



**VILLAGE OF MERRICKVILLE-WOLFORD**

**Agenda for Council  
Council Chambers**

Council Meeting 3:00 p.m.

Thursday, June 4, 2020

**\*\*\*IMPORTANT NOTICE: This meeting will be held electronically via teleconference. In order to ensure transparency, an audio recording of this meeting will be posted on the website immediately following adjournment.\*\*\***

1. **Call to Order**
2. **Disclosure of Pecuniary Interest and the general nature thereof**
3. **Approval of the Agenda**
4. **Mayor's Update:** COVID-19
5. **In Camera:**
  1. Personal matters about an identifiable individual;
  2. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
  3. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
  4. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
6. **Rise and Report**
7. **Minutes:** Approval of Minutes of special/emergency Council meeting of May 13, 2020
8. **Correspondence:** North Grenville District High School re: Citizenship Award, May 27, 2020
9. **Planning:** Procedures regarding Planning Applications during COVID-19
10. **CAO:** Integrity Commissioner's 2019 Annual Report
11. **Next meeting of Council:** To be determined at the call of the Mayor
12. **Confirming By-Law:** 37-2020 re: Confirm Proceedings of Council meeting of June 4, 2020
13. **Adjournment**

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special Council meeting of June 4, 2020 as:

\_\_\_ circulated.

\_\_\_ amended.

Carried / Defeated

J. Douglas Struthers, Mayor

For Clerk's use only, if required:		
<b>Recorded Vote Requested By:</b>		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby move to an "In-Camera" session at \_\_\_\_\_ p.m. under Section 239 (2) of the *Municipal Act, 2001*, as amended, to address matters pertaining to:

1. Personal matters about an identifiable individual;
2. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
3. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
4. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Carried / Defeated

J. Douglas Struthers, Mayor

For Clerk's use only, if required:		
<b>Recorded Vote Requested</b>		
<b>By:</b>		
Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby rise and report from the "In Camera" session of the special Council meeting, with staff being given direction, at \_\_\_\_\_ p.m.

Carried / Defeated

\_\_\_\_\_  
J. Douglas Struthers, Mayor

Resolution Number: R - - 20

Date: June 4, 2020

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the special Council meeting of April 28, 2020 as

\_\_\_\_\_ circulated.

\_\_\_\_\_ amended.

Carried / Defeated

\_\_\_\_\_  
J. Douglas Struthers, Mayor

**The Corporation of the  
Village of Merrickville-Wolford**

Tuesday, April 28, 2020

A special meeting of the Council of the Corporation of the Village of Merrickville-Wolford was held at 3:00 p.m. on Tuesday, April 28, 2020.

**Chaired by:** Mayor J. Douglas Struthers  
**Members of Council:** Deputy Mayor Michael Cameron  
Councillor Don Halpenny  
Councillor Timothy Molloy  
Councillor Bob Foster

**Staff in Attendance:** Doug Robertson, CAO/Clerk  
Christina Conklin, Deputy Clerk

**Note:** Mayor Struthers indicated that the audio recording of this meeting will be posted on the Village's website for the public. As per By-law 26-2020, all votes were recorded for each motion.

**Note:** Mayor Struthers gave an update with respect to COVID-19 and thanked the residents of Merrickville-Wolford for self-isolating and social distancing.

**Disclosure of Pecuniary Interest and the general nature thereof:** None.

**Approval of Agenda**

**R-135-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special Council meeting of April 28, 2020, as circulated.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**In Camera:**

**R-136-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby move to an "In-Camera" session at 3:15 p.m. under Section 239 (2) of the *Municipal Act, 2001*, as amended, to address matters pertaining to:

1. Personal matters about an identifiable individual, including municipal or local board employees; and
2. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**Note:** Randy Wilkinson, Chief Building Official, has joined the meeting.

**R-137-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby rise and report from the "In Camera" session of the special Council meeting, with staff being given direction at 4:40 p.m.

Councillor Molloy:	In favour
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Councillor Foster: In favour  
Deputy Mayor Cameron: In favour  
Councillor Halpenny: In favour  
Mayor Struthers: In favour

Carried.

**Minutes:**

**R-138-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the special Council meeting of April 9, 2020, as circulated.

Councillor Molloy: In favour  
Councillor Foster: In favour  
Deputy Mayor Cameron: In favour  
Councillor Halpenny: In favour  
Mayor Struthers: In favour

Carried.

**Note:** Brad Cole, Manager of Operations, has joined the meeting.

**Public Works:**

**R-139-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report PW-02-2020, being a report to provide Council with information required to consider the approval of two additional brush amnesty days for 2020; and

That Council does hereby approve May 16<sup>th</sup> and May 23<sup>rd</sup>, 2020 as additional brush amnesty days at the landfill to allow each property a maximum of one half-ton truck or 4x8 utility trailer of brush free of charge.

Councillor Molloy: In favour  
Councillor Foster: In favour  
Deputy Mayor Cameron: In favour  
Councillor Halpenny: In favour  
Mayor Struthers: In favour

Carried.

**Note:** Brad Cole, Manager of Operations, has excused himself from the meeting.

**CAO:**

**R-140-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report CAO-03-2020, being a report regarding next steps with respect to the Heritage Advisory Committee and current Application to Alter the Designated Property at 106 Brock Street East; and

That Council does hereby direct staff to draft a by-law to repeal By-law 41-2019, the by-law to establish the Heritage Advisory Committee.

Councillor Molloy: Opposed  
Councillor Foster: Opposed  
Deputy Mayor Cameron: Opposed  
Councillor Halpenny: Opposed  
Mayor Struthers: Opposed

Defeated.

**R-141-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report CAO-03-2020, being a report regarding next steps with respect to the Heritage Advisory Committee and current Application to Alter the Designated Property at 106 Brock Street East; and

That Council does hereby direct staff to issue a public call for volunteers to fill the vacant position on the Heritage Advisory Committee.

Councillor Molloy:	Opposed
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	Opposed
Mayor Struthers:	Opposed

Defeated.

**Note:** For the following motion only, Mayor Struthers left the Chair and Deputy Mayor Cameron assumed the Chair.

**R-142-20** Moved by Councillor Foster, Seconded by Mayor Struthers

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby direct staff to seek an opinion from an individual who is well versed in heritage matters with respect to the Application to Alter a Heritage Designated property at 106 Brock Street East.

Councillor Molloy:	Opposed
Councillor Foster:	In favour
Deputy Mayor Cameron:	Opposed
Councillor Halpenny:	Opposed
Mayor Struthers:	In favour

Defeated.

**Note:** Mayor Struthers reassumed the position of Chair.

**Note:** Council unanimously expressed availability for the unfinished business of this meeting to be continued at 10:00 a.m. on April 29, 2020.

#### **Confirming By-Law**

**R-143-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** By-law 33-2020, being a by-law to confirm the proceedings of the special Council meeting of April 28, 2020, be read a first and second time, and that By-law 33-2020 be read a third and final time and passed.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

#### **Adjournment**

**R-144-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** This special meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at 6:10 p.m. to be reconvened on April 29, 2020 at 10:00 a.m. to complete the agenda as posted for this special meeting.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

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J. Douglas Struthers, Mayor

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Doug Robertson, CAO/Clerk



Resolution Number: R - - 20

Date: June 4, 2020

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the special Council meeting of April 29, 2020 as

\_\_\_\_\_ circulated.

\_\_\_\_\_ amended.

Carried / Defeated

\_\_\_\_\_  
J. Douglas Struthers, Mayor

**The Corporation of the  
Village of Merrickville-Wolford**

Wednesday, April 29, 2020

A special meeting of the Council of the Corporation of the Village of Merrickville-Wolford was held at 10:00 p.m. on Wednesday, April 29, 2020.

**Chaired by:** Mayor J. Douglas Struthers  
**Members of Council:** Deputy Mayor Michael Cameron  
Councillor Don Halpenny  
Councillor Timothy Molloy  
Councillor Bob Foster

**Staff in Attendance:** Doug Robertson, CAO/Clerk  
Christina Conklin, Deputy Clerk  
Kirsten Rahm, Treasurer

**Note:** Mayor Struthers indicated that the audio recording of this meeting will be posted on the Village's website for the public. As per By-law 26-2020, all votes were recorded for each motion.

**Note:** The Agenda includes only items that were unfinished at the special meeting of April 28, 2020.

**Approval of Agenda**

**R-145-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special Council meeting of April 28, 2020, as circulated.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**Disclosure of Pecuniary Interest and the general nature thereof:** None.

**CAO:**

**R-146-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report CAO-04-2020, being a report to provide Council with options for financial relief to Commercial water and wastewater ratepayers of the Village due to COVID-19, for information purposes; and

That Council does hereby approve Scenario D with respect to water and wastewater rates as outlined in this report.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	Opposed
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**R-147-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron

**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby waive late penalties and fees associated with the due dates regarding water and wastewater billing until July 31, 2020.

Councillor Molloy:	In favour
Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour

Mayor Struthers: In favour

Carried.

**R-148-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron  
**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive report CAO-05-2020, being a report to provide Council with a summary of the Business Survey Results regarding the economic impact of COVID-19 on local businesses, for information purposes.

Councillor Molloy: In favour

Councillor Foster: In favour

Deputy Mayor Cameron: In favour

Councillor Halpenny: In favour

Mayor Struthers: In favour

Carried.

#### **Confirming By-Law**

**R-149-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron  
**Be it hereby resolved that:** By-law 34-2020, being a by-law to confirm the proceedings of the special Council meeting of April 29, 2020, be read a first and second time, and that By-law 34-2020 be read a third and final time and passed.

Councillor Molloy: In favour

Councillor Foster: In favour

Deputy Mayor Cameron: In favour

Councillor Halpenny: In favour

Mayor Struthers: In favour

Carried.

#### **Adjournment**

**R-150-20** Moved by Councillor Foster, Seconded by Deputy Mayor Cameron  
**Be it hereby resolved that:** This special meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at 10:45 a.m. until the call of the Mayor subject to need.

Councillor Molloy: In favour

Councillor Foster: In favour

Deputy Mayor Cameron: In favour

Councillor Halpenny: In favour

Mayor Struthers: In favour

Carried.

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J. Douglas Struthers, Mayor

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Doug Robertson, CAO/Clerk

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the Minutes of the special/emergency Council meeting of May 13, 2020 as

\_\_\_\_\_ circulated.

\_\_\_\_\_ amended.

Carried / Defeated

\_\_\_\_\_  
J. Douglas Struthers, Mayor

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

**The Corporation of the  
Village of Merrickville-Wolford**

Wednesday, May 13, 2020

**Chaired by:** Mayor J. Douglas Struthers  
**Members of Council:** Deputy Mayor Michael Cameron  
Councillor Don Halpenny  
Councillor Bob Foster  
**Regrets:** Councillor Timothy Molloy  
**Staff in Attendance:** Doug Robertson, CAO/Clerk  
Christina Conklin, Deputy Clerk  
Kirsten Rahm, Treasurer

**Note:** Mayor Struthers indicated that the audio recording of this meeting will be posted on the Village's website for the public. As per By-law 26-2020, all votes were recorded for each motion.

**Disclosure of Pecuniary Interest and the general nature thereof:** None.

**Approval of Agenda**

**R-151-20** Moved by Deputy Mayor Cameron, Seconded by Councillor Foster  
**Be it hereby resolved that:** The Council of the Corporation of the Village of Merrickville-Wolford does hereby approve the agenda of the special/emergency Council meeting of May 13, 2020, as circulated.

Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**Mayor:** Mayor Struthers gave an update on COVID-19 which included recognizing the increase in visitors to the Village and restrictions being eased by the Provincial Government. Mayor Struthers indicated that the Municipal Emergency Control Group has developed a progressive, adaptable plan with various levels of responses and approaches.

**By-laws:**

**R-152-20** Moved by Councillor Halpenny, Seconded by Councillor Foster  
**Be it hereby resolved that:** By-law 32-2020, being a by-law to amend Schedule A of By-law 24-03, be read a first and second time, and that By-law 32-2020 be read a third and final time and passed.

Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**Confirming By-Law**

**R-153-20** Moved by Councillor Foster, Seconded by Councillor Halpenny  
**Be it hereby resolved that:** By-law 36-2020, being a by-law to confirm the proceedings of the special/emergency Council meeting of May 13, 2020, be read a first and second time, and that By-law 36-2020 be read a third and final time and passed.

Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

**Adjournment**

**R-154-20** Moved by Deputy Mayor Cameron, Seconded by Councillor Halpenny

**Be it hereby resolved that:** This special/emergency meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at 3:12 p.m. until the call of the Mayor subject to need.

Councillor Foster:	In favour
Deputy Mayor Cameron:	In favour
Councillor Halpenny:	In favour
Mayor Struthers:	In favour

Carried.

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J. Douglas Struthers, Mayor

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Doug Robertson, CAO/Clerk

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive correspondence from North Grenville District High School dated May 27, 2020; and

That Council does hereby approve the Village of Merrickville-Wolford Citizenship Award in the amount of \$135.00, including the costs for engraving the plaque.

Carried / Defeated

\_\_\_\_\_  
J. Douglas Struthers, Mayor



# North Grenville District High School

2605 Concession Road, Box 2001  
Kemptville, Ontario, K0G 1J0

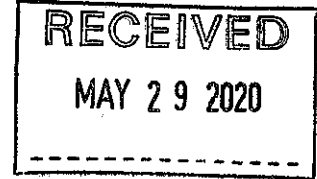


Phone: (613) 258-3481 • Fax (855) 408-0861  
Website: <http://ngdhs.ucdsb.on.ca>

Principal: Mr. D. Cole (High School) Vice-Principal: Ms. J. Slowey Principal: Mr. B. O'Neil (Intermediate)

Wednesday May 27, 2020

Mrs. Jill Eagle  
Village of Merrickville-Wolford  
317 Brock St.  
Merrickville, ON K0G 1N0



## Village of Merrickville/Worlford Township Citizenship Award

Hello Sponsor!

As a graduation award sponsor, we are writing to inform you about some changes that are being implemented for this year's graduating class due to Covid-19. As announced by the Ministry of Education, official commencement exercises will not be taking place for the Class of 2020 until 2021. When we have confirmed the actual date selected for the 2020 graduation ceremony, we will send you further information.

We at North Grenville DHS will be publicly honouring the Class of 2020 in other ways, and where possible, we are still planning to award bursaries and awards to the recipients at the end of June, so that graduates will have access to their monies prior to the start of their fall schooling. We recognize that many of our sponsors might not be in a position to sponsor an award financially this year, but we are reaching out to inform you about our plans to provide an award this June where possible, and to let those who might still be able and willing to offer their award this June do so.

Turnaround time for this awards plan is very short, so what we are asking at this time is for you to email Ms. Durant, at [jennifer.durant@ucdsb.on.ca](mailto:jennifer.durant@ucdsb.on.ca) stating whether or not you will be able to support a graduate with your award this year, and what the award would be.

If your award is contingent upon the student pursuing a particular field of study, we are prepared to forward a letter on your behalf, containing a contact number where he or she can reach you to provide you with proof of registration in the fall at the college or university program before you forward the award. Please indicate this requirement in your reply to Ms. Durant.

If you do choose to support a graduate this June, cheques for all other awards should be made payable to **North Grenville District High School**. Once the recipient of the award has been determined, we will make the cheque payable to the student. The student will be granted their award now, and then presented and recognised again at the 2021 ceremony. We welcome you to present the award in 2021, and we will be in touch when we know the date to ask the presenter's name in time for printing of the program, but at least **two weeks prior to the ceremony**. If you are not able to present the award, please inform the school and we will arrange to have a staff member present it on your behalf.

If you are presenting a plaque, please include cost of engraving of \$10.00. If you are presenting a keeper trophy, please include the cost of \$25.00.

***Thank you for your support of our graduates. We look forward to seeing you in 2021.***

Yours sincerely,

Principal  
Derek Cole

Commencement Chair  
Jennifer Durant

## North Grenville Family of Schools





Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

The Council of the Corporation of the Village of Merrickville-Wolford does hereby receive the 2019 Integrity Commissioner's Annual Report dated April 8, 2020, for information purposes.

Carried / Defeated

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J. Douglas Struthers, Mayor

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N



Cunningham Swan

LAWYERS

Tony E. Fleming  
Direct Line: 613.546.8096  
E-mail: [tfleming@cswan.com](mailto:tfleming@cswan.com)

April 8, 2020

**BY E-MAIL: [cao@merrickville-wolford.ca](mailto:cao@merrickville-wolford.ca)**

Council – Village of Merrickville-Wolford  
c/o Doug Robertson, CAO/Clerk/Economic Development Director  
317 Brock Street West  
Merrickville, ON K0G 1N0

Dear Members of Council:

**Re: Integrity Commissioner Services - Annual Report – 2019  
Village of Merrickville-Wolford; Our file No. 30075-5**

### Background

In 2019, Tony Fleming of Cunningham Swan in Kingston, Ontario, was appointed as the Integrity Commissioner for the Village of Merrickville-Wolford in accordance with section 223.3(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 (the "Act").

This report summarizes the services provided by the Integrity Commissioner to the Village of Merrickville-Wolford in 2019, in accordance with section 223.6 (1) of the *Act*. The purpose of this report is to highlight the mandate of the Integrity Commissioner and to inform Council and the public about changes to the Act that affect the process of the Integrity Commissioner and subsequently, Councils and Local Boards.

### Role of the Integrity Commissioner

The Act mandates that the Integrity Commissioner is responsible for providing the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the MCIA.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the MCIA.<sup>1</sup>

### Codes of Conduct

Prior to March 1, 2019, Codes of Conduct for members of Councils and Local Boards were optional. On March 1, 2019 the Province mandated that requirement.<sup>2</sup> Along with that mandate, Ontario Regulation 55/18: Codes of Conduct – Prescribed Subject Matters, requires municipalities to include specific provisions within those Codes of Conduct:

1. Gifts, benefits and hospitality.
2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be.
3. Confidential information.
4. Use of property of the municipality or of the local board, as the case may be.<sup>3</sup>

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<sup>1</sup> *Municipal Act*, section 223.3(1).

<sup>2</sup> *Municipal Act*, section 223.2(1).

<sup>3</sup> *Municipal Act*, O. Reg. 55/18, section 1.

The Integrity Commissioner notes that although not required by the Province, it is essential that municipalities include a complaint protocol within their Codes of Conduct. Courts have indicated that an Integrity Commissioner relies on the Code of Conduct together with the complaint protocol as the 'home statute' of the Integrity Commissioner.<sup>4</sup>

We note the following important details regarding our initial process in relation to the complaint protocol:

1. The Integrity Commissioner may attempt to resolve all or part of a complaint as part of our preliminary review process; and
2. The Integrity Commissioner may reformulate complaints or applications for inquiry if necessary, to better reflect the intent of the complainant or applicant.<sup>5</sup>

#### Integrity Commissioner Activity re: Village of Merrickville-Wolford

If Council requires ongoing training under the Code of Conduct and the MCI, Mr. Fleming is available upon request. Individual members may request advice from the Integrity Commissioner at any time. Council or members may contact Mr. Fleming in the following ways:

- 1) Council may pose a question to the Integrity Commissioner in writing regarding the broad obligations of all members (not specific to any one member);
- 2) Individual members may request advice in writing from the Integrity Commissioner in accordance with the Act.

There have been no complaints under the Code of Conduct or applications for inquiry under the MCI submitted to the Integrity Commissioner for the Village of Merrickville-Wolford. We have also received no requests for advice from individual members. Still, we feel it is of great importance to highlight our process and imperative messages gleaned from cases around the Province to date.

#### Resolution of Complaints

As referenced above, the Integrity Commissioner begins the process with a preliminary review of all complaints and applications for inquiry. Where possible, we attempt to resolve disputes informally without the necessity of an investigation or inquiry. We do

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<sup>4</sup> *Michael Di Biase v City of Vaughan*, 2016 ONSC 5620 at para. 43.

<sup>5</sup> *Ibid*, at para. 43.

so where such a resolution is in the best interest of the public. Complaints and applications are dismissed if determined to be frivolous, vexatious or without merit. Applications for inquiry are dismissed if they are determined to be outside of the statutory 6-week requirement as set out in the MCI.A.

Although it is not always possible to pursue an informal resolution, we will make every effort to do so where there is the potential for such a resolution. This opportunity is not lost after an investigation or inquiry begins. However, it becomes more difficult where the parties (the complainant/applicant and the member), either individually or collectively, are opposed to an informal resolution.

There may also be circumstances where complaints contain facts that require a thorough investigation or inquiry and report in order to provide guidance to members and the public about certain types of behaviour or incidents that generate several complaints which highlight areas of obvious public concern. In these circumstances, a public report may assist in a wider resolution of such complaints or applications, or answer questions that may avoid future complaints or misunderstandings about the role of Council.

### Confidentiality

The Integrity Commissioner includes only the information in his reports that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the Municipal Act.

Section 223.5(1) of the Act sets out the Integrity Commissioner's duty to maintain confidentiality throughout any process:

#### **Duty of confidentiality**

**223.5** (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.

This requirement applies to every person acting under the instruction of the Integrity Commissioner as well. Our process includes notifying the complainant or applicant, the named member(s), and any witnesses that they must keep the process confidential as required under section 223.5(1).

If a member were to share details of a complaint process with any other individual prior to the Integrity Commissioner issuing a public report, the Integrity Commissioner may

view that act as a breach of the confidentiality provisions of the Code of Conduct. Further, any information not included in the report of the Integrity Commissioner remains confidential and ought to be treated as such by all parties.

Finally, any advice provided by the Integrity Commissioner to a member is confidential and the member has no obligation to share that advice with Council or any other person. The Integrity Commissioner may not release any advice that has been provided to a member without their consent. Should the member share part of the advice on their own, the advice no longer enjoys the cloak of confidentiality and the Act allows the Integrity Commissioner to release the full text of the advice at their discretion.

### Independent Role of the Integrity Commissioner

Council has assigned to the Integrity Commissioner the duty to independently conduct investigations and inquiries. The Integrity Commissioner is bound by the statutory framework to undertake a thorough investigation or inquiry in an independent manner. The findings of any report represent the Integrity Commissioner's final decision.

### Investigative Process

Our process for all investigations and inquiries includes:

1. Reviewing the merits of the complaint or application to determine if it is:
  - a. Frivolous;
  - b. Vexatious; or
  - c. Without merit.
2. Following this initial review (and barring any finding under paragraph 1(a) through (c)), we conduct a more thorough preliminary review that allows the named member an opportunity to respond and provides the complainant with the opportunity to respond to the member's reply. The member is then provided with one last opportunity to respond to the reply comments of the complainant.
3. Following these steps and any additional steps the Integrity Commissioner deems necessary to complete the preliminary review, the Integrity Commissioner reviews all materials and submissions to that point and decides whether to explore any opportunity for an informal resolution or move on to the investigation/inquiry stage.
4. If there is an investigation or inquiry, the Integrity Commissioner interviews those witnesses he deems relevant to the allegations, and collects all information deemed relevant to the process.

5. At the completion of the investigation or inquiry, the Integrity Commissioner issues a public report of his findings to Council for their acceptance and consideration on any recommended sanctions or penalties.

### Investigation Reports

If Council finds itself in the position where it receives a report from the Integrity Commissioner, Council is performing an adjudicative function and it is required to act with a greater degree of neutrality than it normally would for other business that may come before it. It may debate the recommendations of the Integrity Commissioner only, but not the findings.

Council must avoid going “behind” the findings of the Integrity Commissioner or challenging the lines of inquiry or analysis undertaken by the Integrity Commissioner. Council does not have the benefit of the detailed investigation undertaken, as it is impossible to distill all the interviews and documents into one report. The Integrity Commissioner exercises his discretion to report only those facts that are most relevant; which is not to say that other facts were not considered when drafting the report. Any attempt to challenge the findings of the report undermines the integrity of the process and the conclusions of the report. That type of action is unfair to the complainant or applicant, the member, and witnesses, and is beyond the scope of Council's authority under the Municipal Act.

We note that if the Integrity Commissioner recommends a financial sanction (suspension of pay up to 90 days), then the member (even though he or she would have a resulting pecuniary interest) is entitled to attempt to influence Council's decision on that recommended financial sanction. However, the member is not entitled to participate in any other portion of the debate, must still declare a conflict at the outset of Council's consideration of the report, and may not vote.<sup>6</sup>

### Closing Remarks

We thank the Village of Merrickville-Wolford for the opportunity to act as its Integrity Commissioner. We remind members that the Integrity Commissioner is available to provide advice in accordance with the Act regarding a member's obligations under the Code of Conduct and the MCI. We note that this service provides members with the proactive ability to avoid potential complaints by requesting and acting on advice which may apply to the circumstances of the member.

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<sup>6</sup> Section 5(2.10) of the *Municipal Conflict of Interest Act*.

Members are held to the highest standards of office in their elected positions and we thank members for their continued attention to the ethical obligations expected of them.

Please contact us with any follow-up questions. In the meantime, please find enclosed a copy of the up-to-date Certificate of Insurance for the Village of Merrickville-Wolford.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**

A handwritten signature in black ink, appearing to read 'Tony E. Fleming', with several long, sweeping horizontal strokes underneath.

Tony E. Fleming, C.S.  
LSO Certified Specialist in Municipal Law  
(Local Government / Land Use Planning)  
Anthony Fleming Professional Corporation  
TEF:am  
Enclosures



For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:** By-law 37-2020, being a by-law to confirm the proceedings of the special Council meeting of June 4, 2020, be read a first and second time, and that By-law 37-2020 be read a third and final time and passed.

Carried / Defeated

\_\_\_\_\_  
J. Douglas Struthers, Mayor

**THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD**

**BY-LAW 37-2020**

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD AT ITS MEETING HELD ON JUNE 4, 2020

WHEREAS section 5(3) of the Municipal Act, 2001 states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Village of Merrickville-Wolford (hereinafter referred to as "Council") at its meeting held on June 4, 2020 be confirmed and adopted by by-law;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. The proceedings and actions of Council at its meeting held on June 4, 2020 and each recommendation, report, and motion considered by Council at the said meeting, and other actions passed and taken by Council at the said meeting are hereby adopted, ratified and confirmed.
2. The Mayor or his or her designate and the proper officials of the Village of Merrickville-Wolford are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and, except where otherwise provided, the Mayor and Clerk are hereby directed to execute all documents necessary in that regard, and the Clerk is hereby authorized and directed to affix the Corporate Seal of the Municipality to all such documents.

This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and passed on the 4<sup>th</sup> day of June, 2020.

\_\_\_\_\_  
J. Douglas Struthers, Mayor

\_\_\_\_\_  
Doug Robertson, CAO/Clerk

For Clerk's use only, if required:

**Recorded Vote Requested By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - - 20

Date: June 4, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

**Be it hereby resolved that:**

This special meeting of the Council of the Corporation of the Village of Merrickville-Wolford does now adjourn at \_\_\_\_\_ p.m. until the call of the Mayor subject to need.

Carried / Defeated

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J. Douglas Struthers, Mayor