

AGENDA

COUNTY OF OXFORD

COUNCIL MEETING

WEDNESDAY, SEPTEMBER 14, 2016 9:30 A.M.

COUNCIL CHAMBER, OXFORD COUNTY ADMINISTRATION BUILDING, WOODSTOCK

MEETING #15

1. CALL TO ORDER Time _____

2. APPROVAL OF AGENDA

3. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

4. ADOPTION OF COUNCIL MINUTES OF PREVIOUS MEETING

[August 10 2016](#)

5. PUBLIC MEETINGS

Resolution to go into a public meeting pursuant to the Public Notice Policy Time _____

1. Closure of Parts of Oxford Road 15 Road Allowance in Eastwood, Township of Norwich, between the intersection of Oxford Roads 14 and 55

*See By-law No. [5845-2016](#)

[Public Notice Closure of Parts of Oxford Road 15](#)

Resolution to adjourn the public meeting Time _____

6. DELEGATIONS AND PRESENTATIONS

7. CONSIDERATION OF DELEGATIONS AND PRESENTATIONS

8. CONSIDERATION OF CORRESPONDENCE

1. Township of Blandford-Blenheim
August 8, 2016

Re: Report No. CASPO 2016-50 - Requesting Amendment to Comment Period

[Blandford-Blenheim - 080816](#)

Resolution

That the correspondence from the Township of Blandford-Blenheim, dated August 8, 2016, regarding County policy options for extension and/or connection of services outside of settlement boundaries, requesting that the County amend the comment period from July 22, 2016 to September 30, 2016, be referred to Community and Strategic Planning.

2. City of Woodstock
September 6, 2016
Re: Non-Support of Official Plan Amendment OP 16-04-9
[City of Woodstock - 090616](#)

Resolution

That the correspondence from the City of Woodstock, dated September 6, 2016, advising of Woodstock City Council's non-support of Oxford County's Application for Official Plan Amendment OP 16-04-9, be received and referred to Community and Strategic Planning for consideration.

3. Corporation of the County of Wellington
August 30, 2016
Re: Oxford County's "New Directions: Advancing Public Transportation in Southwestern Ontario" Initiative
[County of Wellington - 083016](#)

Resolution

That the correspondence from the Corporation of the County of Wellington, dated August 30, 2016, supporting Oxford County's "New Directions: Advancing Public Transportation in Southwestern Ontario" initiative, be received.

9. REPORTS FROM DEPARTMENTS

COMMUNITY AND STRATEGIC PLANNING

[CASPO 2016-182](#)

Re: Woodlands Conservation By-law Update and
Initiation of Public and Stakeholder Consultation

Recommendations

1. That County Council authorize staff to proceed with a public and stakeholder consultation process regarding the updated County Woodlands Conservation By-law, as outlined in Report No. CASPO 2016-182;
2. And further that Report No. CASPO 2016-182 be circulated to the Area Municipalities for consideration.

CORPORATE SERVICES

[CS 2016-24](#)

Re: Reserves Policy Review

Recommendations

1. That County Council hereby approves amendments to Reserves Policy No. 6.20 as set out on Attachment No. 1, forming part of Report No. CS 2016-24;
2. And further, that Council authorizes the Chief Administrative Officer to implement the amendments to Reserves Policy No. 6.20 as outlined in Report No. CS 2016-24.

CAO/CLERK

[CAO 2016-12](#)

Re: County of Oxford Procedure By-law Amendments -
Routine Updates

Recommendation

1. That a by-law be raised to repeal and replace Procedure By-law No. 5532-2013 in accordance with the amendments contained within Report No. CAO 2016-12.

PUBLIC WORKS

[PW 2016-47](#)

Re: Kerry Canada Inc. Wastewater Over-Strength Agreement

Recommendation

1. That a by-law be raised to authorize the Chief Administrative Officer to sign a Wastewater Over-strength Agreement with Kerry Canada Inc. for its Woodstock Facility as outlined in Report PW 2016-47.

[PW 2016-48](#)

Re: Oxford County Large Article Collection

Recommendation

1. That County Council receive for information Report No. PW 2016-48, Oxford County Large Article Collection as requested by Resolution No. 18 dated April 13, 2016.

[PW 2016-49](#)

Re: Oxford Road 8 – Speed Zone Modification

Recommendations

1. That a [by-law](#) to amend Oxford County By-law No. 5725-2015, Schedule “C”, be presented to County Council to implement a 60 km/hr speed zone 290 metres in length from 30 metres east of the 13th Line to 320 metres east of 13th Line on Oxford Road 8 from the Village of Hickson, in the Township of East Zorra-Tavistock;
2. And further, that a [by-law](#) to amend Oxford County By-law No. 5725-2015, Schedule “B”, be presented to County Council to extend the 50 km/hr speed zone eastward to 30 metres east of 13th Line on Oxford Road 8;
3. And further, that a [by-law](#) to amend Oxford County By-law No. 5725-2015, Schedules “A” and “B”, be presented to County Council to implement a 40 km/hr speed zone on Oxford Road 8 during school hours only;
4. And further, that the Ontario Provincial Police and the Township of East Zorra-Tavistock be advised of the amendments to By-law No. 5725-2015.

10. UNFINISHED BUSINESS

[Pending Items](#)

11. MOTIONS

12. NOTICE OF MOTIONS

13. NEW BUSINESS/ENQUIRIES/COMMENTS

14. CLOSED SESSION

Resolution

Time _____

That Council rise and go into a Closed session for the purpose of considering Report No. PW (CS) 2016-50 and a verbal report regarding matters that have not been made public concerning labour relations or employee negotiations, a proposed or pending acquisition of land, litigation or potential litigation, and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Resolution

Time _____

That Council rise and reconvene in Open session.

15. CONSIDERATION OF MATTERS ARISING FROM THE CLOSED SESSION

PUBLIC WORKS

PW (CS) 2016-50

16. BY-LAWS

[BY-LAW NO. 5843-2016](#)

Being a By-law to further amend By-law No. 5616-2014, being a By-law to remove certain lands from Part Lot Control.

[BY-LAW NO. 5844-2016](#)

Being a By-law to remove certain lands from Part Lot Control.

[BY-LAW NO. 5845-2016](#)

Being a By-law to close a portion of the open road allowance for Oxford Road 15 in Eastwood, Township of Norwich, between the intersection of Oxford Roads 14 and 55, designated as Part 1 and 2 on Reference Plan 41R-9377 and RDAL BTN CON 1 and CON 2 East Oxford being Towerline Rd W of PL 739, Norwich.

[BY-LAW NO. 5846-2016](#)

Being a By-law to establish special water and sanitary sewage rates for municipal systems in Oxford County, commencing September 15, 2016.

[BY-LAW NO. 5847-2016](#)

Being a By-law to remove certain lands from Part Lot Control.

[BY-LAW NO. 5848-2016](#)

Being a By-law to amend By-law No. 5725-2015 by reducing the speed limit from fifty kilometres per hour (50 km/h) to forty kilometres per hour (40 km/h), during specific times, and from eighty kilometres per hour (80 km/h) to fifty kilometres per hour (50 km/h), and from eighty kilometres per hour (80 km/h) to sixty kilometres per hour (60 km/h) on a section of Oxford Road 8.

[BY-LAW NO. 5849-2016](#)

Being a By-law to establish a Water Service Loan Program for customers of an Oxford County water system who are required to repair their deteriorating water service as part of the universal water meter installation project, and to authorize the Chief Administrative Officer to execute Loan Agreements between the County of Oxford and the registered owners of property who apply under the Program.

[BY-LAW NO. 5850-2016](#)

Being a By-law to confirm all actions and proceedings of the Council of the County of Oxford at the meeting at which this By-law is passed.

17. ADJOURNMENT

Time _____

MINUTES
OF THE
COUNCIL OF THE
COUNTY OF OXFORD

County Council Chamber
Woodstock
August 10, 2016

MEETING #14

Oxford County Council meets in regular session this tenth day of August 2016, in the Council Chamber, County Administration Building, Woodstock.

1. CALL TO ORDER:

9:30 a.m., with Warden Mayberry in the chair.

All members of Council present except Councillor Molnar.

Councillor Molnar arrives at 9:31 a.m.

Staff Present: P. M. Crockett, Chief Administrative Officer
L. Beath, Director of Public Health and Emergency Services
P. D. Beaton, Director of Human Services
L. S. Buchner, Director of Corporate Services
C. Fransen, Director of Woodingford Lodge
G. K. Hough, Director of Community and Strategic Planning
A. Smith, Director of Human Resources
R. G. Walton, Director of Public Works
B. J. Tabor, Clerk

2. APPROVAL OF AGENDA:

RESOLUTION NO. 1:

Moved by: Deborah Tait
Seconded by: Trevor Birtch

That the Agenda be approved.

DISPOSITION: Motion Carried

3. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

NIL

4. ADOPTION OF COUNCIL MINUTES OF PREVIOUS MEETING:

Council Minutes of July 13, 2016

RESOLUTION NO. 2:

Moved by: Deborah Tait
Seconded by: Trevor Birtch

That the Council Minutes of July 13, 2016 be adopted.

DISPOSITION: Motion Carried

5. PUBLIC MEETINGS:

RESOLUTION NO. 3:

Moved by: Deborah Tait
Seconded by: Trevor Birtch

That Council rise and go into a public meeting pursuant to Section 17(15) of the Planning Act, R.S.O. 1990, as amended, to consider an application for Official Plan Amendment for Application No. OP 16-02-6 and that the Warden chair the public meeting.

DISPOSITION: Motion Carried (9:31 a.m.)

1. Application for Official Plan Amendment
Town of Ingersoll – OP 16-02-6
to generally amend the Town's Industrial policies to include a municipal recreation and multi-use facility as a permitted use on lands designated Industrial within the Town
- subject lands are all within the Town of Ingersoll, located within the Industrial designation according to the Town of Ingersoll Land Use Plan, contained within the County Official Plan

The Chair asks Gord Hough, Director of Community and Strategic Planning, to come forward to present the application. G. Hough summarizes Official Plan Amendment Application OP 16-02-6 as is contained in Report No. CASPO 2016-197.

The Chair opens the meeting to questions from members of Council. There are none.

The Chair asks if there are any members of the public wishing to speak in favour of the application. No one indicates such intent.

The Chair asks if there are any members of the public wishing to speak in opposition to the application. No one indicates such intent.

Councillor Comiskey speaks on behalf of the Town of Ingersoll stating that this Official Plan Amendment would leave options open to the Town at this point in time and gives direction for the future.

G. Hough responds to comments and a question from Councillor McKay regarding the uncertainty of who your neighbour is going to be with this type of amendment.

RESOLUTION NO. 4:

Moved by: Deborah Tait
Seconded by: Trevor Birtch

That Council adjourn the public meeting and reconvene as Oxford County Council with the Warden in the chair.

DISPOSITION: Motion Carried (9:39 a.m.)

CASPO 2016-197
Re: Application for Official Plan Amendment
OP 16-02-6 – Town of Ingersoll

RESOLUTION NO. 5:

Moved by: Trevor Birtch
Seconded by: Deborah Tait

That the recommendations contained in Report No. CASPO 2016-197, titled “Application for Official Plan Amendment - OP 16-02-6 - Town of Ingersoll”, be adopted.

DISPOSITION: Motion Carried

Recommendations Contained in Report No. CASPO 2016-197:

1. That Oxford County Council approve the application submitted by the Town of Ingersoll to generally amend the Town’s Industrial policies to include a municipal recreation and multi-use facility as a permitted use on lands designated Industrial within the Town;
2. And further, that Council approve the attached Amendment No. 200 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 200 be raised.

RESOLUTION NO. 6:

Moved by: Trevor Birtch
Seconded by: Deborah Tait

That Council rise and go into a public meeting pursuant to Section 17(15) of the Planning Act, R.S.O. 1990, as amended, to consider an application for Official Plan Amendment for Application No. OP 16-03-8, and that the Warden chair the public meeting.

DISPOSITION: Motion Carried (9:41 a.m.)

2. Application for Official Plan Amendment
Faithway Baptist Church – OP 16-03-8
to redesignate the subject lands from ‘Low Density Residential’ to ‘Medium Density Residential’
- subject lands are described as Part Lot 19, Plan 1616, located at the northeast corner of Finkle Street and Athlone Avenue, and municipally known as 435 and 439 Athlone Avenue in the City of Woodstock

The Chair asks Gord Hough, Director of Community and Strategic Planning, to come forward to present the application. G. Hough summarizes Official Plan Amendment Application OP 16-03-8 as is contained in Report No. CASPO 2016-191. He notes one letter of objection attached to the report and advises that there were a number of people who spoke against the application at the City of Woodstock public meeting.

The Chair opens the meeting to questions from members of Council. There are none.

The Chair asks if there are any members of the public wishing to speak in favour of the application. No one indicates such intent.

The Chair asks if there are any members of the public wishing to speak in opposition to the application. No one indicates such intent.

RESOLUTION NO. 7:

Moved by: Trevor Birtch
Seconded by: Deborah Tait

That Council adjourn the public meeting and reconvene as Oxford County Council with the Warden in the chair.

DISPOSITION: Motion Carried (9:48 a.m.)

CASPO 2016-191
Re: Application for Official Plan Amendment
OP 16-03-8 – Faithway Baptist Church

RESOLUTION NO. 8:

Moved by: Sandra Talbot
Seconded by: Ted Comiskey

That the recommendations contained in Report No. CASPO 2016-191, titled “Application for Official Plan Amendment - OP 16-03-8 - Faithway Baptist Church”, be adopted.

DISPOSITION: Motion Carried

Recommendations Contained in Report No. CASPO 2016-191:

1. That Oxford County Council approve the application submitted by Faithway Baptist Church, for lands legally described as Part Lot 19, Plan 1616, City of Woodstock, to redesignate the subject lands from ‘Low Density Residential’ to ‘Medium Density Residential’ to facilitate the development of 69 townhouse units on the lands;
2. And further, that Council approve the attached Amendment No. 199 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 199 be raised.

6. DELEGATIONS AND PRESENTATIONS:

1. Rick Eus, Ingersoll Resident
Re: Proposed County Forests and County Lands Regulated Use By-law

Rick Eus, a resident of Ingersoll, comes forward. He states that he is addressing Report No. PW 2016-38 regarding the County Forests and County Lands Regulated Use By-law. R. Eus expresses his concern with the proposed condition that hunters be members of the OFAH (Ontario Federation of Anglers and Hunters) in order to hunt on County lands. He explains regarding the gun safety and hunting courses that an individual must go through to acquire a Possession and Acquisition license as well as a license to hunt in the Province of Ontario in addition to other courses that can be taken for hunting wild turkey and for the use of restricted guns. R. Eus states that these courses are not taken through the OFAH.

He suggests that the proposed by-law contains ill-informed opinions regarding the OFAH and hunting in general. R. Eus asks if there was any public consultation in drafting this by-law. He mentions that in corresponding with the County Warden he stated that the by-law discriminates against non-OFAH members and he disagrees with the idea that OFAH members are more ethical and more safety trained hunters. He comments that being a member of the OFAH does not ensure that the member is ethical or fully trained and that anyone can join. R. Eus states that the OFAH is a great lobby and advocacy group involved in fighting for the rights of hunters and fishing in Ontario. He goes on to give statistics regarding the percentage of accidents that hunters are responsible for, piling in comparison to other named activities.

R. Eus addresses the subject of liability and the fact that OFAH members have personal liability insurance coverage through the organization. He states that there are three other organizations that offer very similar liability insurance coverage and also mentions that home ownership policies provide coverage for hunting on public land. R. Eus believes the liability aspect is mute with regard to being an OFAH member. Through research, he states that he found there is only one county in Ontario that requires a membership in the OFAH, being Simcoe County, and points to a level of controversy regarding the OFAH after their by-law was passed. He comments that some hunters choose not to be members of the OFAH and if it is strictly a liability issue he again points to other means.

In conclusion R. Eus states that he feels everything else is fine with the proposed by-law but is against the OFAH membership requirement.

Warden Mayberry opens the meeting to questions from Council. There are none.

7. CONSIDERATION OF DELEGATIONS AND PRESENTATIONS:

RESOLUTION NO. 9:

Moved by: Sandra Talbot
Seconded by: Ted Comiskey

That the information provided in the delegation from Rick Eus, expressing concerns regarding the proposed County Forests and County Lands Regulated Use By-law, be received.

DISPOSITION: Motion Carried

8. CONSIDERATION OF CORRESPONDENCE:

1. County of Brant
July 11, 2016
Re: Oxford County's "New Directions: Advancing Public Transportation in Southwestern Ontario" Initiative

RESOLUTION NO. 10:

Moved by: Sandra Talbot
Seconded by: Ted Comiskey

That the correspondence from the County of Brant, dated July 11, 2016, supporting Oxford County's "New Directions: Advancing Public Transportation in Southwestern Ontario" initiative, be received.

DISPOSITION: Motion Carried

2. Township of Blandford-Blenheim
July 8, 2016
Re: Traffic Concerns – Albert Street, Plattsville

RESOLUTION NO. 11:

Moved by: Sandra Talbot
Seconded by: Ted Comiskey

That the correspondence from the Township of Blandford-Blenheim, dated July 8, 2016, regarding traffic concerns on Albert Street, Plattsville, be received and referred for consideration during deliberation on Report No. PW 2016-46.

DISPOSITION: Motion Carried

9. REPORTS FROM DEPARTMENTS:

COMMUNITY AND STRATEGIC PLANNING

CASPO 2016-197

Re: Application for Official Plan Amendment
OP 16-02-6 – Town of Ingersoll

The Report was dealt with under Public Meetings.

CASPO 2016-191

Re: Application for Official Plan Amendment
OP 16-03-8 – Faithway Baptist Church

The Report was dealt with under Public Meetings.

CASPO 2016-194

Re: Aggregate Policy Review Update

RESOLUTION NO. 12:

Moved by: Marion Wearn

Seconded by: Don McKay

That the recommendation contained in Report No. CASPO 2016-194, titled “Aggregate Policy Review Update”, be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. CASPO 2016-194:

1. That County Council authorize staff to proceed with the initiation of an application to amend the County Official Plan as it pertains to the Resource Extraction Policies as outlined in Report No. CASPO 2016-194.

CASPO 2016-199

Re: Oxford Natural Heritage Systems Study (ONHSS)

RESOLUTION NO. 13:

Moved by: Marion Wearn

Seconded by: Margaret Lupton

That the recommendations contained in Report No. CASPO 2016-199, titled “Oxford Natural Heritage Systems Study (ONHSS)”, be received and further that Council direct staff to have consultations with the public and area municipalities prior to returning to County Council.

DISPOSITON: Motion Carried

Recommendations Contained in Report No. CASPO 2016-199:

1. That County Council endorse the Oxford Natural Heritage System Study (ONHSS), 2016 for the purposes of informing proposed amendments to the County’s natural heritage resource policies and the review and implementation of the County Woodlands Conservation By-law, as outlined in Report No. CASPO 2016-199.
2. And further, that County Council direct planning staff to distribute the planning report and study to the Area Municipalities for their reference.

HUMAN RESOURCES

HR 2016-02
Re: Non-Union Job Evaluation and Salary Administration
Policy Amendments

RESOLUTION NO. 14:

Moved by: Ted Comiskey
Seconded by: Margaret Lupton

That the recommendation contained in Report No. HR 2016-02, titled "Non-Union Job Evaluation and Salary Administration Policy Amendments", be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. HR 2016-02:

1. That the Non-Union Job Evaluation and Salary Administration Policy No. 5.42 be amended as presented in Attachment No. 1 to Report No. HR 2016-02 entitled "Non-Union Job Evaluation and Salary Administration", effective August 10, 2016.

CORPORATE SERVICES

CS 2016-21
Re: Business Plan and Budget Review – 2nd Quarter

RESOLUTION NO. 15:

Moved by: Ted Comiskey
Seconded by: Margaret Lupton

That the recommendation contained in Report No. CS 2016-21, titled "Business Plan and Budget Review – 2nd Quarter", be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. CS 2016-21:

1. That Report No. CS 2016-21 entitled "Business Plan and Budget Review – 2nd Quarter" be received for information.

CS 2016-22
Re: East Woodstock Sanitary Sewer and Watermain Extension Project and
Various Other Servicing Projects – Internal Long-term Debt Issue

RESOLUTION NO. 16:

Moved by: Ted Comiskey
Seconded by: Margaret Lupton

That the recommendation contained in Report No. CS 2016-22, titled "East Woodstock Sanitary Sewer and Watermain Extension Project and Various Other Servicing Projects - Internal Long-term Debt Issue", be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. CS 2016-22:

1. That By-law No. 5835-2016, being a by-law to authorize the borrowing of funds in the amount of \$114,822 from the Landfill Reserve Fund to be used for the purposes of financing serviced property owners' charges for capital costs relating to sewage and water services through the following projects, be presented to Council for enactment;
 - a. East Woodstock Sanitary Sewer and Watermain Extension Project;
 - b. Innerkip Sanitary Collection Project;
 - c. Princeton Water Services Installation Project; and d. Embro Sanitary Sewer Collection Project.

CS 2016-23
Re: Shared Court Security Funding Model

RESOLUTION NO. 17:

Moved by: Larry Martin
Seconded by: Marion Wearn

That the recommendation contained in Report No. CS 2016-23, titled "Shared Court Security Funding Model", be adopted and report back by September 30, 2016.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. CS 2016-23:

1. That County Council authorize staff to circulate Report No. CS 2016-23, titled "Shared Court Security Funding Model", to the Area Municipalities and the Woodstock Police Services Board for review and comment, to be received on or before September 9, 2016.

CAO/CLERK

CAO 2016-09
Re: Services That Work – Wave 3 Findings and Final Report

With the motion on the floor and prior to discussion, Peter Crockett, CAO, introduces Melinda Munro, Munro Strategic Perspective, who comes forward and addresses Council on the report by use of a PowerPoint presentation. She provides background to Waves 1, 2 and 3 of the Services That Work review and then focuses on the Wave 3 findings, highlighting the significant service improvement opportunities and recommendations. M. Munro then summarizes the Services That Work review as a whole and her final recommendations and observations. An opportunity is provided for Council members to provide comments and ask questions of M. Munro.

RESOLUTION NO. 18:

Moved by: Larry Martin
Seconded by: Marion Wearn

That the recommendation contained in Report No. CAO 2016-09, titled "Services That Work - Wave 3 Findings and Final Report", be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. CAO 2016-09:

1. That staff pursue detailed analysis of the 18 identified Service Improvement Opportunities as outlined in CAO Report 2016-09 and detailed in Munro Strategic Perspective's the "County of Oxford Services That Work Wave 3 Findings and Final Project Report", dated April 13, 2016.

CAO 2016-10
Re: Notice of Intent to Consider Procedure By-law Amendments –
Routine Updates

RESOLUTION NO. 19:

Moved by: Larry Martin
Seconded by: Marion Wearn

That the recommendation contained in Report No. CAO 2016-10, titled “Notice of Intent to Consider Procedure By-law Amendments - Routine Updates”, be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. CAO 2016-10:

1. That County Council hereby serves notice that it will consider, at its September 14, 2016 meeting, proposed amendments to Procedure By-law No. 5532-2013.

CAO 2016-11
Re: The Oxford Sustainability Cluster

RESOLUTION NO. 20:

Moved by: Larry Martin
Seconded by: Marion Wearn

That the recommendations contained in Report No. CAO 2016-11, titled “The Oxford Sustainability Cluster”, be adopted.

DISPOSITION: Motion Carried

Recommendations Contained in Report No. CAO 2016-11:

1. That Council support in principle the intent to establish the Oxford Sustainability Cluster;
2. And further, that the Chief Administrative Officer be authorized to pursue the possible use of 75 Graham Street, Woodstock and 92 Light Street, Woodstock as outlined in Report CAO 2016-11.

PUBLIC WORKS

PW 2016-46
Re: Oxford Road 8 Traffic Calming, Plattsville

RESOLUTION NO. 21:

Moved by: Stephen Molnar
Seconded by: Larry Martin

That the recommendation contained in Report No. PW 2016-46, titled “Oxford Road 8 Traffic Calming, Plattsville”, be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. PW 2016-46:

1. That County Council authorize the transfer of \$55,000 from the Oxford Road 20 project to install a traffic calming measure on Oxford Road 8 between Fennel Street and Hofstetter Road, Plattsville.

PW 2016-45
Re: Phase C Construction – Part of Oxford Road 20 (North St.) in Tillsburg

RESOLUTION NO. 22:

Moved by: Stephen Molnar
Seconded by: Larry Martin

That the recommendation contained in Report No. PW 2016-45, titled "Phase C Construction - Part of Oxford Road 20 (North St.) in Tillsburg", be adopted.

DISPOSITION: Motion Carried

Recommendation Contained in Report No. PW 2016-45:

1. That County Council receive this report as information.

10. UNFINISHED BUSINESS:

Pending Items

No discussion takes place regarding the Pending Items list.

11. MOTIONS:

NIL

12. NOTICE OF MOTIONS:

NIL

13. NEW BUSINESS/ENQUIRIES/COMMENTS:

Councillor Molnar congratulates the Department of Public Health and Emergency Services on the provision of notifications regarding heat warnings and stresses the importance of such.

Councillor Molnar recognizes and congratulates the tremendous effort of a local young man, Evan Van Moerkerke, who is participating in the Rio Olympics.

R. Walton responds to an update request from Councillor Molnar regarding the work that was to be done on County Road 37. R. Walton explains that it has been delayed to coordinate with work being done on adjacent streets in the Town of Tillsburg through discussions between Town and County staff.

14. CLOSED SESSION:

RESOLUTION NO. 23:

Moved by: Stephen Molnar
Seconded by: Larry Martin

That Council rise and go into a Closed session for the purpose of considering Reports No. PW (CS) 2016-42, No. PW (CS) 2016-43 and No. PW (CS) 2016-44 regarding matters that have not been made public concerning personal matters about identifiable individuals, and proposed or pending acquisition or disposition of lands.

DISPOSITION: Motion Carried (11:45 a.m.)

Council members and staff move to Room 129.

Oxford County Council meets in Closed session, as part of a regular meeting, this tenth day of August, 2016 in Room 129, County Administration Building, Woodstock.

A. CLOSED SESSION COMMENCEMENT TIME:

11:48 a.m., with Warden Mayberry in the chair.

All members of Council present except Councillor Tait.

Staff Present: P. M. Crockett, Chief Administrative Officer
L. S. Buchner, Director of Corporate Services
G. K. Hough, Director of Community and Strategic Planning
R. G. Walton, Director of Public Works
B. J. Tabor, Clerk

B. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

NIL

C. DELEGATIONS AND PRESENTATIONS:

NIL

D. CONSIDERATION OF CORRESPONDENCE:

NIL

E. REPORTS FROM DEPARTMENTS:

PUBLIC WORKS

PW (CS) 2016-42

PW (CS) 2016-43

PW (CS) 2016-44

Councillor Talbot leaves the meeting at 12:09 p.m.

F. UNFINISHED BUSINESS:

NIL

G. NEW BUSINESS/ENQUIRIES/COMMENTS:

NIL

H. TIME OF COMPLETION OF CLOSED SESSION:

12:22 p.m.

RESOLUTION NO. 24:

Moved by: Margaret Lupton
Seconded by: Ted Comiskey

That Council rise and reconvene in Open session.

DISPOSITION: Motion Carried (12:22 p.m.)

Council members and staff return to the Council Chamber.

12:23 p.m. with Warden Mayberry in the chair.

All members of Council present except Councillors Tait and Talbot.

Staff Present: P. M. Crockett, Chief Administrative Officer
L. Beath, Director of Public Health and Emergency Services
P. D. Beaton, Director of Human Services
L. S. Buchner, Director of Corporate Services
C. Fransen, Director of Woodingford Lodge
G. K. Hough, Director of Community and Strategic Planning
A. Smith, Director of Human Resources
R. G. Walton, Director of Public Works
B. J. Tabor, Clerk

15. CONSIDERATION OF MATTERS ARISING FROM THE CLOSED SESSION:

PUBLIC WORKS

PW (CS) 2016-42

RESOLUTION NO. 25:

Moved by: Margaret Lupton
Seconded by: Ted Comiskey

That the recommendation contained in Report No. PW (CS) 2016-42 be adopted.

DISPOSITION: Motion Carried

PW (CS) 2016-43

RESOLUTION NO. 26:

Moved by: Margaret Lupton
Seconded by: Ted Comiskey

That the recommendation contained in Report No. PW (CS) 2016-43 be adopted.

DISPOSITION: Motion Carried

PW (CS) 2016-44

RESOLUTION NO. 27:

Moved by: Don McKay
Seconded by: Marion Wearn

That the recommendation contained in Report No. PW (CS) 2016-44 be adopted.

DISPOSITION: Motion Carried

16. BY-LAWS:

BY-LAW NO. 5835-2016

Being a By-law to authorize borrowed funds from the Landfill Reserve Fund in the amount of \$114,822, to be used for the purposes of financing property owners' charge for capital costs related to sanitary sewer and water services provided under the East Woodstock Sanitary Sewer and Watermain Extension Project; Innerkip Sanitary Collection Project; Princeton Water Services Installation Project; and Embro Sanitary Sewer Collection Project (the "Projects").

BY-LAW NO. 5836-2016

Being a By-law to authorize an Application for Approval to Expropriate Land being Part Lot 1 W/S Oxford Street Plan 48 as in A98177 except 344172 & B3658 in the City of Woodstock, County of Oxford.

BY-LAW NO. 5837-2016

Being a By-law to adopt Amendment Number 199 to the County of Oxford Official Plan.

BY-LAW NO. 5838-2016

Being a By-law to adopt Amendment Number 200 to the County of Oxford Official Plan.

BY-LAW NO. 5839-2016

Being a By-law to amend By-law No. 5777-2016.

BY-LAW NO. 5840-2016

Being a By-law to authorize the Chief Administrative Officer to execute contract documents between the County of Oxford and Oxford Civil Group Inc. for the reconstruction of part of Oxford Road 59 (Stover Street, Norwich).

BY-LAW NO. 5841-2016

Being a By-law to provide for the dedication and naming of highways in the County of Oxford.

BY-LAW NO. 5842-2016

Being a By-law to confirm all actions and proceedings of the Council of the County of Oxford at the meeting at which this By-law is passed.

RESOLUTION NO. 28:

Moved by: Don McKay
Seconded by: Marion Wearn

That the following By-laws be now read a first and second time: No. 5835-2016, No. 5836-2016, No. 5837-2016, No. 5838-2016, No. 5839-2016, No. 5840-2016, No. 5841-2016 and No. 5842-2016.

DISPOSITION: Motion Carried

RESOLUTION NO. 29:

Moved by: Don McKay
Seconded by: Marion Wearn

That the following By-laws be now given third and final reading: No. 5835-2016, No. 5836-2016, No. 5837-2016, No. 5838-2016, No. 5839-2016, No. 5840-2016, No. 5841-2016 and No. 5842-2016.

DISPOSITION: Motion Carried

17. ADJOURNMENT:

Council adjourns its proceedings until the next meeting scheduled for Wednesday, September 14, 2016 at 9:30 a.m.

12:26 p.m.

Minutes adopted on

by Resolution No.

WARDEN

ACTING CLERK

Closure of Parts of Oxford Road 15 Road Allowance in Eastwood, Township of Norwich

NOTICE IS HEREBY GIVEN TO ALL PERSONS, in accordance with Section 35 of the Municipal Act, 2001 and County of Oxford's Public Notice Policy (Section 11.0, Closing a Highway)

Oxford County Council proposes to close a portion of the road allowance for Oxford Road 15 in Eastwood, in the Township of Norwich, between the intersection of Oxford Roads 14 and 55.

A by-law will be considered for adoption at County Council on September 14, 2016.

Written comments and/or verbal comments will be considered at the Council meeting noted below. In the event of a postal strike/lockout please ensure the written comments are couriered or hand delivered.

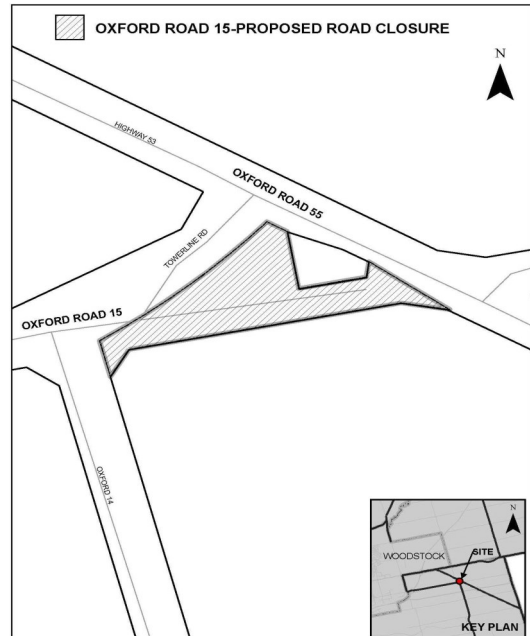
COUNTY COUNCIL MEETING

Wednesday, September 14, 2016 at 9:30 AM
Council Chamber
Oxford County Administration Building

Additional information concerning this Notice is available by calling 519-539-9800 or 1-800-755-0394.

For further information and/or to submit written comments, please contact the Office of the Clerk.

Robert Walton, P.Eng.
Director of Public Works



Sign language and French language interpretation available with written notice to County Clerk at least seven days in advance of public meeting.

OFFICE OF THE CLERK

Brenda J. Tabor, Clerk
P.O. Box 1614 -21 Reeve Street
Woodstock ON N4S 7Y3
519-539-9800 Ext. 3002



Township of Blandford-Blenheim

Box 100 / 47 Wilmot Street South
Drumbo, Ontario. N0J 1G0

Phone 519-463-5347
Fax 519-463-5881
Web www.blandfordblenheim.ca

August 8, 2016

Ann Wright, Deputy Clerk
Town of Ingersoll
130 Oxford Street
Ingersoll, ON N5C 2V5

Re: CASPO 2016-16 report

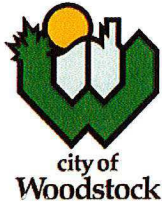
Please be advised that at the August 8, 2016 meeting of Blandford-Blenheim Council the following resolution was passed:

*"Be it hereby resolved that the correspondence from the Town of Ingersoll concerning the Oxford County Community and Strategic Planning report CASPO 2016-50 be received;
and,
That Council request that the County of Oxford formally amend the comment period from July 22, 2016 to September 30, 2016"*

Sincerely,

Rodger Mordue
CAO/Clerk

cc. Clerk, County of Oxford



City of Woodstock
P.O. Box 1539, 500 Dundas St
Woodstock, ON N4S 0A7
Telephone (519) 539-1291
Fax (519) 539-7705

September 6, 2016

Oxford County Council
c/o Brenda Tabor, County Clerk
County of Oxford
P. O. Box 1614
Woodstock, On
N4S 7Y3

Re: Application for Official Plan Amendment OP 16-04-9

At the regular meeting of Woodstock City Council held on September 1, 2016, Council discussed the application for Official Plan Amendment OP 16-04-9.

Mr. Mark Dorfman of Mark L. Dorfman, Planner Inc., appeared as a delegation and presented Woodstock City Council with his report and planning opinion regarding the application. Mr. Dorfman's report is attached to this correspondence. Council also considered a staff report prepared by the Chief Administrative Officer and passed the following resolution as a response:

"That Woodstock City Council advise County Council that it does not support Application for Official Plan Amendment OP16-04-9 as it does not represent good planning, it encourages new infill development outside of settlement areas and will prejudice settlement area extensions in the future."

Mr. Creery's staff report is also attached to this correspondence.

Yours Truly,

Amelia Humphries
City Clerk

Encl.

- Mark L. Dorfman – Opinion, Analysis, Assessment of application to amend County of Oxford Official Plan – Application OP16-04-9.
- David Creery, C.A.O. – Department Report G-2

Mark L. Dorfman, Planner Inc.

219 - 50 Westmount Road North, Waterloo, ON, N2L 2R5
Telephone: 519-888-6570 ~ Facsimilie: 519-888-6382 ~ E-mail: dmark@mldpi.ca

August 23, 2016

**Mr. David Creery,
Chief Administrative Officer,
City of Woodstock,
500 Dundas Street,
P. O. Box 1539,
WOODSTOCK, ON, N4S 0A7**

**Mr. David Calder,
Chief Administrative Officer,
Town of Tillsonburg,
200 Broadway,
Suite 204,
TILLSONBURG, ON, N4G 5A7**

**Mr. William J. Tigert,
Chief Administrative Officer,
Town of Ingersoll,
130 Oxford Street,
2nd Floor,
INGERSOLL, ON, N5C 2V5**

**Subject: County of Oxford
Application to Amend County of Oxford Official Plan -
Application OP16-04-9**

As requested by the Chief Administrative Officers of the City of Woodstock, the Town of Tillsonburg, and the Town of Ingersoll, I submit my opinion regarding the subject draft amendment.

This submission is divided into three sections.

Section 1 contains my planning opinion

Section 2 is my analysis of the proposed amendment

Section 3 is my assessment of Mr. Hough's statements and opinion in Report CASPO 2016-50

This opinion should be read in its entirety.

I am pleased to submit my opinion.

Yours truly,



Mark L. Dorfman, F.C.I.P., R.P.P.



SECTION 1 - SUMMARY OPINION

On balance, the proposed policy is not consistent with the County's Official Plan and Provincial Policy Statement 2014.

Currently, services are extended where existing development in the "immediate vicinity" of a Settlement Area experiences a water or sewer problem. The proposed policy substantially changes the County's existing approach to providing municipal water and sewer services to areas that are outside the Settlement Areas designated in the County of Oxford Official Plan.

The County's proposal advances the concept that connecting existing development to watermains will not expand growth and development further into the Rural Area, whereas connecting to sewers precipitates rural development. These ideas are misleading and are counter to good planning practice. Although the proposed Schedules indicate that there have been expansions of watermains beyond Settlement Areas, the concern of this proposed policy is that the watermain and sewer expansions will continue further afield into Rural Areas.

The Report raises issues with the existing official plan policy yet, there is no clear, stated planning reason why the existing policy needs to be changed and consequently there is no enunciated planning objective for this proposed approach. The proposed exemptions to water and sewer connections and expansions take the fundamental prohibition too far.

There is no intended approval by County Council with regard to water connections and Woodstock, Tillsonburg and Ingersoll and all other Area Municipal Councils have no role in this proposed approval process. There is no provision that requires County Council to consult with Woodstock, Tillsonburg and Ingersoll before a decision is made extending services.

Notwithstanding the stated planning objectives for this policy, the recommended approach is clearly a revenue generating scheme that trumps good planning practices. In my opinion, an unintended consequence is that growth and development beyond Woodstock, Tillsonburg and Ingersoll may take place by circumventing and prejudicing any comprehensive review of development within these three urban municipalities.

The proposal to allow infill in existing development should not be permitted since it encourages connections to and expansions of municipal services. Infill outside of settlement areas in the Rural Areas is not a planning policy that should be included in this proposed municipal servicing policy.

The proposal intends to allow for connections to County water services not only in the vicinity of a settlement area but anywhere in the County where existing development is "in immediate proximity to" a watermain. The areas that are currently suggested for connections are generally shown on twenty-seven schedules that are to be included in an official plan amendment.

There is no prerequisite that the landowner has a water quantity or water quality problem. The primary criterion is that the owner pays the County for the cost to connect to the watermain.

The proposal intends to allow for connections to County sewer services not only in the vicinity of a settlement area but in any area that is identified on seven schedules that are to be included in an official plan amendment. The prerequisite is that the specific residential property is identified on the schedule and zoned. The one condition is that the owner pays the County for the cost to connect to the sewer.



All of these potential connections are to be approved by the County's Public Works Department.

The proposal to allow for connections of existing development now and in the future to County watermains is discretionary as a proposed delegated authority to County Public Works. In the planning period over the next twenty-years, new development in the form of small clusters may quietly take shape irrespective of the provincial and municipal interests and without amending the County's Official Plan.

The proposal distinguishes extensions of municipal water and sewer services beyond designated Settlement Areas. There must be a water and/or sewer problem in existing development and the existing development must be "in immediate proximity to" the Settlement Areas.

County Council approves the extension of services and the owner pays the cost of extending the services.

The policies and the schedules are to be incorporated into the County Official Plan replacing the existing policies that allow for extending municipal services "in the vicinity of" settlement areas.

The consequence of this approach is that the areas that may be eligible to connect to watermains may expand if the schedules are amended. This may lead to development emerging outside Settlement Areas, although Provincial Policy Statement 2014 and the County Official Plan direct that growth and development are to be focussed in Settlement Areas.

The proposed approach will put pressure on Area Municipalities outside Woodstock, Tillsonburg and Ingersoll to allow disparate and discretionary development outside of these three Settlement Areas and to provide the county with cost recovery sources of revenue.

The approach is open-ended since it also allows for official plan amendments (if allowed under the *Planning Act*) that may create a proliferation of appeals and disputes.



SECTION 2 - ANALYSIS OF PROPOSED OFFICIAL PLAN POLICIES

Attachment No. 2 to the Report CASPO 2016-50 sets out the suggested amendment to the Official Plan and is seen as the Staff response to the Issues raised in the Report. It reflects the discussion regarding PPS2014 and the County Official Plan policies. This draft proposal is intended to be the subject of a discussion with and a response by the municipalities in Oxford County. My responses are in **BOLD** and reflect my reading and understanding of the Report as set out in Section 3 of this opinion.

Framework of the Proposed Amendment

It is not clear from Attachment No. 2 how this draft amendment fits into the scheme of the existing County of Oxford Official Plan. I anticipate that the existing Extension of Services policies in Sections 4.2.2.3.1, 4.2.2.4.2, 4.2.2.4.3, 4.2.2.5.1, 4.2.2.5.2, and 4.2.2.6.3 will be deleted and will be revised in a new Section 4.2.2.6.

Extension of and/or Connection to Municipal Services Outside of a Settlement (4.2.2.6)

The stated Objectives of the proposed planning policy are: ensure that growth and development is focussed on settlements; ensure that development outside settlements does not hinder or prevent expansion of settlements; limit pressure for premature, unjustified uneconomic extension of services; ensure urban-type land uses are not encouraged outside serviced settlements; protect prime agricultural rural areas for agriculture; ensure development outside settlements is compatible with and does not negatively impact agricultural areas.

These planning objectives reflect the directions to the County of Oxford under Provincial Policy Statement 2014. Simply, Settlement Areas are the focus of growth; any development outside Settlement Areas should not hinder or prevent the expansion of Settlement Area; extending municipal services should not encourage development outside Settlement Areas; and protect prime agricultural areas for agriculture.

These are standard planning and development objectives in Ontario that are self evident. There is no objective in the Report that explains the reason why the extension of and connection to municipal services is necessary and appropriate. What the "objectives" should be stating is that when municipal services are extended, and connections are allowed, don't do it to allow further development outside of Settlement Areas.

It is important that the objective of these proposed policies should be simply stated as mitigating existing servicing issues in existing development outside of designated Settlement Areas.

The proposed new policies are divided into the following sections:

- Extension or Connection to Services Within the County Boundary
- Connection to Municipal Water Services and/or Municipal Sewage Services
- Extension of Municipal Water Services and/or Municipal Sewage Services
- Other Considerations



Extension or Connection to Services Within the County Boundary (4.2.2.6.1)

- (i) The proposed policies prohibit servicing development beyond the Large Urban Centres, the Serviced Villages and the Unserviced Villages, and allow for municipal servicing from Large Urban Centres into the Future Urban Growth designations.
 - (a) **The first principle is that municipal services will not be allowed to extend beyond Settlement Area boundaries, and development beyond Settlement Area boundaries are not allowed to connect to municipal services. This reflects the fundamental planning principle that growth and development is to be concentrated in designated Settlement Areas. The policy should state that the prohibition applies within and beyond the County of Oxford.**
 - (b) **This is an acceptable policy.**
- (ii) There are exceptions to this fundamental policy that are divided into "connections to" and "expansions of" municipal services, and that are differentiated to give meaning to this purpose.

In summary, this is the proposal by the County:

Existing development that is located "in immediate proximity to" municipal water services may connect to the water infrastructure without the need to physically extend the infrastructure.

Existing residential development in certain locations may connect to sewage infrastructure and existing non-residential development that does not need municipal water may also connect to sewage infrastructure.

If a connection to municipal services is not possible, then a physical extension of municipal infrastructure to any development is possible.

- (a) **The consequence is that if there is existing development anywhere in the County that is "in immediate proximity to" a watermain, the development may connect to that infrastructure.**
- (b) **This means that the County may extend the infrastructure to existing or new development anywhere in the County and allow connections.**
- (c) **In principle, "connections to" and "extensions of" are a significantly new approach to municipal servicing development outside Settlement Areas. I characterize that this is 'carte blanche' approach that depends upon the criteria stated in the proposed amendment.**
- (d) **This policy implies that wherever the County builds water and sewer infrastructure in the future, existing development at that time will be able to connect to the new infrastructure or the County extends its infrastructure to allow connections to existing or new development.**



- (e) **This approach completely changes the current policy that allows for mitigating water and sewer problems for development that exists on the fringe of designated Settlement Areas.**
- (g) **In principle, this approach should not be acceptable as Rural Area planning policy.**

Connection to Municipal Water Services and/or Municipal Sewage Services (4.2.2.6.1.1)

- (i) This section sets out the criteria to be satisfied when considering connections to municipal infrastructure.
- (ii) With respect to connecting to **municipal water services**, there are twenty-seven schedules in the proposed amendment that identify the existing water lines where existing residential, commercial, industrial and commercial development may be permitted to connect.
- (iii) The properties eligible to connect need to be zoned for these permitted land uses. They are "in immediate proximity" to the municipal water infrastructure.
- iv) The policy allows for limited residential infilling in these areas.
- (v) The Schedules that are to be incorporated into the County Official Plan identify the existing watermains and existing properties and their zoning.
 - (a) **In practice, the Schedules may be amended in the future to allow additional areas that could connect to services.**
 - (b) **As well, rural municipalities may decide to amend their zoning bylaws to allow additional development or to change the existing land uses. It is implied that this will require an amendment to the County Official Plan for any change in the Schedules.**
 - (c) **In this municipal servicing policy, infill and any form of intensification outside of settlement areas in the Rural Area is not consistent with PPS2014.**
 - (d) **Connecting to a watermain is discretionary and presumably the landowner will make this choice. I assume that the County will not mandate a connection to a watermain when these schedules are in the Official Plan.**
 - (e) **The word "existing" is flexible. The proposed policy does not state that the development is existing at the time when this amendment comes into effect. The Schedules could be amended by the County when new existing development occurs in the future.**



- (f) **There is the possibility that existing residential and industrial land uses in an agricultural zone could qualify to connect to a watermain. This may not be the intent, but it should be clarified, if the policy is acceptable.**
- (g) **There is no meaning of the phrase "in proximity to." I assume that the distance from a watermain will be determined by the zoning of the property either now or in the future. The phrase "in proximity to" is different from "in the vicinity of." I suggest that the determination should mimic the phrase used in PPS2014 as "adjacent or close to." (See Note)**

Note: "proximity" means 'nearness in space, time or relationship'.
 "vicinity" means 'the area within a limited distance of a place'.
 "adjacent" means 'lying near or adjoining'.
 "close" means 'situated at a short distance'.

- (vi) With respect to connecting to **municipal sewer services**, there are seven schedules that identify the existing sanitary sewers where existing residential may be permitted to connect. The Schedules identify the specific residential properties that may be permitted to connect to the sanitary sewer. The policy allows for limited residential infilling.
- (vii) There is an exception that allows existing non-residential development (industrial, commercial and institutional) that is "dry" or doesn't use significant amounts of water for operations, is not a major employer, and doesn't produce significant amounts of effluent. These lands are to be rezoned to restrict the land use.
 - (a) **I raise similar concerns and issues as above regarding the policy and the use of the seven Schedules particularly with respect to infill outside settlement areas. The difference in approach is that the properties that may connect are specifically designated on the Schedules and there is no need to use the term "in proximity to."**
- (viii) With respect to connecting existing non-residential development located in a **Future Urban Growth Area** to municipal sewer services, the connection will be considered where there is a failing septic system. The failing septic system must be considered a moderate or significant drinking water threat, or poses an immediate risk to human health, or the natural environment and/or fish and wildlife habitat, and is "the only reasonable and effective alternative to remediate the problem."
- (ix) There is a specific provision that County Council will be the approval authority for the connection in consultation with the Area Municipality.
- (x) The proposed policies allowing the connection of existing residential and non-residential development to connect to the municipal sewer service apply to properties in Future Urban growth Areas as well.
 - (a) **I understand the need to have a special policy for failing septic systems. This is a common sense approach to mitigating a problem.**



- (b) **The policy should specifically state that Woodstock, Tillsonburg and Ingersoll must be consulted when connections are proposed in abutting Future Urban Growth Areas.**
- (c) **I raise similar concerns and issues regarding the policy and the use of the seven Schedules.**
- (xi) The policy sets out common criteria for all situations where connections to municipal services are intended.
- (xii) Only development within the County is eligible.
 - (a) **This is an appropriate policy. This clarifies the issue that no connections are allowed outside the County.**
- (xii) The owner of the property that wants to connect to municipal services must agree to "pay connection fees based on the County's cost recovery policy." The owner must agree to decommission and disconnect the existing private services.
 - (a) **This is a reasonable approach. The County's cost recovery policy includes a share of the cost to construct the infrastructure whether the location of the infrastructure was or was not planned to service the specific property. The cost attributable to the property will vary throughout the County.**
- (xiii) The County Public Works Department approves the proposed connection to the municipal water services and the municipal sewage services. Only where the proposed connection is to the municipal sewage services will Public Works consult with the County's Community and Strategic Planning Office and Public Health and Emergency Services Department.
 - (a) **This is a decision of Council whether to delegate this approval authority to Public Works.**
 - (b) **Although the Schedules are incorporated into the Official Plan, the issues raised by this approach also allow for discretion and flexibility of Public Works. This assumes that County Council agrees to all proposed connections when it adopts the official plan amendment and allows Public Works to determine how far afield it is appropriate to connect.**
 - (c) **A significant gap in this approach is that the Area Municipal Councils will not be consulted and will not have the opportunity to determine whether the proposed connection and the planning and development implications in their municipality are in the public interest.**
 - (d) **Woodstock, Tillsonburg and Ingersoll have no role and responsibility in this approach. This is an inappropriate approach.**



Extension of Municipal Water Services and/or Municipal Sewage Services (4.2.2.6.1.2)

- (i) With respect to the extension of **municipal water services**, the policy proposes that watermains will be extended only to existing residential, commercial, industrial, or institutional development.
- (ii) The basis for considering a watermain extension is that there are a water quality and/or quantity problem and that this is "the most reasonable and effective alternative to remediate the problem."
 - (a) **This approach is in keeping with the existing service extension policies.**
- (iii) Limited residential infilling is allowed in existing development.
 - (a) **Infill outside settlement areas in Rural Areas should not be permitted in this municipal servicing policy.**
- (iv) With respect to the extension of **municipal sewage services**, the policy proposes the connection will be considered where there is a failing septic system. The failing septic system must be considered a moderate or significant drinking water threat, or poses an immediate risk to human health, or the natural environment and/or fish and wildlife habitat and is "the only reasonable and effective alternative to remediate the problem."
 - (a) **This is a reasonable policy approach to a problem.**
- (v) Limited residential infilling is allowed in existing development.
 - (a) **Infill outside settlement areas in Rural Areas should not be permitted in this municipal servicing policy.**
- (vi) The policy sets out common criteria for all situations where extensions of all municipal services are intended.
- (vii) The existing development must be within the County of Oxford and "in immediate proximity" to the boundaries of the Large Urban Centres, Serviced Villages, and Villages.
 - (a) **Again, the meaning of "in immediate proximity to" is an issue and should be changed to "adjacent or close to".**
- (viii) The owner of the property that wants to connect to extended municipal services must agree to "pay connection fees based on the County's cost recovery policy." The owner must agree to decommission and disconnect the existing private services.
 - (a) **This is a reasonable approach. The cost of extending municipal services may vary throughout the County depending upon the services already existing in the Settlement Areas.**
- (ix) Each request for an extension of municipal services will be approved by County Council in consultation with the Area Municipality affected by the extension.



- (a) **This is a reasonable approach.**
- (b) **The policy should specify that where the municipal extension is from Woodstock, Tillsonburg or Ingersoll, these Area Municipalities must be consulted.**

Other Considerations (4.2.2.6.1.3)

- (i) This is a policy that allows for the consideration of situations other than those described above. This captures the circumstances where there is a potential for further connections, or for the limited servicing of development "in the immediate vicinity" of the approved service extension resulting in additional properties being connected to municipal services. The policy requires a scoped Class Environmental Assessment or an amendment to the Official Plan.
 - (a) **This seems to address the discretion and flexibility issues that I have addressed above. This policy will apply where there is "the potential for further connections" or there is development "in the immediate vicinity" of a service extension.**
 - (b) **The concern is that the phrase "the potential for further connections" implies that if there are properties that are not "in proximity to" the municipal watermain then a class environment assessment or an official plan amendment is required. This is an open-ended criterion that also needs to determine where the "immediate vicinity of a municipal service extension" is located .**
- (ii) The policy requires that the Area Municipality will be consulted with regard to a Class Environmental Assessment and an official plan amendment.
 - (a) **This is a required standard approach.**



SECTION 3 - UNDERSTANDING REPORT CASPO 2016-50

A. The Existing Policy Approach in the County's Official Plan

Section 4, Growth Management Policies deals with the approach to extending municipal services to lands beyond Settlement Areas. Policies 4.2.2.3.1, 4.2.2.4.2, and 4.2.2.5.1 state that extending centralized services (water and sewer) beyond Large Urban Centres, Serviced Villages and Villages, is prohibited. (See Note) However, if **all** of the following criteria are satisfied, County Council may allow an extension of municipal services to existing development in Rural Clusters designated on Schedule C-3. (*Report Paragraph 1*) (Policy 4.2.2) and in the Rural Area.

- existing development is within the immediate vicinity of the Settlement Area boundary.
- existing development is located within the County.
- extension is for existing development only, although infilling within built area is allowed.
- existing development experiences a water quality or quantity problem and extension of services solve the problem.
- a class environment assessment indicates the extension is preferred solution if existing development cannot access communal water supply.
- owners of existing development pay connection fees.

The County's planning policy is to consider physical extensions of water and sewage municipal services rather than just connecting properties to existing municipal services. This is a fundamental difference in approach.

NOTE: The County Official Plan designates the following categories of Settlement Areas: Large Urban Centres include Woodstock, Tillsonburg, Ingersoll; Serviced Villages include Drumbo, Embro, Innerkip, Mount Elgin, Norwich, Plattsville, Tavistock, Thamesford; Unserviced Villages include Beachville, Bright, Burgessville, Harrington, Otterville, Oxford Centre, Princeton, Springford, Sweaburg, Hickson.



B. Consistency with Provincial Policy Statement 2014 (PPS2014)

The report provides an explanation of the provincial interest in PPS2014 and how this is reflected in the County Official Plan.

- (a) "efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities." (*Report Paragraph 2*)

This statement is taken from the 'Vision for Ontario's Land Use Planning System'. (*PPS2014 Paragraph 5*)

- (b) "efficient land use and development patterns support sustainability by providing strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth." (*Report Paragraph 2*)

This statement is in the Preamble to PPS2014 Policy Section 1 - Building Strong Healthy Communities.

- (c) "the PPS supports resilient development and land use patterns by recognizing that healthy, livable and safe communities are sustained by, among other matters, avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas and, promoting cost-effective development patterns and standards to minimize land consumption and servicing costs." (*Report Paragraph 3*)

This statement is adapted from Policy Section 1.1 'Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns' and Policies 1.1.1 (d) and (e). These policies are enabling and supportive. They do not direct, limit or prohibit planning authorities.

- (d) "PPS also recognizes that the vitality of settlement areas is critical to the long-term economic prosperity of Ontario's communities and that it is in the interests of all communities to use land and resources wisely, promote efficient development patterns and ensure the effective use of infrastructure and public service facilities." (*Report Paragraph 4*)

This statement is within the Preamble to PPS2014 Policy Section 1.1.3 - Settlement Areas.

- (e) "the PPS directs that settlement areas are the focus of growth and development and that the vitality and regeneration of settlements shall be promoted." (*Report Paragraph 4*)

This is a positive direction stated in PPS2014 Policy 1.1.3. The provincial interest is to require planning authorities to focus growth and development to within designated Settlement Areas. PPS2014 very clearly states that "the expansion of a settlement area boundary" is allowed by a planning authority "only at the time of a comprehensive review." (*PPS2014 Policy 1.1.3.8*)



In Rural Areas, growth and development are also directed to Rural Settlement Areas. Outside Rural Settlement Areas, Policy 1.1.5.2 (c) allows for "limited residential development" and directs in Policy 1.1.5.4 that "development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure."

- (f) "With respect to water and sewage facilities, the PPS directs that planning for such facilities shall accommodate growth and development in a manner that promotes the efficient use and optimization of existing infrastructure and ensures that such systems can be sustained both environmentally and financially." (*Report Paragraph 5*)

This statement is adapted from Policies 1.6.6.1 (a) and (b). This policy clearly refers to how water and sewer services accommodate growth and development within designated Settlement Areas. The policies in PPS2014 Section 1.6.6 do not refer to the extension of municipal services outside Settlement Areas. Policy 1.6.6.2 enables that municipal services are preferred within Settlement Areas, however, Policies 1.6.6.3, 1.6.6.4, 1.6.6.5 allow for alternatives such as private communal services, individual private services, and partial services in Settlement Areas and Rural Settlement Areas.

- (g) "In keeping with the 2014 PPS, the policies of the Official Plan regarding the extension of municipal services outside of serviced settlement boundaries are generally intended to limit pressure for the premature, unjustified or uneconomical extension of services and to ensure that urban-type land uses are not encouraged to establish outside of serviced settlement areas with the benefit of full urban-level services that may hinder or prevent the efficient expansion of settlement boundaries in the future and/or create (or exacerbate) compatibility concerns in prime agricultural areas." (*Report Paragraph 6*)

There is no doubt that the extension of municipal services outside designated Settlement Areas to accommodate growth and development is not in the provincial interest or the County's interest and is not directed or supported by PPS2014.

The Report concludes that the "current policies contained in the Official Plan regarding service extensions have generally been effective with respect to the matters identified above." (*Report Paragraph 7*)

This means that the County's existing Official Plan does not allow the extension of municipal services to areas beyond the boundary of the Settlement Areas in order to accommodate growth and development unless certain criteria are satisfactory to County Council.



C. What is the Issue?

The Report presents an Issue that arises from the current policies regarding the extension of services.

"Issues have been identified with respect to distinguishing between **extending** services via placement of new infrastructure and the **connection** of properties to existing services where no physical extension of municipal services is required, including matters related to both process and justification for connecting to water vs. sewage facilities and considerations related to servicing larger areas once the need for a service extension has been identified." (*Report Paragraph 7*) (emphasis added)

This means that:

- there is a distinction between physically extending existing services and only allowing the connection of properties to existing services without physically extending services.
- there is a distinction between the process and justification for connecting properties to existing water service or sewer services, and extending services to properties.
- there is a distinction between considerations of extending services to larger areas once the need has been justified.

D. Addressing the Issues

The Report begins a discussion of the options to address the Issues. (*Report Paragraph 8 to 11*)

The Report reaffirms the efficacy of the existing official plan policies.

"The current policies of the Official Plan regarding water and sewage service extensions have been effective with respect to maintaining the planned function of the County's settlement boundaries from a land use planning perspective, while allowing for extensions to existing properties in the vicinity of serviced settlements where such extensions are necessary to address failures to private services that cannot be reasonably remediated through other means." (*Report paragraph 9*)

The Report then raises the real issue of concern where an 'extension' is a request "to connect to existing infrastructure immediately adjacent to the affected properties." (*Report Paragraph 10*)

Specific Issue 1 Maintain Current Policies and Criteria (*Paragraphs 12 to 15*)

- There needs to be clarification that the extension criteria only apply to existing development, yet limited infill is allowed.



- The policy allows for extension of water and/or sewage services, yet the criteria are relevant only to the extension of water services.
- There needs to be clarification of the circumstances where only municipal sewer services can be extended instead of water and sewer services.

I interpret the existing policy including the criteria for the exemption differently. The existing policy is not clear whether a water and/or sewer service issue pertains to one property or that it pertains to existing development in an area. If, for example, one property located in a cluster or is isolated, has a servicing problem, is the intent of the current policy to extend the service for that one property. There is no explanation whether the intent is to extend the service to all properties in an area even though the problem may not exist for all existing development.

In my interpretation, the criteria limit the extension to existing development that means the external limits of the area of existing development cannot be expanded. This intent is clear.

What is seemingly contradictory is that "intensification" of existing uses is not permitted yet "limited infilling" is permitted. Both the Official Plan and PPS2014 include infill as a characterization of intensification. There are other types of "intensification" such as redevelopment, development of vacant and underutilized lots in the developed area and the expansion or conversion of existing buildings.

I suggest that any type of intensification in Rural Areas should not be permitted in this municipal servicing policy, since it encourages development and "connections to" and "extensions of" municipal services. Intensification including infill is intended for urban and rural settlement areas.

One of the criteria is to deal with a problem of deficient water quality or quantity. If that is the case, then only municipal water service needs to be extended.

Another criterion is where communal water services are no longer available and a class environmental assessment recommends the extension of municipal water and sewer services.

I agree that there may be situations where individual sewage services are deficient and that only a sewer extension is required. It is possible to add "sewer" to the latter criterion.

Specific Issue 2 Criteria for Water Extensions and Sewer Extensions (Report Paragraphs 16 to 19)

The Report suggests that the County should avoid "providing full municipal services (or 'urban level' services) outside of settlements." The Report suggests that clarification is needed to distinguish policies and criteria for "connection" or "extension" of municipal services.

The Report concludes that there should be a clearer distinction between "connections to municipal services" and "extensions of municipal services" and that criteria should be revised to implement each of these actions separately. Consequently, the confusion needs to be resolved.



E. Revising Official Plan Policies

The report prefaces this discussion by stating that amendments to the Official Plan "must be considered in the context of the broad principles and strategic initiatives of both the Official Plan and the PPS, including the planned function of settlements and compatibility with agricultural land uses." (*Report Paragraph 20*)

The Report then sets out the considerations for distinguishing between "connections" and "extensions" in official plan policy. (*Report Paragraphs 22 to 40*)

(a) Connections

- The Report raises the question that where municipal services are located within a road right-of-way, should County staff be delegated the authority to approve a connection subject to pre-determined criteria and the property owner pays the connection fee according to a cost recovery policy?
- The Report raises the question that connecting to municipal water addresses water quality and quantity issues. Connecting to municipal sewer opens the door to development outside the Settlement Area. But, the Report sees the opportunity to allow connections to both municipal water and sewer in order to "assist in off-setting the costs of maintaining that infrastructure over the longer-term."
- The Report raises the question that existing development outside Settlement Areas is residential. This existing development should not be encouraged. Hence, the report posits that "it may be prudent to limit connections to non-residential development to water service only."
- The Report questions whether connections should be permitted to properties in the "immediate vicinity" of the Settlement Area or permitted "for all properties adjacent to the existing service" and not necessarily in the vicinity of a Settlement Area. The Report raises the question that "limited connections (i.e. residential uses) to existing infrastructure may assist in spreading the costs of the service among more users in certain circumstances."

(b) Extensions

- The Report explains that extensions should not apply for non-residential development. It is best to allow for municipal water extensions to resolve a problem. The Report raises that extensions of both municipal water and sewer "increases the potential to further intensify or expand the development without the need to comply with other development standards, fees and costs associated with development within a settlement."

- The Report raises the question that extensions of municipal sewer service should be allowed where there is "a higher standard for the extension of municipal sewers, including risk to health, the environment, wildlife habitat and/or the municipal drinking water supply."
- The Report raises that the test for where the extension of municipal water is allowed is "where it is identified as being the most reasonable and effective means to correct the problem" of distressed properties.
- The Report raises that where municipal services are extended, "the extension may create opportunities for other properties along (or in the vicinity of) the service 'route' to be connected." All this is subject to considering the Official Plan and PPS2014, even though "such connections may serve to off-set costs associated with the service."

In the report, these questions are not answered in the proposed official plan amendment.



TO: Mayor and Members of Council,
FROM: David Creery, Chief Administrative Officer
RE: **County of Oxford – Application for Official Plan Amendment OP16-04-9**

AIM:

To provide information to support a response on behalf of City Council concerning application for Official Plan amendment OP16-04-9.

BACKGROUND:

The County has initiated an application to make amendments to the County Official Plan as it pertains to the connection and/or extension of municipal water and sewer services outside of settlement boundaries.

The deadline to make comment on the proposed policies was extended to the end of September.

City Council authorized staff to work with the Town of Tillsonburg and the Town of Ingersoll, to jointly prepare and submit comments from an urban perspective in response to proposed changes.

COMMENT:

The Official Plan currently prohibits the extension of services beyond the boundary of a designated settlement area. Extensions beyond a settlement boundary are permitted only if six criteria are met including:

- The existing development is within the immediate vicinity of the limit of the large urban centre,
- The existing development is within the municipal boundaries of the County of Oxford,
- The extension of services is required for existing development only and that no additions or intensification of existing uses are proposed with the exception of limited infilling in accordance with the policies of this Plan,
- The existing development is experiencing a water quantity or quality problem that has been verified by the Oxford County Board of Health and the Board agrees that the extension of services are required to remediate the problem,
- The existing development is no longer able to access existing communal water facilities and the Class EA process has indicated that the extension of centralized waste water and water supply facilities is the preferred servicing alternative,
- The owners of the existing development have agreed to pay connection fees based on the County's cost recovery policy.

A site specific Official Plan Amendment is required in the event that any of these criteria are not satisfied.

The proposed amendment to the Official Plan introduces a distinction between a connection and an extension for existing development beyond the settlement boundary. The prohibition of a connection and extension is continued; however the policy contradicts this with an exception that gives an "as of right" (without meeting the aforementioned criteria) connection for any existing development and infill new residential development.

From a Staff perspective such a shift in policy direction will have significant and long lasting impacts on the settlement areas in the County. The proposed policy will make it much easier for properties on the fringe of the settlement boundary to access sewer and water services. The infill rights for these newly connected properties create opportunity for new development through intensification. This type of intensification has the potential to make settlement area expansions more difficult and costly. In the opinion of the author, the proposed policy amendment does not represent good planning. The fact that the policy suggests that the decision to connect services be left up to County staff is also concerning as it should be viewed as a significant policy decision, not an administrative exercise.

Woodstock, Tillsonburg and Ingersoll agreed that a coordinated response is the best course of action and retained Mr. Mark Dorfman, Planner Inc. F.C.I.P, R.P.P to provide the respective Council's with an informed and comprehensive opinion. Mr. Dorfman will present his opinion to City Council at the Council meeting.

RECOMMENDATION:

That City Council advise County Council that it does not support Application for Official Plan Amendment OP16-04-9 as it does not represent good planning, it encourages new infill development outside of settlement areas and will prejudice settlement area extensions in the future.

Authored by: David Creery, M.B.A., P. Eng., Chief Administer Officer

From: Jameson Pickard [<mailto:jamesonp@wellington.ca>]
Sent: August-30-16 3:12 PM
To: Peter Crockett
Subject: Letter of support for an Integrated Public Transportation Master Plan

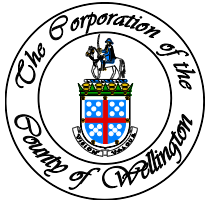
Peter,

Please find attached to this email a letter from Warden George Bridges Office, supporting Oxford County's request for an integrated Public Transportation Master Plan for Southwestern Ontario. This letters has been sent to Anita Hooper, in the Ministry of Transportation.

Regards,

Jameson

Jameson Pickard | Planner | Planning and Development Department
County of Wellington | 74 Woolwich Street | Guelph | Ontario | N1H 3T9
[\(519\) 837-2600 x2300](tel:5198372600x2300) | fax [\(519\) 823-1694](tel:5198231694) | jamesonp@wellington.ca | www.wellington.ca



COUNTY OF WELLINGTON

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74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

Ms. Anita Hooper
Manager, Passenger Transportation Office
Ministry of Transportation
College Park 30th Suite 3000
777 Bay St, Toronto, ON
M7A 2J8

Ms. Hooper,

The County of Wellington recognizes the importance of an integrated public transportation network that provides services to both urban and rural areas. Increased mobility, in rural Ontario, opens up opportunities for residents to have greater access to housing options, provides businesses with more opportunities for economic investment in local communities and reduces dependence on personal vehicles. The County of Wellington understands that there are challenges to the establishment of this type of network in Ontario, and agree with Oxford County that a broader plan is required to address the issues associated with an integrated public transportation network in Ontario.

The County of Wellington supports Oxford County's request to have the Minister of Transportation lead the development of an integrated multi-modal Public Transportation Master Plan for Southwestern Ontario, in partnership with the Government of Canada, Southwestern Ontario municipalities, and the public transportation service providers serving the Southwestern Ontario region including VIA Rail, Metrolinx, and the Ontario Motor Coach Association.

Thank you.

A handwritten signature in black ink, appearing to read "G. Bridge".

Warden George Bridge

To: Warden and Members of County Council

From: Director, Community and Strategic Planning
Director, Public Works

Woodlands Conservation By-law Update and Initiation of Public and Stakeholder Consultation

RECOMMENDATIONS

1. That County Council authorize staff to proceed with a public and stakeholder consultation process regarding the updated County Woodlands Conservation By-law, as outlined in Report No. CASPO 2016-182;
2. And further that Report No. CASPO 2016-182 be circulated to the Area Municipalities for consideration.

REPORT HIGHLIGHTS

- The purpose of this report is to obtain Council authorization to initiate the public and stakeholder consultation process regarding potential changes to the County Woodlands Conservation By-law (WCB).
- Further, this report provides Council with a preliminary draft version of the WCB that will be used as a 'starting point' for discussions during the public and stakeholder consultation process and outlines specific changes from the current By-law that have been included for consideration.

Implementation Points

The report includes a preliminary draft version of the updated WCB which will serve as a basis for discussion regarding the implementation of woodland conservation in Oxford. While the adoption of any changes to the current WCB may result in implementation measures in the future, the recommendations contained in this report and subsequent consultation process will not require any immediate action in this regard.

Financial Impact

The recommendations contained in this report will have no financial impacts beyond those accounted for in the 2016 CASPO and Public Works budgets. The Treasurer has reviewed this report and agrees with this statement.

Risks/Implications

There are no risks or other implications anticipated as a result of the recommendations contained in this report.

Strategic Plan

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting of May 27, 2015. The initiatives contained in this report support the Values and Strategic Directions as set out in the Strategic Plan as they pertain to the following:

3. ii. **A County that Thinks Ahead and Wisely Shapes the Future** – Implement development policies, land uses and community planning guidelines that:
 - *Strategically grow our economy and our community*
 - *Provides a policy framework which supports community sustainability, health and well-being*
 - *Supports healthy communities within the built environment*
 - *Supports and protect a vibrant and diversified agricultural industry*
3. iii. **A County that Thinks Ahead and Wisely Shapes the Future** – Demonstrated commitment to sustainability by:
 - *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
 - *Responsible environmental leadership and stewardship*
 - *Supporting the community implementation of the Community Sustainability Plan*
4. i. **A County that Informs and Engages** – Harness the power of the community through conversation and dialogue by:
 - *Providing multiple opportunities for public participation and a meaningful voice in civic affairs*
 - *Fostering greater involvement in County and community events and/or program/project implementation*
 - *Understanding and addressing public aspirations for a more livable community*

DISCUSSION

Background

The first tree protection by-law in Oxford County was enacted in 1946. The By-law has undergone numerous amendments and updates over the years reflecting changes to legislation and regulations regarding tree conservation in Ontario. The current County Woodlands Conservation By-law (WCB) was adopted by Council in 2004 (and subsequently amended in 2006) and has served as an effective tool for supporting responsible forestry management practices and environmental stewardship of woodland areas.

The authority to enact a by-law to regulate the harvest of trees is found in the Municipal Act. The current Oxford WCB identifies woodlands and sets out definitions for the purpose of protecting trees; identifies tree species that are to be protected; sets out the requirements for obtaining permits to harvest trees; outlines opportunities and processes for obtaining exemptions from the By-law; and outlines the provisions regarding enforcement and penalties.

Provincial Policy Statement (PPS)

Provincial policy does not specifically require that the County adopt a woodlands conservation by-law, however, the PPS does recognize that the province's long-term prosperity, environmental health and social well-being depend on, among other matters, conserving biodiversity and protecting natural heritage for their economic, environmental and social benefits.

Further, the PPS directs that natural heritage features and areas are to be protected for the long-term and that diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or, where possible, improved.

County Official Plan

The Official Plan provides a policy basis for the protection and conservation of natural features in the County and addresses woodlands in the context of a broader natural heritage system. Through the policies of the Official Plan, the County is committed to taking a comprehensive approach to woodlands preservation by incorporating a range of measures to maintain and, wherever possible, increase the amount of forest cover within Oxford.

A Woodlands Conservation By-law (WCB) is recognized in the Official Plan as an important tool with respect to retaining and enhancing woodlands in both settlement areas and rural areas of the County. It is a policy of the Official Plan that Council shall maintain and enforce a WCB and periodically review the WCB to ensure that it reflects responsible and good forestry management practices and environmental stewardship.

Oxford Natural Heritage Systems Study (ONHSS)

The ONHSS (2016) is a recently completed study (prepared by the Upper Thames River Conservation Authority at the direction of the County) which provides a landscape level assessment of natural heritage features and functions on a County-wide scale. The 2016 ONHSS builds on the 2006 Oxford Natural Heritage Study and identifies significant, locally important and non-significant natural features, including woodlands.

While the primary purpose of the ONHSS is to provide the technical and scientific basis for informing the development of Official Plan policy as it relates to Oxford's natural heritage features and areas, the study may also be useful in identifying woodland areas that are not subject to the WCB (i.e. are less than 1 ha or 2.47 acres) but may provide important links or connections in the context of the broader natural heritage system.

Comments

As indicated previously, the purpose of this report is to obtain Council direction to initiate the public and stakeholder consultation process regarding potential changes to the WCB. Public Works and Planning staff have prepared a draft WCB ([Attachment No. 1](#)) for this purpose. In preparing the draft WCB, staff have reviewed the current WCB and the by-laws of other jurisdictions in southwestern Ontario and have considered issues arising from enforcement of the current by-law, including issues that have been identified through applications for exemptions from the WCB over the past several years.

Public and stakeholder consultation will be broad and will utilize various methods of obtaining input into the development of the WCB for Council's consideration, including circulation of the WCB to Area Municipalities within the County, the Ministry of Natural Resources and Forestry, Conservation Authorities having jurisdiction within the County, neighbouring municipalities, the Oxford Federation of Agriculture, woodlot owners association(s), forestry consultants, loggers and other interested groups such as fish and game clubs and Reforest Oxford. Staff will also present the draft WCB to the County's Agricultural Advisory Committee and any other groups or agencies that may benefit from such presentation.

Staff will also utilize the County's various social media feeds (i.e. Twitter, Facebook and Speak Up, Oxford) to both inform the public regarding the process and to obtain feedback regarding woodland conservation issues. Further, staff propose to hold three (3) public information sessions (PIC) at various locations across the County to present and highlight changes to the proposed draft by-law and obtain input from participants on all issues related to woodlands management. It is anticipated that the noted PICs would be held in November of 2016.

All comments and input received through the public and stakeholder consultation process will be documented and presented to Council for consideration as part of Council's deliberations regarding the updated WCB.

Draft Woodland Conservation By-law

The draft [WCB attached](#) to this report (together with the various appendices and schedules) has been prepared with a view to providing a starting point for discussion during the public and stakeholder consultation process. Generally, the draft WCB has been reorganized in a manner that provides a clearer and more logical presentation and has been updated to reflect changes in legislation and regulation since the last amendments in 2006.

Specific changes of note contained in the draft WCB are as follows:

Definitions

A number of definitions contained in the current WCB have been updated, including the definition of 'Good Forestry Practices' ([Page 2 of the attached draft WCB](#)) and 'Woodlands' ([Page 5](#)), the latter of which has been expanded to clearly describe woodlands to which the County WCB applies (i.e. woodlands of at least 1 ha or 2.47 acres) and the mechanisms for protecting woodlands smaller than 1 ha.

For information, the ONHSS completed for the County in 2016 indicates that 99% of the woodlands in Oxford are greater than 1 ha. This equates to approximately 26,640 ha (65,800 acres) of woodlands protected by the WCB. The protection of the remaining 1% (366 ha or 904 acres) of woodlands that are less than 1 ha would require the Local Municipalities to pass their own WCB to capture the smaller woodlots or pass a by-law delegating authority to enforce the protection of smaller woodlands to the County. In either case, the size of the woodlands (less than 1 ha) to be protected would be set out in the Local Municipal WCB/delegating by-law. The findings of the ONHSS may be useful to County and Local Council's in determining the value of these smaller woodlands and to what extent, if any, they are to be protected.

Definitions relating to 'Silviculture', 'Silvicultural Prescriptions' and what constitutes a 'Qualified OPFA Member' have also been added to the draft WCB ([Page 4](#)).

Circumference Harvest Provisions

The circumference harvest provisions of the current WCB have been removed from the draft by-law and as such, the draft by-law relies solely on the issuance of 'Good Forestry Practices' permits. Circumference harvest is the practice of cutting all trees that are over a certain diameter and was initially implemented in tree protection by-laws as a means to prevent clearcutting practices. Typically, circumference harvest practices target larger, healthier trees that are of greatest value, leaving poorer quality trees behind.

The 'Good Forestry Practices' approach to tree harvesting is considered to be a 'best practice' in forest management which contributes to the diversity and health of woodlands and generally lessens the impacts of diseases such as emerald ash borer and beech bark disease.

County staff responsible for the enforcement of the Woodlands Conservation By-law (WCB) have indicated that the circumference harvest approach to woodlands management does not account for tree species, age, quality, etc. and as such, circumference harvesting has not proven to be a sustainable management practice.

Committee Exemptions

The current WCB provides for Council or an appointed Committee of Council to consider applications for exemptions from the By-law (in Oxford, exemptions to the by-law are considered by the Woodlands Conservation By-law Appeal Committee, which is appointed by County Council at the beginning of each term of Council). The draft WCB clarifies the process by which the Committee hears exemption requests and also provides additional guidance at the beginning of the WCB to assist the Committee in determining if an exemption request is appropriate and maintains the intent of the WCB ([Pages 11 & 12](#)).

In addition to the foregoing, staff have drafted a brief 'companion' policy ([Appendix B to the WCB titled Tree Compensation Policy](#)) that would serve to guide the Committee in those situations where an exemption to the by-law is granted and compensation for the tree removal is considered appropriate. This companion policy would not form part of the WCB, but would require Council endorsement as a guidance tool. The said companion policy is included as [Appendix B](#) of the draft WCB.

Minor Exemption Permit

The draft WCB introduces provisions to obtain a permit from the By-law Officer where the proposed removal of trees that are considered to be part of a woodland as per the definitions in the WCB meet the specific criteria for minor exemptions ([Page 11](#)). It is intended that these provisions could be used to grant exemptions at the staff level where the criteria is met to the satisfaction of the By-law Officer and as such, would not require consideration by the Committee.

The criteria or 'scenarios' included in the draft WCB have been developed based on the past experience of staff and the Committee with respect to applications for committee exemptions and from the information that has been provided via the updated ONHSS.

Woodlands Conservation By-law Administration

There has been some criticism of the administration of the current By-law. As part of the process to develop the new WCB and to deal with some of the customer criticism, staff are

developing processes and procedures intended to improve customer service. The procedures are in the development stages, but will be discussed as part of the consultation and engagement program with further reporting to Council prior to the consideration of the new By-law.

Next Steps

Staff are of the opinion that the draft [WCB attached](#) to this report represents a suitable starting point for consulting with and engaging the public and the many stakeholders involved in woodlands management in Oxford County. The draft WCB has been prepared with a view to clarifying the provisions of the current By-law and providing a document that supports and promotes both woodland conservation principles and sound administration.

It is anticipated that the proposed public and stakeholder consultation process for the WCB can be tied into concurrent consultation regarding the recently completed Oxford Natural Heritage Systems Study (ONHSS). Staff are also of the opinion that the consultation program regarding the WCB can be utilized as a platform for broader education on both the WCB and woodlands conservation in Oxford.

Conclusions

Staff recommend that the initiation of a public and stakeholder consultation process be given favourable consideration by Council.

With Council's direction, staff will initiate the public and stakeholder consultation and engagement process, including circulation of this report and the draft Woodlands Conservation By-law (WCB) to the Area Municipalities. Staff will undertake a thorough consultation process with a view to returning to Council with a draft WCB for consideration in January 2017.

SIGNATURE

Report Author:

original signed by

Gordon K. Hough, RPP
Director of Community & Strategic Planning

Reviewed by:

original signed by

Robert Walton, P.Eng.
Director of Public Works

Approved for submission:

original signed by

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENTS

[Attachment No. 1](#)

- Draft Woodlands Conservation By-law, Schedules and Appendices

THE CORPORATION OF
THE COUNTY OF OXFORD

WOODLANDS CONSERVATION BY-LAW NO.: _____

To prohibit or regulate the harvesting, destruction or injuring
of trees in woodlands in the
County of Oxford

WHEREAS s.135(2) of the Municipal Act, 2001, R.S.O. 2001, c.25 as amended, (hereinafter referred to as "the Act") permits the enactment of a by-law by the Council of the Corporation of the County of Oxford (hereinafter referred to as "the County") to prohibit or regulate the harvest, injury or destruction of trees in woodlands;

AND WHEREAS s.135(7) of the Act provides that a by-law enacted in accordance with s.135(2) of the Act may require that a permit be obtained to harvest, injure or destroy trees and that a municipality may impose conditions on a permit, including conditions relating to the manner in which harvesting, injuring or destroying occurs and the qualification of persons authorized for this purpose;

AND WHEREAS Council has determined that it is desirable to enact such a by-law for purposes including, but not limited to, the following:

- achieving the goals and objectives of the County Official Plan with respect to sustaining the community's environmental and natural heritage resources;
- conserving and improving woodlands through Good Forestry Practices;
- protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and
- enhancing biodiversity and forest resilience to assist the community in adapting to climate change, and other environmental threats to forest health.

NOW THEREFORE the Council of the Corporation of the County of Oxford HEREBY ENACTS as follows:

1. DEFINITIONS

In this by-law:

- 1.1 "Acceptable Growing Stock (AGS)" means *trees* suitable for retention in the stand for at least 1 cutting cycle, comprising *trees* of commercial species and of such form and quality as to be saleable as sawlog products at some future date.
- 1.2 "Basal area" means the area of the cross-section of the stem of a *tree* taken at a point of measurement 1.37 metres (4.5 ft.) above the point on the *tree* where the ground meets the stump in an undisturbed state at the base of the *tree*.
- 1.3 "Building Permit" means a building permit issued under the Building Code Act 1992, R.S.O. c.23, as amended.
- 1.4 "Business day" means any day falling on or between Monday and Friday of each week but does not include New Year's Day; Family Day; Good Friday; ~~Easter Monday~~ Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving; Remembrance Day; Christmas Day or Boxing Day.

- 1.5 "By-Law Officer" means an individual or individuals appointed by *Council* for the administration and enforcement of this By-Law.
- 1.6 "Certified Tree Marker" means an individual who has full certification in good standing for marking under the Ontario Ministry of Natural Resources [and Forestry \(MNRF\) Certified Tree Marker program, or similar program approved by the MNRF](#), has maintained proper accreditation, and has demonstrated experience to mark according to *Good Forestry Practice* within Oxford County.
- ~~1.7 "Circumference" means the measurement of the perimeter or outer boundary of a stem or trunk of a tree with such measurement including the bark of the stem.~~
- 1.7 "Committee" means the Woodlands Conservation By-law Appeal Committee ~~to~~ designated by a By-Law of the Corporation of the County of Oxford ~~for consideration and report to County Council.~~
- ~~1.9 "Conifer Plantation" means woodlands where coniferous trees have been planted or seeded in a pre-determined pattern.~~
- ~~1.8 "Corridor" means a break in the forest cover or forest canopy, which includes but is not limited to tree windbreaks, right-of-way, or natural open spaces.~~
- 1.89 "Coppice growth" means where more than one *tree* stem grows from a single *tree* stump.
- ~~1.940 "Cord" means a pile of fuelwood [measuring not more than 1.21 m \(3.96 ft\) x 1.21 m x 2.43 m \(7.97 ft\)](#) ~~3.63 m³ (128 ft³) in~~~~
- 1.104 "Council" means the Council of the Corporation of the County of Oxford.
- 1.112 "County Clerk" means the County Clerk of the Corporation of the County of Oxford.
- ~~1.123 "Destroy" means any action which causes or results in the irreversible *injury* or death of a *tree*.~~
- 1.13 "Diameter" means the diameter of the stem of a *tree* measured outside the bark at a specified point of measurement.;
- ~~1.145 "Drip Line" means an imaginary line running directly beneath the outermost branches of the *trees* forming the perimeter of the *woodlands*.~~
- 1.156 "Diameter Breast Height (DBH)" means the diameter of the stem of a *tree* measured at a point that is 1.37 metres (4.5 ft.) above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the *tree*.
- 1.167 "Good Forestry Practices" means the proper implementation of *harvest*, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health, and the aesthetics and recreational opportunities of the landscape [and also includes, but is not limited to, the forestry management practices set out in the Provincial Silvicultural Guidelines as referred to in the Forest Operation and Silviculture Manual, as revised, prepared under the authority of the Crown Forest Sustainability Act, R.S.O. 1994, c.25. These Provincial Silvicultural Guidelines include, but are not limited to: A Silvicultural Guide to Managing Southern Ontario Forests, Silvicultural Guide for the Tolerant Hardwood Forest in Ontario, A Tree Marking Guide for the Tolerant Hardwood Working Group in Ontario, A Silvicultural Guide for the Great Lakes-St. Lawrence Conifer Forest in Ontario, Ontario Tree Marking](#)

Guide.

~~"Good Forestry Practices" permits the harvest, destruction or injuring of trees that:~~

- ~~i) have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health of such trees is likely to further deteriorate and can be assessed as such;~~
- ~~ii) have been assessed and identified for removal to prevent disease or insects from spreading to other trees;~~
- ~~iii) are cut in accordance with the Provincial Silvicultural Guidelines as referred in the Forest Operations and Silvicultural Manual and its revisions prepared under the authority of the Crown Forest Sustainability Act, S.O. 1994, c. 25.~~
- ~~iv) are marked and cut as part of a Woodlands Management Plan by way of a "prescription" approved by a Registered Professional Forester or Associate Member in good standing.~~

1.178 "Harvest" means the injury or destruction of a *tree* through cutting or other mechanized means, which results in the irreversible *injury* or death of a *tree* by design and further, includes any work, efforts or attempt to move or gather such trees having been cut or otherwise destroyed.

1.18 "Injure" or "Injury" means any action that causes physical, biological or chemical damage to a tree including any lasting damage to a *tree* which has the effect of inhibiting or terminating its growth but does not include pruning branches for maintenance purposes.

~~1.19 "Local Board" means a municipal service board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of one or more municipalities.~~

1.19 "Log" means a portion of a *tree* of a prescribed species reduced to a size suitable for loading on a vehicle for transport to a processing mill for the production of lumber or other products.

1.20 "Logger" means an individual or company or similar group who cuts *trees* for purchase, sale or other profit, on behalf of the landowner.

1.21 "Local Municipality" means each of the municipalities of Blandford-Blenheim, East Zorra-Tavistock, Norwich, South-West Oxford, Zorra, Ingersoll, Tillsonburg and Woodstock.
~~a geographic area whose inhabitants are incorporated within the County of Oxford.~~

1.22 "Owner" means a *person* having any right, title, interest or equity in land.

1.23 "Own Use" means a use by the Owner that does not include a sale, exchange or other disposition of *trees* harvested, injured or destroyed.~~or injured.~~

1.24 "Permit" means a written authorization issued pursuant to this By-law by the By-law Officer as provided in Schedule "HH".

1.25 "Person" means any individual, corporation, partnership, association, firm, trust, or other entity and includes anyone acting on behalf or under the authority of such entity.

1.26 "Plantation" means a wooded area where *trees* have been planted or seeded in a pre-determined pattern or rows and are harvested for commercial purposes in-keeping with the original purpose of planting.~~for the purposes of harvesting for commercial purposes.~~

1.27 "Plot" means a carefully specific area measured area set out for the purpose of measuring the number of trees within woodlands.

~~laid out for experimentation, which may be permanent or temporary.~~

- 1.28 "Point of Measurement" means that point on the *tree* trunk measured above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the *tree* where the ground meets the stump. For *coppice growth*, "point of measurement" means that point on the tree trunk where the *tree* stems separate, provided that such point of separation is less than 1.27 metres (50 inches) from where the ground meets the base of the tree.
- 1.29 "Pruning" means the removal of a *tree* branch or branches from a *tree* by cutting at the point outside the branch collar, but does not include the removal of more than one third of the *tree*'s leaf bearing crown.
- ~~1.30 "Prescribed Species" means the species of *trees* as listed in Schedule "AB" of this By-Law.~~
- 1.30 "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association as defined by the Professional Foresters Act 2000, S.O. 2000, c.18, as amended, to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law.
- 1.31 "Silviculture" means the art, science, theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve forest management objectives.
- 1.32 "Silvicultural Prescription" means the site specific and operational plan prepared by a Qualified OPFA Member that describes the existing woodlands conditions and woodlands management objectives for an area and which prescribes the methods for harvesting the existing woodlands stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified.
- ~~a "pre-harvest silvicultural prescription", which is a course of management action prescribed for a particular area after specific assessments and evaluations have been made.~~
- ~~1.32 "Registered Professional Forester" as defined in the Professional Foresters Act, S.O. 2000, c. 18.~~
- ~~1.33 "Sensitive Natural Areas" means the:~~
- ~~i) Provincially significant life science Areas of Natural and Scientific interest. (A.N.S.I.)~~
 - ~~ii) Wetlands designated as locally, regionally or provincially significant.~~
 - ~~iii) Significant Natural areas within Oxford County as designated by any one of the following: Ontario Ministry of Natural Resources, Upper Thames River Conservation Authority, Long Point Region Conservation Authority, Grand River Conservation Authority, or the Catfish Creek Conservation Authority.~~
- ~~1.34 "Silviculture" means the art and science of producing and tending a forest, and the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of management.~~
- ~~1.35 "Stand Improvement" means the destruction or harvesting of:~~
- ~~i) trees that have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health of such trees is likely to further deteriorate;~~
 - ~~ii) diseased or insect infested trees that should be cut or removed to prevent disease or insects from spreading to other trees; or~~
 - ~~iii) exotic species, or trees not indigenous to the municipality, if such destruction is carried out in such a manner as to encourage replacement of exotics by indigenous species. Excluding Pinus and Picea species.~~

- 1.33 "Tree" means ~~for the purposes of the definition of a woodland~~, any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres (14.8 ft.) at physiological maturity.
- ~~1.37 "Tree Marker" is an individual who has the ability to mark trees in a woodland to the circumference limit standard as set out in Section 2(a)(ii) of this By-Law. These individuals are categorized into two categories:~~
- ~~i) "Independent Tree Marker" is an individual who has no economic ties to any logger or processors of timber products; or~~
 - ~~ii) "Commercial Tree Marker" is an individual who is employed by a logger or a processor of timber products.~~
- 1.34 "Unacceptable Growing Stock (UGS)" means *trees* that have a high risk of dying, and are expected to decline over the next cutting cycle, including *trees* of poor form and/or low quality.
- 1.35 "Watercourse" means a natural or man-made waterway ~~course~~ containing flowing water ~~for~~ at least ~~for part~~ a portion of the year.
- 1.36 "Woodlands" means land at least one hectare in area with at least:
- (i) 1000 *trees* of any size, per hectare; or
 - (ii) 750 *trees* measuring over five (5) centimetres (2 in.) in diameter at *DBH*, per hectare; or
 - (iii) 500 *trees* measuring over twelve (12) centimetres (5 in.) in diameter at *DBH*, per hectare; or
 - (iv) 250 *trees* measuring over twenty (20) centimetres (8 in.) in diameter at *DBH*, per hectare.

Woodlands do not ~~include~~ a cultivated fruit or nut orchard, a Christmas tree plantation or a registered *tree* nursery.

For the purpose of this definition of woodlands, all measurements of a tree will generally be taken at 1.37 metres (4.5 feet) from the ground, however, where a tree cannot be measured at 1.37 metres (4.5 feet) at DBH, the tree will be measured or tallied at the tree's highest point. The boundary of woodlands shall be defined by the ecological limit of the woodlands and not by the property boundary; this includes the drip line of the outermost trees. Where a potential woodland is dissected by a road or path not wider than 30 metres (98 feet) or by a natural feature such as a creek, the boundary of the woodland shall be deemed to cross the road, path or natural feature, but the area of the woodland shall be calculated exclusive of the area of the road, path or natural feature.

~~Notwithstanding the foregoing, in the case of an area municipality with the County of Oxford where a Local Municipality has approved a By-law to prohibit or regulate the harvesting, injuring or destruction of trees in woodlands within the Local Municipality, "Woodland" woodlands shall mean land that is identified as woodlands in accordance with the definition(s) contained in the local municipal By-law.~~

Alternatively, where a Local Municipality has approved a By-law to delegate authority respecting the prohibition or regulation of the harvesting, injuring or destruction of trees to the County of Oxford, woodlands shall mean land that is identified as woodlands in accordance with the definition(s) contained in the delegation By-law.

~~less than one hectare with at least:~~

- ~~(i) 400 trees, of any size, per 0.4 hectares;~~
- ~~(ii) 300 trees, measuring over five (5) centimetres (2 in.), in diameter at DBH, per 0.4~~

- hectares;
- (iii) ~~200 trees, measuring over twelve (12) centimetres (5 in.), in diameter at DBH, per 0.4 hectares; or~~
- (iv) ~~100 trees, measuring over twenty (20) centimetres (8 in.), in diameter at DBH, per 0.4 hectares.~~
- ~~But does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or registered tree nursery.~~

2. GENERAL PROHIBITION

Except as provided in this By-law, no person, through their own actions or through the actions of any other person, shall harvest, injure or destroy, or cause or permit to be harvested, injured or destroyed, any tree located in woodlands.

- ~~(a) Except as provided in Section 3, no person through their own actions or through any other person shall harvest, destroy, or injure a living tree unless the person who is harvesting, destroying or injuring trees have done so in accordance with:~~
- ~~(i) Good Forestry~~
- ~~The person who is harvesting, destroying or injuring trees does so in accordance with Good Forestry Practice as marked by:~~
- ~~(a) a Registered Professional Forester in good standing with the Ontario Professional Foresters Association; or~~
- ~~(b) an associate member in good standing of the Ontario Professional Foresters Association; or~~
- ~~(c) a fully certified Tree Marker; or~~
- ~~(ii) Circumference Limit~~
- ~~The person who is harvesting, destroying, or injuring trees, has only harvested, destroyed or injured those trees which have attained, at the specified point of measurement, the circumference measurement, which equals or is greater than the minimum circumference prescribed for the species in Schedule "A" and the person who is harvesting, destroying or injuring trees has abided by Section 5 and;~~
- ~~The harvest, destruction or injuring of trees have not reduced the basal area in that part of the woodlands, where trees have been harvested, destroyed or injured below 14 m²/ha, of trees 25 centimetres (10 in.) and larger at DBH, as determined by using the method described in Schedule "H"; and~~
- ~~(b) Except as provided in Section 2 (a)(i)(a) and (b), no person through their own actions or through any other shall harvest, destroy or injure a tree located in a Conifer Plantation; and~~
- ~~(c) Except as provided in Section 2 (a)(i)(a) and (b), no person through their own actions or through any other person shall harvest, destroy or injure a tree located in a Sensitive Natural Area; and~~
- ~~(d) Except as provided in Section 3, no person through their own actions or through any other person shall harvest, destroy or injure any living tree unless the person who is harvesting, destroying or injuring trees, has only harvested, destroyed or injured those trees:~~
- ~~(i) which have met the definition of stand improvement which can be proven before and after the trees have been harvested, destroyed or injured; or~~
- ~~(ii) which have attained, at the specified point of measurement, the circumference which equals or is greater than the minimum circumference~~

- ~~prescribed for the species in Schedule "A"; and~~
- ~~(e) — the person has marked those tree which are to be harvested, destroyed or injured with paint visibly on at least two (2) opposite sides as well as at the base of the tree in an area that will be visible after harvesting, destroying or injuring is completed; and~~
- ~~(f) — the harvest, destruction or injuring of trees will not reduce the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland; and~~
- ~~(g) — the harvest, destruction or injuring of trees has not reduced the basal area in that part of the woodlands, where trees, which measure 25 centimetres (10 in.) or more at DBH, have been destroyed or injured below 14 m²/ha of trees; and~~
- ~~(h) — the harvest, destruction or injuring of trees has abided by the requirements of Section 5; and (i) — with the exception of work on municipal drains, if any tree removal is necessary due to the undertaking of any drainage work, notification of the By-Law Officer is necessary and every person intending to destroy or injure trees for the purpose of drainage work must be in accordance with the requirements of Section 4; and~~
- ~~(j) — any tile drainage work through or adjacent to a woodlands which shall result in the destruction or injury to a tree or trees in woodlands shall be constructed of a closed tile in the part of the drainage work that goes through or adjacent to the woodland; and~~
- ~~(k) — No person through their own actions or through any other person shall:~~
- ~~(i) — fail to comply with an Order issued by this By-Law;~~
- ~~(ii) — contravene the terms or condition of a Permit issued under this By-Law;~~
- ~~(iii) — contravene the terms or conditions as to the Letter of Intent filed under this By-Law;~~
- ~~(iv) — remove or deface any Order issued under this By-Law.~~

3. EXCEPTION

Notwithstanding Section 2, a person may harvest, injure or destroy trees located in woodlands, subject to obtaining a Good Forestry Practices Permit, as follows:

- (i) Every person who intends to harvest, injure or destroy trees pursuant to this By-law shall complete and submit to the By-law Officer or a designate, an application for a Good Forestry Practices Permit in the form prescribed in Schedule "B" to this By-law containing all of the information required by the application form, not less than 20 business days and not more than one (1) year prior to the start of the harvest, injury or destruction of trees, together with the following:
- a) a copy of the silvicultural prescription prepared by a Qualified OPFA Member, to the satisfaction of the By-law Officer;
- a)b) the prescribed fee as set out in Schedule "A".
- (ii) A Good Forestry Practices Permit issued in accordance with the terms and requirements of this By-law shall be subject to the following terms and conditions:
- a) the harvesting, injury or destruction of trees shall be in accordance with Good Forestry Practices and as described in a silvicultural prescription prepared by a Qualified OPFA Member.
- b) the owner or applicant shall post a Notice of Tree Harvest prior to harvesting, injuring or destroying trees and such posting shall be located on the subject property in a

- manner that is clearly visible and legible from a public highway or other place to which the public has access. The Notice of Tree Harvest shall be in the format prescribed in Schedule "1" to this By-law.
- c) the owner or applicant shall notify the By-law Officer during regular business hours, not less than 24 hours prior to harvesting, injuring or destroying trees and again upon resumption of activities after any two (2) week period of inactivity.
- (ii)(iii) The issuance of any Good Forestry Practices Permit may be for such time and subject to such terms and conditions as the By-law Officer considers advisable and as are set out in the permit.
- (ii)(iv) A silvicultural prescription as required by this By-law shall incorporate good forestry practices and demonstrate that:
- a) the harvest, injuring or destruction of trees will not reduce the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland;
- b) the harvest, injuring or destruction of trees does not reduce the basal area in that part of the woodlands where trees which measure 25 cm (10 in) or more at DBH have been injured or destroyed below 15 m²/ha (161 ft²/acre).
- Notwithstanding subsection 3(v)b), a Good Forestry Practices Permit may be issued provided that the By-law Officer is satisfied that the harvesting of trees is consistent with good forestry practices.
- (v) The trees to be harvested, injured or destroyed have been clearly marked above DBH on opposite sides of the tree. The mark shall be at least 8 cm (4 in) in diameter for hardwood sawlogs/poles and a slash 20 cm (8 in) long for fuelwood/logs. A similar mark shall be placed at the base of the tree below the saw line and extending to the ground. All trees shall be marked facing the same direction unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain. For conifer plantation row thinning only, the first and last tree in the row as well as an occasional tree shall be marked.
- (iii)(vi) The person who is harvesting, injuring or destroying trees has complied with all of the requirements of this By-law and is in good standing with the County of Oxford.
- (iv)(vii) Where trees are marked for harvest, injury or destruction in accordance with this By-law, no person shall fail to harvest or destroy any tree so marked unless to do so would breach the provisions of the Health and Safety Act, R.S.O. 1990 c.0.1
- (iii)(vii) a person shall not:
- a) harvest, injure or destroy a tree that has not been marked;
- b) leave a harvested tree suspended in another tree; harvest, injure or destroy a tree below the lowest point of measurement, unless authorized by a By-Law Officer;
- c) harvest, injure or destroy any tree unnecessarily that is to remain standing after the harvest, injuring or destroying of trees is completed;
- d) operate a vehicle, equipment or machinery or conduct their operations in such a manner or at such a time that results in excessive damage to the soil, wetlands, natural areas or other portions of the woodlands;
- e) operate a vehicle, equipment or machinery or conduct their operations in such a manner or at such a time, that results in the leaving of any part of a tree in a watercourse including any trees that have not been cut, but have been pushed,

- f) knocked over or otherwise come to rest in a *watercourse*;
- f) leave a *tree* top, which can safely be trimmed and is not scheduled for fuelwood processing, higher than ~~31.5~~ 41.54.92 metres (~~101.5~~ 136.3 ft.) from the ground to the highest branch;
- g) *harvest, injure or destroy* a *tree*, which shall result in any part thereof crossing a property boundary, without the written permission of the adjoining property owner;
- h) *harvest, injure or destroy* a *tree*, which is on the property boundary, without the written permission of the adjoining property owner.

4. EXEMPTIONS TO THIS BY-LAW

This By-law does not apply to any mandatory exemption as set out in the Municipal Act, as amended from time to time. Mandatory exemptions contained in the Municipal Act are listed in Appendix A to this By-law. Appendix A may be modified to reflect changes to the Municipal Act, as amended from time to time, without amendment to this By-law.

In addition to any exemption as set out in the Municipal Act, this By-law shall not apply to:

- (i) the *harvest, injuring or destruction* of *trees* required to erect any building, structure or thing in respect of which a *building permit* has been issued and has taken into consideration the protection of *trees* surrounding the structure or work within the building envelope, provided that no *tree* is *harvested, injured or destroyed* that is more than 15 metres (49.2 feet) from the outer edge of the building, structure or thing;
- (ii) the *harvest, injuring or destruction* of *trees* that is reasonably required to install and provide utilities and/or, a single lane driveway for vehicular access, for the construction or use of a building, structure or thing in respect of which a *building permit* has been issued.

~~This by-law does not apply to:~~

- ~~(a) — activities or matters undertaken by a municipality or a local board of a municipality; or~~
- ~~(b) — activities or matters undertaken under a licence issued under the *Crown Forestry Sustainability Act, 1994*; or~~
- ~~(c) — the *injuring or destruction* of *trees* by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey; or~~
- ~~(d) — the *injuring or destruction* of *trees* imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51, or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections; or~~
- ~~(e) — the *injuring or destruction* of *trees* imposed as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation; or~~
- ~~(f) — the *injuring or destruction* of *trees* by a *transmitter or distributor*, as those terms are defined in Section 2 of the *Electricity Act, 1998*, for the purpose of construction and maintaining a transmission system or a distribution system, as those terms as defined in that Section; or~~

- ~~(g) — the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or~~
- ~~(h) — the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land;~~
- ~~(i) — that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and~~
- ~~(ii) — on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act, 2001, c.25, s.135(12)*; or~~
- ~~(i) — the injuring or destruction of trees where the owner of the woodlands has been granted an exemption by the Committee pursuant to Section 4; or~~
- ~~(j) — the injuring or destruction of trees that is required in order to erect any building, structure or thing in respect of which a Building Permit has been issued and has taken into consideration the protection of trees surrounding the structure or work within the building envelope, provided that no tree is destroyed or injured that is located more than 15 metres (49.2 ft.) from the outer edge of the building, structure or thing and the By-Officer has been notified; or~~
- ~~(k) — the injuring or destruction of trees that is required in order to install and provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued; or~~
- ~~(l) — the injuring or destruction of trees that is required in order to install and provide utilities to provide a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;~~
- ~~(+)(iii) the harvest, injury or destruction of trees by the owner of a woodland for the owner's own use which results in the production of less than 20 logs or 20 cords of fuelwood per woodland per calendar year, provided that such activity does not reduce the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland, does not reduce the overall area of the woodland and that the activity is consistent with good forestry practices.~~
- ~~(m) — the owner of the woodlands who has harvested, destroyed or injured trees which results in the production of less than 20 logs or 20 cords of fuelwood per woodlands per year, providing such activities has not reduced the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland; or~~
- ~~(iv) the harvest, injury or destruction of trees where said trees are harvested, injured or destroyed pursuant to a legally binding contract, provided that:~~
- ~~a) the owner of the woodland has given notice in accordance with this By-law; and~~
- ~~b) a contract was signed between the owner and contractor immediately preceding the date on which this By-law came into force and effect; and~~
- ~~c) proof of the signed contract, and a down payment made to the owner, to the satisfaction of the By-law Officer; and~~
- ~~d) the trees subject to the contract are harvested, injured or destroyed in a manner consistent with this By-law within two (2) years of the enactment of this By-law.~~
- ~~(n) — the harvest, destruction or injury of trees where the trees are destroyed or injured pursuant to a legally binding contract if:~~
- ~~(i) — the owner of the woodlands has given notice under Section 5; and~~
- ~~the contract was signed and a down payment made to the owner immediately preceding the date on which this By-law was passed; and~~
- ~~proof of the signed contract and a down payment has been received by the By-law Officer; and~~

~~the trees are harvested, injured or destroyed in a manner consistent with By-Law No.: 4489-2004 and have been harvested, destroyed or injured within two years of the enactment of this By-Law.~~

5. MINOR EXEMPTION PERMIT

- (i) Notwithstanding Section 3, the By-law Officer may issue a Minor Exemption Permit.
- (ii) Every person who intends to obtain a Minor Exemption Permit shall complete and submit to the By-law Officer or designate, an application in the form prescribed in Schedule "C" to this By-law containing all of the information required by the application form, not less than 30 business days and not more than one (1) year prior to the start of any harvest, injury or destruction of trees, together with the prescribed fee as set out in Schedule "A".
- (iii) The By-law Officer may issue a Minor Exemption Permit where, in the opinion of the By-law Officer.
- a) the harvest, injury or destruction of trees along the immediate perimeter of a productive agricultural field is desirable where said trees are impeding existing agricultural operations, including interference with private tile drainage works, and where said harvest, injury or destruction of trees does not occur more than 1.8 m (6 ft) from the normal cultivated area of trees that are 50 mm (2 inches) or less in diameter at DBH;
- b) the harvest, injury or destruction of trees within woodlands is necessary with regard to the installation, maintenance or repair of any open or closed private drainage works provided that where the said work includes the installation of drainage tile or the replacement of existing drainage tile, the said tile shall be constructed of a non-perforated pipe within or immediately adjacent to woodlands;
- c) the trees to be harvested, injured or destroyed are not located within a woodland, or portion thereof, that is identified as part of the Natural Heritage System in the County of Oxford Official Plan, or are not within 30 m (98.4 ft) of an open watercourse; or
- d) the pruning and/or trimming of trees along the edge of woodlands or a fence row is necessary to provide passage of agricultural equipment, provided that the extent that the said pruning and/or trimming is limited to that reasonably necessary to permit the passage of equipment.
- (iv) The By-law Officer may impose such conditions to the permit that relate to the manner in which harvesting, injuring or destroying trees is to occur that are, in the opinion of the By-law Officer, reasonable and appropriate.
- (v) The By-law Officer shall notify the owner and/or applicant in writing regarding the approval or denial of any application for a Minor Exemption Permit.
- (+)(vi) A Minor Exemption Permit is valid for up to 365 days from the date of issuance by the By-law Officer.

6. COMMITTEE EXEMPTION

- (i) Notwithstanding any provision contained in this By-law, a person may request an exemption from this By-law from the Committee. In order to be considered for an exemption to Section 2, the owner of the woodlands must apply to the County

~~Committee for an exemption at least 90 days prior to the anticipated commencement of injury or destruction of trees by submitting:~~

- ~~_____ (i) _____ a completed application form as described in Schedule "E"; and~~
- ~~_____ (ii) _____ the applicable fee as set out in Schedule "D".~~

Every person who intends to obtain a Committee Exemption shall complete and submit to the By-law Officer or designate, an application in the form prescribed in Schedule "D" to this By-law containing all of the information required by the application form not less than 60 days and not more than one (1) year prior to the start of any harvest, injury or destruction of trees, together with the prescribed fee as set out in Schedule "A".

(ii) Public Notice of Committee Exemption shall be circulated by regular mail not less than 20 days prior to the Committee meeting at which the application will be considered, to the owner, the applicant and/or the applicant's authorized agent and to all assessed owners of land that abut the lands subject to the application. The Public Notice of Committee Exemption shall contain information as prescribed in Schedule "E".

(iii) The owner or applicant shall post a Public Notice of Committee Exemption Request not less than 20 days prior to the Committee meeting at which the application will be considered and such posting shall be located on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access. The Public Notice of Committee Exemption Request shall be in the format prescribed in Schedule "E".

(iv) The application for Committee Exemption shall be circulated to those agencies that, in the opinion of the Committee, the By-law Officer or designate, may have an interest in the application, for the purpose of obtaining comments regarding the application.

(v) In consideration of a request for a Committee Exemption, the Committee may:

- a) grant the exemption request;
- b) grant the exemption request with modifications; or
- c) refuse the exemption request.

(iii)(vi) When evaluating a request for Committee Exemption, the Committee shall consider whether the harvest, injuring or destruction of trees proposed by the application:

- a) is appropriate for the development or use of the land; and
- b) maintains the intent and purpose of the By-law.

(vii) Committee may impose terms and conditions to the Committee Exemption that are reasonable and desirable for the appropriate development or use of the land on which the said exemption is granted.

(i) Committee shall hear any person choosing to speak with respect to the request for Committee Exemption prior to making a decision regarding the said request and may consider other such matters as the Committee deems advisable.

(ii)(viii) The owner or applicant shall be notified in writing with respect to the Committee's decision regarding the approval or denial of any application for a Committee Exemption.

~~(b) At least twenty-one (21) business days prior to consideration of the application by the Committee for a exemption, the County Clerk shall send by regular mail, written notice to the applicant and all abutting landowners on the lands for which an exemption is being sought.~~

- ~~(c) — The applicant shall erect and display a public notice regarding the exemption application at the entrance of the adjoining roadway to the subject property where the minor exception is being sought in a position that ensures that it is clear and visible to all persons, and the notice shall be in the format of Schedule "F".~~
- ~~(d) — The notice shall be posted at least fifteen (15) business days prior to consideration of the application.~~
- ~~(e) — Provided that there have been no objections filed with the Committee, and/or the By-Law Officer agrees that the general purpose and intent of this By-Law is being maintained, the By-Law Officer may grant the Permit for the exemption in the form of Schedule "I"~~
- ~~(f) — When granting an exemption, the By-Law Officer may include terms or conditions.~~
- ~~(g) — Where there has been objections filed with the By-Law Officer or where the applicant objects to the terms and conditions on the Permit for the exemption, the Committee will reconsider the application for exemption, any conditions to the Permit and make a decision whether to grant the exemption and, therefore, a Permit.~~
- ~~(h) — When granting an exemption, the Committee may include terms and conditions to its approval provided the terms and conditions are desirable for the appropriate development or use of the land on which the exception is sought and the general purpose and intent of the By-Law is maintained.~~
- ~~(i) — The Committee shall hear any person who wishes to speak to the exemption for which objections have been filed. Upon the conclusion of the Committee meeting where the application for the exemption is being considered, the Committee shall advise the persons in attendance of the date, time and location when Council will make a final determination on such application.~~
- ~~(j) — When denying an exemption, the Committee must notify the applicant.~~
- ~~(k) — The applicant may object to the terms and conditions on the Permit for the exemption.~~

5. NOTIFICATION/APPLICATION (LETTER OF INTENT PERMIT)

- ~~(a) — Every owner of Woodlands or person acting on behalf of the owner who intends to harvest, destroy or injure trees personally or through another person, under Section 2(a)(i) of this By-Law shall complete and submit to the County of Oxford Community and Strategic Planning Office no less than ten (10) business days prior to the start of harvest, destruction or injury, all the information as prescribed in Schedule "B".~~
- ~~(b) — Every owner of Woodlands or person acting on behalf of the owner who intends to harvest, destroy or injure trees personally or through another person, under Section 2(a)(ii) of this By-Law shall complete and submit to the County of Oxford Community and Strategic Planning Office no less than ten (10) business days prior to the start of harvest, destruction or injury, all the information as prescribed in Schedule "C".~~
- ~~(c) — An exception to 5(a) and (b) in regards to the submitting of information to the County will be permitted at the discretion of the By-Law Officer should the person submit the Notice of Intent Permit with the prescribed fee as set forth in Schedule "D".~~
- ~~(d) — Any person who has submitted a Notice of Intent Permit shall also erect and display a sign at the entrance at the adjoining roadway to the land where the harvest, destruction, injury, or harvest of the trees is to occur, in a position that is clear and visible to all persons, the sign shall be required to be posted upon commencement of the harvest and remain posted until ten (10) days after the conclusion of the harvesting or destruction~~

and removal of the logs and such sign shall be in the format as outlined in Schedule "J".

(e) ~~Any person who has submitted a Notice of Intent Permit shall notify the By-Law Officer 24 hours prior to the start of harvest, destruction or injury of trees.~~

6. PERMIT APPLICATIONS FOR EXEMPTIONS

(a) ~~Applications for Permits will not be processed if:~~

- (i) ~~applications have not been completed in full; and~~
- (ii) ~~applications are not in keeping with the general purpose and intent of the By-Law; and~~
- (iii) ~~the prescribed application fee, as set forth in Schedule "D" has not been paid in full.~~

(b) ~~A Permit in the form of Schedule "I" may be;~~

- i) ~~issued to the applicant for a term of one (1) year.~~
- ii) ~~renewed by Committee for one term of one (1) year provided an additional prescribed application fee as set forth in Schedule "D" is paid.~~

7. APPEALS TO THE ONTARIO MUNICIPAL BOARD

An applicant may appeal a Permit under Section 6 to the Ontario Municipal Board if:

- (a) ~~within 30 days after the refusal by the Committee to issue a Permit; or~~
- (b) ~~the committee fails to make a decision on the application, within forty five (45) days after the application is received by the County Clerk; or~~
- (c) ~~if the applicant objects to a condition of the permit, within thirty (30) days after the issuance of the Permit.~~

7. ORDERS TO DISCONTINUE ACTIVITY

(i) ~~(a) Where the By-Law Officer or designate is satisfied that a contravention of this By-Law has occurred, the By-Law Officer, or designate, may make issue an Order to Discontinue Activity requiring the person who contravened the By-Law or who caused or permitted the harvest, injuring or destruction of trees in contravention of the By-Law, to stop and discontinue the harvest, injuring or destruction of trees. The Order to Discontinue Activity shall set out the in Schedule "F", shall include the following:~~

- a) ~~the municipal address and/or the legal description of the land;~~
- b) ~~reasonable particulars of the contravention;~~
- c) ~~the date of inspection; and~~
- d) ~~the date by which compliance with the Order must be achieved.~~

8. SERVICE OF AN ORDER

(i) ~~An Order issued under this By-law shall be served on the owner of the property and such other persons affected by the Order, as determined by the By-law Officer or designate, and a copy of the Order shall be posted on the property.~~

~~(ii) An Order issued under this By-law Section may be served personally or by registered mail sent to the served by sending it by mail to the last known address of;~~

- a) ~~the owner or the woodlands; and/or~~
- b) ~~the person or persons identified as having harvested, injured or destroyed ing, ingor harvesting trees.~~

(iii) ~~Where service of an Order is served by made by registered mail, service shall be deemed to have been made served on the fifth day after the day of mailing order is~~

mailed.

- (iv) Where ~~an Order service~~ cannot be ~~served~~ carried in accordance with ~~under~~ Section 88(i), (ii) or (iii), the By-law Officer, or designate, shall place a placard containing the terms of the Order in a conspicuous place on the affected property and the placing of the placard shall be deemed to be sufficient service of the Order on the person or persons to whom the Order is directed. ~~it is deemed sufficient if the Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands and the placing of the placard shall be deemed to be sufficient service of the Order on the person to whom the Order is directed.~~
- ~~(e) If the person to whom the Order is directed is not satisfied with the terms of the Order, the person may appeal to the Committee by filing Notice of Appeal by personal service or certified mail to the County Clerk within thirty (30) days after the date of the Order.~~
- ~~(f) Where an appeal has been filed, Committee shall hear the appeal and have all the powers and the functions of the Officer.~~
- ~~(g) Before conducting a hearing under this Section, the County Clerk shall give notice to such persons or direct that notice be given to such persons as the County Clerk considers should receive notice and in the manner directed by the County Clerk.~~
- ~~(h) After hearing an appeal, Council may confirm or revoke any Order issued under this By-Law or may issue a Permit with conditions, provided that in the opinion of the Council, the general intent and purpose of this By-Law has been maintained.~~
- ~~(i) The proceedings at the Hearing held by the Council shall be in accordance with the provisions of the Statutory Powers Procedures Act, R.S.O. 1990 c.22. The decision of the Council under this Section is final.~~

9. ENFORCEMENT

- (i) This By-Law shall be enforced by a By-law Officer appointed by Council.
- (ii) A By-Law Officer may, at any reasonable time, enter and inspect any land to determine whether this By-Law, an Order or a condition of a permit is being complied with.
- (iii) A By-law Officer exercising a power may be accompanied by a person or persons under the By-law Officer's direction.
- (iv) No person shall hinder or obstruct a By-law Officer or attempt to hinder or obstruct a By-law Officer who is performing a duty in accordance with this By-law.
- (v) Any person who provides false information to a By-law Officer shall be deemed to have hindered or obstructed the By-law Officer in the discharge of their duties.

10. PENALTY

- (i) Any person who contravenes any provision of this By-Law, or an Order issued under this By-law, ~~Section 8~~ is guilty of an offence and is liable:
- a) on first conviction, to a fine of not more than \$10,000.00 or \$1,000 per *tree injured or destroyed*, whichever is the greater; and
 - b) on any subsequent conviction, to a fine of not more than \$25,000.00 or \$2,500 per

tree injured or destroyed, whichever is greater.

- (ii) Notwithstanding subsection 10(i)a) and (i)b) above, where a person convicted is a corporation, partnership, association, firm, trust or other entity or anyone acting on behalf of, or under the authority of such entity:
 - a) the maximum fine in subsection 10(i)a) is \$50,000 or \$5,000 per *tree injured or destroyed*, whichever is greater; and
 - b) the maximum fine in subsection 10(i)b) is \$100,000 or \$10,000 per *tree injured or destroyed*, whichever is greater.
- (iii) If a *person* is convicted of an offence for contravening this By-Law or an Order issued under this By-law~~Section 8~~, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the *person* to rehabilitate the land or to plant or replant *trees* in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the *trees*.

~~10. ENFORCEMENT~~

- ~~(a) This By-Law shall be enforced by an Officer appointed by the municipality.~~
- ~~(b) A By-Law Officer may at any reasonable time enter and inspect any land to determine whether this By-Law, an Order or a condition of a Permit is being complied with.~~
- ~~(c) Any person who obstructs or interferes with an Officer in the discharge of his or her duties under this By-Law, shall be considered in violation of this By-Law.~~

11. ADMINISTRATION

- ~~(i) Sections 1 to 11 shall form part of this By-Law. Schedules "A" to "I", inclusive, "A" to "J" are appendices to this By-Law and form part of this By-Law.~~
- (ii) If any Section or Sections of this By-law or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of the *Council* to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-Law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found illegal.
- ~~(iii)(iii) For the purposes of this By-law, words used in the singular number include the plural and words used in the plural include the singular and words which refer to the masculine shall include the feminine, and visa versa, where applicable.~~
- ~~(iii)(iv) For the purposes of this By-law, words in italicized text are defined in Section 1. Such defined words will not be italicized where the context in which the word is used does not correspond to the definition contained herein.~~
- (ve) The short title of this By-Law is the "Woodlands Conservation By-law".
- ~~(iii)(vi) Woodlands Conservation By-Law No. 4489-2004, as amended, 2806-88 of the County of Oxford shall be repealed effective on the coming into force and effect of this By-law as of midnight December 31, 2004. This by-law comes into force and effect on January 1, 2005.~~
- ~~(iii)(vii) Notwithstanding subsection (dvi) of this sSection, By-Law No. 4489-2004, as amended,~~

~~2806-88~~ of the County of Oxford shall continue to apply to applications filed, permits issued and/or proceedings in respect of offences that occurred before its repeal, ~~of any legally binding contracts,~~ proof of which has been provided satisfactory to ~~received by an~~ By-law Officer.

(iv) (viii) Measurements are given in both metric and imperial units in this By-law. For the purposes of this By-Law, the metric unit shall govern.

READ a first and second time this... ~~this 8th day of December, 2004.~~

READ a third time and finally passed this..... ~~8th day of December, 2004.~~

DONALD S. WOOLCOTT WARDEN

KENNETH J. WHITEFORD, CLERK

DRAFT FOR DISCUSSION PURPOSES

APPENDIX A

MANDATORY EXEMPTIONS AS CONTAINED IN THE MUNICIPAL ACT

In accordance with Section 135(12) of the *Municipal Act, 2001, S.O. 2001, c.25*, Woodlands Conservation By-law No. 2015 shall not apply to:

- (a) activities or matters undertaken by a municipality or a local board of a municipality;
- (b) activities or matters undertaken under a licence issued under the *Crown Forestry Sustainability Act, 1994*;
- (c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision, or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (f) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, or
- (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.

APPENDIX B

TREE COMPENSATION POLICY

Where the removal or clearing of trees has been approved by the Woodlands Conservation By-law Committee (“the Committee”) via a Committee Exemption, the applicant/landowner will typically compensate for the removal or clearing of trees at a minimum ratio of 1:1, based on the area of the trees that have been approved for removal or clearing. Committee may impose a higher ratio where it is deemed to be appropriate.

Planting replacement trees will generally occur on the same property for which the Committee Exemption has been approved. However, planting replacement trees on another property within the County that is owned by the applicant/landowner may also be considered by the Committee.

Replanting Protocol

The County, in consultation with the Conservation Authority having jurisdiction, will generally encourage the location of compensatory replanting where opportunities exist to:

- establish connections and/or ‘fill in’ areas in identified natural heritage corridors;
- enhance or expand existing natural heritage features such as, but not limited to, designated wetlands, significant habitat or areas of natural and scientific interest;
- retire marginal land; or
- create or enhance riparian buffers, windbreaks and/or shelterbelts.

Replanting Plan

Where compensatory replanting is required as a condition of Committee Exemption, said replanting will be undertaken in accordance with a Replanting Plan prepared to the satisfaction of the Woodlands Conservation By-law Officer or designate. A Replanting Plan shall generally include the following components:

- a map of the site showing existing vegetation and the area(s) proposed to be planted;
- a description of the site preparation required prior to planting;
- a list of tree species to be planted on the site and the source of trees to be used;
-

The owner/applicant shall be required to enter into an agreement with the County which sets out all planting requirements together with securities sufficient to ensure the implementation of the Replanting Plan. The said securities will be in a form satisfactory to the County and the release of the securities will generally be in accordance with the following:

- the site will be inspected by the Woodlands Conservation By-law Officer or designate upon completion of the planting as set out in the Replanting Plan;
- a follow-up inspection will be completed by the Woodlands Conservation By-law Officer or designate within two (2) years (but not prior to one (1) year) of the initial inspection;
 - where the replanting as stipulated in the Replanting Plan has maintained a survival rate of not less than 95%, securities will be returned in full;
 - where the survival rate of the said replanting has fallen below 95%, the owner/applicant shall provide additional planting accordingly or alternatively, the County may use all or part of the securities to implement the Replanting Plan.

DRAFT

SCHEDULE "A"

FEE SCHEDULE FOR APPLICATIONS

The following fees will apply for the purpose of this By-law:

Application for Good Forestry Practices Permit	\$25.00
Application for Minor Exemption	\$200.00
Application for Committee Exemption	\$500.00
Notice to Harvest Sign (Cost of the sign)	\$5.00
Public Notice Sign (Cost of the sign)	\$5.00

Please make all cheques payable to **'Treasurer - County of Oxford'**

DRAFT

SCHEDULE "B"

COUNTY OF OXFORD

APPLICATION FOR GOOD FORESTRY PRACTICES PERMIT

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. _____-2015

Completed Application must be received by the By-law Officer at least 20 business days prior to the commencement of the harvest, destruction or injury of trees, together with a cheque made payable to the Corporation of the County of Oxford in the amount as indicated in Schedule "A", as amended from time to time. All sections must be filled out completely, to the satisfaction of the Woodlands By-law Officer.

Please submit the completed application to the Woodlands By-law Officer, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3. The By-law Officer can also be contacted at 519 539 9800, ext 3132 or by e-mail at woodlandsd@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Silvicultural Prescription Information

All applications for Good Forestry Practices Permits must be accompanied by a forest operations *silvicultural prescription* prepared and/or approved by a Qualified OPFA Member which includes the following information, in accordance with approved practices of the Ontario Professional Foresters Association, as amended from time to time. A *silvicultural prescription* will generally include the following information:

Site and Stand Conditions:

- tree species composition by percentage
- regeneration status
- quality of stand, including health (disease/insects)
- limitations
- stand history, including any previous silviculture operations
- sensitive or special features
- date of inventory
- acreage of the woodland
- current stocking, stand structure or basal area distribution

Habitat, Biodiversity and Recreation Consideration

Short and Long Term Objectives

A record of Discussions with the Landowner and Signature of the Landowner

Tree Marking Direction

- residual basal area or stocking
- directions for improvement of health, quality, species diversity, stand structure and/or size class distribution
- silviculture system to use for marking

Estimated Time of Next Silviculture Intervention

Map of Site and Stands to Harvest

The map must be legible and include property boundaries, abutting roads, preferred entry points for inspection, location of buildings and structures on the property, forested areas and proposed harvest areas, logging access, drains, watercourses, power lines and other features and a north indicator.

Property Owner: _____

Address: _____ Postal Code: _____

Phone: Residence _____ Business _____ Fax _____

E-mail: _____

Woodland location: Lot _____ Con. _____ Former Township: _____

TREE HARVEST SUMMARY

(A legible tally sheet can be substituted and attached)

Tree Species	No.
Total Trees	

VOLUME ESTIMATE: _____
Indicate F.B.M. or M3

Harvest Area: _____
Indicate Acres or Hectares

PRESCRIPTION INFORMATION

Prescription prepared by:

Name: _____

Mailing Address: _____

Telephone #: _____

Qualifications: _____

Date Prescription Prepared: _____

Check if area has been inspected since tree marking

TREE MARKER INFORMATION:

Trees Marked By: _____

Mailing Address: _____

Telephone #: _____

Qualifications: _____

Paint Colour: _____ Date Marked: _____

All trees to be harvested shall be marked with paint above DBH on opposite sides of the tree. The mark shall be at least 8 centimeters (4 in.) in diameter for hardwood sawlogs/conifer poles or sawlogs and a slash 20 centimeters (8 in.) long for fuelwood/conifer logs/pulp. A similar mark shall be placed at the base of the tree below the saw line and extending to the ground. All trees shall be marked facing the same direction, unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain.

CONTRACTOR INFORMATION: (if different from above)

Surname: _____

Given Name: _____

Mailing Address: _____

Postal: _____ Telephone #: _____

Person in charge of Harvesting of Trees:

Estimated Starting Date: _____

The Person in Charge of the Harvesting of Trees is required to provide 24 hours notice (prior to the start of the harvest date) to the By-law Officer by e-mail (woodlands@oxfordcounty.ca) or fax (519 421 4711)

DESCRIPTION OF AREA

Indicate NORTH

Map must be legible and include:

- Preferred entry points for inspection
- Location/name of surrounding roads
- Location of buildings on property
- Forested areas and harvest areas
- Log landing(s)
- Power lines and Municipal ditches

It is requested that if loggers are working near or adjacent to power lines that they contact the local Hydro Utility Company for assistance to prevent an accident and any damage that may occur to hydro lines and equipment due to a logging accident

Please indicate if the property is enrolled in:

Conservation Land Tax Incentive Program

Managed Forest Tax Incentive Program

SCHEDULE "C"

APPLICATION FOR MINOR EXEMPTION

Completed Application, including the application fee, must be received by the By-law Officer at least 30 business days prior to the commencement of the harvest, destruction or injury of trees. All sections must be filled out completely, to the satisfaction of the Woodlands By-law Officer.

Payment may be made by cash, cheque or credit card. Cheques should be made payable to the Corporation of the County of Oxford in the amount as indicated in Schedule "A", as amended from time to time. All sections must be filled out completely, to the satisfaction of the Woodlands By-law Officer.

Please submit the completed application to the Woodlands By-law Officer, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3. The By-law Officer can also be contacted at 519 539 9800, ext 3132 or by e-mail at woodlands@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Name(s) of Registered Owner: _____

Address: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Fax: _____

E-Mail: _____

Applicant (if other than the registered owner):

Address: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Fax: _____

E-Mail: _____

If purchased within the last three years, please provide name and address of former owner and the date property was purchased.

Reason for Removal of Trees

This application for Minor Exemption Permit is requested for the following reason (please circle the appropriate reason):

- i) The harvest or destruction of trees along the immediate perimeter of a productive agricultural field
- ii) The harvest or destruction of trees necessary to facilitate the installation, maintenance or repair of open or closed private drainage works
- iii) The pruning or trimming of trees required to facilitate the efficient passage of agricultural equipment

Please provide a description of the proposed works in the space provided or attach a separate sheet.

Please provide a sketch or drawing of the subject lands, illustrating the subject property, the extent of the woodlands and the area from which trees will be removed.

Upon approval of this application, an onsite inspection will be made and the perimeter of the forest cover which will remain will be marked by paint or other means that clearly indicates the extent of the approved Minor Exemption Permit area.

I agree that operations will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law _____ and that I am familiar with the contents and requirements of this By-Law and acknowledge having received a copy thereof. I further agree that any tree harvested will be in accordance with Good Forestry Practice.

Further, I agree to contact the By-Law Officer (fax: 519 421 4711 or e-mail woodlands@oxfordcounty.ca) 24 hours prior to commencing the harvesting of trees. In the event of a mail disruption this form may be delivered to any area municipality office.

Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the County Clerk.

Owner

Date

DRAFT

SCHEDULE "D"

APPLICATION FOR COMMITTEE EXEMPTION

Completed Application, including the application fee, must be received by the By-law Officer at least 90 business days prior to the commencement of the harvest, destruction or injury of trees. All sections must be filled out completely, to the satisfaction of the Woodlands By-law Officer.

Payment may be made by cash, cheque or credit card. Cheques should be made payable to the Corporation of the County of Oxford in the amount as indicated in Schedule "A", as amended from time to time. All sections must be filled out completely, to the satisfaction of the Woodlands By-law Officer.

Please submit the completed application to the Woodlands By-law Officer, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3. The By-law Officer can also be contacted at 519 539 9800, ext 3132 or by e-mail at woodlands@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Name(s) of Registered Owner _____

Address: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Fax: _____

E-Mail: _____

Applicant (if other than the registered owner) **NEED TO INCLUDE SIMILAR TO SCHED "C"**

Location of Trees Affected/Ownership

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Is the property owned by the applicant? _____ YES _____ NO (if NO, authorizing letter must be attached)

If purchased within the last three years, state name and address of former owner and the date property was purchased.

Property/Forest Description

This application is requesting a Permit to remove the following: (please indicate)

Total area: _____ Hectares: _____ Acres: _____

Total Woodland size on property: Hectares: _____ Acres: _____

Tree species to be destroyed on the described land:

This Exemption is requested for the following reasons, including description of end use after trees have been destroyed:

Is the applicant willing to offset the destruction of trees on the subject property through replanting trees on the said property? _____ YES _____ NO

If the applicant cannot replant in lieu of destruction is the applicant willing to make payment in lieu of destruction? _____ YES _____ NO

Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the County Clerk.

Owner

Date

Applicant

Date

DRAFT

PUBLIC NOTICE

WOODLANDS CONSERVATION BY-LAW _____

This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these forested lands from the landowner.

An APPLICATION FOR AN EXEMPTION TO WOODLANDS CONSERVATION BY-LAW NO. _____ HAS BEEN RECEIVED BY COUNCIL AFFECTING THESE FORESTED LANDS.

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Landowner: _____

THE APPLICATION
SUBMITTED REQUESTS THE CLEARING OF _____
HECTARES OF FORESTED LAND.

Deadline for Written Comments:

COMMENTS CAN BE SUBMITTED TO THE ADDRESS LISTED BELOW:

Community and Strategic Planning Office
County of Oxford,
P. O. Box 1614, 21 Reeve Street
Woodstock, ON N4S 7Y3

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. _____

This Notice is to remain posted no less than ten (10) business days prior to the consideration of this application.

FURTHER INFORMATION OR WRITTEN NOTICE IS AVAILABLE FROM

County of Oxford By-law Officer
539-9800 Ext. 3132 or e-mail woodlands@oxfordcounty.ca

SCHEDULE "F"

ORDER TO DISCONTINUE ACTIVITY

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

MUNICIPAL ADDRESS/LEGAL DESCRIPTION OF THE PROPERTY:

LOT: _____ CONCESSION: _____ MUNICIPALITY: _____

OWNER/INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ To: _____

Signature of Officer: _____ Date: _____

Pursuant to Woodlands Conservation By-Law _____, Section ?8, subsection (?e), Where the person to whom the Order is directed has been served in accordance with this By-Law is not satisfied with the terms of the Order, the person may appeal to the Council by filing Notice of Appeal by personal service or certified mail to the County Clerk within 30 days after the date of Order.

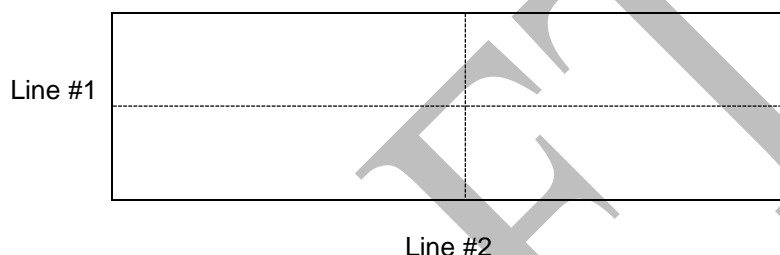
SCHEDULE "G"

BASAL AREA CALCULATION AND ASSESSMENT

1. Point Sampling is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter. Trees are tallied at a sample location or point sample, with the selection probability being proportional to the basal area of the trees. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whose breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.

2. Basal Area will be assessed every 30 metres along a fixed compass bearing through a forest stand in which harvesting has occurred. The first point sample will be placed 60 metres from the dripline of the woodland. No less than 3 point samples will be taken along a compass bearing through a forest stand. If the average basal area/hectare is found to be below the requirements of the by-law, then a second compass line will be established from the mid-point of the 1st compass line and will run in a direction 90° from the compass bearing from the 1st line.

See sample illustration below:



3. Where the width of the woodland does not allow the 30 metre fixed compass bearing, one line will be established along a fixed compass bearing down the centre of the woodland.

The following format will be used in calculating average basal area per hectare:

Stations Tallied

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40

Plot #	Small 26-40 cm		Medium 42-48 cm		Large 50-60 cm		X-Large 62+ cm		Total All Sizes		Total **
	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	
# of trees											

** Total Trees (____) x Basal Area Factor (____) = (____) Actual BA/Ha
of Stations (____)

Basal Area Calculation and Assessment

To assess tree infractions, a minimum of 1 plot per hectare will be established for areas up to 10 hectares (25 acres), and 1 plot for every additional 5 hectares (12 acres). Plots will be placed 80 meters (262 ft.) apart and 40 meters (131 ft.) from stand edges.

In cases where the maximum DBH encountered is less than 60cm. The plot distance may be 60 meters (197ft.) and 30 meters (98ft.) from the stand edges. In any case sampling is to be done by a method customarily used in forestry practice.

SCHEDULE "H"

PERMIT

Permission is hereby granted by the Council of the County of Oxford to harvest, destroy or injure trees under the supervision of the By-law Officer as outlined below:

REFERENCE APPLICATION # _____

ISSUED TO: _____

LOT: _____ CONCESSION: _____

MUNICIPALITY: _____

DATE OF ISSUE: _____

DATE OF EXPIRY: _____

BY: OXFORD WOODLANDS BY-LAW COMMITTEE

PER: _____

SCHEDULE "I"

NOTICE of TREE HARVEST

DO NOT ENTER during harvesting for your own safety.

This notice does not imply unrestricted access.

Permission to enter these lands must be granted by the landowner.

Contractor: _____

Phone: _____

Owner: _____

Timber Harvest Date: _____

Timber Marked By: _____

Phone Number of Marker: _____

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. _____.

This Notice is to be posted prior to the commencement of harvest and remain posted no less than 10 days after completion of harvest. Failure to post and removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber harvest, please contact:

County of Oxford By-law Officer at 519-539-9800 Ext. 3132 or via e-mail at woodlands@oxfordcounty.ca

TICKETABLE OFFENCES

SHORT FORM WORDING	Offences Creating Provision	Set Fine, includes Court Costs
Failing to notify the County of Oxford prior to the injuring or destruction of trees by the landowner or person acting on behalf of the landowner.	Section	\$400.00 plus court costs
Failure to erect a sign.	Section	\$400.00 plus court costs
Failure to give 24 hours notice.	Section	\$400.00 plus court costs
No person shall contravene the conditions of a Permit.	Section 2 (d)ii	\$400.00 plus court costs
Leave a top higher than 3.5 m (11.5 ft) from the ground that is not scheduled for removal for use of firewood.	Section	\$400.00 plus court costs
Attempt to obstruct an Officer.	Section	\$400.00 plus court costs
Harvest, destroy or injure a tree which results in any part thereof crossing a property boundary without the written permission of the adjoining landowner.	Section	\$400.00 plus court costs
Harvest, destroy or injure a tree which is on the property boundary without the written permission of the adjoining landowner.	Section	\$400.00 plus court costs
Operate a vehicle, equipment or machinery, or conduct their operations in a manner or at such time that results in the leaving of any part of a tree in a watercourse, including any trees that have not been cut, but have been pushed, knocked over or otherwise ended up in a watercourse.	Section	\$400.00 plus court costs

To: Warden and Members of County Council

From: Director of Corporate Services

Reserves Policy Review

RECOMMENDATIONS

1. That County Council hereby approves amendments to Reserves Policy No. 6.20 as set out on Attachment No. 1, forming part of Report No. CS 2016-24;
2. And further, that Council authorizes the Chief Administrative Officer to implement the amendments to Reserves Policy No. 6.20 as outlined in Report No. CS 2016-24.

REPORT HIGHLIGHTS

- Reserves Policy 6.20 is subject to an annual review to ensure appropriate reserve balances are maintained to fund specified operations and capital projects in accordance with the County's Long Term Financial Sustainability Plan
- Realignment of certain reserve balances are proposed to narrow the annual funding requirement gaps identified in the Asset Management Plan

Implementation Points

Upon Council approval, amendments to Reserve Policy 6.20 will take effect immediately and be reflected in the proposed 2016 year-end reserve allocations report and draft 2017 budget documents.

Financial Impact

There are no immediate financial implications that will result with the adoption of the recommendations contained within this report. Future budgets, rates and fees will be modelled to conform to the methodology behind the respective target balances proposed in the Policy amendments.

The County Treasurer has reviewed this report and supports the financial impact statement.

Risks/Implications

The main objectives of a reserves policy are to establish an appropriate combination of revenue sources to fund ongoing and future projects that:

- ensures adequate working capital is available for cash flow and contingency purposes; and,
- avoids significant increases in tax rates, user fees and charges.

Strategic Plan (2015 – 2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

3. *iii. A County that Thinks Ahead and Wisely Shapes the Future* - Demonstrated commitment to sustainability by:
 - *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
 - o *Life cycle costs and benefit/costs, including debt, tax and reserve levels and implications*
5. *ii. A County that Performs and Delivers Results* - Deliver exceptional services by:
 - *Conducting regular service reviews to ensure delivery effectiveness and efficiency*

DISCUSSION

Background

In September 2011, Council adopted a Long Term Financial Sustainability Plan designed to ensure that sufficient funding and resources are provided to meet required service level and infrastructure needs over the long term.

In June 2015, Bill 6, *Infrastructure for Jobs and Prosperity Act, 2015*, was given Royal Assent that effectively requires every broader public sector entity to prepare an infrastructure asset management plan in accordance with regulations that sets out prescribed requirements. This legislation was introduced in response to many municipalities not having adequate reserve policies for water, wastewater, roads and major facilities. The intent was to assess a capital needs valuation and determine annual contribution requirements based on “lifecycle” costing. This concept is an integrated approach to optimizing the lifecycle of assets by managing operating and maintenance strategies to maximize their useful life. Long term asset planning forecasts determine when infrastructure investments should occur to maintain the desired service level of the asset. It requires an understanding of the cost and risk associated with implementing and deferring expansions and improvements. As a minimum, the planning process must:

- prioritize projects over a ten to twenty year horizon based on strategic objectives;
- forecast capital renewal, replacement and expansion costs; and,
- forecast infrastructure funding requirements based on long term revenue and cost.

As such, there is a need to establish and maintain reserves to build equity that cannot reasonably be generated at the time the lifecycle events are required for existing and expanded infrastructure.

In addition to the *Infrastructure for Jobs and Prosperity Act, 2015* requirement for municipalities to have an asset management plan, as of December 31, 2016, the Gas Tax Agreement requires municipalities to have an asset management plan that covers all asset categories. Similarly, the Development Charge Act was amended in 2016 that requires an asset management plan as part of the Background Study to demonstrate that the assets are “financially sustainable over

their full lifecycle”. And most recently, municipalities are required to submit, by December 16, 2016, as part of a funding agreement under the formula-based component of the Ontario Infrastructure Fund Agreement, an up-to-date asset management plan covering at least core infrastructure assets.

The County’s Asset Management Plan was completed and adopted by Council in August 2014, therefore the County is in compliance with each of the legislative requirements cited above. Considering an asset management plan is a “living document” - meaning it is an evolving process where actions are based on plans that are updated on a regular basis as new and improved information becomes available, the 2016 Business Plans indicated that, Finance and Public Works would “*review maintenance of the Asset Management Plan*” by the end of the year. In addition, they would identify a single source Service Owner responsible for Capital Planning and Asset Management in response to a service improvement opportunity identified in the Service Delivery Review. The rationale for identifying a service owner was to ensure accountability for employing a consistent process for updating financial and asset condition ratings for County assets. In response, an existing position description in Finance was revised to assume the responsibility of coordinating the maintenance of the Asset Management Plan among other financial responsibilities in collaboration with Public Works staff.

During 2016 budget deliberations, Council expressed the need to review the Reserve Policy to ensure it appropriately reflects the current Council’s philosophical funding model – the fundamental question of intergenerational equity and who pays for growth; maintaining and replacing existing infrastructure; maintaining or enhancing service levels; mitigating risk; and, hedging for recessions and significant unanticipated costs in order to maintain stable incremental levy growth. In response, staff suggested the Reserve Policy review take place concurrent with the Asset Management Plan review and maintenance, to ensure evidence-based decisions support a foundational framework for long term sustainability.

Comments

Section 4.0 of the County’s Reserve Policy contains an annual review provision of cash flow requirements and appropriate fund balances to determine whether modifications are necessary. The last revision of the Policy occurred December 9, 2015. The annual review is typically conducted prior to year end to ensure that unexpended capital and special project costs that were levied in the year are reserved for completing projects in subsequent budget year(s). This Report is intended to review all aspects of the Policy that relate to appropriate fund balances while the cash flow requirements will be reviewed once year end capital and special project status can be more accurately determined. Establishing the appropriate cash balances at this time will also assist to inform funding for capital; special projects; and maintenance of stabilization reserves for the 2017 draft budget.

In response to the discussion held during 2016 budget deliberations, a Council workshop was held on August 10, 2016 to review the County’s Asset Management Plan and the Reserve Policy, highlighting the intrinsic alignment between the two documents. The presentation informed Council that in order to complete the 2016 Business Plan objective to review and perform maintenance on Asset Management Plan, there are a series of studies currently underway that will enhance the condition assessment attributes for certain assets which are set out in Table 1.

Table 1 – Asset Related Studies – Condition Assessment Data

Asset Category	Study Description	Status
Facilities	Building condition assessment	Phase 1 - nearly complete Phase 2 – in progress
Bridges	Bridge Study – conditions and replacement requirements by component	Phase 1 – complete Phase 2 – tender in progress
Roads	Roads Needs Study – updated condition information for each road segment	Complete

The workshop was also an opportunity to review the 2014 Asset Management Plan which, based on asset condition information available at that time, estimated a cumulative funding gap for all asset categories to be \$8.4 million annually. It was further explained that strategically planned lifecycle events will typically extend the useful life of an asset, reducing the frequency for major betterments and/or replacements, and the required financial outlay over time. This concept was demonstrated through an illustration using three road segments which represents eight kilometres – in the absence of any lifecycle events, these three road segments would require \$25,000 more funding annually. This illustration underscores the importance of the conditions studies and how they will be employed to minimize the annual funding requirements over the lifecycle of all assets.

It is anticipated that, by this time next year, the new conditions data will be recorded in our asset management software to allow more current and accurate financial planning results. This will be a reiterative process over time as the Asset Management Plan is intended to be a living document, based on continuous improvement methodologies, optimizing lifecycle and financial planning.

Financial planning is a balancing act between capital investment needs determined by conditions and service levels against who pays. As the asset management plan is designed to equate the funding requirement, it is more of a philosophical decision of Council in terms of how to fund the gap – who pays the financial obligation, current or future taxpayers. That philosophical decision then determines the mix of reserves and debt that will be required to meet future funding requirements. Over the past decade, the County has established a strong foundation of reserves in anticipation of significant improvements and replacements of capital assets and to ensure stable tax increases over time that minimize the year over year financial impact on taxpayers. In many cases, particularly for water and wastewater services, that have longer useful lives and higher costs, these projects have been funded by a combination of reserves (previously levied funds) and debt, with future debt obligations – designed to smooth the annual tax burden in the form of water and wastewater rates. This methodology distributes the financial burden among current and future taxpayers, more equitably sharing the financial burden which is considered a best practice for municipalities experiencing moderate growth. This method works well if there is not a significant increase in demand on existing and new infrastructure. Municipalities that are experiencing significant growth are finding that the immediate demands on their infrastructure do not allow for equitable distribution of costs between current and future taxpayers, so the financial burden largely falls upon the future benefactors, through debt obligations.

In accordance with the previously cited: Long Term Financial Sustainability Plan designed to ensure that sufficient funding and resources are provided to meet required service level and infrastructure needs over the long term; and, the County's Strategic Plan - [Demonstrated commitment to sustainability by: Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including: Life cycle costs and benefit/costs, including debt, tax and reserve levels and implications](#); the following Reserve Policy amendments described below for consideration are clearly marked by tracked changes in the Reserve Policy attached as [Attachment No. 1](#).

Section 2.2

Amendment to the Principles and Objectives:

1. Recognizes that use of reserves in combination with debt to finance more significant capital projects in order to mitigate significant increases in taxation/user fees.

Section 3.1 – Stabilization Reserves

Amendment to stabilization reserves consolidates Section 3.3 “Corporate Reserves” originally established to provide for various contingent and potential future liabilities:

1. Reclassify what were previously categorized as “Corporate Reserves” as they are effectively stabilization resources.
2. Re-naming of Waste Management to Waste Collection to align reserve name with its intended use.

Section 3.3 – Program Specific Reserves

Amendments within program specific reserves include the following:

1. Re-naming of Landfill (fund) to Landfill and Waste Diversion (fund) to allow use for funding programs that would extend beyond the life of the landfill resulting from waste diversion and sustainability efforts.
2. Introduce a Source Water Protection reserve to provide a stable funding source for the program, as fees collected may vary in timing of the planned expenditures. Further details on the Source Water Protection plan and proposed fees can be found through PW 2016-05 and PW 2015-51.

Section 3.4 – Capital Reserves

Amendments within capital reserves include the following:

1. Separate roads and bridges to ensure the increasing funding gap for capital bridge investment is recognized and addressed.

Section 3.5 – Interest Allocations

Amendments within interest allocations include the following:

1. Add remaining asset categories that are represented in the Asset Management Plan to accelerate progression to closing their respective funding gaps identified in the Plan and mitigate inflationary increases that accrue over time.

Section 4.0 – Annual Review

Amendments within annual review include the following:

1. Change heading to “Annual Reporting and Monitoring” and adds a statement that more clearly describes current practice that ensures reporting consistency of detailed information for transparency and sound decision making.

Appendix “A” – Reserve and Reserve Funds

Amendments within Schedule “A” to the Reserve Policy include the following:

1. Planning – target balance determined by cost of Official Plan review divided equally over the five year review period.
2. Landfill and Waste Diversion – target balance based on future landfill expansion and capital costs – sources of funding include surplus of landfill generated by user fees and interest income – funding uses expanded to programs that would extend the life of the landfill resulting from waste diversion and sustainability efforts.
3. Facilities – target balance to meet lifecycle financing requirements based on the Asset Management Plan, sources of funding to include rental income and interest income, uses of funding expanded to include communications towers, energy savings programs, and, emergency and planned repairs.
4. Roads - target balance updated to meet lifecycle financing requirements based on the Asset Management Plan.
5. Bridges - target balance updated to meet lifecycle financing requirements based on the Asset Management Plan.
6. Fleet - target balance updated to meet lifecycle financing requirements based on the Asset Management Plan.
7. Water and Wastewater - target balance updated to meet lifecycle financing requirements based on the Asset Management Plan, uses of funding to include unplanned deficits and expenditures in operating systems.
8. Housing - target balance updated to meet lifecycle financing requirements based on the Asset Management Plan.
9. Land Ambulance Stations and Vehicles and Equipment - target balance updated to meet lifecycle financing requirements based on the Asset Management Plan.

Attachment No. 2 illustrates the 2016 continuity of each reserve and reserve fund; their respective revised target balances based on the recommended amendments to Schedule “A” of the Policy; proposed realignment of projected ending balances to more closely reflect revised target balances; and explanatory comments. Most importantly, the proposed reserve balance realignments are set out in Table 2.

Table 2 – Proposed Reserve Balance Realignments

Reserve Name	Amount of Realignment To(From)	Target Balance Surplus(Deficit)	Comments
Corporate General	(\$3,673,200)	(\$19)	Generated from prior year-end surpluses
Facilities	2,833,000	(5,945,213)	
Housing	2,833,000	3,342,104	
Bridges	2,920,200	628,825	
Fleet	(4,913,000)	10	Conservative lifecycle costs incurred in prior years vs interdepartmental charges
	\$0		

The proposed realignments do not include any rate based/user fee funded programs such as water, wastewater, waste management and landfill as rate based/user fee funded programs are typically aimed to be self-sustaining or at least partially self-sustaining.

As indicated in Table 2, in spite of the proposed realignment, the facilities reserve continues to be underfunded by \$6 million. Further details provided in Attachment No. 2 indicate that the roads reserve is underfunded by close to \$8 million. Overall the reserves and reserve fund are underfunded by \$5.6 million which means we have surplus balances in other asset and stabilization reserves largely in waste management and landfill/waste diversion at \$1.2 million and \$6.0 million respectively that offset a portion of the deficit. Considering the intent is for waste management and landfill to be partially funded by user fees, realignments among these reserves are not recommended. As is the case with user fee based services, reserve balances and the Asset Management Plan are considered when setting the fee structure.

The next steps in refining the County’s Asset Management Plan, and determining the ultimate reserve balances and funding model is dependent upon the achievements and timelines as set out in Table 3.

Table 3 – Goals and Objectives for Refinements

Goal/Objective	Timing
Water/wastewater rates review	Q4 2016 – Q1 2017
Bag tag stabilization review	Q4 2016
Budget capital by asset – link Asset Management Plan and capital budget	2018 Budget Year
Refresh Asset Management Plan ¹	Q3 2017
Update capital reserve targets at lifecycle level	2 – 3 years
Note 1 – subject to Building Condition Assessment, Road Needs Study, Bridge Study	

Conclusions

It is important that reserves are established to provide resources for an intended future use, with a clear intent or plan for their purpose, use and, when appropriate replenishment of funds. Reserve funds should not be merely a “parking lot” for excess cash or fund balance. The reserves and their respective target balances as set out in the proposed amendments contained in this report, are intended to assist in achieving tax, user fee and charges stability, and contribute to the orderly provision of County services.

SIGNATURE

Report Co-authors:

Original signed by

Carolyn King, CPA, CA
Manager of Finance

Original signed by

Jennifer Lavalley, CPA, CGA
Coordinator of Asset Management

Departmental Approval:

Original signed by

Lynn S. Buchner, CPA, CGA
Director of Corporate Services

Approved for submission:

Original signed by

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENTS

Attachment No. 1 – Reserve Policy No. 6.20
Attachment No. 2 – 2016 Year End Reserve Continuity Report



GENERAL POLICY MANUAL

SECTION:	Finance	APPROVED BY:	County Council
NUMBER:	6.20	SIGNATURE:	Original signed by: Peter M. Crockett, CAO
PAGE:	1 of 5	DATE:	August 10, 2011
REFERENCE POLICY:	6.16, 6.19, Asset Management Plan	REVISED:	December 9, 2015

Reserves

POLICY

A financially sustainable County government provides an optimal mix and level of services to citizens within available means while proactively taking measures to preserve the ability to continue providing value in the long term. Reserves are established to accomplish this goal.

The objective of the reserves policy is to ensure adequate working capital is available for cash flow and contingency purposes, and as a source of funding the County's long-term capital plan, while maintaining reasonable tax rates and user fees.

DEFINITIONS

- Reserves* A reserve is an allocation of accumulated net revenue. It has no reference to any specific assets and does not require the physical segregation of money or assets. Reserves are part of the revenue fund and, therefore, do not earn interest on their own, as is the case of reserve funds. Any earnings derived from investment of reserves' money are reported as revenue fund earnings.
- Reserve Funds* A reserve fund differs from a reserve in that the reserve fund assets are segregated and restricted to meet the purpose of the reserve fund. All earnings derived from such investments must form part of the reserve fund. There are two types of reserve funds: obligatory reserve funds and discretionary reserve funds.
- Obligatory Reserve Funds* An obligatory reserve fund, as per statute or legislation requirements, is comprised of funds received for special purposes and are segregated from the general revenues of the County. Obligatory reserve funds are created solely for the purpose prescribed for them.
- Discretionary Reserve Funds* A discretionary reserve fund is not segregated from the general revenues of the County, based on Council direction, to finance a future expenditure or to provide for a specific contingent liability so that the funds are available as required.

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PROCEDURES

1.0 Authority

1.1 Municipal Act, 2001

- 1.1.1 Subsection 289(3) – in preparing the budget, an upper tier municipality may provide for such reserves as the upper tier municipality deems necessary.
- 1.1.2 Section 293 – specifies that the Minister may make regulations requiring a municipality to establish a reserve fund designated for prescribed liabilities, defining “liabilities”, requiring a municipality to make payments into the reserve fund, prohibiting the municipality from changing the purpose for which the reserve fund is designated; and prescribing the conditions under which the municipality may change the designation of all or any part of the reserve fund, and borrow from the reserve fund.
- 1.1.3 Section 417 – allows a municipality to provide in its budget for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend money and that a municipality may by by-law provide that the money raised for a reserve fund may be spent or applied to a purpose other than that for which the fund was established.

2.0 Principles and Objectives

2.1 The County recognizes that the strategic use of reserves and reserve funds is an essential part of long term corporate financial planning ([Policy 6.16 Long Term Financial Sustainability Plan](#)). In addition, reserves and reserve funds shall receive priority consideration for the distribution of surplus funds and non-recurring revenues.

2.12.2 [Reserves represent an important tool in debt management as it is a source of financing for larger projects. Capital budgets can vary from year-to-year, which can create a funding need that may be best financed over time \(Policy 6.19 Debt Management Policy\).](#)

2.2 Reserves and reserve funds may be established for any purpose deemed necessary by resolution of County Council, or if required in accordance with provincial statute. Typical uses of reserves are for contingencies, stabilization

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purposes and capital financing.

- 2.3 Reserves and reserve funds may be closed only by resolution of Council.
- 2.4 The County Treasurer is authorized to process transfers to and from reserves and reserve funds in compliance with the sources and uses listed in Appendix “A”, which forms an integral part of this policy, and in accordance with annual operating and capital budgets.
- 2.5 Reserve transfers not part of the annual operating or capital budget or set out specifically in this policy must be approved by County Council.
- 2.6 Target balances, funding sources and uses of reserves and reserve funds are set out in Appendix “A”.

3.0 Reserves and Reserve Fund Categories

Appropriate balances shall be maintained reflecting the nature of the accounts, such as:

- 3.1 **Stabilization Reserves** – used to offset extraordinary and unforeseen expense requirements, one-time expenses, revenue shortfalls, to avoid significant fluctuations on the general tax levy and to manage cash flows.

- 3.1.1 Corporate General
- 3.1.2 Water/Wastewater Community Servicing Assistance Program
- 3.1.3 Waste [ManagementCollection](#)
- [3.1.4 Legal](#)
- [3.1.5 Insurance](#)
- [3.1.6 WSIB](#)
- [3.1.7 Pay Equity](#)
- [3.1.8 Training](#)
- [3.1.9 Working Funds](#)

- 3.2 **Government Funded Reserves** – established to track the revenues received from the Provincial and Federal Governments for specific services. Funding received from other levels of government will be used in future budgets as per the guidelines or requirements of each program.

- 3.2.1 Federal Gas Tax

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~~3.3 Corporate Reserves – established to provide for various contingent and potential future liabilities.~~

- ~~3.3.1 Legal~~
- ~~3.3.2 Insurance~~
- ~~3.3.3 WSIB~~
- ~~3.3.4 Pay Equity~~
- ~~3.3.5 Training~~
- ~~3.3.6 Working Funds~~

3.34 Program Specific Reserves – established in response to specific programs or special funding that has been received.

- 3.34.1 Land Ambulance
- 3.34.2 Planning – Official Plan review
- 3.34.3 Libraries
- ~~3.34.4 Child Care Mitigation Funding~~
- 3.34.5 Rural Trees
- 3.34.6 Landfill and Waste Diversion (fund)
- 3.3.7 Source Water Protection

3.45 Capital Reserves – used to fund specific replacement or renewal of capital assets. As the assets of the County increase, so should the contribution from the Operating Budget to these reserves for the replacement and refurbishment needs of the underlying capital assets, based on lifecycle costing.

- 3.45.1 Facilities
- 3.45.2 Roads
- ~~3.4.3 and~~ Bridges
- ~~3.45.43~~ Fleet
- ~~3.45.54~~ Water – Townships
- ~~3.45.65~~ Water – Ingersoll
- ~~3.45.76~~ Water – Tillsonburg
- ~~3.45.87~~ Water – Woodstock

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- ~~3.45.98~~ Wastewater - Embro
- ~~3.45.109~~ Wastewater – Drumbo
- ~~3.45.110~~ Wastewater – Ingersoll
- ~~3.45.124~~ Wastewater - Innerkip
- ~~3.45.132~~ Wastewater – Mt. Elgin
- ~~3.45.143~~ Wastewater – Norwich
- ~~3.45.154~~ Wastewater – Plattsville
- ~~3.45.165~~ Wastewater – Tavistock
- ~~3.45.176~~ Wastewater – Thamesford
- ~~3.45.187~~ Wastewater – Tillsonburg
- ~~3.45.198~~ Wastewater – Woodstock
- ~~3.45.2019~~ Information Systems
- ~~3.45.210~~ Social Housing
- ~~3.45.224~~ Land Ambulance - Stations
- ~~3.45.232~~ Land Ambulance - Vehicles and Equipment
- ~~3.45.243~~ Facilities – Libraries

3.56 Interest Allocations – the following reserves, not represented by a reserve fund with segregated assets, shall receive, or be charged, an allocation of interest in the year, based on the County’s average monthly interest rate earned on its current bank deposit balances, to each of the reserves calculated on their average opening and ending balances for the year.

3.56.1 Insurance

3.5.2 Facilities

3.5.3 Roads

3.5.4 Bridges

3.5.5 Fleet

- ~~3.56.62~~ Water – Townships
- ~~3.56.73~~ Water – Ingersoll
- ~~3.56.84~~ Water – Tillsonburg
- ~~3.56.95~~ Water – Woodstock
- ~~3.56.106~~ Wastewater - Embro
- ~~3.56.117~~ Wastewater – Drumbo
- ~~3.56.128~~ Wastewater – Ingersoll
- ~~3.56.139~~ Wastewater - Innerkip
- ~~3.56.140~~ Wastewater – Mt. Elgin
- ~~3.56.154~~ Wastewater – Norwich
- ~~3.56.162~~ Wastewater – Plattsville

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- ~~3.56.173~~ Wastewater – Tavistock
- ~~3.56.184~~ Wastewater – Thamesford
- ~~3.56.195~~ Wastewater – Tillsonburg
- ~~3.56.2046~~ Wastewater – Woodstock

~~[3.5.21 Information Systems](#)~~

~~[3.5.22 Social Housing](#)~~

~~[3.5.23 Land Ambulance - Stations](#)~~

~~[3.5.24 Land Ambulance - Vehicles and Equipment](#)~~

~~[3.5.25 Facilities – Libraries](#)~~

4.0 **Annual Reporting and Monitoringreview**

An annual review of cash flow requirements and appropriate fund balances shall be undertaken to determine whether modifications are appropriate for the reserve policy.

[On the basis of the annual policy review, the following year's budget report will include a current year reserve continuity schedule and a five year projected reserve balance schedule reflecting the reserve provisions contained in the budget.](#)

**Appendix A
Reserve and Reserve Funds**

Reserve Name	Target Balance	Sources of Funding	Uses of Funding
Stabilization Reserves			
Corporate General	15% of <u>the County's current year's tax levy</u>	Operating budget and <u>-year-end County operating surplus</u>	Emergency and unplanned situations; and tax stabilization due to significant assessment appeals beyond operating budget provisions and capping shortfalls; as determined appropriate by Council; and current year end <u>corporate County deficits</u>
Water/Wastewater Community Servicing Assistance Program	<u>Balance projected through most recent regular water rate review that will meet the future requirements of the fund</u> <u>\$10/year per water user</u> <u>\$10/year per wastewater user</u>	Water/wastewater monthly billings <u>\$10/year per water user</u> <u>\$10/year per wastewater user</u>	According to CSAP <u>Policy By-Law 5345-2012</u>
Waste Management Collection	<u>40% of estimated annual bag tags sales based on prior 3 year's sales</u> <u>10% of waste management annual operating and capital budget and 1/3 of estimated annual sale of bag tags</u>	<u>Year-end surplus from waste collection efforts (funded by bag tag user fees)</u> <u>User fees</u>	<u>To fund deficits in waste collection program</u> <u>Unbudgeted extraordinary operating or capital expenses to provide sufficient flexibility and protection for unforeseen events in the waste management program</u>
Legal	<u>\$250,000 -- Two times the average annual legal costs based on prior three years -- no less than \$500,000</u>	<u>Year-end surplus from legal expenses until target balance is met</u> <u>Operating budget</u>	Significant OMB or other unbudgeted or extraordinary legal matters
Insurance	Average costs to the County expended on claims below the deductible plus claims billed back by the insurer in the past five years – no less than <u>\$750,000</u>	Operating budget; <u>and interest earned based on average balance</u>	<u>Unbudgeted \$</u> <u>self insured claims, non-insurable claims and claims less than the County's insurance deductible; and to mitigate significant increases in insurance premiums</u>
WSIB	Based on <u>75% of</u> triennial actuarial evaluation	<u>Operating budget</u> <u>Internal charges to departments self insured under Schedule 2 calculated as a % of payroll</u>	<u>To fund significant and/or unbudgeted WSIB claims and employee injury related costs</u> <u>Funding WSIB Schedule 2 claims consisting of salaries, fees, administration, labour market re-entry and investigation costs</u>

**Appendix A
Reserve and Reserve Funds**

Reserve Name	Target Balance	Sources of Funding	Uses of Funding
Pay Equity	2% of payroll	Internal charges to departments calculated on payroll costs Operating budget	Fund pay equity adjustments retroactive to prior years or unanticipated adjustments in current year
Training	\$100,000	Internal charges to departments calculated on payroll costs Year-end surplus from training expenses until reserve target has been met	Training programs having corporate significance as determined by the CAO
Working Funds	105% of <u>the County's current year's</u> tax levy	Operating budget	To support corporate cash flow

**Appendix A
Reserve and Reserve Funds**

<u>Reserve Name</u>	<u>Target Balance</u>	<u>Sources of Funding</u>	<u>Uses of Funding</u>
Government Funded Reserves			
Federal Gas Tax	N/A	Federal Government – administered by AMO	New incremental capital spending on infrastructure including local roads, bridges and active transportation such as bike lanes that enhance sustainability outcomes in accordance with the Keeping Canada's Economy and Jobs Growing Act
Program Specific Reserves			
Land Ambulance	N/A	Operating budget and 50% of the annual surplus within EMS budget, Municipal funding <u>portion</u> only	Special projects having long term benefits
Planning	Costing requirement based on five year equal cost installment cycle Estimated cost of five year Official Plan review	Operating budget annual equal allocation over a five year period based on estimated cost of Official Plan review	Official Plan review recurring every five years
Libraries	5% of Library's current year's tax levy annual operating budget	Operating budget	Unbudgeted extraordinary operating or capital expenses to provide sufficient flexibility and protection for unforeseen events in the Library system
Child Care Mitigation Funding	N/A	Provincial funding	To offset child care service costs to support transition to Ontario's new child care funding formula over three to five years
Rural Trees	N/A	County Tree Memorial and County Agreement Forest Trust Funds	Rural tree plantings
<u>Landfill and Waste Diversion</u> (reserve fund)	Actuarial evaluation of future maintenance costs, future landfill expansion and replacement capital costs	Annual surplus of the Landfill (generated exclusively from user fees); and interest revenue User fees	Future maintenance costs and current capital improvements, future expansion and replacement costs; <u>and funding programs that would extend the life of the landfill by waste diversion and sustainability efforts</u>
Source Water Protection	N/A	Year-end surplus from Source Water Protection program (funded by user fees)	To fund spending deficits in the Source Water Protection program

**Appendix A
Reserve and Reserve Funds**

<u>Reserve Name</u>	<u>Target Balance</u>	<u>Sources of Funding</u>	<u>Uses of Funding</u>
Capital Reserves			
Facilities	<u>To meet lifecycle financing requirements based on Asset Management Plan 5% of replacement value of</u> all County buildings (except libraries, <u>land ambulance, housing, water and wastewater facilities</u> housing and EMS buildings)	Operating budget; <u>and annual net rental income from County-owned rural properties and facilities (excluding library, land ambulance, housing, water and wastewater facilities)</u> ¹	Capital repairs, maintenance, betterments and replacements of County-owned buildings ² <u>and communication towers (except libraries, land ambulance, housing, water and wastewater facilities-); energy management programs to fund capital projects that would result in future energy savings; and emergency and unplanned repairs—see Library Facilities Reserve</u>
Roads and Bridges	<u>To meet lifecycle financing requirements based on Asset Management Plan</u> Minimum average annual roads capital expenditures based on most recent 5 year projection	Operating budget; <u>and surplus from capital road projects funded by taxation</u> ¹	Funding roads capital projects; budget adjustments at time of tender; road and bridges emergency or unplanned expenses
<u>Bridges</u>	<u>To meet lifecycle financing requirements based on Asset Management Plan</u>	<u>Operating budget; and surplus from capital bridge projects funded by taxation</u> ¹	<u>Funding bridge capital projects; budget adjustments at time of tender; bridge emergency or unplanned expenses</u>
Fleet	<u>To meet lifecycle financing requirements based on Asset Management Plan</u> Average annual replacement requirements based on lifecycle costing information	<u>Annual allocation based on internal charges to departments</u> ¹ Operating budget	Replacement of rolling stock and equipment (<u>excluding emergency services vehicles and equipment</u>), including operations vehicles at the end of their useful life
Water – Townships	<u>To meet lifecycle financing requirements based on Asset Management Plan</u> Based on sustainability plan	<u>Annual surplus in operating system (funded by user fees)</u> User fees, interest earned based on average balance ¹	<u>Funding of system capital projects</u> Financing of capital budget in accordance with sustainability plan; <u>unplanned deficits of operating system; and</u> , emergency and unplanned expenditures <u>in operating system</u>
Water – Ingersoll			
Water – Tillsonburg			
Water – Woodstock			
Wastewater – Embro			

¹ And interest earned based on average balance

² Costs related to the Development Charges Act requirement that development-related capital costs be reduced by 10%. The 10% must be funded from non-growth related sources.

**Appendix A
Reserve and Reserve Funds**

<u>Reserve Name</u>	<u>Target Balance</u>	<u>Sources of Funding</u>	<u>Uses of Funding</u>
Wastewater – Drumbo			
Wastewater – Ingersoll			
Wastewater – Innerkip			
Wastewater – Mt. Elgin			
Wastewater – Norwich			
Wastewater – Plattsville			
Wastewater – Tavistock			
Wastewater – Thamesford			
Wastewater – Tillsonburg			
Wastewater – Woodstock			
Information Systems	Average annual replacement requirements for hardware and corporate software in accordance with a four year replacement policy for hardware; and three year upgrade for VoIP software systems; disaster recovery ; shared municipal network infrastructure	Annual allocation based on internal charges to departments³ Internal charges to departments	Replacement or upgrades of computer hardware and to fund software upgrades or acquisition having corporate benefit, including aerial photography updates and COIN shared municipal network equipment
Housing	To meet lifecycle financing requirements based on Asset Management Plan 5% of replacement value for all County-owned Housing buildings	Operating budget, Disposal of Land/Housing First Policy ³	Capital improvements to existing social housing stock; affordable housing incentives and capital expenditures associated with the development of new housing units
Land Ambulance – Stations	To meet lifecycle financing requirements based on Asset Management Plan 5% of replacement value for all	-Dedicated funding provided by the Ministry of Health and Long-Term Care ³	Capital repairs, maintenance, betterments and replacements of County-owned Land Ambulance Stations ⁴

³ And interest earned based on average balance

⁴ Costs related to the Development Charges Act requirement that development-related capital costs be reduced by 10%. The 10% must be funded from non-growth related sources.

**Appendix A
Reserve and Reserve Funds**

<u>Reserve Name</u>	<u>Target Balance</u>	<u>Sources of Funding</u>	<u>Uses of Funding</u>
	County-owned Land Ambulance Station ss		
Land Ambulance – Vehicles and Equipment	To meet lifecycle financing requirements based on Asset Management Plan Average annual replacement requirements based on lifecycle costing information	Dedicated funding provided by the Ministry of Health and Long-Term Care ³	Replacement of Land Ambulance vehicles and equipment
Facilities – Libraries	To meet lifecycle financing requirements based on Asset Management Plan 5% of replacement value for of County-owned library buildings	Operating budget ³	Capital repairs, maintenance, betterments and replacements of County-owned library buildings ⁴

**Reserve Continuity Report
2016 Reserve Policy Review**

Reserve Name	2015 Ending Balance	2016 Budget Net Contribution to (from) Reserves	Approved In-Year Commitments	2016 Budget Ending Balance	Proposed Reserve Re-alignment	2016 Revised Budget Ending Balance	2016 Revised Target	Surplus/ (Deficit)	Comments
Stabilization Reserves									
Corporate General	13,091,339	(1,368,158)	(60,000)	11,663,181	(3,673,200)	7,989,981	7,990,000	(19)	
Water/ Wastewater Community Servicing Assistance Program	2,815,317	315,928	-	3,131,245	-	3,131,245	N/A	N/A	To be addressed through water/ wastewater rates review
Waste Management	2,178,000	-	-	2,178,000	-	2,178,000	1,013,000	1,165,000	
Legal	410,190	44,220	-	454,410	-	454,410	500,000	(45,590)	
Insurance	1,039,684	(41,350)	-	998,334	-	998,334	750,000	248,334	
WSIB	4,359,971	(616,000)	-	3,743,971	-	3,743,971	3,919,000	(175,029)	
Pay Equity	1,352,256	-	-	1,352,256	-	1,352,256	950,000	402,256	
Training	326,041	(50,900)	-	275,141	-	275,141	100,000	175,141	
Working Funds	6,100,000	-	-	6,100,000	-	6,100,000	5,330,000	770,000	
Government Funded Reserves									
Federal Gas Tax	51,037	94	-	51,131	-	51,131	N/A	N/A	
Provincial Literacy	14,585	(7,920)	-	6,665	-	6,665	N/A	N/A	Reserve approved to be closed once funds are exhausted (2016)
Program Specific Reserves									
Land Ambulance	178,004	(90,000)	-	88,004	-	88,004	N/A	N/A	
Planning	693,349	(180,800)	-	512,549	-	512,549	360,000	152,549	
Libraries	239,450	-	-	239,450	-	239,450	175,000	64,450	
Child Care Mitigation Funding	965,695	(250,000)	-	715,695	-	715,695	N/A	N/A	This funding should be fully utilized by the end the five period.
Rural Trees	10,825	-	-	10,825	-	10,825	N/A	N/A	
Landfill and Waste Diversion	25,518,189	801,437	-	26,319,626	-	26,319,626	20,400,000	5,919,626	
170 Upgrade Water and Wastewater	1,066,938	(386,198)	-	680,740	-	680,740	N/A	N/A	The last debenture payment occurs in 2016. The remaining balance of \$680,740 will be addressed through water/ wastewater rates review
Capital Reserves									
Facilities	3,589,695	(1,067,908)	-	2,521,787	2,833,000	5,354,787	11,300,000	(5,945,213)	
Facilities – Libraries	259,865	(105,000)	-	154,865	-	154,865	950,000	(795,135)	
Land Ambulance – Stations	368,775	(34,948)	-	333,827	-	333,827	450,000	(116,173)	
Housing	2,727,494	(98,390)	-	2,629,104	2,833,000	5,462,104	2,120,000	3,342,104	
Roads	8,613,198	(6,134,000)	-	2,479,198	-	2,479,198	10,350,000	(7,870,802)	
Bridges	758,625	190,000	-	948,625	2,920,200	3,868,825	3,240,000	628,825	
Fleet	6,110,815	28,195	-	6,139,010	(4,913,000)	1,226,010	1,226,000	10	
Information Systems	1,400,486	(159,221)	-	1,241,265	-	1,241,265	1,030,000	211,265	
Land Ambulance – Vehicles and Equipment	728,641	(215,400)	-	513,241	-	513,241	340,000	173,241	
Water – Townships	8,101,141	(2,061,110)	-	6,040,031	-	6,040,031	4,300,000	1,740,031	

**Reserve Continuity Report
2016 Reserve Policy Review**

Reserve Name	2015 Ending Balance	2016 Budget Net Contribution to (from) Reserves	Approved In-Year Commitments	2016 Budget Ending Balance	Proposed Reserve Re-alignment	2016 Revised Budget Ending Balance	2016 Revised Target	Surplus/ (Deficit)	Comments
Water – Ingersoll	3,393,752	(1,772,028)	-	1,621,724	-	1,621,724	3,301,000	(1,679,276)	To be addressed through water/ wastewater rates review
Water – Tillsonburg	3,027,568	(1,706,295)	-	1,321,273	-	1,321,273	3,916,000	(2,594,727)	
Water – Woodstock	11,802,718	(2,596,235)	-	9,206,483	-	9,206,483	8,129,000	1,077,483	
Wastewater – Embro	-	91,136	-	91,136	-	91,136	504,000	(412,864)	
Wastewater – Drumbo	875,221	(81,852)	-	793,369	-	793,369	357,000	436,369	
Wastewater – Ingersoll	954,017	(301,166)	-	652,851	-	652,851	5,845,000	(5,192,149)	
Wastewater – Innerkip	204,745	123,818	-	328,563	-	328,563	474,000	(145,437)	
Wastewater – Mt. Elgin	127,434	(55,483)	-	71,951	-	71,951	221,000	(149,049)	
Wastewater – Norwich	1,649,001	(499,885)	-	1,149,116	-	1,149,116	951,000	198,116	
Wastewater – Plattsville	540,858	(39,971)	-	500,887	-	500,887	692,000	(191,113)	
Wastewater – Tavistock	414,708	(382,364)	-	32,344	-	32,344	1,339,000	(1,306,656)	
Wastewater – Thamesford	1,863,777	(154,917)	-	1,708,860	-	1,708,860	1,027,000	681,860	
Wastewater – Tillsonburg	11,852,605	1,503,436	-	13,356,041	-	13,356,041	5,012,000	8,344,041	
Wastewater – Woodstock	10,450,836	(2,766,646)	-	7,684,190	-	7,684,190	12,417,000	(4,732,810)	

To: Warden and Members of County Council

From: Chief Administrative Officer

County of Oxford Procedure By-law Amendments - Routine Updates

RECOMMENDATION

- 1. That a by-law be raised to repeal and replace Procedure By-law No. 5532-2013 in accordance with the amendments contained within Report No. CAO 2016-12.**

REPORT HIGHLIGHTS

- To seek Council endorsement of proposed amendments to the County Procedure By-law (Attachment 1).

Implementation Points

The reconsolidation by-law as proposed would, in part, provide for the tabling of amending motions during Council's review and consideration of annual business plans and budgets. The passing of the amending and reconsolidation by-law on September 28, 2016 would allow for the new provisions to take effect for the upcoming budget meetings.

Financial Impact

There are no financial implications to the County of Oxford associated with this report. The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

There are no risks or implications to the County of Oxford with regard to this report. Implementation of proposed amendments would provide further clarity to internal and external stakeholders accessing the by-law.

Strategic Plan

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

4. i. **A County that Informs and Engages** - Harness the power of the community through conversation and dialogue by:

- *Providing multiple opportunities for public participation and a meaningful voice in civic affairs*

DISCUSSION

Background

Section 238 of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that every municipality and local board shall pass a procedure by-law. The County's Procedure By-law No. 5532-2013 was passed on December 11, 2013 with no amendments since that time.

Council, at its meeting held on August 10, 2016, gave notice that it will consider at its September 14th meeting proposed amendments to Procedure By-law No. 5532-2013.

Comments

Since the passing of the Procedure By-law in 2013, four areas of opportunity were identified as a result of our routine review: (1) the tabling of amending motions during the annual business plans and budgets process; (2) the reading of motions aloud by the Chair and the ability to use discretion not to do so; (3) the removal of one item and the addition of another under the reasons for closing a meeting to the public; (4) the adding of a new Section providing a description for Workshops and Information Sessions. Other proposed changes are the result of housekeeping measures.

Tabling of Motions During the Annual Business Plans and Budgets Process

It is proposed to add a Section (9.1.2), under 9.1 Notice(s) of Motion, regarding the tabling of amending motions during the annual business plans and budgets process. With the addition of this Section all amending motions shall be tabled in writing and duly signed as Notices of Motion to be held by the Clerk and printed in full on the Agenda for the Budget meeting specifically identified for budget debate. This will allow for all proposed amendments to be dealt with at the debate meeting at the culmination of all budget sessions.

Reading of Motions Aloud by the Chair

In response to Council's direction a Section (9.3.2), under 9.3 Stating the Question, has been added to allow the Chair discretion in choosing not to read a motion aloud. Council has, at times, found it cumbersome for the Chair to restate the motion as already read aloud by the mover of the motion.

Reasons for Closing of a Meeting to the Public (Closed Session)

It is proposed that Section 12.1 8 be removed as Council has delegated authority to the Director of Corporate Services or his/her designate to act as head pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. It is also proposed to add a new Section (12.1 9) which, as of January 1, 2016, became a mandatory exception to hold an open meeting under the *Municipal Act, 2001*. This Section deals with an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman of Ontario, a locally-appointed Ombudsman, or an appointed closed meeting investigator.

Workshops and Information Sessions

Since Council holds workshops and information sessions, it was thought prudent to include a Section (15) in the Procedure By-law that describes and sets out the boundaries regarding these sessions.

Conclusions

Through review, consultation and recommendation, it is the opinion of staff that the proposed amendments to the County Procedure By-law will ensure that Council, the public and staff are provided with a document that is current with respect to governing the calling, place and proceedings of meetings and the provision of public notice of those meetings.

SIGNATURE

Report Author:

Original signed by

Brenda J. Tabor
Clerk

Approved for submission:

Original signed by

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENTS

Attachment 1 Procedure By-law No. 5532-2013 with tracked changes

By-law No. ~~5532-2013~~ 58XX-2016
Schedule "A"

**RULES OF ORDER AND PROCEDURES GOVERNING OXFORD COUNTY COUNCIL
AND ITS COMMITTEES, THE CALLING OF MEETINGS
AND THE CONDUCT OF ITS MEMBERS**

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1. DEFINITIONS

- 1.1 “Act” means the *Municipal Act, 2001* S.O. 2001, Chapter 25, as amended from time to time.
- 1.2 “Ad Hoc Committee” means a committee, sub-committee or similar entity of which at least 50 per cent of the members are also members of Council, appointed by Council to review and report on a specific issue. Once the final report is delivered and a resolution of the Council is adopted concerning the specific issue, the Ad Hoc Committee is automatically dissolved.
- 1.3 “Board of Health” – The former “Oxford County Board of Health” was dissolved on January 1, 2003 by Section 472(1) of the *Municipal Act, 2001*, but simultaneously Section 1(1) of the *Health Protection and Promotion Act* established the “County of Oxford” as the governing body for the local board of health.
- 1.4 “Business day” means the days of the week in which the Council or Committee shall conduct its business transactions and hold its meetings, excluding Saturday and Sunday or statutory holidays.
- 1.5 “Chair” means the position of the person appointed to preside, or presiding at, a meeting, whether that person is the regular presiding officer or not.
- 1.6 “Clerk” means the person duly appointed, by By-law pursuant to Section 228 of the *Act*, as the Clerk of the County.
- 1.7 “Closed Session” means a meeting of the Council or Committee that is not open to the public, pursuant to Section 239 of the *Act*.
- 1.8 “Committee” means any advisory or other committee created by Council, of which at least one member is also a member of Council, which is established under any Act with respect to the affairs or purposes of one or more municipalities.
- 1.9 “Committee of the Whole” means all members present sitting in Council. The purpose of this committee is to enable the Council to give detailed consideration to a matter under conditions of freedom approximating that of a committee. When sitting as Committee of the Whole, the results of votes taken are not final decisions of the Council, but have the status of recommendations which the Council is given the opportunity to consider further and which it votes on finally under its regular rules.
- 1.10 “Confidential matter” ~~shall mean~~ means those items of business discussed in *Closed Session*.
- 1.11 “Council” means the elected members of the County when they sit in deliberative assembly.
- 1.12 “County” means the County of Oxford.
- 1.13 “Deputy Warden” means the member of Council appointed, by By-law or resolution, pursuant to Section 242 of the *Act*, to act in the place of the head of Council (Warden) when the head of Council is absent or refuses to act or, when the office of the head of

Council is vacant, and while so acting such member has all the powers and duties of the head of Council.

1.14 “Enclosure” ~~shall mean~~means the part of the Council Chamber that is physically separate from the public gallery that accommodates Council members, staff and media seating.

1.15 “Ex-officio Committee Member” means a member has the right, but not the obligation, to participate in the proceedings of the committee, and is not counted in determining the number required for a quorum or whether a quorum is present at a meeting. Cannot attend a committee meeting if by attending a quorum of Council is created.

~~4.15~~1.16 “Meeting” means an event wherein business is transacted for any regular, special, committee or sub-committee of the Council or local board, as the case may be.

~~4.16~~1.17 “Member” means a candidate duly elected to hold office with the County of Oxford, pursuant to the *Municipal Elections Act, 1996*, S.O. Chap. 32, as amended; or, a person appointed by the Council to a Committee.

~~4.17~~1.18 “Motion for Division of the Assembly” means a motion made after the Chair has stated the *Question*, requiring a vote, either about to be taken on a *Question*, or any other motion under consideration, or a vote previously taken and the results announced by the Chair, to be taken again by rising of each member present, and does not include a vote by show of hands.

~~4.18~~1.19 “Personal Privilege” means a motion to *Raise a Question of Privilege*, of an urgent nature, that affects a right or privilege of the Council, Committee or of an individual member.

~~4.19~~1.20 “Point of order” means a statement made by a member during a meeting, drawing to the attention of the Chair a breach of the rules of procedure.

~~4.20~~1.21 “Privileged Motion” means a motion that does not relate to pending business, but that does relate to special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. A Privileged Motion involves one of the five following motions, listed in ascending order of precedence: *Call for the Orders of the Day*, *Raise a Question of Privilege*, *Recess*, *Adjourn*, and *Fix the Time to Which to Adjourn*.

~~4.21~~1.22 “Quasi-Judicial Board” means a local board or committee that has been delegated Council’s decision-making powers; for example, the Land Division Committee.

~~4.22~~1.23 “Question” means a motion that has been appropriately placed before the Council or Committee ~~by the statement of the Chair.~~ Only once duly statedrecognized by the Chair and “on the floor” can a motion be debated and put to a question of the members for proper resolution (*Question On the Floor*).

~~4.23~~1.24 “Quorum” means, in the case of Council, a majority of members (6) representing at least one-half of the lower-tier municipalities (4), pursuant to Section 237 of the *Act*. In the case of a Committee of Council, a majority of the whole number of members of the Committee, including the Chair.

| 4.241.25 “Rules of Procedure” means the rules and regulations provided in this By-law and, where necessary, Robert’s Rules of Order (Newly Revised).

| 4.251.26 “Recorded vote” means a vote taken on a matter of business, whereupon the Clerk duly notes the name of each member present and their vote in the minutes, as provided for in Section 246 of the *Act*. Section 246(2) specifically notes that a failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

| 4.261.27 “Secretary” means the person responsible for recording the Minutes of Council or committee meetings, the preparation of the agenda and the preparation of any resulting correspondence, as delegated by the Clerk.

| 4.271.28 “Steering Committee” means any advisory body, roundtable or other body Council establishes to advise on specific areas of interest, with members of the public and staff making up more than 50 per cent of the membership and Council members or other elected officials making up the rest.

| 4.281.29 “Substantive Motion” means any original main motion that introduces a substantive question as a new subject for the consideration of the Council, except one of the following:

1. to refer;
2. to amend;
3. to lay on the table;
4. to postpone indefinitely or to another day certain; or,
5. to adjourn.

| 1.2930 “Warden” ~~is~~means the head of Council and the Chief Executive Officer of the County of Oxford, pursuant to Section 225 of the *Act*.

2. GENERAL PROVISIONS

2.1 The short title of this By-law is the “Procedure By-law.”

2.2 The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and Committees appointed by Council. The rules and regulations contained herein that are discretionary and not mandatory under Statute may be temporarily suspended by a majority vote of the Council or Committee members present.

2.3 In respect to questions or concerns regarding these rules and regulations, the decision of the Chair presiding shall be final, subject to only an appeal to the Council, pursuant to Section 4.2.3. In the case of a conflict concerning the application of these rules, “Robert’s Rules of Order (Newly Revised)” may be consulted as an interpretative aid.

2.4 All meetings of the Council of the County of Oxford and all meetings of the Committees of Council shall be open for attendance by the public, except in the case of a *Closed Session*, as noted in Section 12.1.

3. COUNCIL MEETINGS

3.1 PLACE

The meetings of the Council of the County of Oxford shall be held at the Council Chamber adopted and used by the Council from time to time for such purpose, pursuant to Section 236 of the Act, with allowance that Closed Session may be held in an adjacent room to the Council Chamber. In the case of an emergency, Council may hold its meetings and keep its public offices at any convenient location within or outside the municipality.

3.2 INAUGURAL MEETING

The Inaugural Meeting of the municipal Council of the County of Oxford after a regular election held pursuant to Sections 3, 4 and 5 of the Municipal Elections Act, S.O. 1996, Chap. 32, shall be held on the Tuesday immediately preceding the second Wednesday of December at 7:30 o'clock in the evening. This Inaugural Meeting will be only for the purposes of Filing of Certificates, presenting Declarations of Office and Oaths of Allegiance, and electing the Warden and Deputy Warden pursuant to the provisions of Sections 4.1 and 5.1.

3.3 REGULAR COUNCIL MEETINGS

3.3.1 After the Inaugural Meeting, the Council shall meet in regular session on the second Wednesday of every month, commencing at 9:30 o'clock in the morning, and on the fourth Wednesday of every month, commencing at 7:00 o'clock in the evening, unless otherwise provided for by resolution of the Council.

3.3.2 Notwithstanding Section 3.3.1, the Council shall not meet in regular session on the fourth Wednesday for each of the months of July, August and December, unless otherwise provided for by resolution of the Council.

3.3.3 The Clerk shall cause the public notice of regular meetings to be published on the County's Website at the beginning of each calendar year, allowing two weeks prior to the first regular meeting.

3.3.4 If such Council meeting day is a public or civic holiday, the Council shall meet at the same hour the next following business day which is not a public or civic holiday unless otherwise provided for by resolution of Council.

3.3.5 As soon after the time appointed for a meeting of the Council as a quorum is present, the Warden shall assume the Chair and call the meeting to order.

3.4 SPECIAL COUNCIL MEETINGS

3.4.1 In addition to regular meetings, special meetings of the Council shall be held upon resolution of the Council, or written direction signed by the Warden or Deputy Warden in the absence of the Warden, whichever the case may be, delivered to the Clerk. The purpose of the special meeting can be to inquire or report on any matter considered of interest to the Council. The resolution or written direction will state the date, time and purpose of such meeting.

- 3.4.2 The Warden may, at any time, summon a special meeting of the Council on forty-eight (48) ~~hours~~hours' notice to the members. The Warden shall summon a special meeting of the Council when requested to do so in writing by a majority of the members. In the absence of the Warden, a special meeting may be called by the Clerk on a written requisition from the majority of the members of Council.
- 3.4.3 Notice of special meetings shall be given to all members of the Council in writing and such notice shall be delivered to each member electronically, personally, or delivered to their home or place of business at least forty-eight (48) hours before the hour set for such meeting. The notice shall state the business to be considered at such special meeting.
- 3.4.4 No business other than that stated in the notice shall be considered at such special meeting, except with the unanimous vote of the members present.
- 3.4.5 If a matter arises which, in the opinion of the Chief Administrative Officer in consultation with the Warden, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the County, or if a state of emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived and the Clerk shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.

3.5 *ABSENCE OF WARDEN AND/OR DEPUTY WARDEN*

- 3.5.1 In case the Warden does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Deputy Warden shall call the meeting to order and preside as Chair.
- 3.5.2 In case the Deputy Warden is unable to attend the meeting, the members will, by resolution duly ~~motioned~~moved and seconded, appoint a Chair. While so presiding, the Chair shall have all the powers of the head of Council.
- 3.5.3 Should the Warden or Deputy Warden, as the case may be, arrive after the meeting has been called to order, the presiding officer shall relinquish the position of the Chair to the Warden, or Deputy Warden as the case may be, immediately after the current item of business on the Council Orders of the Day is considered or otherwise disposed.

3.6 *ABSENCE OF A COUNCIL MEMBER OTHER THAN THE WARDEN OR DEPUTY WARDEN*

If a person who is a member of the council of an area municipality and a member of County Council is unable to act as a member of those councils for a period exceeding one month, the council of the respective area municipality may appoint one of its members as an alternate member of County Council to act in place of the member until the member is able to resume acting as a member of those councils. The area municipality will advise County Council of any appointment in writing.

3.7 *NO QUORUM PRESENT*

Within one-half (1/2) hour after the time appointed for the meeting of the Council, if a *quorum* is not present, the Clerk shall record the names of the members of Council

present and the meeting shall be deemed adjourned until the next regular meeting day, subject to the provisions of Section 3.3.2.

3.8 *PECUNIARY INTEREST*

As required by any Statute of the Province, at the commencement of a meeting, or prior to considering a Motion under New Business, or at the first meeting attended thereafter, if a member is absent from the meeting, a member shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded by the Clerk in the minutes. In the case of items to be discussed in a *Closed Session*, the member shall leave the meeting and shall take no action to participate in, or influence, the vote of the other members when said item is to be resolved by Council.

3.9 *MEETING CANCELLATION*

3.9.1 When it is deemed to be advisable, the Warden is authorized to change the date and/or time of, or cancel, the next regular Council meeting subject to agreement of the majority of the members of Council, having been polled by the Clerk.

3.9.2 In the case of a local board or committee, the Chair is authorized to change the date and/or time of, or cancel, the next regular meeting subject to agreement of the majority of the members of the local board or committee, having been polled by the Secretary.

4. **WARDEN**

4.1 *ELECTION*

Section 233 of the *Act* requires the Council to appoint the head of Council ("Warden") at its first meeting. No other business of Council shall be conducted until the head of Council is confirmed.

For the appointment of the Warden, the following regulations and procedures shall be followed:

4.1.1 The Warden shall be elected by open vote during the Inaugural Meeting of Council.

4.1.2 Each member of Council shall have one vote and shall not abstain from voting.

4.1.3 The Clerk will preside over the election.

4.1.4 In advance of accepting any nominations, the Clerk shall announce the name of a person in attendance at the Inaugural Meeting, but not a member of Council, who will draw ballots to decide on any equality of votes. The person may be a local judge.

4.1.5 Each nomination motion shall be in writing, and duly seconded.

4.1.6 Where more than one nominee stands for election, a vote shall be taken.

4.1.7 To be elected as Warden, a nominee shall obtain a vote of the majority of the members present.

- 4.1.8 In conducting the vote, the Clerk shall call the names of the members alphabetically and each member shall, after their name is called, verbally indicate the name of the nominee they are supporting.
- 4.1.9 If there are more than two nominees who agree to stand and, if upon the first vote, no nominee receives the majority required for election, the name of the nominee receiving the least number of votes shall be dropped from the ballot. The Council shall proceed to vote anew and so continue until either:
1. a nominee receives the majority required for election at which time such nominee shall be declared elected; or
 2. if it becomes apparent by reason of an equality for the least number of votes that one nominee cannot be dropped, then the Clerk shall place the names of the candidates with the least votes on equal size pieces of paper in a box and one name shall be drawn by the person chosen in accordance with Section 4.1.4 and the name of that nominee shall be dropped from the ballot.
 3. and further, once the nominee to be dropped has been decided, all the remaining nominees, including the leading candidate(s), will be placed on the next ballot.
- 4.1.10 In the case of an equality of votes for Warden where only two nominees remain, the successful nominee shall be determined by the Clerk who will place the names of the nominees on equal size pieces of paper in a box and one name shall be drawn by the person chosen in accordance with Section 4.1.4 and that nominee shall be the successful candidate.
- 4.1.11 When a nominee has received a majority vote of Council, there shall be no further ballots.
- 4.1.12 The successful nominee, upon being named Warden by the Clerk, shall take an oath of office prior to taking any further action in this capacity as head of Council and Chief Executive Officer. This oath is to be administered by a Judge or the Clerk.

4.2 *DUTIES*

- 4.2.1 It shall be the duty of the Warden or other duly appointed presiding officer:
1. to act as Chief Executive Officer of the Municipality;
 2. to preside as Chair over Council meetings so that its business can be carried out efficiently and effectively;
 3. to provide leadership to the Council;
 4. to provide information and recommendations to the members of Council with respect to Council's role to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 5. to provide information and recommendations to the members of Council with respect to Council's role to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 6. to represent the municipality at all official functions;

7. to carry out the duties of the head of Council under the *Act* or any other Statute of the Province;
8. to open the meeting of Council by taking the Chair and calling the members to order;
9. to announce the business before the Council in the order in which it is to be acted upon;
10. to receive, in the proper manner, all motions presented by the members of Council and to submit these motions as questions for proper debate;
11. to put to a vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings and to announce the results;
12. to decline to put to a vote motions which infringe upon the Rules of Procedure;
13. to restrain the members, within the Rules of Procedures, when engaged in debate;
14. to enforce on all occasions the observance of order and decorum among the members;
15. to call by name any member persisting in breach of the Rules of Procedure, thereby ordering the member to vacate the meeting place;
16. to receive all messages and other communications and announce them;
17. to authenticate by his or her signature, when necessary, all By-laws and Minutes of the Council;
18. to inform the members of the Council, when necessary or when referred to for the purpose, on any point of order;
19. to represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
20. to ensure that the decisions of the Council are in conformity with the laws and By-laws governing the activities of the Council;
21. may be ex-officio a member of all committees of the Council;
22. to perform all other duties as defined by Council;
23. to adjourn the meeting without question in the case of grave disorder arising during the meeting, or suspend the sitting of Council, until a time to be named by the Warden; and,
24. to adjourn the meeting when the business of Council is concluded.

4.2.2 The Warden may, without leaving the Chair, speak to any question under consideration and prior to the question being disposed of by Council.

4.2.3 When the Warden is called upon to decide a point of order or procedure, the Warden shall state the rule or authority applicable to the case, and make a ruling, if necessary in consultation with the Clerk; and, if an objection is made to the ruling by at least two members, the Warden shall submit said ruling to a vote of Council, without debate, in the following words:

“SHALL THE RULING OF THE CHAIR BE SUSTAINED?”,

and the decision of the Council shall be final.

4.2.4 When two or more members concurrently request to speak on an issue, the Warden shall name the member who is first to be heard and the other member(s) shall have the privilege of speaking thereafter in the order named by the Warden.

4.2.5 The Warden, except when disqualified to vote by reason of pecuniary interest or any other Statute of the Province, may vote on consideration of a motion for *Division of the Assembly*, and may vote with the other members on all questions.

4.2.6 When the Warden sees fit to exercise the right to vote on any question before the Council, the Warden may explain the vote.

4.2.7 As Chief Executive Officer of the County, the Warden shall:

1. uphold and promote the purposes of the municipality;
2. promote public involvement in the municipality's activities;
3. act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
4. participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

5. DEPUTY WARDEN

5.1 Prior to the appointment of a Deputy Warden, the term of office for Deputy Warden will be decided by open vote during the Inaugural Meeting or a regular Meeting of Council. If the term is decided to be less than the full term of the present Council, nomination dates will be decided by open vote during the Inaugural Meeting of Council.

5.2 The appointment of a Deputy Warden will be in accordance with Section 4.1, with the necessary substitutions.

5.3 The Warden cannot be nominated or stand for appointment to the position of Deputy Warden.

5.4 The duties of the Deputy Warden are the same as noted in Section 4.2, but can only be exercised when the Warden is absent or refuses to act or his/her office is vacant, pursuant to the *Act* or any other Statute of the Province.

5.5 The duties of the Deputy Warden may include other duties as defined by Council.

6. ORDER OF BUSINESS

The order of business for the regular meetings of Council shall be as follows:

1. Call to Order
2. Approval of Agenda
3. Disclosures of Pecuniary Interest and the General Nature Thereof
4. Adoption of Council Minutes of Previous Meeting
5. Public Meetings
6. Delegations and Presentations
7. Consideration of Delegations and Presentations
8. Consideration of Correspondence
9. Reports from Departments
10. Unfinished Business
11. Motions
12. Notice of Motions
13. New Business / Enquiries / Comments
14. Closed Session (agenda shall state the general nature of matters to be dealt with in closed session)

15. Consideration of Matters Arising from the Closed Session
16. By-laws (including Confirming By-law)
17. Adjournment

7. RULES OF CONDUCT OF MEMBERS

7.1 A member shall not:

1. speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province, of any member of the Senate, of any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario.
2. speak on any subject other than the subject under debate;
3. criticize any decision of the Council or Committee, except for the purpose of moving in accordance with the provisions of Section 9.11 that the question be reconsidered;
4. disturb the Council or Committee by any disorderly deportment or conduct;
5. use profane or offensive words or insulting expressions;
6. disobey the rules of the Council or Committee or a decision of the Chair or the Council or Committee on points of order or on the interpretation of the Rules of Procedure;
7. leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared.

7.2 A member shall:

1. obtain the permission of the Chair to speak, prior to speaking to a question or motion;
2. have the right to speak first in debate, if he or she is the author of the *Question on the Floor* or other motion under consideration;
3. when intending to introduce a motion, do so immediately, but may preface the motion with a few words of explanation, of which such words must not become a speech;
4. when intending to amend a prepared resolution, shall, prior to introducing the motion, preface the motion by explaining how the prepared motion has been altered, in a manner that does not become a speech;
5. when more than one member addresses the Chair at the same time, allow the Chair to name the member entitled to speak first, but may make a motion to change the priority of the speakers;
6. when they are called to order by the Chair, immediately cease speaking unless allowed to explain;
7. obey the ruling of the Chair, subject to appeal to the Council or Committee in accordance with Section 4.2.3.

7.3 If the Chair desires to leave the position of the presiding officer before adjournment and ~~fails~~ to call some member to the position of the presiding officer, the Council or Committee may appoint a member to preside over the meeting until the business of the meeting is finished.

~~7.4 7.4~~—No person other than Council members, representatives or employees of the County and representatives of the news media shall be allowed to come within the

Council enclosure or to speak from the gallery during the meetings of Council without permission of the Chair.

8. RULES OF DEBATE IN COUNCIL

- 8.1 Every member, ~~previous~~prior to speaking to any question or motion, shall rise from his or her seat and address the Chair.
- 8.2 Every member present at a meeting of the Council when a question is put to vote (*Putting the Question*), shall vote thereon unless prohibited by any Statute of the Province, in which case the Clerk shall so record in the minutes.
- 8.3 If any member present at a meeting of the Council when a question is put to a vote and a recorded vote is taken, does not vote, he or she shall be deemed as voting in the negative except where he or she is prohibited from voting by any Statute of the Province, pursuant to Sec. 246(2) of the *Act*.
- 8.4 If a member disagrees with the announcement of the Chair that a question is carried or lost the member may, but only immediately after the declaration of the result by the Chair, object to the Chair's declaration and request a recorded vote to be taken or make a motion for *Division of the Assembly*.
- 8.5 When a recorded vote is requested, either before or after the vote but before proceeding with the next item of business, the Clerk shall call the names of each member in alphabetical order starting with the name of the member so requesting, and the Clerk shall record the name and vote of every member on any matter or question.
- 8.6 When the Chair calls for the vote on a question, each member shall occupy his or her seat and shall remain in his or her place until the result of the vote has been declared by the Chair, and during such time no member shall speak to any other member or make any noise or disturbance.
- 8.7 When a member is speaking no other member shall pass between the speaker and the Chair, or interrupt the speaker except to raise a point of order.
- 8.8 Any member may require the *Question on the Floor* or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 8.9 No member shall speak more than once to the same question without leave of the Council, except that a reply shall be allowed to be made only by a member who has presented the motion to the Council, but not by any member who has moved an amendment or a procedural motion.
- 8.10 No member shall speak to the same question, or in reply, for longer than four (4) minutes, without leave of Council.
- 8.11 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only through the Chair.

- 8.12 Notwithstanding Section 8.11, when a member has been recognized as the next speaker, then immediately before speaking, such member may ask a question of or through the Chair on the *Question on the Floor* or matter under discussion but only for the purpose of obtaining information, following which the member may speak.
- 8.13 The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
1. a point of order;
 2. a privileged question;
 3. presentation of a petition;
 4. to adjourn;
 5. to lay on the table;
 6. to put the *Question on the Floor* to a vote.
- 8.14 The following matters and motions with respect thereto may be introduced without notice and without leave, but such motions shall be in writing signed by the mover and seconder, except as otherwise provided by these Rules of Procedure:
1. to amend;
 2. to suspend the Rules of Procedure;
 3. to postpone indefinitely;
 4. to postpone to a certain time;
 5. to go into the Committee of the Whole.
- 8.15 In all cases not listed in Sections 8.13 and 8.14, during the proceedings of the Council or in the Committee of the Whole, the matter or motion shall be decided by the Chair who may, if necessary, consult with the Clerk, subject to an appeal to the Council upon a point of order, in accordance with Section 4.2.3.

9. MOTIONS AND AMENDMENTS

9.1 NOTICE(S) OF MOTION

- 9.1.1 Notice of all new motions, except motions listed in Sections 8.13 and 8.14, shall be given in writing and duly signed at a meeting of Council or Committee, but shall not be debated until the next regular meeting of Council or Committee unless such motion is delivered to the Clerk or Committee Secretary at least six (6) full business days preceding the date of the meeting at which such motion is to be introduced; and such motion shall be printed in full ~~in~~on the Agenda for that meeting of the Council or Committee and each succeeding meeting until the motion is considered or otherwise disposed.

9.1.29.1.2 Notwithstanding Section 9.1.1, during Council's review and consideration of annual business plans and budgets, all amending motions shall be tabled in writing and duly signed as Notices of Motion to be debated at the Budget meeting specifically identified for budget debate. The Clerk will ensure that all such motions are printed in full on the Agenda for the meeting when debate is scheduled to occur.

| 9.1.3 When a member's *Notice of Motion* has been called from the Chair for two (2) successive meetings and not duly considered or otherwise disposed, it shall be dropped from the Agenda unless the Council or Committee otherwise decides.

| 9.1.~~34~~ If, at the third meeting, such notice of motion is put to a question by the Chair and not considered or otherwise disposed, it shall be deemed to have been withdrawn.

| 9.1.45 Any motion may be introduced without notice if the Council, without debate, dispenses with the notice requirements of Section 9.1, on the affirmative vote of at least two-thirds of the members present and voting.

9.2 *MOTION TO BE SECONDED*

A motion must be formally seconded before the Chair *States the Question* and can put the *Question* to a vote, or before the Clerk can record the motion and its result in the minutes.

9.3 *STATING THE QUESTION*

9.3.1 When a motion is presented in Council in writing, it shall be read aloud by the Chair.

| ~~9.3.29.3.2~~ Notwithstanding Section 9.3.1, at his or her discretion, the Chair may choose not to read the motion aloud.

| 9.3.3 When a motion is presented in Council orally, it shall be stated by the Chair and recorded by the Clerk before debate can occur.

9.4 *MOTION ULTRA VIRES*

A motion in respect of a matter which is beyond the jurisdiction of the Council or Committee shall not be in order.

9.5 *QUESTION ON THE FLOOR*

9.5.1 After a motion is stated by the Chair it shall be deemed to be in the possession of the Council or Committee but the motion may, with the permission of the Council, be withdrawn by the mover and seconder at any time before the Question is put or any amendment(s) made thereto.

9.5.2 A *Question on the Floor* for decision must duly be considered or otherwise disposed before any other motion can be received, except motions in respect of matters listed in Section 8.13.

9.5.3 A motion to refer a *Question On the Floor* to Committee of the Whole, a Committee of Council or an Advisory Body shall preclude all amendments of the main question until the motion to refer is duly considered or otherwise disposed.

9.6 *PREVIOUS QUESTION*

9.6.1 A motion for the *Previous Question* is the motion used to bring the Council to an immediate vote on one or more pending *Questions*. It has the effect of closing debate

and preventing any further amendment of the *Question On the Floor*. It does not prevent the making of any *Privileged Question*, nor does it prevent a special order set for a particular hour from interrupting the pending business.

9.6.2 A motion for the *Previous Question* only can be moved using the following words:

“THAT THE QUESTION NOW BE PUT.”

9.6.3 A motion for the *Previous Question* cannot be proposed when an amendment, pursuant to Section 9.7, is under consideration.

9.6.4 A motion for the *Previous Question* is not allowed in Committees.

9.7 AMENDMENTS

9.7.1 A motion to *Amend* shall adhere to the following rules:

1. be presented in writing (*Primary Amendment*) and duly seconded;
2. be relevant or germane to the *Question On the Floor*;
3. not be used to amend something previously adopted;
4. not be worded such as to propose a direct negative of the *Question On the Floor*;
5. be duly considered or otherwise disposed of by Council or Committee before a previous amendment of the same question;
6. be amended only once (*Secondary Amendment*), and any further amendment must be to the main question;
7. be put to a vote in the reverse order to that in which it is so moved; and,
8. may be used to separate and dispose of distinct parts of a question.

9.8 PRIVILEGED MOTION

A *Privileged Motion* shall receive the immediate consideration of the Chair and when resolved the *Question On the Floor*, so interrupted, shall be resumed at the point where it was suspended.

9.9 DIVISION OF A QUESTION

A motion to *Divide* the *Question On the Floor*:

1. can be applied only when the main *Question* can be divided properly into parts that can be considered and acted upon if none of the other parts is adopted, and where the effect of adopting all the other parts will be exactly the same – no more, no less – as adoption of the main *Question*;
2. takes precedence over the main *Question*, or related amendments, but it cannot be made while an amendment to the main *Question* is pending;
3. is out of order when another member has the floor;
4. must be seconded;
5. is not debatable; and,
6. cannot be reconsidered.

9.10 MOTION TO ADJOURN

9.10.1 A motion to *Adjourn* shall always be in order, except as provided in Section 9.10.2

9.10.2 A motion to *Adjourn* is not in order when:

1. a member is speaking to the *Question On the Floor*;
2. a member has already indicated to the Chair that he or she desires to speak to the *Question On the Floor*;
3. proposed during a vote or during the verification of a vote; or,
4. proposed immediately following the affirmative resolution for the *Previous Question*.

9.10.3 A motion to *Adjourn* a regular meeting of Council must state the time at which the next session or meeting of Council is to be held.

9.10.4 A motion to *Adjourn* the final regular meeting of Council's term, wherein unfinished business remains at the time of adjournment, has the effect of causing said unfinished business to fall to the ground. Such business may be introduced at the next session of Council, however, the same as if it had never been brought up.

9.11 RECONSIDERATION

9.11.1 The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.

9.11.2 No discussion of a main question, once resolved, shall be allowed unless reconsidered.

9.11.3 After any question has been resolved, except a motion not subject to debate or one of indefinite postponement, any member who voted in the majority may, ~~at the same or the next regular meeting,~~ make a motion for *Reconsideration* thereof.

9.11.4 A motion for *Reconsideration* shall include a statement by the mover of at least one valid reason why the main *Question*, so previously decided, must be reconsidered by Council.

9.11.5 No *Question* previously decided shall be reconsidered more than once.

10. VOTING ON MOTIONS

10.1 Immediately preceding the taking of the vote, the Chair shall state the *Question On the Floor* in the form introduced, in the precise form in which it will be recorded in the minutes.

10.2 After a *Question On the Floor* is stated by the Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

10.3 Only members present when the *Question On the Floor* is stated by the Chair shall be entitled to vote on the question.

- 10.4 The manner of determining the decision of the Council or Committee on a *Question On the Floor* shall be decided prior to the vote being taken and at the discretion of the Chair, unless otherwise decided by Council or Committee, and may be by voice, show of hands, rising or otherwise, but shall never be by secret ballot, pursuant to Section 244 of the *Act*.
- 10.5 Whenever the vote in consideration of the *Question On the Floor* results in a tie, the question shall be deemed to have been resolved in the negative, except in the election of the Warden or Deputy Warden, whereupon the provisions of Section 4.1.9 shall apply.

11. BY-LAWS, DELEGATIONS AND MINUTES

11.1 BY-LAWS

- 11.1.1 Every By-law, previous to it being adopted by Council, shall receive three readings.
- 11.1.2 It shall be the duty of the Clerk to revise all By-laws after the first reading and after such revision, the Clerk shall initial same and certify on the said By-laws that the same are correct, and at every succeeding stage of such By-law, the Clerk shall be responsible to ensure the By-law correctness, should amendments be made thereto.
- 11.1.3 Upon the final reading and passing of any By-law, the same shall be numbered and certified by the signatures of the Warden and the Clerk and the seal of the County and the Clerk shall certify same with the date thereof at the foot of the By-law.

11.2 DELEGATIONS AND PRESENTATIONS

Persons desiring to present verbally information on matters of fact, or to make a request of Council or Committee, shall notify the Clerk or Committee Secretary in advance of the meeting which they propose to attend, and may be heard by the Council/Committee, but shall be limited in speaking to a period of not more than fifteen (15) minutes, provided that a deputation consisting of more than five persons shall be limited to two speakers subject to a total limitation of fifteen (15) minutes; and provided further that Council or Committee may, by motion, lengthen the time for hearing of delegations.

11.3 MINUTES

- 11.3.1 The minutes of the Council or Committee shall consist of:
1. a record of the place, date and time of meeting;
 2. the name of the Chair, a record of all members present, and the names of those absent;
 3. the reading, if requested, correction and adoption of the Minutes of prior meetings;
 4. all other proceedings of the meeting without note or comment.
- 11.3.2 At the close of each meeting or session, the Clerk or Committee Secretary will transcribe the proceedings of such meeting in the minute book and immediately after the Approval of the Agenda at the next meeting of Council or Committee, the minutes of the previous meeting shall be considered so that any errors therein may be corrected, and the Chair shall then sign such minutes in open Council or Committee. The Clerk or Committee

Secretary shall ensure that a copy of the minutes of each meeting is delivered to each member of the Council or Committee at least forty-eight (48) hours prior to the next meeting of Council or Committee.

- 11.3.3 When a matter or *Question On the Floor* is referred from one meeting to the next, the Clerk or Committee Secretary shall record it as unfinished business and ensure the matter is brought forward as Unfinished Business before the Council or Committee at its next meeting.

12. CLOSED SESSIONS

- 12.1 A meeting, or part of a meeting, may be closed to the public (*Closed Session*) if the subject matter being considered is one or more of the following:

1. the security of the property of the County or a local board;
2. personal matters about an identifiable individual, including County or local board employees;
3. a proposed or pending acquisition or disposition of land ~~for by the~~ County or local board purposes;
4. labour relations or employee negotiations;
5. litigation or potential litigation, including matters before administrative tribunals, affecting the County, ~~committee~~ or local board;
6. the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
7. a matter in respect of which Council, a board, a committee or other body ~~has authorized~~ may hold a closed meeting ~~to be closed~~ under ~~a specific procedural statute or regulation~~ another Act;
- ~~8. a matter that relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Ch. M56, and~~
8. for the purpose of educating or training the members so far as the matter is not dealt with in a way that materially advances the business or decision-making of the Council, local board or committee-; and
9. an ongoing investigation respecting the County, a local board or a municipally-controlled corporation by the Ombudsman of Ontario, a locally-appointed Ombudsman, or an appointed Closed Meeting Investigator.

- ~~9.~~
12.2 Meetings closed to the public must be closed by a motion to “Proceed into *Closed Session*” with the said motion, duly seconded and passed, stating the general nature of the matter(s) to be considered at the *Closed Session*.

- 12.3 Where the public is excluded from a meeting, or portion thereof, no vote may be taken except a vote on a procedural matter or for the giving of directions or instructions to officers, employees or agents of the County or persons retained by or under contract with the County.

- 12.4 The number of times a member may speak to any question shall not be limited during a *Closed Session*, provided that no member shall speak more than once until every member who desires to do so shall have spoken.

- 12.5 A member present at a *Closed Session* shall, prior to consideration of any matter, declare any pecuniary interest, direct or indirect, and the general nature thereof; and said member shall leave the *Closed Session*, or part thereof, during which the matter is under consideration. Said declaration shall be recorded in the minutes.
- 12.6 The minutes for a *Closed Session* shall include the following:
1. the time and place of the meeting;
 2. those members in attendance and the presiding officer;
 3. disclosures of pecuniary interest, if any, but not the general nature thereof; and
 - ~~4. decisions on requests under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Ch. M56; and,~~
 - 5.4. directions given to officers, employees or agents of the County or persons retained by or under contract with the County.
- 12.7 A motion to adjourn a *Closed Session* shall always be in order and be decided without debate, except when a member is in possession of the floor.
- 12.8 Upon rising from a *Closed Session*, the Chair shall announce the result of the vote as it is to be recorded in the minutes.

13. COMMITTEE OF THE WHOLE

- 13.1 A member may motion to move into the Committee of the Whole in the following instances:
1. wherever questions will be asked of staff;
 2. where reports are being made by someone from outside of the Council;
 3. at any time when free discussion of an item is desired and the Council so decides.
- 13.2 The Warden, or Chair, may request the Deputy Warden, or another member in the case of the absence of the Deputy Warden, to assume the Chair of the Committee of the Whole.
- 13.3 The Rules of Procedure and the Rules of Conduct of Members shall be observed insofar as they are applicable, provided that:
1. the number of times of speaking on any question shall not be limited;
 2. no member shall speak more than once, except to make an explanation, until every member who desires to speak has spoken.
- 13.4 The proceedings of the Committee of the Whole shall not be entered into the minutes.
- 13.5 The report of the Committee of the Whole will be presented by the Chair of the Committee of the Whole, who presided at that time, in the form of recommendations to the Council. Said recommendations can then be given further consideration and properly disposed of by Council.
- 13.6 A motion to “rise and report” shall be decided without debate.

13.7 A motion to “rise without reporting” shall always be in order and shall take precedence over any other motion and, if carried, the subject referred to the Committee shall be deemed to have been disposed of in the negative, subject however to its *Reconsideration* if Council should so decide. The next order of business shall then proceed therewith.

14. COMPOSITION AND DUTIES OF COMMITTEES OF COUNCIL

14.1 Council may at any time, on motion of a member duly considered and agreed to in the affirmative, strike a Committee, Quasi-Judicial Board, Ad Hoc Committee or Steering Committee, as the case may be, to consider and report on any matter or to perform any special service within the spheres of jurisdiction of the County, pursuant to Section 11 of the *Act*. Unless specifically provided for in the striking resolution and/or by-law, such committee shall dissolve as soon as the services for which that committee was appointed are performed.

14.2 For every Committee and Quasi-Judicial Board established by Council, Council shall adopt a terms of reference, and this terms of reference shall be reviewed with each term of Council and prior to any new committee appointments.

14.3 The terms of reference adopted by Council under 14.2 above must include the:

1. composition of the committee, including term of office for lay appointments if the term does not coincide with the term of Council;
2. committee mandate; and
3. specific duties, including delegated duties (if any).

14.4 The powers and duties of Committees, Quasi-Judicial Boards, Ad Hoc Committees and Steering Committees shall be pursuant to the striking resolution and/or by-law of Council as adopted, giving direction, but shall not include the decision-making authority of Council, pursuant to Section 11 of the *Act*, except in the case of a Quasi-Judicial Board, or as otherwise explicitly provided for in the striking resolution and/or by-law.

14.5 Unless Council specifically sets out in the striking resolution and/or by-law, or unless legislation provides otherwise, the term of office for member appointments to committees shall coincide with the term of Council.

14.6 Unless the terms of reference provide otherwise, or unless legislation provides otherwise, the term of office for lay appointments to committees shall coincide with the term of Council or until their successors are appointed.

14.7 Lay appointments to Committees, Quasi-Judicial Boards, Ad Hoc Committees and Steering Committees shall be in accordance with the following procedure:

1. Where non-elected members (lay persons) are required to serve on any Committee, Quasi-Judicial Board, Ad Hoc Committee or Steering Committee, Council shall instruct the Clerk to advertise these positions in a local newspaper(s) of sufficient circulation, and on the County Internet site, and to post at the County's customer service desk, at the administration offices of the local area municipalities, if

applicable, and on social media in consultation with the Manager of Strategic Communication and Engagement or designate.

- ~~2. The advertisement will provide a general statement indicating the number of positions to be filled, the mandate of the committee and the nature of the duties of the successful applicant.~~
- ~~3. The advertisement will include a statement that interested applicants will be required to submit appropriate documentation supporting their application, that the Council is not obligated to consider all applicants, and that an interview(s) may be required with the Council or the committee.~~
- ~~4.2. If an interview(s) with the applicant(s) is required with the Council or committee, said interview(s) will take place in a *Closed Session* of Council or committee. Following the interview, but not necessarily immediately thereafter, a recommendation to the Council will be brought forward in a timely manner to ensure the composition of the Committee, Quasi-Judicial Board, Ad Hoc Committee or Steering Committee, as the case may be, is established by Byresolution and/or by-law.~~
- ~~5. In order to ensure the business of Council is not unduly delayed, the appointments to Committees, Quasi-Judicial Boards, Ad Hoc Committees and Steering Committees will be given a high priority.~~

- 14.8 A majority of the members of a committee is necessary to constitute a quorum.
- 14.9 The provisions of Section 3.7 apply if no quorum is present, with the necessary substitutions.
- 14.10 The *Order of Business* of meetings of Committees, Quasi-Judicial Boards, Ad Hoc Committees and Steering Committees shall be pursuant to Section 6 with the necessary substitutions and omissions.
- 14.11 The *Rules of Conduct* of the members of Committees, Quasi-Judicial Boards, Ad Hoc Committees and Steering Committees shall be pursuant to Section 7.
- 14.12 The *Rules of Debate* for Committees, Quasi-Judicial Boards, Ad Hoc Committees and Steering Committees shall be pursuant to Section 8, with the necessary substitutions, except Sections 8.9 and 8.10 shall not apply to limit the ability of or time allowed for any member to speak to a question or item under discussion.
- 14.13 Motions and Amendments thereto shall be considered in accordance with Section 9.
- 14.14 All decisions of the Committees, Ad Hoc Committees and Steering Committees shall be in the form of recommendations to Council, except as otherwise explicitly provided by Council resolution and/or by-law striking the committee, and shall be forwarded by the Secretary to the Clerk for inclusion in the Agenda of the next meeting of Council.
- 14.15 An employee of the County shall be the Secretary of the Committee, Quasi-Judicial Board, Ad Hoc Committee or Steering Committee and shall act as a resource person in a non-voting capacity.

15. WORKSHOPS AND INFORMATION SESSIONS

Workshops and information sessions are informal and broad discussions among a quorum or non-quorum of members with the assistance of staff and, as appropriate, with

guests. Workshops and information sessions will be held at a location to be determined and made public. Sessions of this nature are for the purpose of educating or training the members and to seek Council insight and feedback. At no time shall a workshop or information session materially advance the business or decision-making of the Council, local board or committee.

16. REPEAL OR AMENDMENT OF THIS BY-LAW

4516.1 This By-law is not to be amended or repealed except by a majority of all members of Council present.

4516.2 No amendment or repeal of this By-law is to be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council.

4617. MISCELLANEOUS

For the purposes of this By-law, words used in the present tense include the future tense; words in singular number include the plural and words in the plural include the singular number; and, the word “shall” is mandatory.

To: Warden and Members of County Council

From: Director of Public Works

Kerry Canada Inc. Wastewater Over-Strength Agreement

RECOMMENDATION

1. That a by-law be raised to authorize the Chief Administrative Officer to sign a Wastewater Over-strength Agreement with Kerry Canada Inc. for its Woodstock Facility as outlined in Report PW 2016-47.

REPORT HIGHLIGHT

- The purpose of the report is to obtain County Council approval to authorize the Chief Administrative Officer to sign an agreement with Kerry Canada Inc. (KCI) to permit the discharge of over-strength wastewater from KCI in to the County of Oxford - Woodstock Wastewater System.

Implementation Points

The current effluent monitoring / sampling program at KCI will continue per Oxford County Sewer Use [By-law No. 2719-87](#). Billing will continue with the rates established in the Oxford County Water and Wastewater Rates By-law, currently [By-law No. 5514-2013](#).

The charges will be set out in the Wastewater Over-strength Agreement with KCI.

Financial Impact

Wastewater charges are based on flows and sewage strength that are consistent with the other County Wastewater Over-strength Agreements. As such, estimated wastewater over-strength charges are reflected in the 2017 and subsequent Budgets. The revenue for 2016 is estimated to be \$5000 and this was not included in the 2016 Budget.

The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

Sections 6.0 and 13.0 of the Agreement deal with any possible future changes to the effluent limits if there are any changes to the legislation (more stringent effluent criteria) imposed on the

County by the Ministry of the Environment and Climate Change (MOECC) for treated effluent discharges from Oxford County's Woodstock Wastewater Treatment Plant (WWTP). Section 6.0 of the Agreement reserves the County's right to impose more restrictive discharge limits on KCI.

Strategic Plan

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

1. *i. A County that Works Together* – Strengthen, diversify and broaden the economic/prosperity base through:

- *Strategies to retain and support existing businesses and grow our green economy*
- *Increased collaborative promotion of investment opportunities*

3. *iii. A County that Thinks Ahead and Wisely Shapes the Future* - Demonstrated commitment to sustainability by:

- *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
 - o *Responsible environmental leadership and stewardship*

DISCUSSION

Background

The Sewer Use By-law ([By-law No. 2719-87](#)) regulates the discharge of sewage into County Wastewater Treatment Plants and in doing so establishes acceptable parameters and strength allowances for such discharge. [By-law No. 2719-87](#), Section 3 allows the County to grant exemptions, typically for over-strength concentrations of allowable parameters, subject to the execution of an Agreement authorized by the By-law.

KCI owns and operates a food processing plant in Woodstock. Currently, the concentration of BOD₅, TSS, and TP in the plant effluent wastewater discharge may occasionally be above the concentration limits set in the Oxford County [By-law No. 2719-87](#) (Sewer Use By-law). This Agreement includes provisions for over-strength sewer discharges with respect to specified parameters of concern from the KCI Plant.

Comments

The proposed Agreement ([Attachment 1](#)) is consistent with the requirements of Oxford County [By-law No. 2719-87](#) and with the other Wastewater Over-strength Agreements that the County has in place with other industrial customers.

Under the proposed Agreement, KCI will pay normal wastewater fees as per the County Rates [By-law No. 5514-2013](#) and any over-strength sewage charges based on its associated flows

and sewage strength. The proposed funding arrangement allows the County to deal with the costs of treating over-strength wastewater and to pay for planned maintenance and wastewater treatment plant upgrades.

Upon signing, the Wastewater Over-strength Agreement will be effective for a period of ten years from the date KCI signs the Agreement, at which time it may be renewed, altered, or dissolved as negotiated between the two parties.

Conclusion

It is recommended that County Council authorize the Chief Administrative Officer to sign the attached Wastewater Over-strength Agreement with KCI.

SIGNATURES

Report Author:

Original signed by:

Shahab Shafai, M.Sc., P.Eng.
Manager of Environmental Services

Departmental Approval:

Original signed by:

Robert Walton, P.Eng.
Director of Public Works

Approved for submission:

Original signed by:

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENT

[Attachment 1](#): Wastewater Over-strength Agreement with KCI

This Agreement in duplicate this xx day of xxxxxx, A.D. 2016.

BETWEEN:

COUNTY OF OXFORD

hereinafter called "the County"

OF THE FIRST PART

and

KERRY CANADA INC.

hereinafter called the "Company"

OF THE SECOND PART

WHEREAS the County enacted By-law No. 2719-87 on the 12th day of August, 1987, relating to the discharge of sewage in the County of Oxford Sewage Works, which may be amended or updated from time to time (the "County Sewer Use By-law"); and

WHEREAS the said By-law prohibits the discharge of wastewater containing certain substances in quantities in excess of the limits set by the By-law but provides that the County may permit the discharge of sewage (herein after "wastewater") which would otherwise be prohibited by the By-law to an extent fixed by agreement with the County; and

WHEREAS the Company carries on an industrial activity within the County at premises known as 615 Jack Ross Avenue, Woodstock, Ontario (hereinafter the "Subject Property") that produce an Industrial wastewater effluent. This wastewater is discharged into the County Sewage Works, and may contain suspended solids (hereinafter "Total Suspended Solids" or "TSS"), 5-day Biochemical Oxygen Demand (hereinafter "5-day BOD") and total phosphorous (hereinafter "TP") above the limit set in the County Sewer Use By-law; and

NOW THEREFORE this indenture witnesseth that the parties hereto mutually covenant and agree as follows:

1.0 The above recitals are true and accurate.

2.0 Term

2.1 This Over-strength Agreement (hereinafter the "Agreement") is effective for a term of ten years from the date of execution of the Agreement, at which time it may be renewed, altered or dissolved as negotiated between the parties, unless terminated in accordance with section 13 of this Agreement.

2.2 After the expiration of such ten-year term, unless terminated in accordance with section 13 of this Agreement, this Agreement shall continue to be in full force and effect as is, on a month to month basis, until such time as the parties agree to the renewal, alteration or dissolution of the Agreement pursuant to section 13 of this Agreement.

3.0 Determination of Wastewater Quantity

3.1 The quantity of wastewater discharged by the Company from the Subject Property to the County Sewage Works shall be determined by direct metering of the process wastewater discharge (Process Discharge Meter).

3.2 The Company will install and maintain a Process Discharge Flow Meter and a Wastewater Quality Sampling Facility at its own expense to be approved by the County, which allows the 24-hour automatic flow proportional collection of composite wastewater samples in the wastewater pre-treatment area. The Company will allow County Staff access to this sampling facility.

3.3 The Company shall maintain and calibrate the Process Discharge Flow Meter on an annual basis or as recommended by the manufacturer, whichever is more frequent, at its own expense.

3.4 The Company agrees that if there are malfunctions of the Process Discharge Flow Meter, the County may estimate the quantity of wastewater based on

historical water consumption and wastewater discharge flow volumes (e.g. during the previous 12 months).

3.5 In calculating the quantity of wastewater for the purpose of this Agreement, storm water shall be excluded.

4.0 **Over-strength Agreement**

4.1 During the term of this Agreement only, the quality of the wastewater discharged by the Company from the Subject Property to the County Sewer Works may exceed the prescribed limits in the County Sewer Use By-law with respect to 5-day BOD, TSS and TP; however, the Company shall not exceed the following limits at any time:

Parameter (1) 5-day BOD (BOD₅) concentration of 2000 mg/L (single sample maximum).

Parameter (2) Total suspended solids (TSS) concentration of 500 mg/L (single sample maximum).

Parameter (3) Total phosphorous (TP) concentration of 25 mg/L (single sample maximum).

4.2 The allowance above the County Sewer Use By-law limits permitted by clause 4.1 above shall be subject to a surcharge calculated in accordance with section 5 of this Agreement.

4.3 Loadings for the above parameters shall not exceed 1534 kg/d (BOD₅), 384 kg/d (TSS), and 19 kg/d (TP), respectively, based on monthly average concentrations multiplied by the average daily process wastewater discharge flow rate for the month (based on calendar days).

4.4 The Company shall be permitted to continue to discharge wastewater within the following quantity limits:

a) maximum process wastewater volume of 767 m³/day, and

b) average process wastewater flow of 533 Lpm not to exceed a peak flow of 1,500 Lpm

4.5 The discharge of process wastewater by the Company from the Subject Property with BOD₅, TSS, and TP in excess of the limits set out in clauses 4.1 and 4.3 shall constitute a contravention of this Agreement and thus a contravention of the Sewer Use By-law

5.0 **Over-strength and Discharge Monitoring Fee**

5.1 The Company hereby covenants and agrees to pay the County a fee for over-strength wastewater and wastewater discharge monitoring. The said fee shall become due and be paid quarterly. The fee payable shall be based on the following formula:

Total Fee = Surcharge (Parameter 1) + Surcharge (Parameter 2) + Surcharge (Parameter 3)

Where:

Surcharge = (B x C x D) + E + F

And Where:

B = Flow (1000 m³) as measured by the Process Discharge Meter for the period or by estimate in accordance with clause 3.4 above.

C = Monthly Average Composite Sampling Results in mg/L less By-law Limit *

D = Rate per kg (currently \$1.65/kg) **

E = Hourly Labour Rate as determined by the County x three hours x the number of samples in the period

F = Cost as determined by the County x the number of samples (minimum bi-weekly)

** For the purposes of determining the strength, the principle of averaging is accepted, and analysis will be conducted on composite wastewater samples,*

each collected on a time or flow proportional basis, over a period of not less than 24-hours. Samples will be collected at least biweekly (once every two weeks) or weekly up to a maximum of 4 times a month to determine the strengths and loadings discussed in this Agreement unless mutually agreed otherwise.

*** Rate per kg will be based on the rate established in the County Water and Wastewater Rate By-law.*

- 5.2 All sampling and analysis will be done in accordance with Standard Methods as defined in the County Sewer Use By-law.
- 6.0 In the event that Ministry of the Environment and Climate Change imposes more stringent system effluent criteria than those established under the current Environmental Compliance Approval (ECA, formerly referred to as Certificate of Approval) governing the County WWTP (“revised effluent criteria”), the County reserves the right to establish more restrictive discharge limits for the wastewater discharge from the Subject Property as necessary to ensure compliance with revised effluent criteria, provided that the County shall immediately notify the Company of any plans, warnings, initiatives, actions, or notices by the Ministry of the Environment and Climate Change and shall keep the Company fully informed of all such reduction events and activities.
- 7.0 Any overdue fees or charges under this Agreement will be charged interest in accordance with the County of Oxford Receivable Management Policy Number 6.3. Collection of any overdue accounts under this Agreement will follow the prescribed method under Appendix A of said policy. The County may terminate this Agreement at its option, without notice, if the company fails for more than three months to pay an overdue account. Termination shall not relieve the Company from its liability to make such payment due prior to termination.
- 8.0 The Company agrees to negotiate in good faith its reasonable share of the capital costs of future expansion/replacement/upgrade of the County Sewage Works based on its share of the total flow and the total loading at the time that such expansion/replacement/upgrade is required if such capital works are required to provide treatment for the wastewater flows or loadings from the Subject Property in excess of the parameters specified in clauses 4.1 and 4.3 of this Agreement.
- 9.0 In the event of an overload condition caused by the Company or maintenance or operational problems in the County Sewage Works caused by the Company or in the event of contravention of the County Sewer Use By-law, as modified by this Agreement, the County may notify and require the Company to correct the situation within a timeframe established by the County, or to reduce or eliminate the discharge to the sanitary sewer.
- 10.0 If the County Sewage Works is unable to comply with the discharge limits specified in its Environmental Compliance Approval (ECA), the County may require the Company to reduce its loadings to the sanitary sewer to loadings less than those specified in clause 4.3 of this Agreement or take other steps deemed necessary to ensure compliance with the limits specified in the ECA.
- 11.0 **Spill Control and Pollution Prevention Planning**
- 11.1 The Company will prepare and submit to the County by commencement of agreement, a Spill Control and Pollution Prevention Plan (“the Plan”). The Plan will identify the steps that the Company will take to ensure that the flow and loading limits specified in this Agreement are met on a consistent basis. The Plan will also identify the steps that the Company will take to minimize the occurrence of spills or other incidents which will adversely affect the County Sewage Works.
- 12.0 In the event of planned maintenance to the County Sewage Works, the County will endeavour to give two (2) weeks notice to the Company, if possible. This notice shall be hand delivered, or faxed to the offices of the Company at Woodstock, or sent by general mail with an additional three (3) day’s notice.
- 13.0 **Termination**
- 13.1 This Agreement may be terminated by the Company, at its sole and absolute discretion, notwithstanding any other term, condition or covenant in this Agreement, by providing sixty (60) days prior written notice sent by registered

mail to the County. The Company's termination rights pursuant to this clause shall be absolute and unconditional.

- 13.2 This Agreement may be terminated by the County notwithstanding any other term, condition or covenant in this Agreement, by providing sixty days (60) ("Termination Notice Period") prior written notice ("County Termination Notice") sent by registered mail to the Company (attention of Plant Manager) if the County, acting reasonably and based on credible substantiating evidence, determines that one or more of the following conditions are met:
- a) The wastewater from the Subject Property is causing a health or safety hazard to a Sewage Works employee; or
 - b) The wastewater from the Subject Property is causing damage to the County Sewage Works, significantly increasing their maintenance costs or causing a dangerous condition; or
 - c) The wastewater from the Subject Property is causing material damage to the wastewater treatment process or causing a dangerous condition in the County WWTP; or
 - d) The wastewater from the Subject Property is causing the biosolids from the County Sewage Works to fail to meet criteria relating to contaminants for spreading the biosolids on agricultural lands under any regulation made under the Nutrient Management Act 2002, S.O. 2002, c. 4 or under the Environmental Protection Act, R.S.O. 1990, c. E.19 or any other relevant current or future regulation or any direction provided by an officer of the Ministry of the Environment and Climate Change or any other relevant Provincial and/or Federal regulatory agency; or
 - e) The wastewater from the Subject Property is causing the County Sewage Works effluent to contravene any current or future requirement by or under the Ontario Water Resources Act, R.S.O. 1990, c. o.40 or the Environmental Protection Act, R.S.O. 1990, c. E.19 or any other relevant Provincial and/or Federal regulation or any direction provided by an officer of the Ministry of the Environment and Climate Change or any other relevant Provincial and/or Federal regulatory agency; or
 - f) The wastewater from the Subject Property is causing a hazard to any person, animal, property or vegetation; or
 - g) The wastewater from the Subject Property is contrary to the County Sewer Use By-law in any way other than as permitted by this Agreement.
- 13.3 The County Termination Notice shall be accompanied by the substantiating information upon which the County determined that one or more of the conditions set out in section 13.2 ("Termination Conditions") are met.
- 13.4 Should the Company disagree with the County's determination that one or more of the Termination Conditions are met, the Company shall provide written notice of this disagreement within fifteen days of receiving the County Termination Notice, failing which, this Agreement shall be terminated upon expiry of the Termination Notice Period ("Notice Expiry Date"), unless, within the Termination Notice Period, the Termination Condition or Conditions specified in the notice have been rectified or otherwise resolved to the County's satisfaction, or the Company has, to the County's satisfaction, commenced steps, and is acting diligently and continuously, to rectify the Termination Condition or Condition.
- 13.5 Should the Company provide notice of disagreement pursuant to clause 13.4 above; the parties agree to make good faith efforts to resolve the disagreement through consultative discussions. If the disagreement is not resolved by the Notice Expiry Date, and no agreement has been reached to extend the Notice Expiry Date, this Agreement shall terminate on the Notice Expiry Date.
- 13.6 This Agreement may be suspended by the County at any time where the County has determined that the continued discharge of wastewater from the Subject Property in accordance with this Agreement will create an immediate threat or danger to any person, property, plant or animal life, or waters ("Emergency Situation"). This suspension shall continue until such time as the Emergency Situation no longer exists, to the County's satisfaction.

- 13.7 In the event of termination of this Agreement by either party, effective immediately upon termination, the Company shall ensure full compliance with all provisions, limits and standards set out in the County Sewer Use By-law for all wastewater discharge from the Subject Property.
- 14.0 If any provision of this Agreement is for any reason held by the Courts to be invalid, all remaining provisions shall remain in full force and effect.
- 15.0 This Agreement shall endure to the benefit of, and be binding upon the heirs, executors, administrators, successors, and assignees of the parties hereto.
- 16.0 Except as specifically provided in this Agreement, the Company is in no way relieved of its obligation to fully comply with the provisions of the County Sewer Use By-law.
- 17.0 Insofar as the provisions of this Agreement may conflict with the provisions of the County Sewer Use By-law, the provisions of this Agreement shall prevail.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals attested to by the hands of their respective proper officers in that behalf duly authorized.

County of Oxford

Per:

 Peter M. Crockett, P.Eng.
 Chief Administrative Officer

 Date

Kerry (Canada) Inc.

Per:

 Steve Cole
 Operations Project Manager
 Kerry Americas Region, Canada

 Date

To: Warden and Members of County Council

From: Director of Public Works

Oxford County Large Article Collection

RECOMMENDATION

1. That County Council receive for information Report No. PW 2016-48, Oxford County Large Article Collection as requested by Resolution No. 18 dated April 13, 2016.

REPORT HIGHLIGHTS

- The report contains information on current and previous large article collection programs.
- The report contains an audit done on large article items collected in 2016 from the Town of Ingersoll ([Attachment 1](#)).

Financial Impact

There will be no financial implications that may result from the adoption of the recommendation contained within this report.

The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

Changes to the current Oxford County large article collection program will have a direct effect on the current level of service to Oxford County residents.

Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

3. *iii. A County that Thinks Ahead and Wisely Shapes the Future* - Demonstrated commitment to sustainability by:
 - *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
 - o *Responsible environmental leadership and stewardship*
 - o *Supporting the community implementation of the Community Sustainability Plan*

DISCUSSION

Background

At its regular meeting on April 13, 2016 Council adopted the following resolution:

***Whereas** the County of Oxford through the County of Oxford Sustainability Plan has developed a Zero Waste Future Oxford Directive;*

***And Whereas** Zero Waste Oxford has an initiative to reach zero waste to landfill by 2025;*

***And Whereas** Zero Waste Oxford's initiative is also to have the landfill capacity extended to 2100;*

***And Whereas** approximately 2000 ton of large items are collected annually in Oxford County spring pickup;*

***And Whereas** 100% of the approximately 2000 ton of large item waste goes directly to landfill;*

***And Whereas** the makeup of the large item pickup are mainly items that may be broken down and reused, recycled or repurposed;*

***And Whereas** the main reason for not diverting large items is because of the cost and manpower;*

***Be It Therefore Resolved** that Council request Public Works to bring forward a report to evaluate the logistics, feasibility, cost and timing of implementing a system that would ensure that all large items from the spring pickup are broken down and reused, recycled or repurposed so that 2000 tons of spring pickup is zero to landfill;*

***And that** the report should consider the full costs of such a program including the social, economic and environmental costs;*

***And that staff** resources be allocated, or a consultant hired to ensure that this report comes before Council by September, so that further costs can be forwarded for the 2017 Budget consideration.*

In 2002, the County assumed responsibility for Waste Management including the curbside large article collection program. In 2002, the large article collection program was a spring clean-up program with residents setting out materials such as white goods, tires, electronics, construction and demolition material, hazardous waste and bagged garbage. Much of this material was collected and disposed of at the Oxford County Landfill. The waste was collected by a combination of private contractors and municipal workers depending on the area municipality. Since 2002, the program has been modified to become a true large article collection. With white goods, tires, electronics, construction and demolition material, and hazardous waste now accepted at the Waste Management Facility in Salford, these materials are no longer collected as part of the large article collection program.

Currently the large article collection program is offered under 3 collection programs funded by the County. Once a year, curbside collection is offered in the Townships of Zorra, East Zorra Tavistock, Blandford-Blenheim, Norwich, South-West Oxford and the Town of Ingersoll. In 2016 Ingersoll, whose large item curbside collection was previously collected by municipal workers, was added to the County program.

The City of Woodstock currently offers 5 curbside collections per year with a maximum 5 articles per collection. Collected items are the same as the County program. The program is funded through the County. The City of Woodstock is currently investigating the possibility of opening a transfer station in Woodstock to accept large article collection materials.

The Town of Tillsonburg operates a transfer station to collect large article collection materials. Tillsonburg is reimbursed by the County based on the average program cost per household for the programs in the County and City of Woodstock. The Town is currently reviewing their operations at this facility.

For the years 2011 to 2015, the County collection amounted to an average of 430 tonnes/yr, while the Town of Ingersoll averaged 260 tonnes/yr. The Town of Tillsonburg averaged 360 tonnes/yr and the City of Woodstock averaged 800 tonnes/yr. In 2014, the City of Woodstock started collecting large article along with its regular curbside collection making accurate weighing of large article collection amount impossible.

In 2016, with the inclusion of Ingersoll in the County collection and a new contractor instructed to only pick up items that met the program guidelines, the amount of material collected from the County/Ingersoll program dropped from 690 tonnes to 463 tonnes, equivalent to a reduction of 227 tonnes.

Comments

In June of 2014, as part of the Public Engagement process for the Waste Management Strategy, residents were asked several questions regarding the large article collection program:

When asked if the residents found the current large article collection program valuable:

- 56% indicated they found the program valuable
- 13% indicated they did not find the program valuable
- 31% had no comment

When asked if the residents supported a user-pay program:

- 40% said they did not support user-pay
- 30% said they did support user-pay
- 26% were unsure
- 4% had no comment

When asked if the resident would support ending the program if it cut back the County's costs:

- 57% indicated they would not support ending the program
- 21% indicated they would support ending the program
- 18% were unsure
- 4% had no comment.

A survey of like sized municipalities showed the following programs in place:

- County of Wellington: no curbside, disposal at Landfill with tipping fee.
- City of Kingston: no curbside, disposal at Landfill with tipping fee.
- County of Simcoe: scheduled pick up, \$35/pick up, 5 item max.
- Kawartha Lakes: curbside by appointment collection with a \$5.00 per item cost
- City of Stratford: curbside with \$10.00 per item tag.

A scan of municipalities located within the Golden Horseshoe identified that residents are encouraged to donate gently used clothing, furniture and household items whenever possible even though these items are accepted through their large article collection program. Additionally, the Region of Niagara has launched a mattress and box spring recycling pilot program. While still accepted through their large article collection program, mattresses and box springs can be brought to the Region's landfill site for recycling as long as they are not contaminated with bedbugs or suspected to be contaminated with bedbugs, and not damp or wet. Contaminated items are landfilled.

Market demand and the conditions of the material play a significant role in the longevity of any diversion program. For example, the current mattress recycling program in the UK faces market challenges due to decreased steel prices and increased insurance costs. Diversion programs for materials that do not have a consistent and demonstrated long term market demand end up being problematic to administer and short term in duration.

An Audit was conducted in 2016 during the collection of large articles in Ingersoll. An 8 metric tonne load of material was dumped in a County owned building adjacent to the Waste Management Facility. Two (2) County employees were tasked with separating a 1.6 metric tonne sample from the middle of the load. The material was separated into recyclable (under current diversion programs) and garbage.

The results of the audit are included as [Attachment 1](#) to this report. The main points observed through the audit are as follows:

- The collection of material by compaction truck although more economical fuel wise and less greenhouse gas production, causes the material to be broken into small fragments requiring difficult handling. The compaction also made disassembly of items difficult.
- Most of the recyclable material such as scrap metal, blue-box material, electronic waste and wood should not have been collected as these materials are accepted at the Waste Management facility for recycling.
- If the contractor was re-educated and these materials not collected, nearly 100% of the material would be considered garbage under our current recycling programs.
- As part of the audit, staff disassembled 2 mattresses and 6 items of furniture. It is estimated by disassembling furniture, 7% of the total large article collection material could be recycled. Much of the wood from the disassembled furniture was not recyclable as it was either painted, varnished, or veneer, which is not recyclable.

- To separate all the recycle material including breaking down furniture and mattresses would divert 91.4 tonnes of large article material from the 463 tonnes of County material collected in 2016. This 91.4 tonnes of material represents 0.2% of the total waste of 47,000 tonnes landfilled each year. Similar results could be expected if the 360 tonnes of material from the Tillsonburg transfer station was manually separated.
- To separate all the recycle material from the County large article collection would require approximately 5927 man hours or 3 FTE's (approximately \$180,000/annually). To include the material from Tillsonburg would require a further 2 FTE's (approximately \$300,000/annually).
- A building capable of housing the material until it could be processed would have to be built. This building would have to be built to a capacity to contain over 500 tonnes of material as most of the collection is done in a short period of April to June. A building of this size is estimated to have a one-time cost of \$300,000 plus with an annually operating cost of \$50,000 (utilities, heavy equipment, etc.).
- Woodstock was not included in the calculations, as Woodstock large article is collected at the same time as regular curbside collection and separation of those materials manually would be hampered by health and safety issues.

The current Large Article Collection Program has evolved from a "Spring Clean-up" into a true Large Article Collection Program. Current tonnage for the 3 programs in the County is currently around 1500 tonnes per year. To process this material would require a substantial input of manual labour and capital investment for a small return on the diversion rate of material.

By working with the County contractor and staff at the Town of Tillsonburg and the City of Woodstock to ensure only materials acceptable to the program are collected, the diversion rate would be greater than any program to process the material at the Waste Management Facility.

Waste Management Staff would continue to develop opportunities for residents to drop material at the Waste Management Facility for recycling. As the new materials are accepted at the Waste Management Facility, they would be removed from the curbside Large Article Collection. This has been the practice in the past for materials such as electronics, tires, white goods and construction and demolition material.

There are several businesses in Oxford County that offer small bin home pick up of materials for residents. There are also numerous handyman services which offer home pick up. If the large article collection service was stopped, these services would be available to residents who may not have the means to transport the material themselves. There would be some issue as to how the material in the bins would be recycled as typically small bins contain recyclables and garbage. Ending the Large Article Collection Program would also be contrary to the public engagement survey results in the Waste Management Strategy.

Further, the draft Zero Waste Plan, expected to be available in late September 2016, will be the beginning of a transformation of how solid waste is managed in Oxford County. The draft Zero Waste Plan will continue the long process of waste reduction while also placing significant focus on waste recovery to substantively reduce the volumes of waste entering our landfill site, or

exiting the County for disposal. The concentrated effort to better recover resources in our waste stream, coupled with continued waste reduction efforts may well require a significantly different bulk waste program in the future.

Conclusions

It is the opinion of staff that the current County Large Article Program be retained at this time. Waste Management staff will continue to develop recycling opportunities at the Waste Management Facility at Salford. Materials that have a dependable recyclable market will be collected and these items will be removed from the list of acceptable large article curbside collection items. Waste Management staff will also work with staff from the City of Woodstock and the Town of Tillsonburg to ensure the material collected through their programs is consistent to the County program.

SIGNATURES

Report Author:

Original signed by:

Dave Vermeeren
Waste Management Rural Properties Supervisor

Departmental Approval:

Original signed by:

Robert Walton, P.Eng.
Director of Public Works

Approved for submission:

Original signed by:

Peter M. Crockett, P.Eng.
Chief Administrative Officer

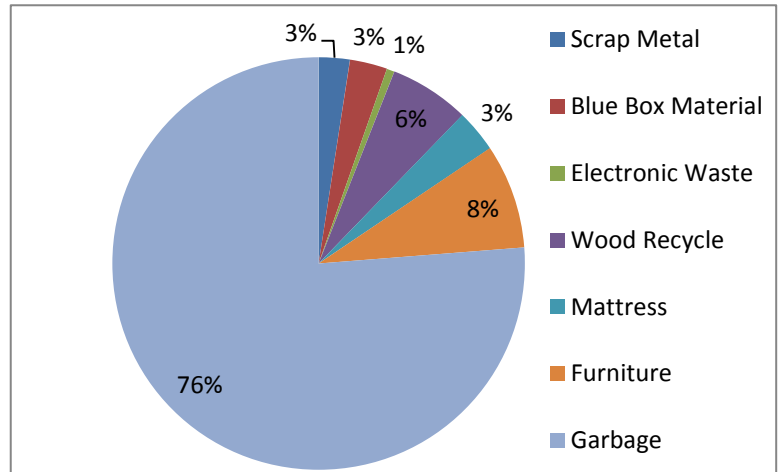
ATTACHMENT

[Attachment 1](#): Large Article Audit 2016

LARGE ARTICLE AUDIT 2016

- 1.6 MT sample (20%) extracted from the center of an 8 MT load from Ingersoll
- Separated into recyclable (current diversion program) and garbage
- Recyclable: blue box material, scrap metal, electronics, and recyclable wood (no pressure treated or veneered particle board)

	Kg	MT	%
Total LAC sample	1600	1.60	100
Scrap Metal	39.1	0.04	2.4
Blue box material	46.9	0.05	2.9
Electronic Waste	9.7	0.01	0.6
Wood	100.2	0.10	6.3
2x mattress	53.3	0.05	3.3
6x furniture	130.8	0.13	8.2
Garbage	1220.1	1.22	76.2
Total Recycle	195.9	0.20	12.2
Total Garbage	1404.1	1.40	87.8



REQUIRED RESOURCES TO MANUALLY SORT RECYCLABLE MATERIAL FROM LARGE ARTICLE LOADS

Program	Additional Hours of Labour based on LAC 2016 Tonnage	Material Diverted	% of Material Diverted Annually Based on 2015 Landfilled Tonnages
Current	0 hours	0 MT	0 %
Separating Recyclable material without breaking down	5204 hours	56.4 MT	0.1 %
Separating Recyclable material with breaking down	5927 hours	91.6 MT	0.2 %

MUNICIPAL SCAN OF LARGE ARTICLE PROGRAMS	
County of Wellington	Resident takes items to Reuse Centre/Landfill Site for disposal - subject to disposal fees
County of Oxford	Free annual curbside collection
City of Kingston	Promote Reuse Stores in the area, Resident takes items to Landfill Site for disposal – subject to disposal fees
Kawartha Lakes	Collection by appointment with \$5 tag fee
Blue Water Recycling Association	Residents takes items to Landfill Site for disposal – Subject to disposal fees
City of Stratford	Collected on regular garbage day with \$10 tag fee
County of Simcoe	Scheduled pick up of items (max 5) \$35 per pick up

To: Warden and Members of County Council

From: Director of Public Works

Oxford Road 8 – Speed Zone Modification

RECOMMENDATIONS

1. That a by-law to amend Oxford County By-law No. 5725-2015, Schedule “C”, be presented to County Council to implement a 60 km/hr speed zone 290 metres in length from 30 metres east of the 13th Line to 320 metres east of 13th Line on Oxford Road 8 from the Village of Hickson, in the Township of East Zorra-Tavistock;
2. And further, that a by-law to amend Oxford County By-law No. 5725-2015, Schedule “B”, be presented to County Council to extend the 50 km/hr speed zone eastward to 30 metres east of 13th Line on Oxford Road 8;
3. And further, that a by-law to amend Oxford County By-law No. 5725-2015, Schedules “A” and “B”, be presented to County Council to implement a 40 km/hr speed zone on Oxford Road 8 during school hours only;
4. And further, that the Ontario Provincial Police and the Township of East Zorra-Tavistock be advised of the amendments to By-law No. 5725-2015.

REPORT HIGHLIGHT

- Seek Council approval for installation of an 80-60-50 km/hr speed transition entering the Village of Hickson as well as installation of a further speed reduction to 40 km/hr speed limit along the frontage of the Hickson Central Public School.

Financial Impact

Funding for the appropriate signage, approximately \$15,000, is available within the approved 2016 Roads Operating budget.

The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

Appropriate speed zoning can have a direct impact on public safety, property and, as a result, County liability. If adopted, the recommendations contained within this report limits any such risks.

Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

1. ii. **A County that Works Together** – Enhance the quality of life for all of our citizens by:
 - *Working with community partners and organizations to maintain / strengthen public safety*

DISCUSSION

Background

The County received a complaint via Warden David Mayberry regarding the traffic speed along Oxford Road 8, specifically in front of the Hickson Central Public School. The Hickson Central Public School is located on the south side of Oxford Road 8 near the eastern limits of the Village as indicated on the attached map ([Attachment 1](#)).

Comments

Staff conducted traffic speed counts along the area of concern and found there was an elevated level of speeding and through consultation of Township of East Zorra-Tavistock staff it was determined that implementation of a 60 km/hr zone to require traffic to flow through a speed transition zone entering the Village from the east as well as a further reduction during school hours was warranted.

It has been Oxford County's practice to recommend 40 km/hr speed zones only in designated school zones. The guidelines set out as per the Ontario Traffic Manual (OTM) Book 5 states;

- "Adjacent to a school entrance or exit"; and,
- "Within a distance of 150m along the road in either direction beyond the limits of the school property".

Oxford Road 8 meets the above noted guidelines and staff recommend that a 40 km/hr speed zone be created on Oxford Road 8 from 30m west of the west limit of John Street to 65m east of the east limit of John Street and that a speed limit of 40 km/hr be prescribed in that school zone for specific times during the school day.

If the recommendations contained in this report are approved, staff will discuss this matter with school staff to determine the most appropriate times for the reduced speed limit to be in effect. The zone will be indicated by an Rb-6a School Zone Maximum Speed When Flashing sign as shown in ([Attachment 2](#)). The cost for two signs is approximately \$15,000.00 for signs, flashing lights, controllers and solar panels. These costs will be funded by the Roads Operations Budget.

In 2009, the County installed the same speed control in Innerkip along Oxford Road 4 and in Plattsville along Oxford Road 8. The speed reduction during specific school hours has been working without incident in Innerkip and has proven very effective in catching the traveling public's eye and a reduction in speed. It has not been as effective in Plattsville as we would like as speeds remain elevated through the school zone. Staff are hoping the new center-island median approved at the August County Council meeting will assist with driver compliance regarding vehicle speed.

To ensure there is sufficient room between speed signs, the 50 km/hr speed sign will be shifted to the east.

One other school zone being considered for the 40 km/hr signage (day school hours) is on Stover Street in Norwich. This discussion started at the preconstruction meeting for the reconstruction of Stover Street and there will be a future report to Council on this issue.

Conclusions

Staff is of the opinion that a 60 km/hr to the eastward of the Village of Hickson, and installing a 40 km/hr zone during school hours only should be implemented to reduce speeds entering the Village.

SIGNATURES

Report Author:

Original signed by:

Melissa Abercrombie, P.Eng.
Manager of Roads and Facilities

Departmental Approval:

Original signed by:

Robert Walton, P.Eng.
Director of Public Works

Approved for submission:

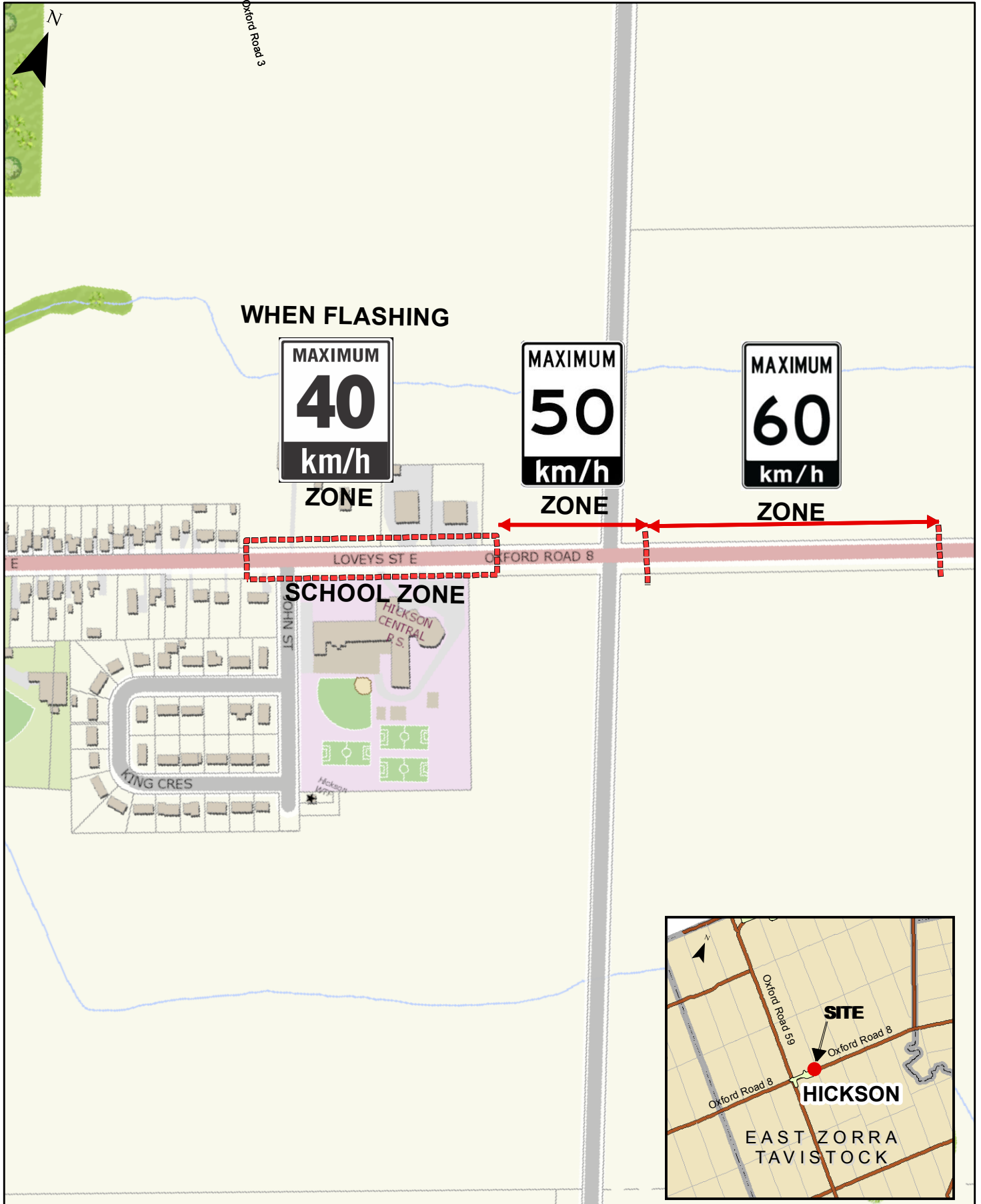
Original signed by:

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENTS

[Attachment 1:](#) 60-50-40 Transition Speed Signs

[Attachment 2:](#) Rb-6a School Zone Maximum Speed When Flashing Sign



Rb-6a
SCHOOL ZONE MAXIMUM SPEED WHEN FLASHING sign



PENDING ITEMS

Council Meeting Date	Issue	Pending Action	Lead Dept.	Time Frame
10-Sep-14	Report CAO 2014-12 - University of Ottawa - Woodstock Satellite Campus Proposal	Staff to negotiate partnership agreement and report	CAO	2015 - Q3
14-Jan-15	Report CAO (CS) 2015-01 (Released) University of Ottawa - Woodstock Satellite Campus Proposal Update			CAO 2016-11 10-Aug-16
25-Nov-15	Resolution No. 18 - Township of Blandford-Blenheim's correspondence requesting the installation of school crossing signs on Albert Street in Plattsville	Public Works Report	PW	2016-Q1 PW 2016-46 10-Aug-16
13-Apr-16	Resolution No. 18 - evaluate the logistics, feasibility, cost and timing of implementing a system that would ensure that all large items from the spring pickup are broken down and reused, recycled or repurposed so that 2000 tons of spring pickup is zero to landfill	Public Works Report	PW	2016-Q3 by Sept.
25-May-16	Physician Recruitment - Request for report from Physician Recruitment Group further to \$25,000 Grant given in 2016 - resulting from Dr. Ross McElroy delegation on May 25th.	Warden Mayberry will request report	Warden	2016-Q3
13-Jul-16	Resolution No. 17 - deferring Report No. PW 2016-37 - Beachville Water and Wastewater Servicing Study	Supplemental Report concerning potential options for municipal water and wastewater services in Beachville	PW	2016-Q3

COUNTY OF OXFORD

BY-LAW NO. **5843-2016**

BEING a By-law to further amend By-law No. 5616-2014, being a By-law to remove certain lands from Part Lot Control.

WHEREAS, Council passed By-law No. 5616-2014 on September 10, 2014 containing an expiration date of September 10, 2015;

AND WHEREAS, Council passed By-law No. 5727-2015 on August 12, 2015 extending the expiration date to September 30, 2016;

AND WHEREAS, Tillsonburg Developments Inc. has applied to the County of Oxford to further amend the expiration date of By-law No. 5616-2014 which deleted certain lands for thirty-two (32) residential lots in a registered subdivision from Part Lot Control.

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. That By-law No. 5616-2014 is hereby further amended by changing the expiration date to **September 30, 2017**.
2. That this By-Law shall become effective on the date of third and final reading.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

COUNTY OF OXFORD

BY-LAW NO. 5844-2016

BEING a By-Law to remove certain lands from Part Lot Control.

WHEREAS, Thames Developments (XI) Inc., has applied to the County of Oxford to delete, by by-law, certain lands for eleven (11) residential lots in a registered subdivision from Part Lot Control.

AND WHEREAS pursuant to Subsection 77(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended, the County of Oxford may pass a by-law under subsection 50(7) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended;

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. Pursuant to subsection 50(7), subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended, does not apply to:

Blocks 110, 115 and 117, Registered Plan 41M-276, City of Woodstock, County of Oxford, comprising a total of eleven (11) parcels and each parcel to be marketed to individual grantees in accordance with the descriptions attached as Schedule "A" to this By-law.
2. Pursuant to subsection 50 (7.3) of the Planning Act, R.S.O. 1990, c. P.13, as amended, this By-Law shall expire on **September 14, 2017**, unless it shall have prior to that date been repealed or extended by the Council of the County of Oxford.
3. That this By-Law shall become effective on the date of third and final reading.
4. That after the lots or any portion thereof have been marketed to individual grantees this By-Law may be repealed by the Council of the County of Oxford.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

COUNTY OF OXFORD

BY-LAW NO. 5844-2016

SCHEDULE "A"

Pursuant to subsection 50(7), subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended, does not apply to:

Block 110 Registered Plan 41M-276, City of Woodstock, County of Oxford, comprising a total of three (3) parcels and each parcel to be marketed to individual grantees in accordance with the following descriptions:

- i. Part Block 110, Plan 41M-276, being PARTS 1 and 2 together; together with a maintenance easement over PART 3 in favour of PARTS 1 and 2; and subject to a maintenance easement over PART 2, in favour of PARTS 3, 4 and 5;
- ii. Part Block 110, Plan 41M-276, being PARTS 3, 4 and 5 together, together with a maintenance easement over PART 2 in favour of PARTS 3, 4 and 5; subject to a maintenance easement over PART 3 in favour of PARTS 1 and 2; and subject to a maintenance easement over PART 5 in favour of PART 6; and
- iii. Part Block 110, Plan 41M-276, being PART 6 alone; together with a maintenance easement over PART 5 in favour of PART 6.

All Parts 1 – 6 (inclusive) designated on a Plan of Survey deposited in the Land Registry Office for Oxford No. 41 as Reference Plan 41R-9367.

Block 115, Registered Plan 41M-276, City of Woodstock, County of Oxford, comprising a total of four (4) parcels and each parcel to be marketed to individual grantees in accordance with the following descriptions:

- i. Part Block 115, Plan 41M-276, being PART 1 alone; together with a maintenance easement over PART 2 in favour of PART 1;
- ii. Part Block 115, Plan 41M-276, being PARTS 2, 3 and 4 together; together with a maintenance easement over PART 5 in favour of PARTS 2, 3 and 4; and subject to a maintenance easement over PART 2, in favour of PART 1; and subject to a maintenance easement over PART 4 in favour of PARTS 5, 6 and 7;
- iii. Part Block 115, Plan 41M-276, being PARTS 5, 6 and 7 together, together with a maintenance easement over PART 4 in favour of PARTS 5, 6 and 7; subject to a maintenance easement over PART 5 in favour of PARTS 2, 3 and 4; and subject to a maintenance easement over PART 7 in favour of PART 8; and
- iv. Part Block 115, Plan 41M-276, being PART 8 alone; together with a maintenance easement over PART 7 in favour of PART 8.

All Parts 1 – 8 (inclusive) designated on a Plan of Survey deposited in the Land Registry Office for Oxford No. 41 as Reference Plan 41R-9368.

Block 117 Registered Plan 41M-276, City of Woodstock, County of Oxford, comprising a total of four (4) parcels and each parcel to be marketed to individual grantees in accordance with the following descriptions:

- i. Part Block 117, Plan 41M-276, being PART 1 alone; together with a maintenance easement over PART 2 in favour of PART 1;
- ii. Part Block 117, Plan 41M-276, being PARTS 2, 3 and 4 together; together with a maintenance easement over PART 5 in favour of PARTS 2, 3 and 4; and subject to a maintenance easement over PART 2, in favour of PART 1; and subject to a maintenance easement over PART 4 in favour of PARTS 5, 6 and 7;
- iii. Part Block 117, Plan 41M-276, being PARTS 5, 6 and 7 together, together with a maintenance easement over PART 4 in favour of PARTS 5, 6 and 7; subject to a maintenance easement over PART 5 in favour of PARTS 2, 3 and 4; and subject to a maintenance easement over PART 7 in favour of PART 8; and
- iv. Part Block 117, Plan 41M-276, being PART 8 alone; together with a maintenance easement over PART 7 in favour of PART 8.

All Parts 1 – 8 (inclusive) designated on a Plan of Survey deposited in the Land Registry Office for Oxford No. 41 as Reference Plan 41R-9369.

COUNTY OF OXFORD

BY-LAW NO. **5845-2016**

BEING a By-law to close a portion of the open road allowance for Oxford Road 15 in Eastwood, Township of Norwich, between the intersection of Oxford Roads 14 and 55, designated as Part 1 and 2 on Reference Plan 41R-9377 and RDAL BTN CON 1 and CON 2 East Oxford being Towerline Rd W of PL 739, Norwich.

WHEREAS, the Table to Section 11 and Section 52 (3) of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, prescribes that specified highways are within the jurisdiction of the County of Oxford for all matters relating to those highways, including parking and traffic.

AND WHEREAS, Section 9 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS, Council has adopted Public Works Report No. PW 2016-14, dated April 13, 2016.

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. That a portion of the open road allowance for Oxford Road 15 in Eastwood, Township of Norwich, between the intersection of Oxford Roads 14 and 55, designated as Part 1 and 2 on Reference Plan 41R-9377 and RDAL BTN CON 1 and CON 2 East Oxford being Towerline Rd W of PL 739, Norwich, be closed.
2. That this By-law shall take effect upon the passing thereof and upon being registered in the Land Registry Office for the County of Oxford.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

COUNTY OF OXFORD

BY-LAW NO. 5846-2016

BEING a By-law to establish special water and sanitary sewage rates for municipal systems in Oxford County, commencing September 15, 2016.

WHEREAS, Section 9 of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority.

AND WHEREAS, Section 11 (2) of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, provides that the County of Oxford, as an upper-tier municipality, may pass by-laws with respect to the financial management of the municipality and its local boards and services and things that the municipality is authorized to provide.

AND WHEREAS, Section 11 (3) of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, provides that the County of Oxford, as an upper-tier municipality, may pass by-laws respecting the matters within the spheres of jurisdiction outlined in that section.

AND WHEREAS, the Table to Section 11 (11) of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, prescribes that the County of Oxford has exclusive jurisdiction over all matters pertaining to the production, treatment, storage and distribution of water, and the collection and treatment of sanitary sewage within the County of Oxford.

AND WHEREAS, Section 391 of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, provides that the County of Oxford may impose fees or charges on persons for services or activities provided or done by the County or for the use of County property.

AND WHEREAS, the County of Oxford has acquired, installed or otherwise had vested to its responsibility the water supply systems and sewage treatment and collection systems listed in Schedule "A", attached hereto and forming part of this By-law.

NOW THEREFORE the Council of the County of Oxford enacts as follows:

1. That the special rates for the supply of water and the rates for sanitary sewage collection and treatment for users of the systems shall be imposed as specified in Schedule "A", attached hereto and forming part of this By-law, effective September 15, 2016.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed in this 14th day of September, 2016.

DAVID M. MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

SCHEDULE "A"
BY-LAW 5846-2016

EFFECTIVE DATES OF MONTHLY RATES AND MISCELLANEOUS CHARGES

Charges as listed in this schedule are effective September 15, 2016, except where noted. Any changes to rate structure or billing practices shall not be retroactive.

BILLING CYCLE WATER RATES AND CHARGES

A billing cycle is defined as a monthly cycle where the number of days billed can range between 28 and 35 days

MANUAL READ FEES FOR METERED ACCOUNTS

Customers in the following systems, who have not had radio transmitters connected to their water meter in accordance with County policy by the date noted in the table below, shall have a manual read fee added to the monthly bill as shown.

Water System	Earliest Effective Date	Monthly Amount
Tillsonburg	September 15, 2016	\$35.00
Township	January 1, 2017	\$35.00
Ingersoll	March 1, 2017	\$35.00

FLAT RATE WATER AND SEWER CHARGES

Customers in the following systems, who have not had a water meter installed in accordance with County policy by the date noted in the table below, shall have a flat rate charge applied as shown.

Water Charge

System	Earliest Effective Date	Monthly Amount
Tillsonburg	September 15, 2016	\$100.00
Township	January 1, 2017	\$100.00
Ingersoll	March 1, 2017	\$100.00
Out of County	September 15, 2016	\$120.00
Special Circumstances Water Customer excluding Woodstock (as approved by the Director of Public Works)	September 15, 2016	\$55.00

Wastewater Charge

System	Earliest Effective Date	Monthly Amount
Tillsonburg	September 15, 2016	\$120.00
Drumbo, Embro, Innerkip, Mount Elgin, Norwich, Plattsville, Tavistock, Thamesford	January 1, 2017	\$120.00
Ingersoll	March 1, 2017	\$120.00
Out of County	September 15, 2016	\$140.00
Special Circumstances Wastewater Customer excluding Woodstock (as approved by the Director of Public Works)	September 15, 2016	\$70.00

COUNTY OF OXFORD

BY-LAW NO. 5847-2016

BEING a By-Law to remove certain lands from Part Lot Control.

WHEREAS, Breymark Homes Inc., has applied to the County of Oxford to delete, by by-law, certain lands for two (2) residential lots in a registered subdivision from Part Lot Control.

AND WHEREAS pursuant to subsection 59(1) of the County of Oxford Act, R.S.O. 1990, Chapter C.42, the County of Oxford may pass a by-law under subsection 50(7) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended;

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. Pursuant to subsection 50(7), subsection 50(5) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, does not apply to:

Lot 7, Registered Plan 41M-292, Township of East Zorra-Tavistock, County of Oxford, comprising a total of two (2) parcels and each parcel to be marketed to individual grantees in accordance with the following descriptions:

- i. Part Lot 7, Plan 41M-292, being PART 1; and
- ii. Part Lot 7, Plan 41M-292, being PART 2.

Parts 1 and 2 designated on a Plan of Survey deposited in the Land Registry Office for Oxford No. 41 as Reference Plan 41R-

2. Pursuant to subsection 50 (7.3) of the Planning Act, R.S.O. 1990, c. P.13, as amended, **this By-Law shall expire on September 15, 2017** unless it shall have prior to that date been repealed or extended by the Council of the County of Oxford.
3. That after the lots or any portion thereof have been marketed to individual grantees this By-Law may be repealed by the Council of the County of Oxford.
4. That this By-Law shall become effective on the date of third and final reading.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

COUNTY OF OXFORD

BY-LAW NO. 5848-2016

BEING a By-law to amend By-law No. 5725-2015 by reducing the speed limit from fifty kilometres per hour (50 km/h) to forty kilometres per hour (40 km/h), during specific times, and from eighty kilometres per hour (80 km/h) to fifty kilometres per hour (50 km/h), and from eighty kilometres per hour (80 km/h) to sixty kilometres per hour (60 km/h) on a section of Oxford Road 8.

WHEREAS, the Table to Section 11 and Section 52 (3) of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, prescribes that specified highways are within the jurisdiction of the County of Oxford for all matters relating to those highways, including parking and traffic.

AND WHEREAS, the *Highway Traffic Act, R.S.O. 1990, Chapter H.8* authorizes a municipality to prescribe speed limits for motor vehicles driven on any highway or portion of a highway under its jurisdiction.

AND WHEREAS, Council has adopted Public Works Report No. PW 2016-49, dated September 14, 2016.

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. That Schedule "A" of By-law No. 5725-2015 is hereby amended, by adding a section respecting County Road 8 only following the first reference to County Road 8, to read:

"from 30 metres West of the West limit of John Street, Hickson to 100 metres West of the West limit 13th Line, Hickson – for specific times, being from 8:30 a.m. to 9:00 a.m., and 3:30 p.m. to 4:00 p.m., Monday to Friday when school is in session"

That Schedule "B" of By-law No. 5725-2015 is hereby amended, by removing the wording respecting the first reference to County Road 8 only, and replacing the wording to read:

"from 180 metres West of the West limit of County Road 59, Hickson to 30 metres East of the East limit of 13th Line, Hickson"

That Schedule "C" of By-law No. 5725-2015 is hereby amended, by adding a section prior to the first reference to County Road 8, respecting County Road 8 only, to read:

"from 30 metres East of the East limit of 13th Line, Hickson to 320 metres East of the East limit of 13th Line, Hickson"

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

COUNTY OF OXFORD

BY-LAW NO. 5849-2016

BEING a By-law to establish a Water Service Loan Program for customers of an Oxford County water system who are required to repair their deteriorating water service as part of the universal water meter installation project, and to authorize the Chief Administrative Officer to execute Loan Agreements between the County of Oxford and the registered owners of property who apply under the Program.

WHEREAS, Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS, Section 11 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the County of Oxford, as an upper-tier municipality, may pass by-laws with respect to the financial management of the municipality and its local boards and services and things that the municipality is authorized to provide.

AND WHEREAS, Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the County of Oxford, as an upper-tier municipality, may pass by-laws respecting the matters within the spheres of jurisdiction outlined in that section.

AND WHEREAS, the Table to Section 11 (11) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, prescribes that the County of Oxford has exclusive jurisdiction over all matters pertaining to water production, treatment, storage and distribution and collection and treatment of sanitary sewage.

AND WHEREAS, Council has adopted Public Works Report No. PW 2016-40, dated July 13, 2016.

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. That a Water Service Loan Program be established for customers of an Oxford County water system who are required to repair their deteriorating water service as part of the universal water meter installation project and that only plumbing work strictly required to allow for the installation of the water meter be eligible for the Loan Program.
2. That the conditions of the Water Service Loan Program be as set out in the County of Oxford – Water Service Loan Agreement, attached hereto and forming part of this By-law as Schedule “B”, and that property owners accessing the Loan Program be required to sign the Loan Agreement.
3. That Schedule “A” to this By-law be updated, from time to time, when property owners are added to the Loan Program as Loan Agreements are executed and appended to the By-law file.
4. That the Chief Administrative Officer is hereby authorized and instructed to execute Loan Agreements, a template of which is attached hereto and forms part of this By-law as Schedule “B”, between the County of Oxford and the registered owners of property who apply under the Water Service Loan Program.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID M. MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK

SCHEDULE "B"

BY-LAW NO. 5849-2016

COUNTY OF OXFORD - WATER SERVICE LOAN AGREEMENT

AGREEMENT made in triplicate this _____ day of _____, 20____.

BETWEEN: _____

hereinafter called the "Owners"
OF THE FIRST PART

- and -

COUNTY OF OXFORD

hereinafter called the "County"
OF THE SECOND PART

WHEREAS the Council of the County of Oxford has approved a Water Service Loan Program for property owners that make improvements to their water service connection, in accordance with the County of Oxford standards;

AND WHEREAS The Owners represent that they are the registered Owners of the lands described in Section 1 of this agreement and have applied to the County of Oxford for a loan under the Water Service Loan Program;

AND WHEREAS the Owner's Application under the Water Service Loan Program has been approved by the County;

NOW THEREFORE this agreement witnesseth that the County agrees to loan the Owner the sum of _____ Canadian Dollars (\$_____) to be used to repair the deteriorated plumbing under the following terms and conditions:

1. The lands affected by this Agreement are legally described as

_____ and are hereinafter referred to as the "subject lands".

2. The Owners warrant the following:

- a. That the work described in the Water Service Loan Program Application Form has been completed and paid for as set out in the application.
- b. That the work completed under the Water Service Loan Program will not be constructed contrary to the County of Oxford, relevant Area Municipal Standards or the Ontario Building Code.

3. A rate of interest to be charged at a fixed 3% annually.

4. To be paid back over a five (5) year term on the municipal taxes. Equal payments to be placed on the tax bill will be calculated at the beginning of the loan and will continue until the balance is paid.

5. The Owner hereby grants to the County, its employees, servants, agents and contractors, a license to enter the subject lands for the purpose of inspection of the works and the lands or for any other purpose pursuant to the rights of the County under this Agreement

6. The Owners agree on behalf of themselves, their heirs, executors, administrators and assigns to save harmless and indemnify the County of Oxford from all losses, damages, costs, changes and expenses which may be claimed or recovered against the County by any person or persons arising either directly or indirectly as a result of any action taken by the owners pursuant to this agreement.

7. The Owners agree upon sale of subject land, payment will be completed in full to the County.

IN WITNESS WHEREOF the respective parties have executed this Agreement.

SIGNED, SEALED and DELIVERED in the presence of **OWNER(S)**

Witness

OWNER

Signature

Signature

Name

Name

COUNTY OF OXFORD

Peter M. Crockett, P.Eng.
Chief Administrative Officer

COUNTY OF OXFORD

BY-LAW NO. 5850-2016

BEING a By-law to confirm all actions and proceedings of the Council of the County of Oxford at the meeting at which this By-law is passed.

The Council of the County of Oxford enacts as follows:

1. That all decisions made by Council at the meeting at which this By-law is passed, in respect of each report, resolution or other action passed and taken by the Council at this meeting, are hereby adopted, ratified and confirmed.
2. That the Warden and/or the proper officers of the County are hereby authorized and directed to do all things necessary to give effect to the said decisions referred to in Section 1 of this By-law, to obtain approvals where required, and except where otherwise provided, to execute all necessary documents and the Clerk is hereby authorized and directed to affix the corporate seal where necessary.
3. That nothing in this By-law has the effect of giving to any decision the status of a By-law where any legal prerequisite to the enactment of a specific By-law has not been satisfied.
4. That all decisions, as referred to in Section 1 of this By-law, supercede any prior decisions of Council to the contrary.

READ a first and second time this 14th day of September, 2016.

READ a third time and finally passed this 14th day of September, 2016.

DAVID MAYBERRY, WARDEN

CHLOÉ J. SENIOR, ACTING CLERK