



Governance Review Committee
January 7, 2025 –10:00 a.m.
County of Frontenac Administration Building,
2069 Battersea Road, Glenburnie, ON
<https://youtube.com/live/TqkTw2g4sRE?feature=share>

AGENDA

Page

1. **Call to order**
2. **Election of Officers**
 - a) Election of Chair
 - b) Election of Vice Chair
3. **Adoption of the agenda**
 - a) **That** the agenda for the January 7, 2025 meeting of the Governance Review Committee be adopted.
4. **Disclosure of pecuniary interest and general nature thereof**
5. **Adoption of Minutes**
6. **Items of Business**
 - a) **Staff Briefing:** Jannette Amini, Manager of Legislative Services/Clerk, will provide a briefing and presentation to the Committee
[Clerks Briefing](#)
 - b) **2025-001
Corporate Services
Initial Discussion and Review of the Sale and Disposition of Land Policy**

This report is for information only. It is intended to solicit feedback from the committee and to provide some initial discussion on how the County wishes to address the sale and disposition of County owned lands.

[Initial Discussion and Review of the Sale and Disposition of Land Policy Appendix A By-law 1995-0017 - Sale and Disposition of Land](#)
[2025-001 Appendix A By-law 1995-0017 - Sale and Disposition of Land Appendix B Proposed new Sale and Disposition of Land policy](#)
[Appendix C Land Use Policy](#)

3 - 18

19 - 39

7. Next meeting date

- a) The next meeting of the Governance Review Committee is scheduled for Tuesday, February 4, 2025 at 10:00 a.m. at the County Administration Building.

8. Adjournment

Governance Review Committee

January 7, 2025



FRONTENAC



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Section 270 of the Municipal Act – Adoption of Policies

1. Its sale and other disposition of land.
2. Its hiring of employees.
 - 2.1 The relationship between members of council and the officers and employees of the municipality.
3. Its procurement of goods and services.
4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
5. The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.
6. The delegation of its powers and duties.
7. The manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.
8. Pregnancy leaves and parental leaves of members of council.



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Procedural By-law

- Subsection 238 (2) of *The Municipal Act, 2001*, provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.
- There is little prescription in Section 238.
- County of Frontenac Council's Procedural By-law was enacted in 2022 following a comprehensive review in 2021-2022, including the Schedules for Council Advisory Committees and External Boards. It has been amended 26 times.



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Policies related to MFIPPA

Designation of head

- Section 3(1) of MFIPPA states that Members of the council of a municipality may by by-law designate from among themselves an individual or a committee of the council to act as
- (3) States if no designation, it is Council
- County's Delegation of Authority By-law 2016-0006 designates the Warden as Head
- Section 49(1) provides that the a head may in writing delegate a power or duty granted or vested in the head to an officer or officers of the institution. This is delegated to the Clerk

Policies being reviewed in terms of MFIPPA

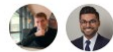
- Duty to Document
- Privacy Breach
- Privacy Impact Assessment
- Personal Information Bank



Why we are doing this governance review

POLITICS

Recommendations ready for Ford government on councillor harassment, conduct



By Isaac Callan & Colin D'Mello · Global News
Posted October 19, 2024 5:00 am · Updated October 21, 2024 4:05 pm · 3 min read



Focus Ontario
Ontario integrity commissioner completes recommendations for municipal conduct

Ottawa

Mired in controversy, township council fires another integrity commissioner

Rideau Lakes Township council has voted on 4 integrity commissioner reports this month alone



Campbell MacDiarmid · CBC News · Posted: Oct 18, 2024 4:00 AM EDT | Last Updated: October 18



The council of Rideau Lakes Township in eastern Ontario is divided and dysfunctional, with councillors saying integrity commissioner investigations have been weaponized against them. (rideaulakes.ca)

CANADA'S NATIONAL OBSERVER

OPINION ANALYSIS CLIMATE SOLUTIONS SPECIAL REPORTS PODCASTS NEWSLETTERS NEWS TEAM ABOUT ADVERTISE

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Ontario's privacy watchdog urges public institutions to show their commitments to transparency

By Patricia Kosseim | Opinion | October 5th 2022



Toronto

Secrecy, conflicts in Collingwood deals point to holes in Ontario's integrity rules, judge finds

Public inquiry recommends conflict-of-interest overhaul for municipal councillors

CBC News · Posted: Nov 02, 2020 9:36 PM EST | Last Updated: November 2, 2020



Former Liberal MP Paul Bonwick's consulting work for companies doing business with Collingwood, Ont., created several controversies involving his sister, ex-mayor Sandra Cooper. (Metroland and Dave Seglins/CBC)



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Accountability – How did we get here

Town of Collingwood – 2020 Judicial Inquiry

Facts:

Paul Bonwick, the brother of then-mayor Sandra Cooper earned more than \$1M for his involvement in deals made by Collingwood City Council – almost half of what the town of about 22,000 [paid in salaries in 2012 for its full-time staff](#).

The two deals were:

1. Sale of a 50% share of the town's electrical utility to PowerStream (now Alectra), despite the town receiving a much higher bid from another potential buyer.
2. Award a contract to expand recreational facilities to one builder without considering other bids.

Collingwood's response

- In 2017, the Town of Collingwood requested that staff investigate existing practices and explore new opportunities to enhance accountability and transparency initiatives and programs, and ensuring good governance.
- In response to [Bill 68 \(2017\)](#) to “modernize” the Municipal Act, the Town of Collingwood undertook an Accountability and Transparency review which resulted in a 2-part staff report: [Part 1](#) and [Part 2](#), which recommended:
- Live-streaming all Council and Standing Committee meetings
- Public database of recorded votes
- Enhanced community outreach
- Lobbyist registry
- In-house legal counsel
- Municipal Ombudsman
- Municipal Auditor General



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The New World of Accountability, Transparency and Oversight

Powers the Ombudsman have increased as a result of Bill 8

1. County's Closed Meeting Investigator
2. Ability to conduct a systemic investigations



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And the Ombudsman said

Update and follow your policies for:

- Formal complaints Process/Appeals
- Document steps taken to resolve your complaints
- Code of Conduct (Staff)
- Code of Conduct (Council)
- Complaints Process/Appeals –Create/Update
- Integrity Officers –Review
- Transparency & Accountability Policy
- Delegation of Powers Policy/By-law
- Records Management Policy
- Procedure By-law Update (Closed Meetings)



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Accountability and Transparency

Municipal Act

Section 2 – Purpose: Municipalities are created by the Province of Ontario to be responsible and accountable governments

Section 11 – Broad Authority, to pass by-laws respecting Accountability and transparency of the municipality

Section 23.1 – Delegation of Powers, the accountability of the delegate and the transparency of the delegate's actions and decisions



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Accountability and Transparency cont.

Section 224 – It is the role of council to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

Section 270 – Adoption of Policies, The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public



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Goals of the Committee (and Council)

- Ensure the governance remains transparent and accountable;
- changes contribute to an efficient and effective decision-making process;
- governance structure and related processes are focused and aligned with identified County priorities.
- build upon Council's existing governance structure and provide for the associated by-laws, policies and procedures required for Council and Committees of Council.



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Committee of Council

- Council appoints committees to examine and review topics or issues that impact citizens and make recommendations.
- Committee members may contribute to the development of policies, programs, and initiatives that enhance the County's quality of life.
- Allows local citizens from various backgrounds to participate in municipal government.
- County benefits from citizen volunteer's expertise, enthusiasm, and civic pride.



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Committees of Council

Advisory Committees (comprised of Council members and citizen representatives)

- Planning and Economic Development Advisory Committee (Legislated)
- Joint Frontenac Accessibility Advisory Committee (Legislated)

Council appointee Committees (comprised of Council members)

- Administrative Building Design Task Force (can now be disbanded)
- Administration Committee
- Governance Review Committee
- Chief Administrative Officer Selection Committee (can now be disbanded)



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Considerations

Revised By-law/policies may include:

- simplified provisions,
- plain language,
- reduced prescription,
- facilitate faster decision-making,
- reflect legislative requirements,
- reflect findings and recommendations by the Ontario Ombudsman
- support accountability and transparency.



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Next Steps/Process/Timeline

- Policies/By-laws requiring comprehensive review
 - What are critical elements that must be included
 - Is there new legislation affecting a specific policy
- Extent or process of public consultation
 - Use of EngageFrontenac
- Present final policies/by-law for Council's consideration



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Questions



Report 2024-001

Council Recommend Report

To: Chair and Members of the Governance Review Committee
From: Jannette Amini, Manager of Legislative Services/Clerk
Date of meeting: January 7, 2025
Re: **Corporate Services – Preliminary discussions on the Adoption of a Sale and Disposition of Land Policy for the County of Frontenac**

Recommendation

This report is for information only. It is intended to solicit feedback from the committee and to provide some initial discussion on how the County wishes to address the sale and disposition of County owned lands.

Background

The County of Frontenac has been utilizing By-law No. 1995-0017 for its sale of real property. This by-law was passed under the previous Municipal Act, the Planning and Municipal Statute Law Amendment Act, 1994. At that time, a municipality was required to pass a by-law for the sale of real land mandating three procedures; publicly declaring the land surplus, obtaining an appraisal and giving notice. A copy of By-law 1995-0017 is attached to this report as Appendix A.

Comment

The Municipal Act, 2001 was amended in 2007 to require that municipalities adopt and maintain a policy with respect to the sale and other disposition of land. No mandates were prescribed with this amendment.

To ensure that the County of Frontenac's policies are up-to-date and meet the needs of the corporation, staff are reviewing a number of existing policies, and where deemed beneficial, are proposing updated policies for Council's consideration and approval. The drafted policy on the sale and disposition of land, attached to this report as Appendix B is based on reviewing recent dispositions of land within the County of Frontenac and determining where adjustments to the existing policy would be beneficial, while also reviewing policies adopted by other municipalities, specially, but not limited to, upper tiers.

Staff researched various municipal policies to draft a new policy suitable for the County of Frontenac. When reviewing other municipal policies, delegated authority for some matters to senior level staff members was contained in most.

The draft policy attached mirrors that of the County of Peterborough's version for the delegated authority to the CAO for the disposition of certain classes of land. The draft policy provides that the Director of Corporate Services is responsible for the policy and the procedures within it. For example, the County of Peterborough delegates authority to execute an agreement of purchase and sale and any deed, transfer or other document required for the acquisition, purchase, sale or exchange of any interest in land including, without limitation, an easement, a right of first refusal, an option agreement and a re-purchase agreement. It should be noted however, that unlike the County of Peterborough along with other upper tier municipalities, the County of Frontenac does not own County roads.

Key Considerations

1. Easements

Requests being made to the County of Frontenac for easements has increased in past years and staff anticipate these increases to continue, due to 2 factors:

1. The expansion of the K&P trail from 45 km in length to 78, with an estimated final length of 90 km, thus increasing the number of abutting properties with private lanes crossing the trail
2. In some cases, use of the rail corridor has been acquired by the County through easement rather than outright purchase
3. Increased residential development along the trail through land severances.

Staff are recommending that easements be removed from the Sale and Disposition of Land policy and that these be delegated to staff through the County's Delegation of Authority By-law. Removing easements from this policy incorporates how land may be used in alignment with the County's existing Land Use Policy (attached to this report as Appendix C) and provides clear direction for the public, Council and staff about the process to follow when lands are not being removed from the County's portfolio, but rather creating legal agreements and permissions in response to requests for use of lands owned by the County.

2. Definitions

The proposed policy also recognizes that the County itself has easements in its favour. These stem from easements across private lands for the purposes of the K&P Trail. As a result, a new definition "Limited interest" has been added under section 2, Definitions and is defined as a permanent or temporary easement, right of way or other comparable limited right in favour of the Corporation in or over any land that is not owned by the Corporation in fee simple. Within the policy itself, a limited interest is exempt from the requirement of obtaining an appraisal and its disposition is delegated to the CAO.

Section 2 also includes a new definition, "**Limited use**" which means a permission to enter, temporary license or other temporary use of land owned by the Corporation and

does not include the grant of an easement or any permission or license to use any space within a building(s) owned by the Corporation, to affix any structure to any land, building or structure owned by the Corporation, or to conduct any activity on lands owned by the Corporation which is otherwise prohibited, or for which a permit is required, under any other by-law or policy of the Corporation. This provides authority to staff (the Director) to address requests that the County has received in the past such as to establish a community garden on County lands encompassing the K&P trail without having to bring such requests to Council. This would also address agreements with snowmobile and/or ATV clubs

3. Notice to the Public

The policy also includes notice provisions when using a Real Estate brokerage. This provides sufficient wording in terms of the County meeting its public notice requirements, should in the future, the County look at disposing of lands other than the K&P Trail, such as paramedic bases owned by the County or lands surrounding the County complex on Battersea Road.

4. Delegation of Authority

Staff are recommending Council's consideration of the included delegated authority to senior members of staff as set out in the draft policy. If they are approved, they will be added to the County's Delegation of Authorities By-law in due course, which is also included in the Governance Review Committees mandate to review this year of the County's Governance policies.

The Draft By-law and Policy recommend that the format of this policy be revised from a by-law to a policy. The format and setup of a policy is easier to follow and revised on a regular basis. It is also more in line with the current prescription under the Municipal Act, 2001.

Outline of Key Points of Policy:

- Council approval is always required for the disposal of real property.
- In general, real property is to be disposed of at market value.
- Depending on the nature of the land, various methods may be employed for the disposal of the land:
 - a. Tender process;
 - b. Listing with a Real Estate Agent or Broker;
 - c. Direct advertising;
 - d. Direct negotiations with an abutting property owner; and
 - e. Other direct negotiations when authorized by Council.
- Exemptions to the typical disposal processes outlined in the draft policy include:
 - a. Land that is transferred to another government body or public utility in exchange for other land for within the geographic limits of the County of Frontenac or City of Kingston;

- b. Land that is transferred by the Municipality to a developer through the site plan or subdivision development process in exchange for land of equal or greater value;
- c. Land being expropriated from the Municipality by another governmental body pursuant to the Expropriations Act or any other legislation;
- d. Lands formerly used for railway lands, if sold to an abutting owner.

Staff are recommending that Council adopt a new Sale and Other Disposition of Land Policy attached as Appendix A and repeal By-law No. 1995-0017.

Part of the updated policy is to ensure that the County encompasses the different situations of property disposal that the municipality has come across over the years.

Strategic Priorities Implications

Priority 4. Maximize Administrative Leadership within the County Administration.

- Ensure efficient and responsible financial management of County resources
- Ensure transparency and accountability of the governance of the County of Frontenac (Council and its Committees).

Financial Implications

There are no anticipated financial implications associated with the adoption of this policy. Although, it is anticipated that there will be financial implications associated with the use of the policy for the sale and disposition of land. Possible costs may include, legal fees, surveys etc.

Organizations, Departments and Individuals Consulted and/or Affected

Joe Gallivan, Director of Planning and Economic Development
Richard Allen, Manager of Economic Development
Sonya Bolton, Manager of Community Planning
Alex Lemieux, Director of Corporate Services/Treasurer
Cunningham Swan

THE CORPORATION OF THE COUNTY OF FRONTENAC

BY-LAW NO. 17-1995

To establish procedures governing the sale of real property.

WHEREAS Section 193 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, requires Council to establish by by-law procedures, including the giving of notice to the public, governing the sale of real property owned by the municipality, and the establishing and maintaining of a public register listing and describing all real property owned or leased by the municipality;

NOW THEREFORE the Council of the Corporation of the County of Frontenac enacts as follows:

1. In this by-law,
 - (a) "appraisal" shall mean an evaluation of the fair market value of real property;
 - (b) "Clerk" shall mean the Clerk of the municipality;
 - (c) "Council" shall mean the Council of the municipality;
 - (d) "fair market value" shall mean the amount that would be realized by the sale of real property by a willing vendor to a willing purchaser;
 - (e) "municipality" shall mean The Corporation of the County of Frontenac;
 - (f) "real property" shall mean land and vice versa;
 - (g) "sale" shall mean the intention or willingness to:
 - (i) transfer in fee simple ownership of and title to real property;
or
 - (ii) grant a permanent easement or right of way over real property; or
 - (iii) grant a leasehold interest in real property for a term of 21 years or longer;from the municipality to another person, with or without consideration.
2. Prior to the sale of any real property owned by the municipality, Council shall,
 - (a) by by-law or resolution passed at a meeting open to the public declare the real property to be surplus;
 - (b) obtain not sooner than one (1) year before the date of sale at least one appraisal of the fair market value of the real property from such person as the Clerk considers qualified; and
 - (c) give notice to the public of the proposed sale in the manner prescribed by this by-law.

3. Notice to the public of a proposed sale of real property owned by the municipality shall be given prior to the date of the sale:
 - (a) by publication in a newspaper that is, in the Clerk's opinion, of sufficiently general paid or unpaid circulation within the municipality to give the public reasonable notice of the proposed sale; or
 - (b) in the case of a proposed sale according to any other procedure prescribed by the Municipal Act or any other Act, in the manner prescribed.
4. Despite the requirement of clause 2(b) of this by-law, the municipality may sell any of the following classes of real property without first obtaining an appraisal:
 - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act, R.S.O. 1990, Chapter P.13, as amended;
 - (b) highways, roads and road allowances;
 - (c) land formerly used for railway branch lines if sold to an owner of land abutting the former railway land;
 - (d) land that does not have direct access to a highway if sold to the owner of land abutting that land;
 - (e) land repurchased by an owner in accordance with Section 42 of the Expropriations Act, R.S.O. 1990, Chapter E.42, as amended;
 - (f) land designated in the municipality's Official Plan for use as sites for the establishment and carrying on of industries and of industrial operations and incidental uses;
 - (g) land sold:
 - (i) for the purpose of a program to encourage small business pursuant to Section 112 of the Municipal Act;
 - (ii) the sale of land to a Community Economic Development Corporation pursuant to Section 112.1 of the Municipal Act;
 - (iii) the sale of land to a Community Development Corporation pursuant to Section 112.2 of the Municipal Act; or
 - (iv) the sale of land as a grant pursuant to Section 113 of the Municipal Act;
 - (h) easements granted to public utilities or to telephone companies;
 - (i) land sold under the Municipal Tax Sales Act, R.S.O. 1990, Chapter M.60.
5. Despite the requirements of clause 2(b) of the by-law, the municipality may sell any real property owned by it to any one of the following classes of public bodies without first obtaining an appraisal:
 - (a) any municipality, including a metropolitan, regional or district municipality and the County of Oxford;

- (b) a local board as defined in the Municipal Affairs Act, R.S.O. 1990, Chapter **M.46**;
 - (c) an authority under the Conservation Authorities Act, R.S.O. 1990, Chapter C.27;
 - (d) The Crown In Right of Ontario or of Canada and their agencies.
6. The requirements of clause 2 of this by-law shall not apply to lands sold or otherwise disposed of under an agreement for providing municipal capital facilities pursuant to section 210.1(2) of the Municipal Act.
7. The Clerk shall establish and maintain a public register listing and describing all real property owned or leased by the municipality and which should, to the extent that it is reasonably possible, include the following information:
- (a) a brief legal description of the property;
 - (b) the assessment roll number of the real property;
 - (c) the municipal address of the real property, if available;
 - (d) the date of purchase;
 - (e) the name of the person from whom the property was purchased;
 - (f) the instrument number of the Transfer/Deed by which title was transferred to the municipality;
 - (g) the purchase price of the real property;
 - (h) a brief description of improvements, if any, on the real property;
 - (i) the date of sale of the property;
 - (j) the name of the person to whom the property was sold;
 - (k) the sale price of the real property.
8. Despite the provisions of clause 7, the Clerk is not required to list the following classes of real property in the public register:
- (a) lands 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - (b) all highways, roads and road allowances, whether or not opened, unopened, closed or stopped up;
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9. Every Transfer/Deed of real property sold by the municipality shall include a Certificate of Compliance issued by the Clerk in the form prescribed by the Regulations to the Municipal Act.

By-law No. 17-1995
Page 4

- 10. This by-law shall not apply to the sale of any land owned by the municipality for which an agreement was entered into by the municipality prior to January 1, 1995.
- 11. This by-law shall come into force and take effect on the day it is passed.

Read a first time this 22nd day of March, 1995. /

Read a second time 22nd day of March, 1995.

Read a third time and finally passed, signed and sealed this 22nd day of March, 1995.

Warden

Certified true copy.



Clerk

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THE CORPORATION OF THE COUNTY OF FRONTENAC

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By-law No. 17-1995
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Dylina Colom
.....
Clerk

Sam Steer
.....
Warden



.....
Certified true copy.

.....
Clerk

By-Law No. 2025-0xx

OF

The Corporation of the County of Frontenac

being a by-law to Establish a Policy for the Sale and Disposition of Land by the Corporation of the County of Frontenac

Short Title: "Sale and Disposition of Land By-Law"

Whereas Section 270(1) of the Municipal Act, 2001 as amended requires municipalities to adopt and maintain a policy governing the sale and disposition of land.

And Whereas the Council of the Corporation of the County of Frontenac deems it expedient to enact a by-law to amend the Policy for Sale and Disposition of Land;

Now Therefore Be It Resolved That the Council of The Corporation of the County of Frontenac does hereby adopt the "Sale and Disposition of Land" Policy attached hereto as Schedule "A";

And That By-law No. 1995-0017 is hereby repealed in its entirety;

And That all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law are hereby repealed.:

Read a First and Second Time this xx day of xxx, 2025.

Read a Third Time, Signed, Sealed and Finally Passed this xx day of xxx, 2025.

The Corporation of the County of Frontenac

<hr/> Frances Smith, Warden	<hr/> Jannette Amini, Clerk
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Schedule 'A'
To By-law No. 2025-0xx
Sale and Disposition of Land Policy

1 Purpose

This Policy sets out the procedures to be followed for the sale or other disposition of any land by the Corporation, except for any land being disposed of pursuant to Part XI of the Municipal Act, 2001. This policy also establishes the authority for the granting of limited use of land owned by the Corporation to third parties.

The Corporation shall carry out the sale and disposition of land in a timely, cost-effective, and transparent manner.

2 Definitions

In this Policy:

“Agencies” means boards, commissions, public utility companies or agencies owned, controlled or operated by a lower-tier municipality in the County of Frontenac, Her Majesty in the Right of Ontario, Her Majesty in the Right of Canada or by the Government of Ontario or the Government of Canada or under the authority of the Legislature of Ontario or Parliament or the Lieutenant Governor in Council or the Governor General in Council.

“Appraisal” means a written opinion as the amount the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.

“Chief Administrative Officer” means the person holding the title of the Corporation’s Chief Administrative Officer.

“Corporation” means the Corporation of the County of Frontenac.

“Council” means the Council of the Corporation.

“County” means the Corporation of the County of Frontenac or its geographic area, as the context requires.

“County Solicitor” means the firm under contract with the Corporation.

“Clerk” means the Clerk of the Corporation.

“Director” means the person holding the title of the Corporation’s Director of Corporate Services/Treasurer.

“Fair market value” means the purchase price that a property might be expected to realize if offered for sale on the open market by a willing seller to a willing buyer.

“Limited interest” means a permanent or temporary easement, right of way or other comparable limited right in favour of the Corporation in or over any land that is not owned by the Corporation in fee simple.

“Limited use” means a permission to enter, temporary license or other temporary use of land owned by the Corporation and does not include the grant of an easement or any permission or license to use any space within a buildings owned by the Corporation, to affix any structure to any land, building or structure owned by the Corporation, or to conduct any activity on lands owned by the Corporation which is otherwise prohibited, or for which a permit is required, under any other by-law or policy of the Corporation.

“Sale or other disposition” means a disposition of land through a sale and includes a transfer or release of a limited interest, a disposition of land in conjunction with the acquisition of other lands as part of a land exchange transaction, and a lease of 21 years or longer, but does not include the grant of a limited use.

3 Sale or Other Disposition of Land – General

3.1 Declaration of Land as Surplus

Prior to the sale or other disposition of land by the Corporation other than land described in Section 5.1 of this Policy, land must be declared surplus to the needs of the Corporation by Council. Such declaration of surplus shall be made by Council by by-law or by resolution passed at a meeting open to the public.

3.2 Notice to the Public

Except where lands are listed with a licensed real estate broker, a notice of the County’s intention to sell lands is published in a local newspaper on at least one occasion prior to the sale and/or on the County’s website. The notice shall include a map identifying the location of the lands.

The newspaper notice and/or the County’s website notice shall include the proposed date of the sale and the name and contact information of the party handling the sale.

If the lands are marketed using a licensed real estate broker any of the following by the broker will constitute sufficient notice for the purposes of this policy:

- The listing of the lands on MLS
- The advertisement of the lands for sale in either local newspaper at least once or the County’s website; or
- The placement of a for sale sign on the lands.

3.3 Appraisals

Unless Council directs otherwise, the Director must obtain at least one appraisal of the fair market value of the land prior to its sale or other disposition unless the land is one of the following classes of land which may be sold or disposed of without an appraisal:

- (a) a limited interest;
- (b) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
- (c) land that does not have direct access to a highway if sold to the owner of land abutting the land;
- (d) land repurchased by an owner in accordance with section 42 of the Expropriations Act;

- (e) land sold under section 107 of the Municipal Act, 2001; and
- (f) land to be sold to another municipality, to a local board as defined in the Municipal Act, 2001, to a district school board as defined in the Education Act, to a conservation authority established by or under the Conservation Authorities Act or to the Crown in the Right of Ontario or Canada or their agencies.

3.4 Manner of Sale or Other Disposition

Subject to the requirements of this Policy, the Director may determine the manner or process by which the sale or other disposition of the land will be carried out, including determining whether (i) other agencies are required to be notified of the sale and/or given the opportunity to acquire the land prior to offering the land for sale to the general public; and (ii) to sell the land to the public through public tender, public auction, a proposal call, listing through a multiple listing service, direct advertising and direct negotiations with a land owner, provided that:

- (a) if a public tender process will be used, a reserve bid equal to or higher than the appraised value of the land must be provided; and
- (b) if the land will be listed through a multiple listing service, the list price must be equal to or higher than the appraised value of the land.

3.5 Disposition for Nominal Consideration to Non-Profit Non-Commercial Entity

The Director may identify certain lands for disposition to a non-profit, non-commercial entity where such disposition is in the best interest of the community and the County for nominal consideration.

The disposition of such lands shall include a term that restricts the further assignment or transfer to a third party unless the County provides its consent. Where consent to a third party is sought, the Director shall determine that the assignee is also a non-profit, non-commercial entity and agrees to similar restrictions on further transfers.

The disposition under this provision shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise by leasing or selling any property of the municipality at below fair market value. Therefore, as prospective entity shall not be a manufacturing business or other industrial or commercial enterprise.

Any proposed transfer under this provision shall be brought to Council for approval prior to disposition.

3.6 Final Council Approval

No other sale or other disposition of land by the Corporation other than a sale or disposition of land described in Section 4.1 of this Policy will be concluded without the final approval of Council authorizing the actual transfer or other disposition of land.

3.7 Non-Application

For greater certainty, the provisions of this Section 3 shall not apply to those lands referred to in Section 4 of this Policy.

4 Limited Powers for Sale or Other Disposition of Land

4.1 Limited Powers of the Chief Administrative Officer

Upon receipt of a written request from the Director, the Chief Administrative Officer of the Corporation may authorize the disposition of the following lands:

- (a) any limited interest;
- (b) land that is 0.3 metres or less in width and is being conveyed to the adjoining owner; or

5 Limited Use of Land

5.1 Authorization by the Director

The Director may authorize a limited use by third parties for the purpose of facilitating work on the said lands or on adjacent or surrounding lands, provided that:

- (a) the Director does so only upon prior consultation with staff of other departments of the Corporation, who is/are responsible for the operations or maintenance of the subject land; and
- (b) the person given the authorization to enter or use the land owned by the Corporation agrees to:
 - (i) restore the land and adequately secure that obligation;
 - (ii) indemnify the Corporation with respect to such entry or use; and
 - (iii) provide adequate insurance protection to the benefit of the Corporation.

5.2 Execution of Agreement for Entry or Use

The Director may authorize the entering into and execution of any agreements to secure the provisos to the authorization of the temporary entry or use of land owned by the Corporation set out in Section 5.1 above.

Roles and Responsibilities:

Council

- Council must determine whether land is surplus and approve the final sale or other disposition of land or of a limited interest.
- Each member of Council must take care not to disclose or release by any means to any person any confidential information disclosed to Council in closed session in relation to any sale or other disposition of land.

County Solicitor

- The County Solicitor must oversee the Director in the carrying out of all its responsibilities under this Policy.

Director

- The Director must report to Council with respect to any proposed declaration of surplus and the sale or other dispositions of land owned by the Corporation, whether initiated by the Director, staff of another department of the Corporation or an external party.
- Prior to reporting to Council, the Director must determine, in consultation with appropriate staff of the Corporation, that any municipal purpose that may have previously existed no longer exists.

Staff

- Staff with operation, maintenance, or other responsibilities in connection with land owned by the Corporation must, upon request, provide input to the Director with respect to the proposed declaration of surplus and sale or disposition of any land owned by the Corporation.

5.3 Review Cycle

This policy shall be reviewed once per term of Council.



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Subject: Land Use Policy

Index Number XXX
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Approved:

Effective Date: September 17, 2014

Policy:

The County of Frontenac recognizes as a property owner that requests for use of County property will arise from time to time and that the timely handling such issues is necessary for the protection of the public interest and in the interests of the citizen making a request.

Objective:

To provide a decision making framework for Council, citizens and staff to ensure that the most efficient and least intrusive measure is applied to citizen requests for use of lands owned by the County.

Procedure:

1. Staff will review with the applicant their needs and work with them to process their application in a timely and efficient manner.
2. In reviewing applications, the table below will be used to direct the applicant to the least onerous method possible. The Table is generally structured from “least” onerous (Certificate of Permission), to “most” onerous (Right of Way and Sale).

Method	Time Period	Examples	Conditions	Approval Authority	Transferable
Certificate of Permission	Less than one year	Access across the property for a limited time (e.g., construction or tree harvesting)	Pre and post inspection Deposit equal to potential restoration Proof of insurance Site sketch Signed agreement Taxes in good standing	Delegated to staff	No



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Approved:

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<p>License of Occupation</p>	<p>Generally for a period up to three years</p> <p>In any case, not more than 21 years</p>	<p>Water line under property for a temporary period</p> <p>Fence encroachment</p> <p>Well installation</p> <p>Property access while a permanent access is being constructed</p>	<p>Pre and post inspection + periodic compliance inspections</p> <p>Proof of insurance</p> <p>Legal Survey</p> <p>Signed agreement</p> <p>Taxes in good standing</p>	<p>Council approval</p>	<p>Not as of right, but with County permission</p> <p>Not past original length</p>
<p>Encroachment Agreement</p>	<p>Indefinite, but may expire if the encroachment is replaced</p>	<p>Previously constructed structures</p>	<p>Pre- inspection</p> <p>Proof of insurance</p> <p>Legal survey</p> <p>Signed agreement</p> <p>Taxes in good standing</p>	<p>Delegate to staff for encroachments less than 1m²</p> <p>Council approval for encroachments greater than 1m²</p>	<p>With County permission</p>



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Right of Way (RoW)	In perpetuity	Driveway access for a home or accessory building Permanent installations above, on or below	Pre and post inspection + periodic compliance inspections (because it is permanent, a post-inspection is not necessary) Proof of insurance Legal Survey Signed agreement Taxes in good standing	Approved by Council Considered a disposition of property under the County By-law	No need to transfer – transferred with title as of right
Sale	Disposal	Sale for a lot addition Sale as surplus to County needs	Pre inspection Legal Survey Signed agreement Taxes in good standing	Approved by Council Considered a disposition of property under the County By-law	n/a

Notes:

1. In all instances the proponent is responsible for all costs + applicable fees
 - a. Fees and charges as per County By-law
2. Permission may be refused in the following instances:
 - a. Where granting permission would result in an unsafe condition
 - b. Where permission would interfere with or limit future trail development
 - c. Where the portion of County property at issue abuts waterfront
 - d. Where the permission would allow land uses that may have negative impacts on the use or users of the trail
 - e. Longitudinal access for an extended length of the trail
3. Conditions may be imposed on any of the above, which may include:
 - a. Requirements for engineered drawings to show improvements to the trail surface, drainage, access points etc.
 - b. Conditions governing usage and safety
 - c. Requirements for fencing and signage
 - d. Insurance and indemnities