The Municipality reserves the right to sell food to patrons when the Operator is closed.

8. **MENU**- Menu items and prices must be submitted to the Municipality for approval a minimum of two (2) weeks prior to the start of this Agreement. The Operator shall not sell, alcohol, "near beer", energy drinks, tobacco or cannabis products. The Operator will not have/sell food or beverages made at any location outside the booth other than an approved kitchen and in this case shall provide proof of the approved kitchen.
9. **EQUIPMENT** - The Municipality will provide the Operator with the use of the equipment identified in Schedule A during the term of this Agreement to assist in the provision of the Concession Services. All other equipment and fixtures required to provide the Concession Services must be supplied, installed and maintained at the operators sole cost.

10. **ALTERATIONS AND ADDITIONS** - The Operator shall neither alter any part of the area of operation, nor install any fixtures thereto without the permission in writing from the Municipality which permission shall not be unreasonably withheld. The Operator shall provide the Municipality with all relevant plans and drawings respecting any proposed alterations, installations or other improvements to the area of operations upon applying or such permission in writing from the Municipality.

11. **USE OF THE AREA OF OPERATION** - The Operator shall not use the area of operation, nor shall it permit others to use the area of operation for any other purpose that the purposes of operating the snack bar services to provide food and beverage service to facility users.

12. **STANDARD CONDITIONS OF THE AREA OF OPERATIONS** - The Operator shall keep the area of operation (including seating areas and condiment tables) clean, clear of waste, paper, garbage, combustible materials and obstructions, and shall not cause or permit any noises and odours which would constitute a nuisance to emanate from the area of operation.

13. **REPAIRS AND MAINTENANCE** - The Operator shall maintain the area of operation and all fixtures, equipment and chattels in a safe, clean and neat condition, and shall maintain all equipment or chattels used in the area in a good state of repair. The Municipality acting reasonably may require certain maintenance, repair or replacement in accordance with notice given in writing to the Operator. The Operators will be required to assist financially in the maintenance of any municipally-owned equipment that requires repairs due to the misuse by the Operator. Where the Operator fails to repair, replace or remedy any deficiency within ten (10) business days following the giving of such notice (or if the deficiency is not, within reasonable diligence, capable of being repaired or replaced or remedied within such ten (10) business day period, where the Operator fails to commence efforts to remedy such default within ten (10) business days following the giving of such
notice and thereafter diligently to pursue such efforts), the Municipality may cause the required work to be done either by its own employees or by some other person authorized by the Municipality to do so. The reasonable cost of such work shall be recoverable as a debt from the Operator, its successors and assigns. This does not preclude the Municipality from resorting to any other remedies that it may have at law. The Municipality shall, acting reasonably, be the sole judge of the adequacy of the cleanliness, safety and neatness of the Concession Services and shall have the power to order any changes deemed advisable to ensure this. Upon termination of this agreement, the Operator shall leave the area of operation in good repair and in a safe, clean and neat condition, damage by fire or unavoidable casualty and ordinary wear and tear excepted.

14. GARBAGE DISPOSAL- All food and beverage products sold shall be single service and sold in a disposable wrapper or container. The Operator shall use environmentally sound packaging that meets or exceeds health and safety standards. Where at all possible products shall not be sold in glass bottles or containers.

15. LICENCE AND TAXES— The Operator shall pay all taxes assessed by the taxing authority on the merchandise sold by the Operator and on any equipment owned by the Operator, sales taxes, business taxes, payroll taxes and any other license or fee incident to the business of the Operator.

16. INDEMNITY – INJURY— The Municipality shall not be responsible, in any way, for any injury to any person, including death, or for any loss of or damage to any property belonging to the Operator or to employees, invitees or sub-operators of the Operator while such person or property is in or about the premises of the building.

17. NON-LIABILITY-DAMAGE TO THE PREMISES— The Operator agrees to pay $500.00 deductible to the Municipality for any damage to the building in which the premises are situated, or its furnishings and fixtures, and any part thereof due to any act of the Operator, its agents or employees, or any person attending the said building by reason of the use thereof by the Operator.
18. **INSURANCE**– The Operator is required to carry Public Liability and Property Damage in a minimum amount of $2,000,000.00 and shall provide proof thereof to the Municipality prior to the commencement of the term of this agreement.

19. **PUBLIC HEALTH REGULATIONS**– The Operator shall abide by all regulations of the Grey Bruce Health Unit and provide access for health inspections as required. The Operator further agrees to comply with all regulations of the Municipality with respect to the handling of garbage and recyclable materials. The Operator will provide the Municipality with proof of certification.

20. **ADVERTISING & SIGNS**– The Municipality has the right of approval of any advertising of the snack bar services. A sign satisfactory to the Municipality, acting reasonably, identifying the Operator may be displayed by the Operator in a location agreed to by Municipality. The Operator shall not exhibit, other than interior menu and daily menu specials any other signs, notices, paintings, designs or advertising devices, without first having obtained the consent in writing of the Municipality.

21. **COMPLAINTS** – Any complaints concerning the operation of the Concession Services which come to the attention of the Municipality shall forthwith be communicated to the Facility Manager and in turn to the Operator.

22. **DAMAGE** – In the event that the Concession Services area of operation or arena become wholly or partially unusable by any cause whatsoever, for a period of more than seven consecutive days, this agreement will terminate immediately upon notice to the Operator.

23. **ASSIGNMENT** – The Operator shall not assign this agreement or part with or share the possession of the Area of Operation without the written consent of the Municipality, and the Municipality shall not be bound to give such consent.

24. **RENEWAL** – This contract may be renewed on an annual basis by mutual written consent of both parties.
25. **OVERHOLDING ON A MONTH TO MONTH BASIS** - If the Operator remains in occupation of the area of operation after the expiration of the term hereof and without the execution and delivery of a new agreement or any written renewal or extension hereof, there shall be no tacit or other renewal of this agreement and term thereof, and the Operator shall be deemed to be occupying the area of operation from month to month at a monthly payment payable in advance on the first day of each month.

26. **RIGHT TO SHOW OR INSPECT** - The Municipality, acting reasonably, shall on twenty-four (24) hours' written notice to the Operator have the right from time to time to show or inspect the area of operation during business hours, provided that the business of the Operator is not unreasonably disrupted.

27. **WORKERS' COMPENSATION CERTIFICATE** - The Operator shall, prior to execution of this Agreement by the Municipality, submit a certificate of good standing from the Workplace Safety and Insurance Board to the Clerk and shall provide additional certificates as often as is deemed necessary by the Municipality during the term of this agreement to ensure good standing with the workers' compensation legislation.

Dated at the Municipality of West Grey, this__day of_____._____.

**The Corporation of the Municipality of West Grey**

__________________________  _________________________
Christine Robinson, Mayor      Mark Turner, Clerk
Schedule A

Equipment Listing

The Municipality of West Grey- Ball Park Pavilion Equipment
- One double deep fryer
- One single door cooler
- One double door cooler

Operator Equipment to include but not limited to:
- One small freezer

Note: The Municipality reserves the right to update, amend and/or delete the equipment listing during the term of the agreement.
Recommendation
THAT Report CS-3-04-30-19 be received; and

THAT Council approves the request from the Durham & District Horticultural Society to establish and maintain a “Memorial Grove & Gardens”

Executive Summary
The Durham & District Horticultural Society is requesting permission from the Municipality of West Grey to establish a Memorial Grove and Gardens on the north side of Lambton Street East in the Town of Durham. The Durham & District Horticultural Society will be taking the lead on this project, they will purchase, plant, and care for all trees. The Horticultural Society is asking West Grey for assistance with watering as the trees begin to establish. Establishing a partnership with Durham & District Horticultural Society would be of great benefit to the Municipality and residents of West Grey.

Background and Discussion
The Durham & District Horticultural Society is a well-established group of volunteers who actively contribute to the beautification of West Grey. The Municipality of West Grey fully supports this endeavour as it aligns with the overall vision of West Grey. The proposed project will enable residents to plant a tree in remembrance of others, enhance the existing landscape, and provide a new opportunity for residents.

Legal and Legislated Requirements
N/A

Financial and Resource Implications
The Durham & District Horticultural Society is requesting occasional assistance with watering as the trees begin to establish.

Consultation

• Durham & District Horticultural Society

Next Steps

On Council direction, staff will bring the agreement to Council on May 7th for approval, and inform the Durham & District Horticultural Society.

Respectfully submitted:
Stephanie Stewart
Manager, Community Services

Attachments:
Appendix A- Correspondence Letter
Appendix A

Good Evening Stephanie,

Our society is writing with a request that we would appreciate you passing along to the Municipality of West Grey Council.

In the past year we have had 2 members of our society pass away. The family of one of these members directed in memoriam donations to be made to our society and these funds are being held for a project to honour him and the other member who passed away. The DDHS would like to ask council to consider our proposal for the use of these funds.

We would request that the Durham & District Horticultural Society be allowed to establish a "Memorial Grove & Gardens" area on the property owned by the Municipality of West Grey on the north side of Lambton Street East in the Town of Durham. The project would begin with the planting of 2 trees in 2019. These trees would be accompanied by a permanent marker with the dedication inscription. The physical planting of the trees and their ongoing care would be the responsibility of the Durham and District Horticultural Society. We would request occasional assistance in watering of the newly planted trees, should the weather conditions prove to be dry, for the first couple of months after planting from the West Grey summer students and the water truck. If this is not possible, we would arrange to have water brought in by our volunteers. We would reach out to our membership to inquire if there are any other families who would like a tree planted for members who have passed away in the past few years to be planted in 2020. The trees would be of smaller caliper size and conducive with the trees already in the area and to the natural environment. We understand that there is a limited amount of space available at this location for trees to be planted. Going forward in the future, we are hoping to establish simple, naturalized gardens that can also be dedicated in memoriam and would also include a marker of dedication. As we do not expect, thankfully, a great number of requests from our membership in the next few years, we would be willing to perhaps open up an opportunity to the community for anyone wishing to make a monetary donation towards a tree or garden to have our society establish a lasting memorial to their loved one.

We feel that this location is best suited for our proposal at this time due to its proximity to the Durham Legion Memorial Grove which our society maintains and therefore could encompass the entire area. Our society would assure the municipality that we would notify it of what type and size of trees we are looking to plant and the location of the plantings, as well as any garden designs and request the proper clearances regarding possible underground systems such as electrical, water and gas. We request that the municipality continue to be responsible for the cutting of the grass in this area.

The Durham & District Horticultural Society hopes that this proposal will meet with the approval of the council and that it will be a first in many collaborations between the municipality and our society.

Susan Papineau
Secretary

Durham & District Horticultural Society
Committee Report

Council Date: April 30, 2019
Report No: CS-4-30-04-19
Title: West Grey Affiliation Policy
Prepared by: Stephanie Stewart, Manager Community Services
Reviewed by: Laura Johnston, CAO

Recommendation
THAT Report CS-4-30-04-19 –be received for discussion and direction.

Executive Summary
The Municipality of West Grey has a strong volunteer presence providing West Grey with an opportunity to transition experienced volunteer groups to an affiliation status. The attached policy provides affiliate groups with an opportunity for autonomy while still receiving support from the Municipality of West Grey.

Background and Discussion
On March 5th at Committee of the Whole a Friends of Ayton Pilot program was discussed. As per council’s direction staff have drafted an affiliation policy. The policy outlines all necessary requirements to become an affiliate group and the support the group can expect from the Municipality of West Grey.

Legal and Legislated Requirements
This concept would be beneficial for the Municipality as it would reduce the potential risk of litigation for West Grey.

Financial and Resource Implications
As the Ayton Recreation Committee transitions to an affiliate group, the Municipality of West Grey will provide the group with a small grant to support the cost of insurance for events. Additionally, West Grey may receive a request from the committee to hold their funds in trust.

Affiliate groups may request staff support, potential levels of support are outlined in the attached policy.
Consultation
- Ayton & Area Recreation Committee
- Facility Manager, Ayton

Next Steps
On Council direction, staff will bring the agreement to Council on May 7th for approval, and present the policy to the Ayton Recreation Committee.

Respectfully submitted:
Stephanie Stewart
Manager, Community Services

Attachments:
West Grey Affiliation Policy

1. Purpose

The West Grey Affiliation Policy (the Policy) is designed to identify and support established, new and emerging West Grey-based registered not-for-profit community volunteer groups in the delivery of their programs and services. The Policy is established to enhance leadership, communication, and engagement of community groups. The Policy provides a mechanism to assist staff in determining what resources are available and how the resources should be allocated.

The Community Services Department, will work directly with an affiliate to determine appropriate support to further the affiliate’s mandate. See section 6, ‘West Grey Affiliation Program Supports’.

2. Community Group Service Definitions

Arts and cultural organizations are defined as not-for-profit community groups that deliver organized visual and performing art programs. As examples, these groups would include not-for-profit theatre and painting organizations.

Sport organizations are defined as community groups that deliver organized, competitive or recreational sport programs. Resident organizations are defined as community groups that deliver organized events or programs to a specific geographic community. As an example, these groups would include neighbourhood associations/organizations.

3. Application for Community Group Affiliate Designation:

To be considered for the West Grey Affiliation Program, applications must be submitted with the following documentation:

A. Mission statement and/or mandate of the organization;
B. Where applicable, confirmation of Articles of Incorporation (Not-for-Profit) or Registration Letter verifying charitable status or charter membership of a /National/International not-for-profit organization;
C. List of Board of Directors/Executive including names, addresses and telephone numbers (submitted to staff liaison after each Annual General Meeting);
D. Contact telephone number/website/email address for public inquiries;
E. Certificate of Insurance
F. Schedule of programs, events and services the group currently provides or is planning on providing;
G. Letter(s) of Agreement documents confirming the right to operate the program from a Provincial or National Governing body (as applicable);
H. A complete financial statement of the previous operating year’s expenditures and revenues, and a budget for the next operating year, signed by two authorized officers;
I. Other information as required by the Parks and Recreation Department.
4. **Eligibility Criteria for West Grey Affiliate Status:**

To be designated a West Grey Affiliate, the group must meet the following criteria:

A. Have a primary mandate to provide sport, recreation, cultural and/or social program, event or service that meet community needs that is not currently being met at time of application; with membership/participation open to West Grey residents.

B. Have a documented mission and/or mandate statement.

C. For incorporated groups, Articles of Incorporation confirming organization’s status as not-for-profit or registered charitable organization, or confirmation of being a Charter member of a Provincial/National/International not-for-profit organization.

D. Have a governance structure in place in the form of a volunteer Board of Directors and/or Executive Committee.

E. Have a written constitution and by-laws and/or operating procedures establishing the framework of the organization's operations.

F. Have financial records that are in accordance with Canadian Generally Accepted Accounting Principles, and where practical, annual financial statements.

G. Comprehensive General Liability Insurance, certificate of insurance naming West Grey as an additional insured submitted as required by the Municipality of West Grey.

5. **Groups that are Ineligible for Affiliation:**

A. Groups whose goals, purpose and/or objectives directly oppose the Municipality of West Grey

B. Political parties or other groups with a political or religious doctrine designed to persuade the public to adopt a particular view.

C. National or provincial groups or organizations.

D. Commercial groups or organizations.

E. Groups that duplicate the services of other community groups, unless it can be shown that an existing Community Group Affiliate cannot meet the needs of residents and additional facilities/locations/groups are required.

6. **West Grey Affiliation Program Supports:**

Groups applying for affiliate status are encouraged to specify the support they are seeking. The full list of supports varies on the availability of facility space, availability of staff liaison(s), status of affiliation applicants, the discretion of the Manager, Community Services, and available department resources:

A. Staff liaison(s) to assist Executive in an advisory capacity;

B. Access to discounted Council-approved rates for use of West Grey owned and administered facilities;

C. Information on provincial and federal funding resources and local opportunities including accessing West Grey funding;

D. Marketing and publicity assistance through access to indoor display boards, outdoor signage and the West Grey website at no cost;

E. Cost sharing opportunities to deliver West Grey-partnered workshops, advisory and team meetings, community events;

F. Access to West Grey meeting rooms (when available for public use) free of charge for up
to one (1) monthly executive/board meeting dealing with the group only, one (1) annual general meeting attended by staff liaison(s), and one (1) advance registration date per program session (Fall/Winter and Spring/Summer) for sport groups and all other groups will receive free access to a West Grey facility for one event when booked through designated staff liaison(s). Maximum value on this benefit cannot exceed $1200.00 per year.

G. Opportunity to partner West Grey to establish service delivery arrangements to facilitate program development (for programs not currently offered by the department or established affiliates).

7. Approval of Affiliated Status:

Applications for Affiliation will be approved by the Manager, Community Services, or designate. Upon approval, all affiliated groups are required to sign an affiliation contract with the Municipality. This contract requires each group to adhere to the requirements and stipulations outlined in the Policy and any changes deemed necessary.

Approvals for affiliation status are granted for a maximum of two years from the date of approval. Affiliated groups must re-apply to renew their status – approval is not guaranteed in subsequent years.

As a condition of approval, all outstanding debts to the Municipality must be paid in full or an agreement regarding retirement of the debt must be in place.

New groups and existing affiliated groups that require additional support in successfully adhering to the requirements of this policy may be offered Affiliated Group status on a probationary period. The staff liaison may attend the Board of Directors/Executive Board meetings of affiliated groups under probation in a non-voting capacity.

8. Affiliated Group Responsibilities:

1. Strictly adhere to the guidelines outlined in the Policy;
2. Ensure all members/participants adhere to West Grey policies and procedures outlined in the rental permit’s Terms and Conditions (located on the back page of the permit);
3. Provide immediate notice to the Parks and Recreation Department staff liaison of any changes in the group’s executive/board or constitution;
4. Maintain up-to-date membership lists;
5. Provide West Grey with an updated insurance certificate prior to policy expiration date, where applicable;
6. Submit an application to renew affiliation before the end of the two year term;
9. Municipality of West Grey Responsibilities:

The Municipality of West Grey’s relationship with volunteer community groups receiving support under the Affiliation Program is based on support and guidance. The Municipality is not responsible for the decisions and/or actions of any group or its members. Accordingly, the Municipality will not act as a review body for any such group, except to the extent that the actions of a group put the group in contravention of the Policy.

Applications are assessed in accordance with the criteria established by this Policy. Notification of acceptance or ineligibility will be sent in writing. The Municipality of West Grey will review applications and respond to the applicant group within 15 business days of receiving the complete application.

10. Termination of Affiliation Status:

Status may be rescinded by the Manager, Community Services and future requests for assistance may be denied if the group:

1. Fails to operate in a financially responsible manner; or
2. Revokes its constitution, by-laws or operating guidelines; or
3. Acts in contravention of the group’s constitution, by-laws or operating guidelines; or
4. Acts in contravention of the Policy; or
5. Abuses the services and privileges offered to the group as an affiliate of West Grey; or
6. The group’s activities violate municipal by-law or provincial or federal legislation; or
7. Fails to abide by a ruling from the Ontario Human Rights Commission regarding the group’s actions.

The Municipality of West Grey reserves the right to review documents including but not limited to financial records, participant/membership lists, meeting minutes, promotional material, policies and procedures at any time. Failure to provide requested documentation may result in the Affiliation status being revoked.

Groups may terminate affiliation status at any time. Requests to terminate affiliation must be made in writing to the staff liaison, and must be signed by 60% of the group’s executive members.