



TRAILS ADVISORY COMMITTEE
AGENDA

Date and Time: Thursday, December 5, 2013 at 10:00 am.
Place: County of Frontenac Administrative Boardroom 2069 Battersea Road, Glenburnie

Members:

- Denis Doyle, County Councillor; John Inglis, County Councillor; Gary Davison, County Councillor; Allan McPhail, CRCA Representative; Dieter Eberhardt, User Representative; Derrick Spafford, User Representative; Joan Hollywood, Adjacent Land Owner; Marc Moeys, Adjacent Land Owner; Janet Gutowski, Warden, Ex officio

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- 1. Call to order
2. Adoption of the agenda
3. Disclosure of pecuniary interest and general nature thereof
4. Deputations and/or presentations
- MMM Group will provide the Trails Advisory Committee with a presentation on the process of the development of the Trails Concept Plan.

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- 5. Adoption of minutes
- Minutes of Meeting held October 10, 2013
THAT the minutes of the Trails Advisory Committee meeting held October 10, 2013 be adopted as circulated.

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- 6. Communications
7. Reports/Topics for Discussion
- Report No. 2013-230
Trails Advisory Committee 2013 Work Plan Update
THAT the Trails Advisory Committee receive this 2013 Work Plan Update report for information;
AND FURTHER THAT the Trails Advisory Committee recommend to the Council of the County of Frontenac the approval of the Frontenac K&P Trail Implementation Plan – Phase 2 (Tichborne to Sharbot Lake).

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- 12-28
7. Reports/Topics for Discussion
- Report No. 2013-196  
Code of Conduct for Members of County Council and Committees
- THAT** the Trails Advisory Committee receive the Code of Conduct for Members of County Council and Committees for information.
- 29-31
- Report No. 2013-215  
Mandatory Integrated Accessibility Standards Regulation Training
- THAT** the Trails Advisory Committee receive the Mandatory Integrated Accessibility Standards Regulation Training for information.
8. Other business
9. Next meeting date
- The next Trails Advisory Committee meeting is scheduled for Thursday, February 6, 2013 at 10 a.m. at the County Administrative Building.
10. Adjournment



**Minutes of the Trails Advisory Committee  
October 10, 2013**

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A meeting of the Trails Advisory Committee was held in the Frontenac Boardroom of the County Administrative Office, 2069 Battersea Road, Glenburnie on Thursday, October 10, 2013 at 10:00 a.m.

**In attendance:**

- Allan McPhail, Chair
- Councillor Denis Doyle, Vice-Chair
- Councillor John Inglis
- Dieter Eberhardt
- Joan Hollywood
- Marc Moeys
- Derrick Spafford

**Regrets:**

- Councillor Gary Davison

**Staff:**

- Anne Marie Young, Manager of Economic Sustainability
- Jannette Amini, Deputy Clerk, Recording Secretary
- Elizabeth Savill, CAO/Clerk

**1. Call to order**

Mr. McPhail, Chair, called the meeting to order at 10:00 a.m.

**2. Adoption of the agenda**

Moved By: Councillor Doyle  
Seconded By: Councillor Inglis

**THAT** the agenda for the October 10, 2013 Trails Advisory Committee be approved as amended to add a presentation on the Ontario Federation of Snowmobile Club signage requirements.

**CARRIED**

**3. Disclosure of pecuniary interest and general nature thereof**

The Chair requested the Recording Secretary to make note in the minutes that no members of the Committee declared any disclosures of pecuniary interest.

**4. Deputations and/or presentations**

**Signage Requirements by the Ontario Federation of Snowmobile Clubs**

Mr. Eberhardt provided the Committee with an overview of the required signage by the Ontario Federation of Snowmobile Clubs should the Frontenac K & P Trail be designated under that banner, which includes:

- Stop sign – which would be required at every road intersection and crossing;
- Warning stop sign ahead – which would be required at 180 metres prior to a stop sign;
- Slow sign – which indicates a caution ahead and for users to slow down;
- Directional sign – which indicates a sharp turn ahead;
- Speed Limit sign – which indicates that the maximum speed for snowmobiles on the trail is 50 km/hr. These signs are required every 5 km;
- Identifier trail sign;
- Risk Management Sign – This indicates that users are using the trail at their own risk. These signs would be placed at major access points to the trail.

Mr. Eberhardt suspects there are roughly a dozen crossings in the portion of the trail that is currently being developed and the OFSC would provide, install and maintain all of its signage which is identified in the OFSC Signage Guide. The trail will receive a designation from the OFSC which would be L&A plus a number. He also advised that the OFSC would execute Land Use Permission forms with the County as well as provide \$15M third party liability insurance.

Ms. Savill advised of the County's current GPS system which includes the trails and the OFSC signage could be photographed and inputted into the GPS system.

**5. Adoption of minutes**

Moved By: Ms. Hollywood  
Seconded By: Councillor Doyle

**THAT** the minutes of the Trails Advisory Committee meeting held August 1, 2013 be adopted as circulated.

**CARRIED**

Ms. Young advised that the Maintenance Plan has not yet been complete; however once it is complete, it will be forwarded to the Committee members.

**6. Communications**

Committee members and staff advised of informal communications they have had with respect to the trail.

7. Reports/Topics for Discussion

2013-176  
2013 Work Plan Update

Moved By: Councillor Doyle  
Seconded By: Councillor Inglis

THAT the Trails Advisory Committee receive this 2013 Work Plan Update report for information;

AND FURTHER THAT the Trails Advisory Committee recommend to the Council of the County of Frontenac the approval of the Trails Advisory Committee 2014 Work Plan;

AND FURTHER THAT the proposed 2014 Draft Trails Advisory Committee budget be forwarded to staff for inclusion in the 2014 Budget presentation to County Council as amended to add under Trails Activities:

Trails Concept Plan Implementation	\$30,000
Student	\$6,500

CARRIED

Ms. Young provided an overview of the report.

With respect to the beaver dam at Millhaven Creek, it was asked if there were rules around how water from beaver dams can be released. Ms. Young advised that the CRCA will be lowering Sydenham Lake in the near future which will in turn raise the water levels around Millhaven Creek and could cause flooding to surrounding properties so staff will be acting quickly to remove these dams. She advised that the current trapper being utilized in the north for beaver control is willing to continue to work with the County regarding beaver trapping in other areas.

Ms. Young provided an overview of the work being done with respect to the brushing and surfacing of the trail, including dimensions of the trails. She advised that there are portions where there are concerns with tree buffers and some trees may need to be removed.

It was noted that, with respect to the Trail crossing on SF Road 38 south of Harrowsmith, the Township has made the decision to pave the entry to the Trail in order to provide an easier transition and prevent gravel from spilling onto the roadway. There is a meeting scheduled in November with the Township staff and the CRCA to discuss the Farmers Market location given that if this location is to become a permanent site for the Market, there will be a need for surfacing upgrades.

2014 Proposed Work Plan

With respect to the budget, the Committee asked if additional dollars should be requested to include new initiatives that may be recommended by the Trails Concept Plan. Ms. Young did express that once the Concept Plan is approved, initiatives could arise.

Moved by: Councillor Doyle  
 Seconded by: Mr. Moeys

**THAT** the Trails Advisory Committee 2014 draft budget be amended to add a line item under Trails Activities:

Trails Concept Plan Implementation	\$30,000	<b>CARRIED</b>
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Ms. Young provided an overview of the Frontenac K & P Trail Draft Implementation Plan. She noted that the data in the report is from the MPAC site; however there are plans to add maps to this document.

The Committee was satisfied with the Frontenac K & P Trail Draft Implementation Plan as presented in the report.

The Committee commended the work done this past summer by Kayla Blakely and asked if there were opportunities to have Ms. Blakely return if there were a budget for this cost.

Moved by: Councillor Doyle  
 Seconded by: Ms. Hollywood

**THAT** the Trails Advisory Committee 2014 draft budget be further amended to add a line item under Trails Activities:

Student	\$6,500	<b>CARRIED</b>
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Staff will ensure that all minor typing and printing errors will be adjusted.

**8. Other business**

**Funding Opportunities**

Mr. Moeys advised of his recent telephone conversation with Ms. Cindy Cassidy of the Eastern Ontario Trails Alliance (EOTA) who is eager to attend a Trails Advisory Committee meeting to discuss possible funding opportunities through the EOTA. Mr. Moeys indicated that she did express a concern that should the County utilize Trans Canada Trails funding, it would prohibit ATV use on the trails. It was noted that the EOTA is an organization outside of the County and that partners should be sought from inside the County. It was questioned if users within the County would look at funding

the trails should the County lose the Trans Canada Trail funding; however this needs to be a larger discussion which includes other user groups. A concern was expressed that many user groups do not have the financial resources available to support this and the Committee needs to have an understanding of what user groups are out there; however the question of either permitting the use of ATV's on a trail vs. receiving Trans Canada Trail funding is a political decision that needs to be made by County Council and not this Committee.

It was noted the differing surfacing requirements with respect to walking trails and motorized trails and this also needs to be considered. The existing trails that were not designed for ATV use are now requiring maintenance to the surface of the trail due to ATVs being on the trails at areas where the trail changes from walking use to ATV use.

**Rail Line Crossings**

Ms. Young was asked if any dialogue has taken place with C.P. Rail regarding possible locations of for the trail crossing at Tichborne. Ms. Young advised that C.P. Rail has not yet been contacted; however she will follow up on this. Mr. Eberhardt confirmed that the OFSC also has signage for rail line crossings.

**↑Action Item**  
Anne Marie Young

**9. Next meeting date**

The next regular Trails Advisory Committee meeting is scheduled for Thursday, December 5, 2013 at 10:00 a.m. at the County Administrative Building. Mr. McPhail congratulated Ms. Savill on her new position.

**10. Adjournment**

Moved By: Mr. Spafford  
Seconded By: Councillor Doyle

**THAT** the meeting adjourned at 11:12 a.m.

**CARRIED**



**Report 2013-230**

**TRAILS ADVISORY COMMITTEE REPORT**

**To:** Chair and Members of the Trails Advisory Committee

**From:** Anne Marie Young  
Manager of Economic Sustainability

**Date prepared:** November 18, 2013

**Date of meeting:** December 5, 2013

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**Re:** Trails Advisory Committee – 2013 Work Plan Update

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**Committee Recommendation**

THAT the Trails Advisory Committee receive this *2013 Work Plan Update* report for information;

AND FURTHER THAT the Trails Advisory Committee recommend to the Council of the County of Frontenac the approval of the Frontenac K&P Trail Implementation Plan – Phase 2 (Tichborne to Sharbot Lake).

**Background**

At the December 19, 2012 regular meeting of County Council, Council approved the Trails Advisory Committee Work Plan for 2013.

**Goal/Vision**

The vision of the County of Frontenac stated in *Directions for Our Future* is *Fresh with Opportunity Growing Vibrant, Innovative, Natural, Sustainable Places*. Within the context, the Vision shared in the Frontenac Trails Master Plan can be read:

Trails in the County of Frontenac promote sustainable and healthy communities by encouraging residents and visitors to get active while appreciating the natural beauty and rich heritage of Frontenac County.

**Mandate**

- To provide input and suggestions regarding the execution of Implementation Plan for the Frontenac K&P Trail.
- To provide input and suggestions regarding other trails initiatives throughout the County including the Townships of North, Central, South Frontenac and Frontenac Islands.
- To report periodically to County Council on progress on the committee's work.

**Comment**

Work Plan activities realized to date:

1. Provide input and suggestions to recognize and realize actions relative to the County of Frontenac Trails Master Plan.

**Update 2013-12-05**

- Staff inspected the beaver dam activity on the K&P north of White Lake Road in Central Frontenac on October 31 and found the dam had been cleared by volunteers to a level just under the surface of the water. By November 11 the beavers had rebuilt the dam and the water levels on St. Andrew's Lake where flooding the cottage docks and the causeway around the lake. Staff received many calls and emails asking the County to remedy the situation. On November 15 Robinson Excavating was hired to remove the dam and the 6-8 feet of built up sediment. An email was received from a couple of cottage owners thanking us for the removal of the dam. Arrangements have also been made to have the beavers removed.
  - A similar experience has been encountered at the Millhaven Creek bridge. Staff from CRCA have breeched it a couple of times as water levels for Sydenham Lake are being lowered. Staff inspected the dam and the bridge on November 16 and the flow of water is good, but the remnants of the dam under the water needed to be removed. This was accomplished thanks to South Frontenac Public Works as water level was lowered from Sydenham Lake and by removing the dam flooding was avoided.
2. Target to fully open the Frontenac K&P section from Hartington to Craig Road in 2013.

**Update 2013-12-05**

- Bridge work at Hardwood Creek is near completion.
- Construction work for the current development has proceeded somewhat slower due the landowner issues north of Boyce Road. Alternative access was gained from landowner on Bennett Road. Additional culverts have been put in place as it becomes evident for the need. Culverts were installed on both sides of Bellrock Road to align the trail better with the bridge and thus moving it somewhat to the east veering away from the resident driveway on the north side of Bellrock Road. Other adjacent

landowners have come forward to offer positive suggestions and in one case the use of land to help go around the school. The development will be completed by the end of the year, with the exception of the small piece of land that is being expropriated. This however will prevent the County from officially opening the K&P until spring 2014.

3. Work with adjacent landowners and private property owners (in the areas of discontinuity). Develop a strategy to advance the continuity of the trail.
  - Frontenac K&P Implementation Plan - Phase 2

**Update 2013-12-05**

- The first draft of the Frontenac K&P Implementation Plan - Phase 2 will go forward to County Council in December as a recommendation to receive.

4. Communicate with other trail organizations and invite them to committee meetings to share best practices and possible partnerships.

**Update 2013-04-05**

- Jim Patterson, Trans Canada Trail Ontario - guest at the April meeting.

**Update 2013-12-05**

- Marc Moeys and Ms. Young met with Cindy Cassidy of the EOTA at their office in Tweed. Ms. Cassidy gave a very informative update of the activities of the EOTA and is very interested in the next development phase of the K&P where the trail constructed will allow ATVs. She also indicated that there is good possibility of a funding announcement in the new year for trails development for trails allowing motorized vehicles.
- Staff contacted Jim Patterson of Trans Canada Trail to update them on the current K&P Development.
- TAC member Eberhart has been in contact with Jim Boals, Manager of District 1, OFSC regarding the signage required for the K&P for snowmobiling and to inform him of the delay in the trail opening.

5. Ensure that the committee's time is allocated evenly between the implementation of the Frontenac K&P and other initiatives that facilitate the development and/or marketing of other trail systems in the County.

- Trails Concept Plan for the County of Frontenac

**Update 2013-12-05**

- Staff attended a meeting at Wolfe Island in October to discuss further plans of the Wolfe Island canal and a proposed park.
- The RFP for the Trails Concept Plan got replies from seven consulting firms. The successful proponent was MMM Group. Our GIS Specialist has been working with the consultant as the mapping part of the project has a large GIS component. The project will conclude the end of March 2014.

**Financial Implication**

Provisions for trail related expenses have been included in the 2013 budget.

**Organizations, Departments and Individuals Consulted and/or Affected**

Township of North Frontenac  
Township of Central Frontenac  
Township of South Frontenac  
Township of Frontenac Islands  
Trans Canada Trail  
Cataraqui Region Conservation Authority  
Quinte Region Conservation Authority  
Eastern Ontario Trails Alliance  
Adjacent landowners to the K&P Trail



**Report 2013-196**

**COMMITTEE REPORT**

**To:** Chair and Members of Frontenac County Advisory Committees

**From:** Jannette Amini  
Deputy Clerk

**Date prepared:** October 24, 2013

**Date of meeting:** 150<sup>th</sup> Anniversary Planning Advisory Committee – October 30, 2013  
Frontenac Accessibility Advisory Committee – November 18, 2013  
Service Delivery and Organization Review Committee – November 20, 2013  
Sustainability Advisory Committee – December 2, 2013  
Trails Advisory Committee – December 5, 2013

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**Re:** **Frontenac County Advisory Committees – Code of Conduct for Members of County Council and Committees**

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**Recommendation**

This report is for information purposes only.

**Background**

In 2007, additions to Part VI of the *Municipal Act*, 2001 created a mandatory requirement for municipalities to adopt an accountability and transparency policy. Part VI provides that Council shall adopt and maintain a policy with respect to:

*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.*

Part V.1 of the *Municipal Act*, 2001, as amended by Bill 130, also creates new options for municipalities regarding accountability and transparency. The changes provided the authority, but not the requirement, for County Council to establish a Code of Conduct for County Council and its advisory committees.



**Sustainability Implications**

Good governance is critical to the sustainability of a community. As stated in *Directions for Our Future* government decision-making processes are clear, transparent, forward thinking and focused on the longer term.

**Financial Implications**

There are no direct financial implications associated with this report.

**Organizations, Departments and Individuals Consulted and/or Affected**

All members of Frontenac County Advisory Committees.

**Attachments**

Appendix A – Code of Conduct for County Council and Members of Committees

**Appendix A**



**County of Frontenac  
Code of Conduct for Members of County Council and Committees  
Approved by County Council October 16, 2013**

**1.0 Statement of Intent**

To guide those who are covered by this Code in their day to day responsibilities on behalf of the citizens of the County of Frontenac

**2.0 Application**

2.1 This Code of Conduct applies to all Members of Council, being the Warden and each Councillor. It also applies to all members of the public appointed to committees by Council.

Addendum A forms part of the Code of Conduct as it relates to Fairmount Home as per the LHIN L-SAA Agreement and applies to Members of Council only.

2.2 As Council Chair and Committee of the Whole Chair, the Warden and the Chair of the Committee of the Whole have additional responsibilities and, accordingly, must:

- i. uphold and promote the purposes of the municipality;
- ii. promote public involvement in the municipality's activities;
- iii. act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- iv. participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents
- v. To represent and support the Council, declaring its will and implicitly obeying its decisions in all things.

The principles set out in this Code of Conduct apply to the distinct role of the Warden as the context requires.

2.3 All Members of Council and members of the public appointed to a County committee are expected to follow this Code, the Council Procedural Bylaw and other sources of applicable procedural law. They are also subject to other sources of law such as:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- The Criminal Code of Canada

**3.0 Responsibilities of Council, the Warden and Councillors**

3.1 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.

- 3.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.
- 3.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.
- 3.4 Members of Council:
- i. when appointed to committees and other bodies as part of their duties must make every effort to participate actively in these bodies with good faith and care,
  - ii. must uphold the law and conduct themselves with the highest degree of ethical behaviour and integrity,
  - iii. must avoid conflict of interest,
  - iv. must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect, and
  - v. may not make statements known to be false or make a statement with the intent to mislead Council or the public.

**4.0 Members of Council and the Role of Staff**

- 4.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer.
- 4.2 Staff members serve Council and work for the municipal corporation under the direction of the chief administrative officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions.
- 4.3 Inquiries of staff from Members of Council should be directed to the chief administrative officer or the appropriate senior staff as directed by the chief administrative officer.
- 4.4 Members of Council must respect that:
- i. staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. They must not willfully injure the reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.
  - ii. staff undertake their duties based on political neutrality without undue influence. Members may not invite or pressure any member of staff to engage in partisan political activities.

**5.0 County Assets and Gifts**

- 5.1 Definitions:

- a) "benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services including food or beverages for immediate consumption, activities or event tickets, unless payment in any form, including the exchange of goods or services, of equal or greater value is received by the individual or entity giving the benefit;
- b) "gift" means any real or personal property given, including but not limited to art work, clothing, money, gift certificates or gift cards that exceeds \$50, unless payment in any form, including the exchange of goods or services, of equal or greater value is received by the individual or entity giving the gift;
- c) "token value" means and gift received whose value does not exceed \$100.

5.2 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

5.3 Members of Council and members of the public appointed to committees must not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law.

5.4 Members of Council and members of the public appointed to committees must not accept gifts and benefits except as provided for under law and in the course of their duties. They may accept gifts of token value only but should be aware that even these may place them in a position where their actions are open to serious question.

5.5 If a member of Council or member of the public appointed to a committee receives a gift or benefit and the value of the gift or benefit exceeds \$100, or if the total value received from anyone source during the course of a calendar year exceeds \$100, the member of County Council shall within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the CAO/Clerk. The disclosure statement must indicate:

- a) the nature of the gift or benefit;
- b) its source and date of receipt;
- c) the circumstances under which it was given or received.

Any disclosure statement made under this subsection will be a matter of public record.

## **6.0 Confidentiality**

6.1 Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They

must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

6.2 Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.

6.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

**7.0 Committees and Members of Committees**

7.1 Members of the public appointed to committees are appointed at the pleasure of Council. They do not hold office as elected officials nor do they represent either Council or the committee unless mandated to do so. Members of the public appointed to committees must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.

7.2 Committees operate only within meetings for which proper notice has been given or as a matter duly added to an agenda.

7.3 Committee work often depends on the specific expertise of members of the public appointed to committees, including their employment or business interests. Interests relating to expertise, knowledge or acquaintance of a topic or an individual does not necessarily constitute a pecuniary interest. Such an interest should still be declared, however, for the purposes of openness.

7.4 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee must declare the pecuniary interest in a matter being discussed. The member may participate in the discussion but may not vote on the matter.

7.5 Committee work is part of the public record. Committees must ensure that their recommendations are sufficiently detailed and recorded clearly so that they can be relied upon by Council or the standing committee acting upon them.

7.6 The minutes of a committee meeting must record when any member has declared an interest or a pecuniary interest well as the circumstances in which the member left the room, the times at which the person left and returned to the meeting.

7.7 In addition to the recording of minutes as required by section 7.6, where a member of a committee has declared a pecuniary interest, the declaration as well as the nature of the pecuniary interest must be recorded as part of the

recommendation to Council so that Council may be aware of the declaration when making its decision.

**Compliance with the Code – Complaint**

- 8.1 Where an alleged contravention of any provision of this Code of Conduct occurs, the following procedures will be adhered to.
  
- 8.2 Individuals (i.e. Municipal employees, members of the public) or organizations who believe they have identified or witnessed behaviour or an activity by a Member of Council that they believe is in contravention of the Code of Conduct for Members of Council, may wish to address the prohibited behaviour or activity themselves as follows:
  - i. advise the Member of Council that the behaviour or activity contravenes the Code of Conduct;
  - ii. encourage the Member of Council to stop the prohibited behaviour or activity;
  - iii. keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
  - iv. advise someone else (for example, another Member of Council or a senior staff member of the Municipality) about their concern, their comments to the Member of Council and the response of the Member of Council;
  - v. if applicable, confirm to the Member of Council their satisfaction with the response of the Member of Council or, if applicable, advise the Member of Council of their dissatisfaction with the response; and
  - vi. consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Appendix B, or in accordance with an applicable judicial or quasi-judicial process.

Individuals and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that they believe to be prohibited by the Code of Conduct. However, it is not a precondition or a prerequisite that they pursue the informal complaint procedure prior to pursuing the formal complaint procedure in 8.2.

**9.0 Formal Complaint Procedure - Integrity Commissioner**

- 9.1 A Municipal staff or member of the public, who has reasonable and probable grounds to believe that a member of Council has contravened the Code of Conduct for Members of Council, may request that the matter or complaint be reviewed.
  
- 9.2 The complaint shall be in writing and shall be signed by the complainant(s).
  
- 9.3 A complaint shall set out the grounds for the belief and the contravention alleged and include a supporting affidavit that sets out the evidence in support of the complaint.

For example, facts should include the name of the alleged violator, the provision allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information respecting the complainant during normal business hours.

**10.0 Initial Classification by Integrity Commissioner**

- 10.1 The complaint shall be filed with the Chief Administrative Officer/Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.
- 10.2 If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the classification until an affidavit is received.
- 10.3 If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:
- i. if the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the Ontario Provincial Police or other appropriate law enforcement agency;
  - ii. if the complaint on its face is with respect to non-compliance with the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with the complainant's own legal counsel;
  - iii. if the complaint on its face is with respect to non-compliance with the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter will be referred to the Privacy Commissioner for review;
  - iv. if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
  - v. in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

**11.0 Integrity Commissioner Investigation**

- 11.1 If a complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Commissioner shall investigate and may attempt to settle the complaint.
- 11.2 The Integrity Commissioner will proceed as follows:

- i. serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation be filed within ten days; and
- ii. serve a copy of the response provided upon the complainant with a request for a written reply within ten days.

11.3 If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, examine any other documents relevant to the complaint and may enter any County office relevant to the complaint for the purposes of investigation and settlement.

11.4 The Integrity Commissioner may make interim reports to Council as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

11.5 The Integrity Commissioner shall submit a final report on the complaint to Council, no later than 90 days after the making of the complaint, outlining the findings, the terms of any settlement, or recommended corrective action.

11.6 Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

#### **12.0 Refusal to conduct inquiry**

12.1 If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Integrity Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report.

12.2 If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

#### **13.0 Reporting**

13.1 The Integrity Commissioner shall file a copy of the final report with Chief Administrative Officer who will then provide a copy of the report to the complainant and the Member of Council whose conduct is concerned.

13.2 The Chief Administrative Officer shall process the report to the next meeting of Council.

13.3 Council shall consider and respond to the report within 90 days after the day the report is laid before it.

13.4 The Integrity Commissioner shall report annually to Council on complaints affecting the Council of the County of Frontenac, filed with the Integrity Commissioner.

**14.0 Municipal Support for Members of Council**

14.1 In the case of a Formal Complaint, the municipality will provide up to \$1,000 to the Council member to obtain professional advice or assistance. Reimbursement will be made upon provision of original invoices marked paid in full to the Chief Administrative Officer, and processed through regular accounts payable procedures.

**15.0 Non-Compliance**

15.1 The following enforcement measures may be instituted by County Council and applied to any member of Council under Section 223.4(5) of the *Municipal Act* if the Integrity Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

- i. a reprimand;
- ii. suspension of the remuneration paid to the member in respect of his or her services as a member of Council or the local board, as the case may be, for a period of up to ninety (90) days, and/or
- iii. censure including removal from appointment to an Advisory Committee of Council.

**Signature**

The undersigned hereby acknowledges that they have read, understood and accept this Code of Conduct.

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Member

**Addendum A – Fairmount Home**

1.0 **Background**

In 2013, the LHIN L-SAA Agreement executed following Council's direction at the regular Council meeting in April requires a code of conduct to be in place covering Fairmount's directors. Council is, under the Long Term Care Act, the board of directors for Fairmount. The provisions set out in LHIN L-SAA Agreements were proclaimed and came into force on January 1, 2008 and while Council is sitting as the Board of Management for Fairmount Home, it must confine to these rules:

2.0 **Definitions**

“Board” means in respect of an HSP that is:

- (i) A corporation, the board of directors;
- (ii) A First Nation, the band council;
- (iii) A municipality, the committee of management;
- (iv) A board of management established by one or more municipalities or by one or more First Nations' band councils, the members of the board of management;
- (v) A partnership, the partners;
- (vi) A sole proprietorship, the sole proprietor.

“Conflict of Interest” in respect of an HSP, includes any situation or circumstance where: in relation to the performance of its obligations under the LHIN L-SAA agreement:

- (i) The HSP;
- (ii) A member of the HSP's Board, or
- (iii) Any person employed by the HSP who has the capacity to influence the HSP's decision,

has other commitments, relationships or financial interest that:

- (iv) Could or could be seen to interfere with the HSP's objective, unbiased and impartial exercise of its judgement; or
- (v) Could or could be seen to compromise, impair or be incompatible with the effective performance of its obligations under the LHIN L-SAA Agreement.

“HSP's Personnel” is defined as the controlling shareholders (if any), directors, officers, employees, agents, volunteers and other representatives of the HSP. In addition to the foregoing HSP's Personnel shall include the contractors and subcontractors and their respective shareholders, directors, officers, employees, agents, volunteers or other representatives.

3.0 Conflict of Interest

The HSP will use the Funding, provide the Services and otherwise fulfil its obligations under the LHIN L-SAA Agreement without an actual, potential or perceived Conflict of Interest. The HSP will disclose to the LHIN without delay any situation that a reasonable person would interpret as an actual, potential or perceived Conflict of Interest and comply with any requirements prescribed by the LHIN to resolve any Conflict of Interest.

4.0 Confidential Information

Members of County Council will treat confidential information as confidential and will not disclose confidential information except with the consent of the disclosing party or as permitted or required under FIPPA, the Municipal Freedom of Information and Protection of Privacy Act, the Act, court order, subpoena or other applicable law.

**Signature**

The undersigned hereby acknowledges that they have read, understood and accept this Code of Conduct.

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Member

**Appendix A – Integrity Commissioner**

**Duties of the Integrity Commissioner**

**1.0 The Integrity Commissioner shall:**

- 1.1 Conduct inquiries and investigations into alleged contraventions of the Code of Conduct for Members of Council.
- 1.2 Make the decisions, including the imposition of penalties with regards to the alleged contraventions of the Code of Conduct for Council Members. Penalties may include, but are not limited to:
  - i. Reprimand in Open Council (Censure)
  - ii. Suspension of office for a period of not more than 90 business days;
  - iii. Suspension of honorariums for a period of not more than 90 business days;
  - iv. Removal from committees of Council;
  - v. Any combination of the above.

A penalty imposed by the Integrity Commissioner takes effect immediately upon the receipt by Council of the report of the Integrity Commissioner regarding the alleged contravention.

- 1.3 Prepare and deliver an annual report to Council containing a summary of the activities of the office of the Integrity Commissioner during the calendar year.
- 1.4 Detailed responsibilities of the office of the Integrity Commissioner will be outlined with the appointment of the position.

**2.0 The Integrity Commissioner may, at the request of Council:**

- i. Prepare written materials for distribution to and use by members of Council regarding the role of the Integrity Commissioner and ethical obligations and responsibilities of members of Council under the Code of Conduct for Members of Council and any other procedures, rules or policies governing their ethical behaviour.
- ii. Prepare written materials for distribution to and use by the public to aid in their understanding of the role of Integrity Commissioner and ethical obligations and responsibilities of members of Council under the Code of Conduct for Members of Council and any other procedures, rules or policies governing their ethical behaviour.
- iii. Deliver an oral presentation to members of Council regarding their ethical obligations and responsibilities of members of Council and any other procedures, rules or policies governing their ethical behaviour.
- iv. Provide advice and recommendations to Council regarding amendments to the Code of Conduct for Members of Council and in respect of any other procedures, rules or policies governing their ethical behaviour.

**3.0 Procedure to Submit a Complaint to the Integrity Commissioner**

- i. Council members, employees or members of the public may submit complaints to the Integrity Commissioner relating to compliance with the Code of Conduct for Members of Council.
- ii. All complaints will be treated as confidential at all times.
- iii. Complaints shall be submitted on the established Complaint Request Review Form, attached hereto. The Complaint Review Request Form is also available on the County website or from the Clerk's office.
- iv. All complaints must contain the following information:
  - a. Name of Municipality;
  - b. Complainant's name, mailing address, telephone number and e-mail address (if applicable);
  - c. Nature and background of the complaint;
  - d. Any activities undertaken (if any) to resolve the concern;
  - e. Any other relevant information;
  - f. Original Signature; and a
  - g. Cheque in the amount of \$125.00 made payable to the County of Frontenac.
- v. The Complaint Review Request form, accompanied by the prescribed fee, shall be dated and submitted to the Clerk by mail or personal delivery.
- vi. Upon receipt of a complete Complaint Review Request the Clerk shall prepare a package to be forwarded to the Integrity Commissioner that will include the following:
  - a. The Complaint Review Request Form;
  - b. A certified true copy of the Code of Conduct for Members of Council; and
  - c. Any and all such other information or documentation supplied by the complainant that is deemed relevant.
- vii. The information package referred to above shall be forwarded to the Integrity Commissioner in hard copy format by courier or regular mail, whichever is deemed appropriate.

Appendix B – Code of Conduct Complaint Form

County of Frontenac  
 Integrity Commissioner Complaint Review Request Form  
 Section 223 – *Municipal Act, 2001, as amended*

<b>COMPLAINANT NAME</b>				
<b>ADDRESS</b>				
<b>TELEPHONE</b>	HOME		WORK	
<b>E-MAIL</b>				

PLEASE NOTE: PERSONAL INFORMATION IS COLLECTED UNDER THE AUTHORITY OF SECTION 239 OF THE *MUNICIPAL ACT* AND WILL BE USED BY THE INTEGRITY INVESTIGATOR TO CARRY OUT AN INVESTIGATION UNDER THE ACT.

<b>BACKGROUND</b>	This should provide as much information as is required to explain the nature and background of the particular occurrence. (i.e.) timing, contact and explanation. Please attach applicable documents. <b>Attach additional sheets as needed.</b>

<b>ACTION</b>	Activities that the complainant has undertaken to resolve the matter; if applicable. <b>Attach additional sheets as needed.</b>

<b>SUMMARY / COMMENTS</b>
<b>Attach additional sheets as needed.</b>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant



**Report 2013-215**

**COMMITTEE REPORT**

**To:** Chair and Members of the Frontenac County Advisory Committees

**From:** Jannette Amini  
Deputy Clerk

**Date prepared:** November 11, 2013

**Date of meeting:** Frontenac Accessibility Advisory Committee – November 18, 2013  
Sustainability Advisory Committee – December 2, 2013  
Trails Advisory Committee – December 5, 2013  
Service Delivery and Organization Review Committee – December 9, 2013  
150<sup>th</sup> Anniversary Planning Advisory Committee – December 11, 2013

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**Re:** **Frontenac County Advisory Committees – Mandatory Integrated Accessibility Standards Regulation Training**

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**Recommendation**

This Report is for information purposes only.

**Background**

In 2001 the Province of Ontario passed the *Ontarians with Disabilities Act* (ODA) in order to improve opportunities for persons with disabilities by identifying and removing barriers in order to allow full participation. To further remove barriers, in 2005 the Province passed the *Accessibility for Ontarians with Disabilities Act* (AODA) with the purpose of achieving a fully accessible Ontario by 2025.

The AODA identified five standards that were to be developed, those being:

- The Customer Service Standard
- The Information and Communications Standard (Provide information & communicate (websites, brochures, flyers, invoices, order forms))
- The Employment Standard (Recruit, Assessment, Selection and Retention)
- The Transportation Standard (Accessible Transit, including accessible buses, platforms, taxis and ferries)
- Design of Public Spaces Standard.
- The Built Environment - Physical and Architectural

**Comment**

The **Customer Service Standard**, which came into force in 2008, outlines how we interact with persons with disabilities and how we provide service. It requires that municipalities must have in place policies with respect to the Standard and that all staff be trained on the policy which identifies how accessible customer service will be provided to persons with disabilities which is consistent with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) – and that considers the principles of dignity, independence, integration and equal opportunity.

The Integrated Accessibility Standards Regulation (IASR) became law in July 2011 and encompasses general requirements of the 4 Standards as follows:

- The Information and Communications Standard
- The Employment Standard
- The Transportation Standard
- Design of Public Spaces Standard.

It also requires that municipalities must have in place policies with respect to the Standard and that all employees and volunteers must be trained on the IASR and the Human Rights Code.

Council, at its regular meeting held September 18, 2013 approved the County of Frontenac's Integrated Accessibility Standards Regulation Policy which was a requirement under the new IASR. A copy of the IASR policy was presented to the Accessibility Advisory Committee at its meeting held September 9<sup>th</sup> prior to it being presented to Council.

**Section 1.4 Training states:**

All County of Frontenac employees, volunteers, persons who participate in developing the County's policies and third parties providing goods and services on the County's behalf shall be required to undergo training on the requirements of the *Accessibility for Ontarian with Disabilities Act, 2005* accessibility standards and on the Human Rights Code as it pertains to persons with disabilities. The training provided on these requirements shall be appropriate to the duties of the employee, volunteer or other persons. Training shall take place as soon as is practicable and upon completion, the County shall keep a record of the training provided on these requirements including the dates on which the training was provided and the number of individuals to whom it was provided.

Committee members will be provided with the "Understanding the Integrated Accessibility Standards Regulation" training booklet and will be required to acknowledge that they have read and understood the Integrated Accessibility Standards Regulation. A brief questionnaire has also been provided at the conclusion of the booklet to allow readers to test their knowledge and understanding of what they have learned.

**Sustainability Implications**

Creating barrier-free communities through accessibility planning will enhance the County's goal of sustainability in both the social and economic pillars of the County's sustainability plan. As stated in *Directions for Our Future*, social sustainability is based on equity, diversity, connectivity, democracy and a good quality of life. It further states that economic development takes health, community, education, and environmental and social objectives into account.

**Financial Implications**

There are no direct financial implications associated with this report.

**Organizations, Departments and Individuals Consulted and/or Affected**

Frontenac Accessibility Advisory Committee  
All County of Frontenac employees, volunteers and Members of County Council

**Attachments**

Appendix A – Understanding the Integrated Accessibility Standards Regulation