



**THE CORPORATION of the UNITED TOWNSHIPS of HEAD, CLARA & MARIA**

**AGENDA**

February 25, 2021 at 1:00 p.m.

1. Call to Order and Moment of Silence  
*Let us take a moment of silent reflection to contemplate in our own way the responsibility we have to collectively use our skills and experience to ensure the mutual long term benefit of our Municipality and those we represent.*
2. Roll Call
3. Recital of the Municipal Mission and Vision Statements
4. Disclosure of Pecuniary interest & General Nature Thereof
5. Deputations/Presentations – none
  - Judy Cavan – PWAC Recommendations
6. Adoption of Minutes of previous meeting
  - Council Minutes
    - i. December 12, 2020 (Special Meeting Revised)
    - ii. January 28<sup>th</sup>, 2021
    - iii. February 4, 2021 (Special Meeting)
  - Library Board Minutes
    - i. December 2<sup>nd</sup>, 2020
  - Recreation Committee Minutes - none
  - Public Works Advisory Committee Minutes
7. Petitions and Correspondence  
Information Only – (Please advise if you feel any item warrants further consideration)
  - i. Infrastructure Funding – Town of Bracebridge
  - ii. Modernization Program (Intake 2) – MMAH
  - iii. CSWB Extension Request - Township of Asphodel-Norwood
  - iv. Letter from resident – E. Francoeur
  - v. Fred Dean Webinars
8. Mayor's Report
  - Report 21/02/18/801 – Mayor Debbi Grills
9. Staff Reports
  - None
10. Unfinished Business
  - Report 21/02/18/1001 – PWAC Road Maintenance Recommendations (Level of Service Policy and By-Law)
  - Report 21/02/18/1002 – Haines Severance/MTO
  - Report 21/02/18/1003 – Updated TOR for Advisory Groups
11. Addendum (New Business)
  - Report 20/11/19/1101 – Draft Budget
12. By-Laws
  - Level of Service Policy for Roads #2020-04
13. Policy Review
  - Customer Service and Communication Policy

- Alternate Work Schedule Policy
- Telecommuting Policy

14. Closed

- Updated Salary Scale

15. Questions and Answers

16. Confirmation of Proceedings By-law # 2020-05

17. Adjournment

Note\* Alternate formats and communication supports are available on request.

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HCM Mission: At your service; working effectively to bring together people, partnerships and potential for a strong, connected community.

HCM Vision: Providing a healthy, connected, and sustainable community teeming with possibilities for our citizens now and into the future.

February 11, 2021

Judy Cavan and Dale Bingley, 443 Adelard Rd.

Deputation to Council Meeting February 18, 2021

We would like to address the report from the Public Works Advisory Committee (PWAC), titled 'PWAC RECOMMENDATIONS TO COUNCIL DEC 2020' introduced at the December 17, 2020 Council meeting. The report, presented by Counsellor Villeneuve, was not included in the Council package available to the public prior to the meeting. Therefore, we had no opportunity to include comments specific to the report in our previous deputation.

Included below are various excerpts from the report (underlining added), followed by our comments.

PWAC

*The group had commented on the varying degrees of road maintenance that has occurred in the Municipality. Specifically it was noted that some of the roads on the seasonal maintenance list had been serviced to a level better than some of the all season roads.*

If this is the case, then it would seem to indicate poor management of maintenance resources in the past. A thorough review of recent and planned maintenance activities would be an appropriate response to addressing service levels. It may also be the case that some of the seasonal roads have enough traffic to justify a higher standard of maintenance. Either way, cutting all maintenance for seasonal roads would be an exaggerated response to the issue.

PWAC

*It was noted that some seasonal roads were maintained to a high standard while other roads within the municipality receive no maintenance at all. It was also noted that roads within the municipality on waterfront property generally are private roads and although waterfront property owners pay the highest municipal taxes, they receive no services for road maintenance or garbage collection. There are large discrepancies in the level of service provided on roads within the municipality.*

Private roads are just that - private property owned by individuals (or a group of individuals) and not a municipal responsibility. Anyone purchasing property on a private road should know what that means in terms of their personal responsibility for

maintaining their road. These roads are not relevant to a discussion surrounding provision of municipal services on public roads and garbage collection is not the subject of the PWAC report.

The argument that cutting services on public roads somehow equates to ‘fairness’ for waterfront property owners on private roads has no merit. *Property tax is an indirect tax imposed on wealth. The form of wealth being taxed is the value of property owned.*<sup>1</sup> If waterfront property owners think the assessed value of their property is too high, they can file a Request for Reconsideration with MPAC. In general there is no direct link between the level of property taxes and the benefits received. For example property tax is used to fund education and a wide range of social services. Would you argue that someone with no children is therefore unfairly treated because their taxes support schools? *Like democracy there is a consensus that the property tax is the worst system possible—except for all the others.*<sup>1</sup>

The chart outlining seasonal roads in the existing Level of Service Policy would suggest that accepting the PWAC recommendations to discontinue minimal maintenance would only impact fifteen ‘cottages’. However, as noted in the previous deputations to Council, there are also many undeveloped properties on these roads. As well, these municipal roads provide access to numerous outlying camps and private properties.

Please refer to the attached document ‘2020 MPAC Assessed Values of Properties Impacted by Changes to Road Maintenance in HCM’. By searching the County of Renfrew GIS Mapping System and MPAC online maps we compiled a list of properties that would be impacted by the PWAC recommendation. The list may not be complete, nor necessarily 100% accurate and it includes some estimations where we could not find all property details. The list does, however, provide a more complete picture of the number of ratepayers and the assessed value of properties (tax base) effected by the recommendation.

Under the Municipal Freedom of Information and Protection of Privacy Act our property searches involved working with partial data. We could identify properties and assessed value but not the personal information of the owners. If we had that information, we would reach out to more property owners to ensure they are aware of the proposed changes and could make their opinions known. Given that we are in the middle of winter, in the middle of a pandemic and a Province wide state of emergency, it is very likely the majority of these property owners are unaware of the proposed changes. The Municipality does have access to complete information and could reach out to these ratepayers by mail or email to inform them of the recommendation and solicit their input. In fact, when the PWAC discussed a potential change to Dunlop Crescent, they wanted Municipal staff to contact the residents and ask their opinions before making any change.

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<sup>1</sup> PROPERTY TAXATION IN ONTARIO: A GUIDE FOR MUNICIPALITIES

*PWAC*

*- that these roads have 56 out of the total 106 culverts in the municipality according to our Municipal Asset Plan of 2014.*

*- that this will eliminate 15.4km of the 34.8km roads maintained in some fashion, per Appendix A of By-law 2008-06*

It is not surprising that these seasonal roads have almost half the culverts in the municipality because they represent almost half the total municipally maintained roads. The scope of the PWAC recommendation is enormous and, as a solution, the service cuts far outweigh any problem identified. There could undoubtedly be an alternative strategy found rather than this slash and burn approach. The cuts to service put forward would have a significant negative influence on future recreational access and development in HCM, in addition to the issues of property owners' access, property values, safety and liability.

There appears to have been absolutely no consideration given to the major adverse implications for property owners. Council must surely have a duty to consider not only fiscal benefits but also to weigh the profound detrimental consequences the recommendation will have on their constituents.

To date we have not been made aware of the advice received from the Municipality's Legal Representative and Insurer regarding the PWAC recommendation. We are hopeful that their counsel will be sufficient to stop the proposed changes from going forward.

We once again implore Council not to act on the PWAC recommendation.

Thank you for your consideration.

**2020 MPAC ASSESSED VALUES OF PROPERTIES IMPACTED BY CHANGES TO ROAD MAINTENANCE IN HCM**

<b>Road</b>	<b>Roll #</b>	<b>Lot #</b>	<b>LUP/PP</b>	<b>ASS Value</b>	<b>Area</b>	<b>Built In</b>
Fransoeur Rd	479800001003111	HEAD CON 9 PART LOTS 13...	PP	\$ 124,000	22.96 A	
	479800001003113	HEAD CON 9 PART LOTS 13...	PP	\$ 23,000	3.39 A	
	479800001003115	664 FRANCOEUR RD	PP	\$ 66,000	4.53 A	
	479800001003112	HEAD CON 9 PART LOTS 13...	PP	\$ 104,000	13.7 A	
	479800001002410	720 FRANCOEUR RD	PP	\$ 148,000	1.3 A	2016
	479800001002420	CON 8 PART LOT 14 RP 49...	PP	\$ 62,000	1.1 A	
	479800001002430	740 FRANCOEUR RD	PP	\$ 99,000	1.1 A	2018
	479800001002440	CON 8 PART LOT 14 RP 49...	PP	\$ 84,000	.9 A	
	479800001002450	760 FRANCOEUR RD	PP	\$ 105,000	1.1 A	2006
	479800001002150	HEAD CON 7 PART LOT 15...	Gravel Pit	\$ 251,000	85.93 A	
	479800001001800	LUP 1675- 1006768 HEAD CON 6 PT LOT14	LUP	\$ 23,000	1.1 A	1955
	479800001001600	HEAD CON 5 PT LOT 17	LUP	\$ 24,000	1.1 A	1957
	479800001001300	LUP 1675-1006833 HEAD CON 5 PT LOT12	LUP	\$ 22,500	1.1 A	1955
	479800001001400	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000	1.1 A	
	479800001000400	HEAD CON 2 PT LOT 15	PP	\$ 30,500	2.5 A	
	479800001500100	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000		
	479800001501000	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000	1.1 A	
<b>TOTAL</b>				<b>\$ 1,241,000</b>		
Mackey Creek Rd						
	479800001500200	LUP 1675- 1006919 HEAD CON 7 PT LOT 20	LUP	\$ 34,500	1.24 A	1950
	479800001002010	LUP 1675-1007019 HEAD CON 6 PT LOT 17	LUP	\$ 25,500	1.1 A	1957
	479800001503200	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000		
	479800001502800	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000		
	479800001502900	LUP 1675- 1005867 HEAD CON 7 PT LOT33	LUP	\$ 29,000		1940
	479800001502600	LUP 1675-1006990 HEAD CON 6 PT LOT 37	LUP	\$ 26,000		1940
	479800001501610	LUP 1675-1007000 HEAD CON 4 PT LOT 22	LUP	\$ 24,500		1940
	479800001501800	LUP 1675-1007032 HEAD CON 4 PT LOT 34	LUP	\$ 24,500		1969
	479800001501500	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000		
	479800001501910	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000		
	479800001500900	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$ 25,000		
	479800001501100	LUP1675-1006839 Head CON 3 PT LOT 25	LUP	\$ 37,000		1992
	479800001501400	1651 MACKEY CREEK RD(TROUT LAKE)	PP	\$ 163,000	0.68 A	1960
	479800001501700	1595 MACKEY CREEK RD (TROUT LAKE)	PP	\$ 158,000	2.07A	1940

**2020 MPAC ASSESSED VALUES OF PROPERTIES IMPACTED BY CHANGES TO ROAD MAINTENANCE IN HCM**

	479800001501300	1569 MACKEY CREEK RD (TROUT LAKE)	PP	\$	182,000		1960
	479800001503000	HEAD CON 7 LOT 34 LOT 35	PP	\$	37,500	198 A	
	479800001502400	HEAD CON 6 LOT 34 LOT 35	PP	\$	34,000	204 A	
	479800001502300	1929 MACKEY CREEK RD	PP		NO DATA		
<b>TOTAL</b>				\$	<b>900,500</b>		
Kenny Rd							
	479800001504800	HEAD CON 12 PT LOTS 25	PP	\$	27,500		
	479800001504300	HEAD CON 12 LOTS 23-24	PP	\$	38,500		
	479800001503600	LUP1675-1006840 HEAD CON9 PT LOT 24	LUP	\$	24,500		1961
	479800001504850	360 KENNY ROAD HEAD CON 12 PT LOT 25	LUP	\$	65,000		
	479800001504100	263 Kenny RD HEAD CON 11 PT LOT 23	PP	\$	89,000		2016
	479800001503700	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$	25,000		
<b>TOTAL</b>				\$	<b>269,500</b>		
Buckshot Rd							
	479800001501800	149 BUCKSHOT RD	PP	\$	57,000	2A	
<b>TOTAL</b>				\$	<b>57,000</b>		
Adelard Rd							
	479800002003400	ESTIMATED VALUE SEE FOOT NOTES	LUP	\$	25,000		
	479800002003800	LUP1675-1006970 LOT 44 CONC B MARIA	LUP	\$	33,000		1947
	479800002005400	MARIA CON B PT LOT 41	PP	\$	64,000	83.1A	
	479800002003410	MARIA CON 12 LOT 1	PP	\$	25,500	88A	
	479800001512400	HEAD CON A PT LOT 36	PP	\$	17,300	13.71 A	
	479800001512305	HEAD CON B LOT 37 LOT 38	PP	\$	47,000	316 A	
	479800001512500	HEAD CON B LOT 39	PP	\$	64,000	132A	
<b>TOTAL</b>				\$	<b>275,800</b>		
Plains Camp Road	479800001009300	137 Plains Camp Rd	PP	\$	108,000	2.3A	1994
	479800001009200	191Plains Camp Rd.	PP	\$	174,000	111.7A	2000
<b>TOTAL</b>				\$	<b>282,000</b>		
<b>GRAND TOTAL</b>				\$	<b>3,025,800</b>		

ESTIMATED VALUE -Unable to access assessed values for these MNR Land Use Permits on the 2020 MPAC MAP

LUP = LAND USE PERMIT PP = PRIVATE PROPERTY

## Head, Clara and Maria Public Library Board Meeting Minutes

A Regular Meeting held on **2020, December 1** was called to order at 10.10 a.m.

### 1. Roll Call

Designation	Name	P	A	E	Designation		P	A	E
Chair	Marlene Gibson	X			Member	Gay Baribeau	X		
Member	Catherine Sutherland	X			Member	Fran Kelly - Chamberlain	X		
Member	Betty Condie	X			CEO	Judy Zilney			E

### 2. Pecuniary Interest: None

### 3. Approval of Agenda:

**Resolution #1:** Moved by Gay Baribeau, Seconded by Catherine Sutherland. Be it resolved that the agenda for December 1, 2020 be accepted as amended.  
CARRIED

### 4. Approval of Minutes of Previous Meeting:

**Resolution #2:** Moved by Catherine Sutherland, Seconded by Betty Condie. Be it resolved that regular minutes of November 4, 2020 be accepted as amended.  
CARRIED

### 5. Business Arising from the Minutes:

The draw for the basket was held – Madelaine Mageau was the lucky winner. 23 entries went into the draw via emails, phone calls and borrowing items.

### 6. CEO Report

#### Circulation Report for November 2020

Type	Amount
DVDs/CD	25
Junior Fiction/YA	
Adult	50
Periodicals	1
Total Circulation	76

### 7. Report of The Chair:

No report

## HCM Library Minutes December 1, 2020

8. **Financial Reports: Revenue and Expense** – None to review at this time.
9. **Correspondence:** DVD Pool – Rotation Nov Rotation – Check for dates  
Subscription Renewals – We will renew our OLA/OLBA Membership, Our Digital World (History Project) Overdrive, and Ontario Canada Parks pass.  
Renew Canadian Living. Cancel Eganville Leader  
Resilient Communities Fund – forwarded to Clerk
10. **Policies:** Deferred until 2021
11. **New Business:** Cathy reported that she had sent in an application for the Connectivity Grant that would provide us with financial assistance for our internet. The budget was discussed; however it was decided to wait for January as more information was needed. Fund raising ideas were discussed. Betty will start her plants seeds again. The Board decided that the CEO should make a presentation at the Special Council Meeting on December 12, 2020 on behalf of the library asking that they make no changes to their support of the library.
12. **Reports of Projects:** None
13. **Questions and Answers:** None
14. **Adjournment:** *Resolution # 4* It was Moved Fran Kelly-Chamberlain and, Seconded by Betty Condie that the meeting by adjourned at 12:01 p.m. to meet again on Wednesday, January 6, 2021 at 10:00 a.m. CARRIED.

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Chair – Marlene Gibson

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CEO – Judy Zilney

January 22, 2021

**RE: Item for Discussion – Infrastructure Funding**

At its meeting of January 20, 2021, the Council of the Corporation of the Town of Bracebridge ratified motion 21-GC-024, regarding Infrastructure Funding, as follows:

“WHEREAS the Association of Municipalities of Ontario (AMO) has reported that municipal governments own more of Ontario’s infrastructure than any other order of government, and most of it is essential to economic prosperity and quality of life;

AND WHEREAS municipalities deliver many of the services that are critical to residents in every community, and these services rely on well-planned, well-built and well-maintained infrastructure;

AND WHEREAS the Ontario Provincial Government has stated that universal asset management will be the foundation of its municipal infrastructure strategy because effective asset management planning helps ensure that investments are made at the right time to minimize future repair and rehabilitation costs and maintain assets;

AND WHEREAS Federal and Provincial infrastructure funding models now contain requirements for recipients to demonstrate that comprehensive asset management planning principles are applied when making decisions regarding infrastructure investment;

AND WHEREAS infrastructure funding limits need to be large enough to support significant projects that have a lasting community impact over multiple generations;

AND WHEREAS targeted funding for critical infrastructure is inconsistent with the principle foundation of an asset management strategy which prioritizes needs over wants and has resulted in underfunding of the wide range of infrastructure that municipalities are responsible for maintaining, such as arenas and libraries;

AND WHEREAS the Community, Culture and Recreation Stream of the Investing in Canada Infrastructure Program received demand of almost \$10 billion for a \$1 billion funding envelope;

AND WHEREAS broad eligibility for funding is more appropriate as municipalities best understand their infrastructure needs together with the needs of their community;

AND WHEREAS no and/or insufficient funding programs currently exist to fund the demonstrated need for the building, restoration and enhancement of community, culture and recreation assets;

AND WHEREAS funding the replacement of these needed capital assets is beyond the financial capacity of most communities;

AND WHEREAS the age of the Town of Bracebridge arena is greater than 70 years old, and the Library greater than 110 years old, requiring immediate replacement;

AND WHEREAS the Town of Bracebridge was recently denied any funding under the Community, Culture and Recreation stream of the Investing in Canada Infrastructure Program, despite clearly meeting the tests of proper asset management and identifying needs over wants;

AND WHEREAS the economy of Ontario has been negatively impacted by the ongoing measures implemented to reduce the spread of COVID-19;

NOW THEREFORE the Council of The Corporation of the Town of Bracebridge resolves as follows:

1. THAT the Federal and Provincial Governments provide immediate broad and substantial municipal funding opportunities for well-planned, shovel-ready projects already prioritized under municipal asset management plans to provide immediate stimulus to the local, provincial and the federal economies in order to rebound from the impact of the COVID-19 pandemic.
2. AND THAT this resolution be forwarded to the Right Honourable Prime Minister of Canada; the Federal Minister of Infrastructure and Communities; the Honourable Premier of Ontario; the Ontario Minister of the Finance; the Ontario Minister of Infrastructure; the Ontario Minister of Municipal Affairs and Housing; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); the Local Member of Parliament (MP); the Local Member of Provincial Parliament (MPP); and all Municipalities in Ontario.

In accordance with Council's direction I am forwarding you a copy of the resolution for your attention.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly,



Graydon Smith  
Mayor

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2021-344

January 26, 2021

Dear Head of Council:

Our government is committed to improving local service delivery and better respecting taxpayers' dollars. That is why we launched the Municipal Modernization Program in 2019. Through this program, the Ontario government is providing funding to help small and rural municipalities modernize service delivery and identify new ways to be more efficient and effective.

Today at the Rural Ontario Municipal Association (ROMA) conference, I announced the launch of the second intake under the Municipal Modernization Program. Modern, efficient municipal services that are financially sustainable are more important than ever in light of the COVID-19 pandemic. Even as municipalities continue to face challenges, there are also opportunities to transform services and stimulate new ways of doing business.

The second intake will allow municipalities to benefit from provincial funding to conduct third party reviews as well as to implement projects to increase efficiency and effectiveness and lower costs in the longer term. I also want to encourage you to work with your neighbouring municipalities to find innovative joint projects that can benefit each of you. The government is excited to learn about your project applications that support the following priorities:

- Digital modernization
- Service integration
- Streamlined development approvals
- Shared services/alternative delivery models

To apply, you must submit a completed Expression of Interest form with attached supporting documents via the Transfer Payment Ontario (TPON) system by **March 15, 2021**. To get started, visit [www.Ontario.ca/getfunding](http://www.Ontario.ca/getfunding).

If you have questions on the program, or would like to discuss a proposal, I encourage you to contact your [Municipal Services Office](#) or e-mail [municipal.programs@ontario.ca](mailto:municipal.programs@ontario.ca).

I look forward to continuing to work together to support your municipality in delivering efficient, effective and modern services for your residents and businesses.

Sincerely,



Steve Clark  
Minister

c. Chief Administrative Officers and Treasurers

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February 1, 2021

**Sent by E-mail**  
sylvia.jones@pc.ola.org

Honourable Sylvia Jones  
Solicitor General  
18<sup>th</sup> Floor - 25 Grosvenor St.  
Toronto, ON M7A 1Y6

**Re: Community Safety & Well-Being Plan - Extension Request**

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Dear Solicitor General Jones,

The Township of Asphodel-Norwood is participating in a regional Community Safety & Well-Being Plan (CSWB) plan with the City of Peterborough and the eight (8) lower-tier municipalities located within the County of Peterborough. The decision to develop a joint plan was derived after consulting with our municipal neighbours. Our vision for a long-term tool that addresses the unique needs of our area while supporting safe, healthy, and sustainable communities by moving away from reactionary, incident-driven responses and re-focusing on proactive, collaborative initiatives to take the strain off the emergency response system is shared by all of our municipal partners; as the success of our community is dependent upon each and every individual's well-being.

Preparations are underway, but the response efforts needed to manage the COVID-19 outbreak have taken priority and an unprecedented amount of time, energy, and resources. A meaningful CSWB Plan requires extensive public consultation and engagement in order to prepare a document that is both comprehensive and in alignment with the legislative intent. Given the current political climate and the ongoing effects of the pandemic, a deadline extension for the completion and adoption of a CSWB Plan would be the most appropriate course of action. The Township appreciates the extension previously granted from January 1, 2021 to July 1, 2021, but humbly asks the Solicitor General consult with municipalities before prescribing a new deadline.

With that in mind, I put forward the following resolution for your consideration:

**WHEREAS** the Police Services Act, 1990, was amended on January 1, 2019 to mandate every municipality in Ontario to prepare and adopt a Community Safety and Well-Being (CSWB) Plan; and

**WHEREAS** the Ministry of Municipal Affairs and Housing introduced the Municipal Emergency Act, 2020 to assist municipal governments and local boards during the COVID-19 emergency; and

**WHEREAS** the protective measures municipalities have put in place to protect their communities, Councillors, and staff members include eliminating face-to-face meetings, closing municipal offices, and directing staff to work from home; and

**WHEREAS** Bill 189, Coronavirus (COVID-19) Support and Protection Act, 2020 was passed to amend various acts to support municipal, policing, and community partners during the pandemic;

**NOW THEREFORE, BE IT RESOLVED** that while these measures are imperative and necessary, they impose undue hardship on municipalities to meet provincial deadlines such as the completion and adoption of a Community Safety & Well-Being (CSWB) Plan prior to July 1, 2021. The Council of the Township of Asphodel-Norwood calls upon the Solicitor General to review the imposed deadline for municipalities to complete and adopt a Community Safety & Well-Being (CSWB) Plan in consultation with local governments to address the unique challenges facing individual regions.

Thank you in advance for your time and consideration of our request. Please do not hesitate to reach out should you require any further information.

Sincerely,



Candice White, CAO/Clerk/Treasurer  
Township of Asphodel-Norwood

Cc: Ministry of Community Safety and Correctional Services  
**All Ontario Municipalities in Ontario**

Dated: Feb 8<sup>th</sup> / 21

To: Mayor and Councillors  
Dobbie Bros

2 Cut backs of Maintenance on  
Francour Road, Mackay Creek Rd.  
Kenny Rd & Plains Camp Rd.  
& added Rd. - Pembroke and Mattou Rd.  
previously - in Bissetts.

The money saved will be Minimal.  
Uses are doing a good job of grading  
& banking these roads all along  
why mess it up now.

If the maintenance is cut as proposed  
approximately 15 km's total more or less.  
it will take time if not three times  
the cost to bring them back to good shape  
again.

This in my opinion is "regression"  
rather than "progression".  
What about the ~~Subsidy~~ Subsidy  
the trip receives from N.T.O. each  
year. of total km's now 40 km's  
is reduced approximately 15 km's to 25 km's  
N.T.O. will possibly cut the subsidy down.  
If you lose that money, you will  
never get it back. Think about this.  
It will be a big mistake in my opinion  
to follow through with these cuts.  
Please reconsider! Councillor for

Yours Truly

Earl Francour  
Mackay

P.S. six yrs and

Chairperson on  
Roads Committee

FEB 10 2021



# Fred Dean's 2021 "User Friendly" Webinars



## Webinar 21-1 The Art of Municipal Minute-Taking

The Clerk has the responsibility to record the proceedings of Council. The recording of committee meetings is also under the direction of the Clerk. This webinar will provide practical advice as to the requirements for preparation, distribution and approval of the minutes. What about closed meeting minutes? What about the minutes of the emergency team?

Thursday April 8, 15 & 22 from 11:00 to 11:45

### "User Friendly" Webinars means:

- No hassles
- Participate and learn from a location convenient to you
- Recognizing "Zoom" fatigue the webinars are a short, concise 45 minutes
- Participate with your colleagues and learn together
- If you miss a live webinar you will be able to see and hear the recording at a later date, convenient to you.



## Basics for New Members of Council

This is a unique opportunity to provide a member of council with training on the fundamentals of municipal government. It is also designed to assist committee chairs and local board members. Each session is two hours in length at a time mutually agreed upon. There will be a maximum of 5 participants. It will be interactive with the members being able to have their questions answered. Topics will include –

- Roles and responsibilities of members, the head of council, committee members and the public



*Fred Dean is a municipal coach and former municipal solicitor with extensive experience. He has delivered numerous orientation and councillor training sessions across Ontario. He has presented workshops and webinars to municipal administrators across the province for years.*



## Webinar 21-2 Taking the Mysteries out of Writing and Speaking to Council

I am pleased to announce webinar 21-2 which will explore the mysteries of council committees as well as two Council Policies, namely, Notice and Accountability and Transparency. We will explore the rationale for creating committees and the various types being used by councils across the province. In addition, we will focus on the two policies that tend to get lost in the shuffle but which can have a considerable impact on the municipal operation.

When you complete this webinar series you will know:

- The risks and rewards to having committees
- Factors to consider in creating committees
- How the Procedure By-law fits in
- How committees report to council
- How to undertake a review of the policies
- How to administer the Notice Policy

Thursday May 6, 13 & 20 from 11:00 to 11:45

- Meeting procedures
- Personal responsibilities
- And more...

Whether a member has recently been appointed or elected to council since the general election or is someone who is looking for assistance in fulfilling their role on council, this programme will enhance their knowledge base.

No hassles or costs of travel. Spend time with Fred Dean; participate and learn in your office or any convenient location with a tablet or phone.

## Register Today! Register by email - [webinar@citysolicitor.net](mailto:webinar@citysolicitor.net)

### Webinar 21-1 The Art of Municipal Minute-Taking

Thursday April 8, 15 & 22 from 11:00 to 11:45

\$199 + \$25.87 HST = \$224.87

### 21-2 Taking the Mysteries out of Council Committees and Policies

Thursday May 6, 13 & 20 from 11:00 to 11:45

\$195 + \$24.35 HST = \$220.35

### Basics for Members of Council Interactive Webinar

Time and date to be arranged

\$325 + \$42.25 HST = \$367.25

Registration is payable 10 days prior to the Webinar. A full refund is available with cancellation before the due date. No refunds after the due date but a full credit will be given towards future webinars or workshops.

### In case you missed it...

Recordings of recent webinars are available.

### Council Meeting

Procedures, Part 1..... 5 sessions ..... \$198 + HST

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*United Townships of Head, Clara & Maria Council*

**Request for Decision**

Type of Decision									
Meeting Date	Thursday, February 18, 2021				Report Date	Tuesday, February 9, 2021			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
<b>Report #21/02/18/1001 – PWAC Recommendations and Level of Service Policy</b>									

**Subject:** Recommended changes to road maintenance and updating Level of Service for Roads Policy (Schedule “A” to By-Law 2021-04).

**Recommendation:** That Council review and vote on the approval of the updated Level of Service Policy.

**Background/Executive Summary:**

At the December 17<sup>th</sup>, 2020 Council meeting, a resolution #17/12/20/002 was passed stating:

**WHEREAS** the Public Works Advisory Committee has completed two road tours in the United Townships of Head, Clara & Maria;

**AND WHEREAS** the Public Works Advisory Committee has made recommendations for changing the level of maintenance on some municipal roads, outlined in the PWAC recommendations report;

**THEREFORE BE IT RESOLVED THAT** Council does hereby direct that the Level of Service Policy By-Law 2008-06 and Schedule A be updated to reflect the changes discussed, and outlined below. Final policy will be brought back to Council for approval. Clerk to obtain legal opinion on making the recommended updates.

***The Clerk-Treasurer has completed the following actions:***

1. Updated the Level of Service Policy to reflect the suggested changes.
2. Obtained opinions from our municipal solicitor, municipal insurance agent and MPAC. The questions posed to these agencies were a combination of Council, Staff and resident requests.

**Municipal Liability**

***Questions posed to solicitor and insurance agent:***

1. Can you respond to any precedent established by years of these roads being serviced and the potential for owners to be cut off from their property if all road maintenance ceases. As well as the liabilities of HCM for: any resulting loss of property value; accidents/injuries on unmaintained municipal roads; and accidents/injuries sustained by private individuals while performing road maintenance on municipal roads.
2. What are the legal implications when there are seasonal residences, of discontinuing seasonal maintenance on municipal roads in which we have provided this service to for decades?
3. Are there any differences with respect to property development on a municipal seasonally maintained road vs a road for which we have discontinued seasonal maintenance?
4. Currently the municipality maintains roads seasonally - if we discontinue all maintenance does this mean we are also transferring the road to all property owners that abut the road? If the answer is 'No' under current bylaws the property owners are barred from any maintenance of any municipally owned road. How does a property owner provide any up keep on the road?

5. Does the Municipality continue to have legal liabilities for a municipal road that we have discontinued maintenance?

**Responses:**

MIS Municipal Insurance

The Municipality is in a difficult position as they have a history of maintaining those roads and changing the maintenance could potentially leave the Municipality open to a claim. The Municipality does continue to have liability exposure on the non-maintained roads.

If the Municipality decides to reduce the maintenance of those roads, we recommend maintaining to the minimum maintenance standards as set out in the Municipal Act (based on the road class). You should also notify the residents/affected rate payers on those roads of the change, post appropriate signage and also post the change to the Municipal Website in advance of the change.

If a landowner wants to conduct their own winter maintenance, the land owner will have to submit an application and an agreement should be put in place stating that the landowner will be held responsible for any damages that occur on municipal property as a result of their actions. Ideally, the Municipality should be named as additional insured on an insurance policy of the individual conducting the snow removal.

Wishart Law - Attached

**Impact to Property Value**

***The Clerk-Treasurer posted the following question to MPAC:***

1. The township is considering the discontinuation of maintenance on some of our municipal roads and we are wondering if whether or not a road is maintained by the municipality has impact on the assessed value of a property?

**Response:**

MPAC

It can, depending on what the assessment of the affected properties are currently. The adjustments below outline the difference between one type of access to the other. These values are found in the Market Valuation Report within municipal connect. Typically, there is not a huge difference, maybe \$1000-\$5,000 in assessment.

The following site adjustment factors were developed and applied to the appropriate lot dimension (e.g., frontage, lot size) to adjust the valuation parameter rate for the site characteristics. As an example, an adjustment factor of 0.90 would reduce the rate by 10%. Similarly, an adjustment factor of 1.10 would increase the rate by 10%

Data Element	Adjustment Factor
No Access	0.50
Private Access	0.85
Right of Way Access	0.85
Seasonal Access	0.85
Problem Access	0.85
Water Access	0.65
Island Access	0.65

**Financial Considerations/Budget Impact:**

It is difficult to accurately outline how these changes will impact the budget. However, in 2020 our overall unaudited costs that will be impacted by these changes were ~\$39,000. This includes grading, calcium, vehicle mileage and maintenance, supplies and tools, road maintenance, ditching and standby costs. This amount changes yearly based upon the requirements of the roads.

This does not take into consideration the time spent by Public Works staff. Given that these roads cover approximately 50% of the current maintained roads in the summer months, it can be estimated that approximately half of the roads department time allocated for road maintenance is spent on these areas of road in the summer.

Culvert replacement costs vary from ~\$1000 for a small culvert to ~\$50,000 for some large culverts (or more).

**Enclosures:**

- Level of Service Policy and appendices
- Legal opinion from Wishart Law regarding suggested changes

Approved and Recommended by the Clerk
Charlotte Toope, Clerk/Treasurer

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### POLICY STATEMENT

This policy sets out the minimum standards of maintenance and repair for highways under municipal jurisdiction for the purpose of clause 44 (3) (c) of the *Municipal Act, S.O. 2001, c.25*. The minimum standards of repair set out herein are applicable only in respect of motor vehicles using the highways.

It is the objective of the Township Roads-Public Works Department to conduct its operational activities in an efficient and effective way, so as to provide year round, safe driving conditions on all highways under its control and jurisdiction. Operations will be consistent with the needs of a low traffic volume rural road system.

Maintenance will be performed, monitored and recorded as detailed in the following guidelines that comprise, with this policy statement and the definitions below, our Level of Service Document.

This document is based on the criteria for Minimum Maintenance Standards as developed by the province in Ontario Regulation 239/02 to provide municipalities with a legal ~~defence~~ defense against liability from actions arising with regard to levels of care on roads and bridges. Using the chart provided by the province to determine Highway class based on speed limit and average annual daily traffic (AADT) counts, all roads within the municipality are determined to be either class 5 or class 6 roads. (Please see Appendix "A" to this policy for a detailed list)

Since O. Reg. 239/02 does not specify minimum standards for Class 6 roads, this document will set a level of service for roads that will "meet" the minimum maintenance standards as set by the province for that class of road. The minimum maintenance standards for Class 5 roads have been adopted from O. Reg. 239/02.

These guidelines are used to provide guidance for our Roads-Public Works Department, however; depending on work load and other unknown circumstances, maintenance activities may in some instances occur sooner than the minimum times detailed below and do not change the normal minimum standard.

### DEFINITIONS

In this Level of Service Document,

- "as soon as practicable" means as soon as is possible considering lead time to contact the truck driver, for the driver to travel to the location of the truck, for readying the truck, for loading the truck and for traveling to the designated starting point within the

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municipality. This does not take into account time out for the driver for coffee or any other breaks before beginning work. The lead time begins as soon as any member of staff becomes aware of a fact, not just the employee responsible for call outs.

- "cm" means centimeters; correspondingly "m" means meters and "mm" means millimeters.
- "day" means a 24-hour period;
- "dead end" roads are those that do not have an exit through another intersecting road;
- "motor vehicle" has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*, R.S.O. 1990, except that it does not include a motor assisted bicycle;
- "houses" means the number of permanent year round occupied residences.
- "non-paved surface" means a surface that is not a paved surface, otherwise known as "loose-topped"; for our purposes "non-paved surface" further means gravel surfaced.
- "O. Reg. 239/02" refers to Ontario Regulation 239/02 which lays out the minimum maintenance standards for municipal highways
- "paved surface" means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;
- "roadway" has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*;
- "seasonal highway/road" means those on which no winter maintenance is performed and are not private roads;
- "snow-packed" means the desired state of a highway during the period of winter road maintenance which includes the compacted snow or ice that can accumulate on municipal highways during a number of minor snow events.
- "shoulder" means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;
- "surface" means the top of a roadway or shoulder.
- "winter highway maintenance" occurs from November 15 to and including April 1 of each year.

#### **CLASSIFICATION OF HIGHWAYS**

For the purposes of this policy, every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified in Table 1 as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the applicable speed limit and the average annual daily traffic count.

For the purposes of determining the Class of highway, the average annual daily traffic on a highway or part of a highway under municipal jurisdiction shall be determined, by estimating the

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average daily two-way traffic on the highway or part of the highway in accordance with accepted traffic engineering methods.

For "dead end" roads, in lieu of a manual 4 hour traffic count, a simple count of the number of permanent year round residences on the road multiplied by 6, for rural areas, will estimate the number of trips each house generates and is an accepted traffic engineering method for rural areas and those with lower volume as most of our roads are. This is the method that the municipality will use to determine AADT for it's roads.

**TABLE 1  
CLASSIFICATION OF HIGHWAYS**

Posted or Statutory Speed Limit (kilometers per hour)	91 - 100	81 - 90	71 - 80	61 - 70	51 - 60	41 - 50	1 - 40
Average Annual Daily Traffic (number of motor vehicles)	CLASS of ROAD						
15,000 or more	1	1	1	2	2	2	2
12,000 - 14,999	1	1	1	2	2	3	3
10,000 - 11,999	1	1	2	2	3	3	3
8,000 - 9,999	1	1	2	3	3	3	3
6,000 - 7,999	1	2	2	3	3	3	3
5,000 - 5,999	1	2	2	3	3	3	3
4,000 - 4,999	1	2	3	3	3	3	4
3,000 - 3,999	1	2	3	3	3	4	4
2,000 - 2,999	1	2	3	3	4	4	4
1,000 - 1,999	1	3	3	3	4	4	5
500 - 999	1	3	4	4	4	4	5
200 - 499	1	3	4	4	5	5	5
50 - 199	1	3	4	5	5	5	5
0 - 49	1	3	6	6	6	6	6

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**MINIMUM STANDARDS**

***ROUTINE PATROLLING***

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The minimum standard for the frequency of routine patrolling of highways is set out in Table 2. Routine patrolling shall be carried out by driving on the highway to check for conditions described in this policy. Routine patrolling is not required between sunset and sunrise.

The "Routine Patrol Record" attached to this Level of Service document as Appendix "B" will be used for routine patrols.

Patrols will take place more frequently during the winter highway maintenance period from November 15 to and including April 1. The "Winter Patrol Form" attached as Appendix "C" will be utilized for winter patrols.

**TABLE 2  
ROUTINE PATROLLING FREQUENCY**

Class of Highway	Routine Patrolling Frequency	Winter Road Patrols
5	Once every 30 days	At least twice each week from November 15 to and including April 1
6	Once every 30 days	At least twice each week from November 15 to and including April 1

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#### ***WINTER MAINTENANCE***

The ~~Read-Public Works~~ Department will be responsible for winter road patrols. Our municipality has contracted out our winter road maintenance activities. Our ~~Read-Superintendent~~Public Works employees and our Contractor have the equipment, schedules, manpower and procedures in place to commence winter control operation on the 15<sup>th</sup> day of November to and including April 1 of each year. Winter control equipment and manpower will be available on a continuous basis, 7 days a week 24 hours a day to respond to any winter event during this period.

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There will be no winter maintenance on the following roads or road sections as these roads are considered "seasonal" by the municipality. For all intents and purposes these roads are considered "temporarily closed" and may only be used at the operator's own risk. Notice of the temporary closure of these roads will be posted at the point of temporary closure and on our Township web site.

#### **SEASONAL ROADS**

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**(some part or all of each of these roads are seasonal in nature and are not maintained for their entire length)**

ROAD NAME	# of permanent homes on this road	# of cottages (not used to calculate AADT)	AADT (if higher than 49 – go to class 5)	SPEED LIMIT	CLASS	DISTANCE MAINTAINED	DISTANCE PLOWED	
Ashport Road	7	4	42	50 km/h	6	2.5 km	1.3 km	Formatted: Centered
Francoeur Road	2	4	12	50 km/h	6	<del>2.30.4</del> km	0.4 km	Formatted: Centered
Mackey Boat ramp	0		0	50 km/h	S	0.2 km	NONE	Formatted: Centered
Mackey Creek Road	12	6	72	50 km/h	5	<del>10.92.5</del> km	2.5 km	Formatted: Centered
Jennings Road	6	3	36	50 km/h	6	4.5 km	To Boy Scout Trail	Formatted: Centered
Plain's Camp Road	0	2	0	50 km/h	S	<del>Minimal maintenance only</del> NONE	NONE	Formatted: Centered
Kenny Road	0	1	0	50 km/h	6	<del>1.80.7</del> km	0.7 km	Formatted: Centered
Township Hall Road	1	0	6	50 km/h	6	0.3 km	0.3 km	Formatted: Centered
Buckshot Road	0	1	0	50 km/h	S	<del>Minimal maintenance only</del> NONE	NONE	Formatted: Centered
Adelard Road	0	2	0	50 km/h	S	<del>Minimal maintenance only for 4.0 km</del> NONE	NONE	Formatted: Centered
Bissett Creek Road	0	Not our road	0	50 km/h	AFA road		0.7 to dump	Formatted: Centered
Brent Road	1	Not our road	6	50 km/h	AFA road		1.1 km To dump	Formatted: Centered

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During winter operations a number of minor snow events may result in non-paved surfaces becoming snow-packed. Once this compacted snow accumulates it is considered part of the road for the application of our Level of Service and is the desired condition. During periods of thaw, appropriate remedial action would be required as the depth of the compacted snow base becomes unstable. This remedial action may include plowing, salting and sanding, as determined, to break up the base and remove it from the traveled sections of the road. It will be the duty of the Road Superintendent Public Works Department to determine best treatment methods and contact our contractor for implementation.

### SNOW ACCUMULATION

The minimum standard for clearing snow accumulation is,

- while the snow continues to accumulate, to deploy resources to clear the snow as soon as practicable after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in Table 3 and;
- after the snow accumulation has ended and after becoming aware that the snow accumulation is greater than the depth set out in Table 3, to clear the snow accumulation in accordance with the time set out in the Table.

The snow accumulation must be cleared to a depth less than or equal to the depth set out in the Table. The snow accumulation must be cleared from the roadway to within a distance of 0.6 meters inside the outer edges of the roadway.

This section does not apply to that portion of the roadway designated for parking; and only applies to a municipality during the season when the municipality performs winter highway maintenance. In this section, "snow accumulation" means the natural accumulation of new fallen snow or wind-blown snow that covers more than half a lane width of a roadway.

**TABLE 3  
SNOW ACCUMULATION**

Class of Highway	Depth	Time	Desired Road Condition
5	10 cm	24 hours	Snow-packed or bare
6	10 cm	24 hours	Snow-packed or bare

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### ICY ROADWAYS

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The minimum standard for treating icy roadways is to deploy resources to treat an icy roadway as soon as practicable after becoming aware of the condition; and to treat the icy roadway within the time set out in Table 4 after becoming aware of the condition.

It is acceptable to "spot" treat only those sections that are in fact icy. The entire road does not require the same treatment, however; the treatment that is applied and the locations are required to be documented each and every time this treatment method is used.

This section only applies to the municipality during the season when the municipality performs winter highway maintenance.

**TABLE 4  
ICY ROADWAYS**

Class of Highway	Time	Desired Surface Condition
5	16 hours	Snow-packed or bare
6	16 hours	Snow-packed or bare

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#### POTHOLES

If a pothole exceeds both the surface area and depth set out in Table 5 or 6, as the case may be, the minimum standard is to repair the pothole within the time set out in Table 5 or 6, as appropriate, after becoming aware of the fact. A pothole shall be deemed to be repaired if its surface area or depth is less than or equal to that set out in Table 5 or 6, as appropriate.

**TABLE 5  
POTHOLES ON NON-PAVED SURFACE OF ROADWAY**

Class of Highway	Surface Area	Depth	Time
5	1500 cm <sup>2</sup>	12 cm	30 days
6	1500 cm <sup>2</sup>	12 cm	30 days

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**TABLE 6  
POTHoles ON PAVED OR NON-PAVED SURFACE OF SHOULDER**

Class of Highway	Surface Area	Depth	Time
5	1500 cm <sup>2</sup>	12 cm	60 days
6	1500 cm <sup>2</sup>	12 cm	60 days

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**SHOULDER DROP-OFFS**

If a shoulder drop-off is deeper, for a continuous distance of 20 meters or more, than the depth set out in Table 7, the minimum standard is to repair the shoulder drop-off within the time set out in the Table after becoming aware of the fact. A shoulder drop-off shall be deemed to be repaired if its depth is less than or equal to that set out in the Table.

In this section, "shoulder drop-off" means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder.

As we currently do not have paved highway surfaces other than entrances off Highway 17, this section will apply to those entrances.

**TABLE 7  
SHOULDER DROP-OFFS**

Class of Highway	Depth	Time
5	8 cm	30 days
6	8 cm	30 days

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**CRACKS**

~~We do not have paved surfaces on our roadways that we are responsible for. The corresponding section of O. Reg. 239/02 does not apply in our municipality.~~

If a crack on the paved surface of a roadway is greater than 5 cm wide and 5 cm deep for a continuous distance of three metres or more, the standard is to repair the crack within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 10 (1).

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[A crack is deemed to be in a state of repair if its width or depth is less than or equal to 5 cm. O. Reg. 366/18, s. 10 \(1\).](#)

**TABLE 8**  
**SHOULDER DROP-OFFS**

<u>Class of Highway</u>	<u>Time</u>
<u>5</u>	<u>180 days</u>
<u>6</u>	<u>180 days</u>

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#### DEBRIS

If there is debris on a roadway, the minimum standard is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris.

In this section, "debris" means any material or object on a roadway that is not an integral part of the roadway or has not been intentionally placed on the roadway by a municipality, and that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle. It could mean garbage, garbage bags, tires, or other large quantities of litter.

#### LUMINAIRES

We do not have luminaires on our roadways that we are responsible for. The corresponding section of O. Reg. 239/02 does not apply in our municipality.

#### SIGNS

If any sign of a type listed below is illegible, improperly oriented or missing, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair or replace the sign.

This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
4. One Way.
5. School Zone Speed Limit.
6. Stop.
7. Stop Ahead.
8. Stop Ahead, New.
9. Traffic Signal Ahead, New.

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10. Two-Way Traffic Ahead.
11. Wrong Way.
12. Yield.
13. Yield Ahead.
14. Yield Ahead, New.

#### REGULATORY OR WARNING SIGNS

If a regulatory or warning sign other than a sign listed above is illegible, improperly oriented or missing, the minimum standard is to repair or replace the sign within the time set out in Table 8 after becoming aware of the fact.

In this section, "regulatory sign" has the same meaning as in the Manual of Uniform Traffic Control Devices published in 1985 by the Ministry of Transportation; "warning sign" has the same meaning as in the Manual of Uniform Traffic Control Devices published in 1985 by the Ministry of Transportation.

**TABLE 98**  
**REGULATORY AND WARNING SIGNS**

Class of Highway	Time
5	30 days
6	30 days

#### TRAFFIC CONTROL SIGNAL SYSTEMS

We do not have traffic control signal systems on our roadways that we are responsible for. The corresponding section of O. Reg. 239/02 does not apply in our municipality.

#### BRIDGE DECK SPALLS

In this section, "bridge deck spall" means a cavity left by one or more fragments detaching from the paved surface of the roadway or shoulder of a bridge. We do not have bridge deck spalls on our roadways that we are responsible for. All bridges are the responsibility of the County. We do not have paved road surfaces. The corresponding section of O. Reg. 239/02 does not apply in our municipality.

#### SURFACE DISCONTINUITIES

In this section, "surface discontinuity" means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints

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and approach slabs to a bridge. We do not have paved surfaces or bridges within our road system that we are responsible for. The corresponding section of O. Reg. 239/02 does not apply in our municipality.

#### MINIMUM STANDARDS FOR CATEGORIES NOT INCLUDED IN O. REG. 239/02

##### TREES

This section applies to the mitigation of a tree-fall on a roadway. A tree-fall on a roadway may occur if the following conditions are present:

1. The tree appears dead as evidenced by no leaves during normal in-leaf season, and the tree must be on the right-of-way (R.O.W.).
2. The entire tree or a significant portion of the tree must appear dead, and the tree must be on the R.O.W.
3. The trunk of the tree must be greater than 0.3m in diameter, and the tree must be on the R.O.W.
4. There must be a significant likelihood of the tree falling on the roadway, if it falls.

After becoming aware of the fact that one or more of the conditions noted above exist the level of service is to secure the tree from falling on a roadway within the lag time as shown in Table 9.

**TABLE 109**  
**TREES**

Class of Highway	Time
5	6 months
6	6 months

##### FLOODING

A flood condition exists where water, flowing or standing, covers more than half a lane width of highway. Where floods exceed the depth of (100 mm. or 10 cm.), a response is required. Flood conditions on roadways should have warning signs posted as a response. Further, where the roadway is not closed, it should be monitored at reasonable intervals during the flood. The time for responding should be no more than 12 hours after becoming aware of the condition. Flood mitigation, while in a flood condition, is at the discretion of the road authority. Repeat flooding

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within a two week period is considered a single occurrence. Where the maximum frequency is exceeded the zone should be posted to advise of the potential hazard.

**TABLE 110**  
**FLOODING**

Class of Highway	Acceptable Depth	Depth at which action is required	Maximum Frequency
5	10 cm	10 cm	Once in 1 month
6	10 cm	20 cm	Once in 1 month

Where the maximum frequency per month is exceeded and where flooding occurs more frequently than once every two years, remedial action is required.

#### DUST

Where dust caused by traffic on a loose top road surface impacts on reasonable vehicle safety, relative to the ambient condition of the road, that condition should not occur for more than 2 months of the year. This policy does not apply where the condition occurs over a distance of less than 100m. This standard does not apply to shoulders but to the travelled portion of the road.

Dust suppression will be applied in accordance with the guidelines of the Ontario Ministry of Environment and Ministry of Transportation. Dust abatement to address other criteria such as field crops, and air quality are not addressed in this policy.

#### CLEARANCES

Vertical and horizontal clearances recognize setback of obstacles that may cause damage when struck, or may impair visibility related to safety of motorists travelling along our highways. (e.g. Rock outcroppings, earth, guy cables, utility posts, abutments, structures, hydrants, trees, brush). Such obstacles may be localized or general in nature. Non-woody vegetation may encroach on the clearance zone. Safety devices, regulatory signs and entrances are not considered encroachments.

Each substandard condition should be posted or guided with an appropriate warning or device (e.g. hazard marker, warning sign, guide rail, attenuation device). Maximum grass/brush encroachment is .5m. Maximum lag time for removing the substandard condition is:

- Temporary object - 2 years;
- Structures - on reconstruction;

Head, Clara & Maria Policies and Procedures			
DEPARTMENT: Public Works			POLICY #: PW-01
POLICY NAME: LEVEL OF SERVICE POLICY (Schedule "A" to By-Law 2021-04)			
DATE:	REV. DATE: January 2021	APPROVED BY:	PAGE #: 13 of 13

- Utilities - on replacement.

Desirable vertical clearance for all municipal roads is 4.5 m.

**TABLE 12~~4~~**  
**CLEARANCES**

Class of Highway	Vertical Overhanging Minimum	Grass/Brush Encroachment	Horizontal Minimum
5	4.5 m	0.5 m	5 m
6	4.5 m	0.5 m	5 m

Clearances are measured vertically from the crown of the road and horizontally from the centerline of the road.

#### OTHER SAFETY DEVICES

This section applies to delineator, chevron, flashers, vehicle attenuation devices such as guide rails or inertial barriers and other such safety devices.

**TABLE 13~~2~~**  
**OTHER SAFETY DEVICES**

Class of Highway	Maximum Repair Lag Time	Maximum Restoration Lag Time
5	1 year	5 years
6	1 year	5 years

If other safety devices are damaged, illegible, improperly oriented or missing, the minimum standard is to repair or replace the device within the maximum response time of 1 year, after becoming aware of the fact.

Where other safety devices are found to be deficient either by deteriorating beyond their effective usefulness or by not being in compliance with current standards, the minimum level of service is to replace that device within the maximum restoration time of 5 years.

**UNITED TOWNSHIPS OF HEAD, CLARA & MARIA**

“Appendix A” to Level of Service Policy  
2021 Calculations and Determinations of Traffic Volume

<b>ROAD NAME</b>	<b># OF PERMANENT HOMES ON ROAD</b>	<b># OF COTTAGES ON ROAD</b>	<b>AADT</b>	<b>SPEED LIMIT</b>	<b>CLASS</b>	<b>DISTANCE MAINTAINED</b>	<b>DISTANCE PLOWED</b>
Harvey Creek Road	3	0	18	50 km/h	6	0.9 km	0.9 km
Jobidon Road	1	2	6	50 km/h	6	0.3 km	0.3 km
Rivermead Road	2	4	12	50 km/h	6	0.3 km	0.3 km
Boudreau Road	7	7	42	50 km/h	6	0.3 km	0.4 km
Donnelly Road	1	3	6	50 km/h	6	1.8 km	1.8 km
Ashport Road	7	4	42	50 km/h	6	2.5 km	1.3 km
Francoeur Road	2	4	12	50 km/h	6	<del>2.30.4</del> km	0.4 km
Mackey Boat ramp	0	0	0	50 km/h	6	0.2 km	NONE
Mackey Creek Road	12	6	72	50 km/h	5	<del>10.92.5</del> km	2.5 km
Desjardins Road	1	1	6	50 km/h	6	0.3 km	0.3 km
Jennings Road	6	3	36	50 km/h	6	4.5 km	To Boy Scout Trail
Plain's Camp Road	0	2	0	50 km/h	6	<del>Minimal maintenance only</del> NONE	NONE
Kenny Road	0	<del>2</del>	0	50 km/h	6	<del>1.80.7</del> km	0.7 km
Pine Valley Road	<del>17</del>	<del>71</del>	42	50 km/h	5	0.3 km	0.3 km
Township Hall Road	1	0	6	50 km/h	6	0.3 km	0.3 km
Loggers Road	2	3	12	50 km/h	6	0.7 km	3.5 km
Boat Launch Road	2	0	12	50 km/h	6	0.4 km	0.4 km
Buckshot Road	0	1	0	50 km/h	6	<del>Minimal maintenance only</del> NONE	NONE
Yates Road	<del>10</del>	0	<del>60</del>	50 km/h	6	0.4 km	0.4 km
Adelard Road	0	2	0	50 km/h	6	<del>Minimal maintenance only for 4.0 km</del> NONE	NONE
Bissett Creek Road	0	n/a	0	50 km/h	n/a	AFA road	0.7 to dump
McIsaac Drive	2	1	12	50 km/h	6	1.1 km	1.1 km
Crossing Road	0	0	0	50 km/h	6	0.1 km	0.1 km
Trappers Road	2	5	12	50 km/h	6	0.3 km	0.3 km
Dunlop Crescent	2	4	12	50 km/h	6	0.9 km	0.9 km
Cotnam Road	1	2	6	50 km/h	6	0.1 km	0.1 km
Brent Road	1	n/a	6	50 km/h	n/a	AFA road	< 1 km to camp

**ROUTINE PATROL RECORD – UNITED TOWNSHIPS OF HEAD, CLARA & MARIA PUBLIC WORKS DEPARTMENT**

Weather		Date:											Accident/Damage	
Clear <input type="checkbox"/>	Time	Patrolled By _____  Hours of Work: Start Shift: _____ Finish Shift: _____											Police Response Yes No ___ OPP Report # _____	
Partly Cloudy <input type="checkbox"/>	Time												Location _____	
Overcast <input type="checkbox"/>	Time												Description _____	
Rain <input type="checkbox"/>	Time												_____	
Snow <input type="checkbox"/>	Time												_____	
Freezing Rain <input type="checkbox"/>	Time												_____	
Fog <input type="checkbox"/>	Time	Approved By:												
Visibility: Good Fair Poor Time		Condition: Considered acceptable unless noted otherwise											Time to be recorded on a 24 hour clock.	
Wind" Light Moderate Strong Direction														
Highway Patrolled	Class	Time	Time	Potholes	Shoulder Drop Clt	Debris	Safety Device	Signs Warning	Signs Regulatory	Signs Information	Sign Reflectivity	Shoulders	Deficiency Found	Action Taken
<i>Harvey Creek Road</i>	6													
<i>Jobidon Road</i>	6													
<i>Rivermead Road</i>	6													
<i>Boudreau Road</i>	6													
<i>Donnelly Road</i>	6													
<i>Ashport Road</i>	6													
<i>Francoeur Road</i>	6													
<i>Mackey Boat ramp</i>	S													
<i>Mackey Creek Road</i>	5													
<i>Desjardins Road</i>	6													
<b><i>Jennings &amp; Old Mackey Park</i></b>	6													
<i>Kenny Road</i>	6													
<i>Pine Valley Road</i>	5													
<i>Township Hall Road</i>	6													
<i>Loggers Road</i>	6													
<i>Boat Launch Road</i>	6													
<i>Yates Road</i>	6													
<i>Bissett Creek Road</i>	6													
<i>Mclsaac Drive</i>	6													
<i>Crossing Road</i>	6													
<i>Trappers Road</i>	6													
<i>Dunlop Crescent</i>	6													
<i>Cotnam Road</i>	6													



February 12, 2021

VIA EMAIL: [crystal@headclaramaria.ca](mailto:crystal@headclaramaria.ca)

CHARLOTTE TOOPE  
CLERK TREASURER  
THE UNITED TOWNSHIPS OF HEAD,  
CLARA & MARIA  
15 TOWNSHIP HALL ROAD  
STONECLIFFE, ON K0J 2K0

Dear Ms. Toope:

**RE: Discontinuance of Some Road Maintenance**  
**Our File No.: 17439-2**

I write in response to your email of January 4<sup>th</sup>, 2021. In your email, you provided a list of questions regarding the proposed discontinuance of some road maintenance. The answers to those specific questions are found at the end of this letter of opinion. However, given the seriousness of reducing road maintenance, I think it is important to provide a legal opinion with regard to the Municipality's obligation regarding road maintenance. With this in hand, Municipal Council will be able to make an appropriate decision with regard to the reduction of road maintenance.

### **Statutory Duty**

Section 44 of the *Municipal Act*, creates a statutory obligation on municipalities to keep its roads, "in a state of repair that is reasonable in the circumstances, including the character and location of the roadway". The statute requires a Plaintiff to establish non-repair and causation on the balance of probabilities. If the Plaintiff succeeds, the Municipality is liable unless it establishes one of the statutory defences available to it. The statutory defences available are:

- 1) The Municipality did not know and could not reasonably have been expected to have known about the state of repair of the highway;
- 2) The Municipality took reasonable steps to prevent the default from arising; and
- 3) At the time the cause of action arose, minimum standards established under subsection 4 (the Minimum Maintenance Standards section) applies to the highway and to the alleged default and those standards have been met.

In determining responsibility for injury or damage related to road maintenance, the following steps should be considered:

- Step 1 Determine the character and state of the road.
- Step 2 Determine if the Municipality defaulted in its duty to keep the road in a state of repair.
- Step 3 Determine whether the default caused the injuries or damages.
- Step 4 If both default and causation are established, determine if any of the statutory defences apply.
- Step 5 If the statutory defences do not apply, determine if the Plaintiff is contributorily negligent for the accident or damages.

Determining the character and state of the road is a question of fact. The *Municipal Act* requires municipalities to keep highways in states of repair reasonable in the circumstance including the character and location of the roadway. In the seminal Supreme Court of Canada case in 1917, Chief Justice Fitzpatrick epitomized the municipal responsibility that is now codified in the *Municipal Act*:

“A municipal corporation is not an insurer of travellers using its streets; its duty is to use reasonable care to keep its streets in a reasonably safe condition for ordinary travel by persons exercising ordinary care for their own safety. Moreover, it is only common sense to distinguish between highways and by-ways. Precautions that might well be required to be taken on a much travelled main throughfare would often be quite uncalled for on an unimportant and little frequented side street. The City cannot be held liable because every street is not equally safe for all possible purposes of traffic.”

*Fafard v. City of Quebec*, (1917), 39 DLR 717 (SCC) at 718.

This is a very common sense approach taken by the Supreme Court of Canada. It points to the notion of driver expectancy. This driver expectancy is a concept fundamental to road design. It is clear that the level of maintenance may vary from road to road based on a number of factors including the type of travel and frequency of travel on the roadway.

#### **Adoption of MMS as Defence**

The *Municipal Act* sets out minimum standards for road and highway maintenance for municipalities. MMS regulations pertain to various

elements of road repair and maintenance such as frequency of road inspections, weather monitoring, ice formation on roadways, snow accumulation and sidewalk trip ledges. Also under the MMS, roads and highways throughout the province are classified based on their average annual daily traffic and posted speed limits and based on the classification of a particular road or highway, there are required minimum levels of inspection and repair. The high standards of maintenance are required for Class 1 roads which are highways that experience large volumes of traffic and higher posted speed limits. Adopting a MMS also provides a statutory defence to a municipality pursuant to Section 44(3)(c) of the *Municipal Act*.

Although adopting the Minimum Maintenance Standards may be used as a defence in the event of liability, it is not a cure all. The case law surrounding MMS, has significantly impinged its ability to provide a full defence for municipalities.

***Giuliani v Halton (Regional Municipality), 2011 ONCA 812 4630***

In this case the Ontario Court of Appeal addressed and severely limited the circumstances in which the MMS would apply.

There, the plaintiff/respondent on appeal, had been seriously injured in a motor vehicle accident on April 1, 2003 when she lost control of her vehicle on Derry Road, which was covered with snow and ice at the time. She struck an oncoming vehicle. She sued the Region of Halton ("Halton"), who pleaded the 2002 MMS as a complete defence.

The trial judge found that Halton had not kept Derry Road in a reasonable state of repair and that then applicable MMS (the "2002 MMS") did not apply. The Court of Appeal agreed.

Section 4 of the 2002 MMS required municipalities to clear accumulated snow after it reached a certain depth. The depth at which the requirement to clear was triggered — and the time in which clearing was thereafter to occur — depended on the classification of the roadway. Derry Road was a class two highway. Section 4 of the 2002 MMS provided that the obligation to clear snow from a class two roadway was triggered when an accumulated depth of 5 cm was reached. The municipality thereafter had a six-hour window in which to clear the snow according to the standards.

The trial judge reasoned, and the Court of Appeal agreed, that section 4 of the 2002 MMS did not apply *until* the trigger depth had been reached. In the circumstances of the *Giuliani* case, only 2 cm of snow had accumulated so s. 4 did not apply. Moreover, section 5 of the 2002 MMS, which created a minimum standard for treating roads *after* becoming aware that the roadway was icy, did not discharge the municipality's obligation to take reasonable steps to *avoid* ice forming in the first place.

The result of this decision is to severely limit the circumstances in which the 2202 MMS apply, at least in terms of sections 3, 4 and 5 which deal with winter maintenance standards.

Since *Guilani*, the MMS have been amended multiple times. For instance, they were amended in 2010 by Ontario Regulation 23/10 and further amended in 2013 by Ontario Regulation 47/13. These amendments include a deeming provision that effectively closes the regulatory cap highlighted by the *Guiliani* decision.

Notwithstanding, it is important to understand that the MMS do not purport to cover all circumstances that arise in the course of maintaining. In other words, the MMS are not all inclusive.

Consequently, the courts will determine the application of the MMS based on the facts of each case.

Importantly, common law defences, aside from MMS, are still valid. This means municipalities can still avoid the liability by proving that reasonable steps were taken to prevent the condition of non-repair from arising.

The steps that a municipality may take to help to limit liability include:

- 1) Having a proper system of inspections;
- 2) Responding appropriately to conditions; and,
- 3) Maintaining effective records.

In short, municipal roadways are the municipality's responsibility. While municipalities are authorized to vary the level of maintenance that is provided, they cannot avoid all responsibility and liability for roads. This is established by both the *Municipal Act* and case law.

### **How to Legally Reduce Maintenance**

If the Municipality wishes to reduce or discontinue the level of maintenance it is providing, it is recommended that it do so in the following manner:

- 1) Rather than providing no maintenance, the Municipality may indicate that only emergency maintenance or as need be maintenance is provided;
- 2) Where the Municipality is considering reducing the maintenance that it formerly provided, very adequate notice should be given to all ratepayers in various forms including on the Municipal website, in newspapers and at open Council meetings;

- 3) If possible, the Municipality could close and convey the road to abutting owners so that the liability no longer lies with the Municipality; and,
- 4) The Municipality could enter into a contract for maintenance with abutting owners to ensure that the road is maintained, albeit without municipal resources.

### Response to Questions Posed

- 1) **(From citizen on Adelard Road where it is recommended that all maintenance cease)**

I am trusting that your request will specifically include reference to precedence established by years (decades) of said roads being serviced and the potential owners to be cut off from their property if all maintenance ceases. I would also trust that your request for a legal opinion will include the liabilities for HCM for:

- a. Any resulting loss of property value;
- b. Accidents/Injuries on unmaintained municipal roads;
- c. Accidents/Injuries sustained by private individuals;
- d. Or performing road maintenance on municipal roads.

**Answer:** As the roads are owned by the Municipality, the Municipality is responsible for their maintenance. The level of maintenance must be appropriate in the circumstances. That is to say, a rural country road leading to a cottage will not require the same level of maintenance that a main throughfare will. There is no indication that failing to maintain a road would have an impact on property value. I have searched various case law and do not see this as a resultant consequence. In fact, it may be that an isolated property would be more desirable in the coming years.

With regard to accidents and injuries, if those are as a result of improper maintenance, and not as a result of improper use, the Municipality would bear some responsibility. If the Municipality allows for road maintenance to be effected by ratepayers, that maintenance program would have to be properly supervised and the work would have to meet the standard expected of regular road maintenance. If a private citizen was injured in effecting the road repairs, it would ultimately depend on the circumstances as to how the injury was sustained to determine whether or not the Municipality would bear responsibility. However, it certainly is a possibility that liability would ensue.

2. **(From Council) - What are the legal implications when there are seasonal residences of discontinuing seasonal maintenance on municipal roads in which we have provided this service to, for decades?**

**Answer:** Again, this is a question of proper notice. If the road is lightly occupied and travelled, and there is a low expectation of maintenance, the liability would be proportionately reduced for the Municipality. If this is the approach that the Municipality takes, it is imperative to provide sufficient notice particularly for those residents who would utilize this road that was generally maintained seasonally.

3. **(From Council) – Are there any differences with respect to property development on a municipal seasonally maintained road vs. a road for which we have discontinued seasonal maintenance?**

**Answer:** Allowing development on a road that is not maintained is an opportunity for liability. Generally speaking, developers and insurers require that emergency vehicles be able to access properties. This way should a citizen require the service of a police vehicle, an ambulance or a fire vehicle, they would safely be able to access the property to provide the care. If this non-maintained road will not allow for emergency vehicles, and a ratepayer is injured, as a result, the liability would flow to the Municipality.

4. **(From Council) – Currently, the Municipality maintains roads seasonally—if we discontinue all maintenance, does this mean we are also transferring the road to property owners that abut the road? If the answer is no, under current by-laws, the property owners are barred from any maintenance of any municipally owned road. How does a property owner provide any upkeep on the road?**

**Answer:** Simply discontinuing road maintenance does not equate to transferring the land to abutting owners. If the Municipality wishes to cease maintenance and transfer those lands to abutting owners, it would first have to stop up and close the roadway and properly transfer it. If this results in landlocked properties, a series of easements would also be required. If the current by-laws do not allow property owners to maintain the road, the Municipality has an obligation to provide some level of maintenance. Alternatively, it may enter into a contract with a third party or abutting owners to maintain the road.

5. **(From Council) – Does the Municipality continue to have legal liabilities for a municipal road that we have discontinued maintenance?**

**Answer:** Yes, the Municipality can never distance itself from liability for road maintenance. The degree of liability and the degree of maintenance will vary from road to road and circumstance to circumstance. But the liability and responsibility statutorily falls to the Municipality.

This is a hotly litigated area of Municipal Law. If there are questions relating to this opinion or the responses to the questions posed, we would be pleased to attend to field any questions at a Council meeting at your invitation.

I remain,

Yours very truly,  
**WISHART LAW FIRM LLP**



Nuala M. Kenny  
Telephone Ext.: 240  
Email: [nkenny@wishartlaw.com](mailto:nkenny@wishartlaw.com)  
Assistant: Linda Hurdle  
Email: [lhurdle@wishartlaw.com](mailto:lhurdle@wishartlaw.com)  
NMK:lh

United Townships of Head, Clara & Maria Council

Report to Council

Type of Report									
Meeting Date	Thursday, February 18, 2021				Report Date	Wednesday, February 10, 2021			
Decision Required	X	Yes		No	Priority		High	X	Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
<b>Report #21/02/18/1002 – Transfer of MTO Property</b>									

**Subject:** Transfer of MTO property to Edwin Haines

**Recommendation:** That Council pass a resolution in support of proceeding with the transfer of MTO property from MTO to the United Townships of Head, Clara & Maria with the caveat that these lands must then be transferred directly to Mr. Edwin Haines.

**Background/Executive Summary:**

Mr. Haines attended the September meeting of council to discuss his application for land severance. At that time, the response from the County of Renfrew stated that approval would be required from MTO as they own the land that is currently used to access Mr. Haines' property (in Laurentian Hills and Head, Clara & Maria).

MTO has responded that they will not allow the severance, and instead would like to divest themselves of these lands by passing ownership to the appropriate municipality. MTO has requested a Council resolution to be passed to state that the municipality is willing to accept these lands.

The Clerk-Treasurer made a request to MTO to transfer these lands directly to Mr. Haines, however MTO was not agreeable to this solution.

Mr. Haines has agreed to pay all costs associated with the transfer of the lands from MTO to HCM, and then on to him. No further costs would be incurred by the municipality without first receiving written confirmation from Mr. Haines that he would reimburse the municipality in full for all costs directly associated with the transfer of lands.

Wishart law was consulted and has advised that:

*We do not see there being any impediment to HCM accepting the lands and immediately transferring them to him. Given that the transfer would be immediate, or as close to immediate as possible, we believe the risk of liability to HCM would be quite limited (note for whatever period that HCM owns the lands it would have a maintenance obligation and would bear potential liability in the event of accident/injury etc.).*

**Financial Considerations/Budget Impact:**

Legal opinion

Increased tax revenue for two new severed properties if application is successful and properties are developed.

**Enclosures:**

Letter from Mr. Haines regarding payment for costs

Request from MTO

Approved and Recommended by the Clerk

Charlotte Toope,  
Clerk/Treasurer

January 11<sup>th</sup> 2021

From:  
Ed Haines  
276 Colton Creek Road  
Mackey, Ontario

To:  
Charlotte Toope  
Clerk / Treasurer  
Head Clara Maria Townships

Debbi Grills  
Mayor  
Head Clara Maria Townships

Sent via email

**Re:**  
**Transfer of former Highway 17 Right-of-way to the United Townships of Head, Clara and Maria (HCM)**

The purpose of this letter is to provide conformation to the council of HCM regarding the transfer of property from the MTO to HCM and finally to Ed Haines.

The property is legally described as the following:

Part of Broken Lot 1, Concession A  
Geographic Township of Head  
Now in the Township of Head, Clara and Maria  
County of Renfrew  
Designated as Part of Part 2, Ministry Plan R165055 (P-2585-40)  
As closed by Instrument No. R165055  
Lying East of the easterly limit of Lot 2, Concession A  
And west of Road Allowance between the townships of Head and Rolph  
And between all of PIN 57046-0092 (LT)

I agree to pay all costs directly associated with the transfer of the land from the MTO to HCM to Ed Haines. All costs will be known and payment agreements will be made before any costs are incurred by the township.

Best Regards,

Ed Haines

**Ministry of Transportation**

Corridor Management Section  
1355 John Counter Boulevard  
Postal Bag 4000  
Kingston, Ontario K7L 5A3  
Tel.: 613 545-4834  
Fax: 613-540-5106  
Stephen.Kapusta@ontario.ca

**Ministère des Transports**

Section de gestion des couloirs routiers  
1355, boulevard John Counter  
CP/Service de sacs 4000  
Kingston (Ontario) K7L 5A3  
Tél.: 613 544-2220  
Télééc. 613 540-5106



Sherry Batten – CAO/Clerk  
Town of Laurentian Hills  
34465 Highway 7  
RR #1 Deep River, ON K0J 1P0

February 4, 2020

Charlotte Toope – Clerk/Treasurer  
United Townships of Head, Clara and Maria  
15 Township Hall Road  
Stonecliffe, ON K0J 2K0

*Sent via email*

**RE: Transfer of former Highway 17 Right-of-Way to the Town of Laurentian Hills  
And the United Townships of Head, Clara and Maria  
MTO Files: K-07991 & K-08001**

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In the Fall of 2020, the Ministry of Transportation (MTO) was circulated with severance applications B19-20 and B20-20 to create two new lots with frontage on our former Highway 17 right-of-way, in the Township of Head, Clara and Maria. This section of Highway 17 was closed by Order-In-Council No- 2422-76 and 2438-76 effective September 1, 1976. The Ministry granted a Right of Way for ingress and egress in favour of the historical property owners that had frontage on this section of former Highway 17 by Registered Instrument #035716. MTO expressed concerns about the proposed severance which is proposing to sever further lands with access being over the MTO easement lands and not actual designated roadway.

Through careful dialog and discussion, the only solution found to move these severances forward is to divest ourselves of this former right-of-way and transfer it to the respective townships that such lands are in.

The MTO has completed the internal review to dispose of the former Highway 17 right-of-way informally known as Colton Creek Road in the Town of Laurentian Hills and in the Township of Head, Clara and Maria. The lands in question are legally described as the following:

Part of Lot 54, Range B  
Geographic Township of Rolph  
Now in the Town of Laurentian Hills  
County of Renfrew  
Designated as Part 3, Ministry Plan R165054 (P-2128-96)  
As closed by Instrument No. R165054

And being all of PIN 57046-0116 (LT)

And

Part of Broken Lot 1, Concession A  
Geographic Township of Head  
Now in the Township of Head, Clara and Maria  
County of Renfrew  
Designated as Part of Part 2, Ministry Plan R165055 (P-2585-40)  
As closed by Instrument No. R165055  
Lying east of the easterly limit of Lot 2, Concession A  
And west of the Road Allowance between the townships of Head and Rolph  
And being all of PIN 57046-0092 (LT)

As previously indicated above, this section of Highway 17 was closed by Order-In-Council No- 2422-76 and 2438-76 effective September 1, 1976.

In order to continue the process of disposing these lands, we respectfully ask that the Council of each respective municipality provide a decision in the form of a Resolution of Council in support of accepting the lands identified in this letter. After the MTO is in receipt of copies of those resolutions, the MTO will continue the process of transferring of these lands. The timelines for completing this process are not known. We will however make every effort to move this through the process as expeditiously as possible.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Kapusta". The signature is fluid and cursive, with the first name "Stephen" written in a larger, more prominent script than the last name "Kapusta".

Stephen Kapusta MCIP, RPP  
Senior Project Manager

cc Kingston Area Office  
Corridor Management  
Property Division  
Secretary-Treasurer, Land Division – County of Renfrew  
Ed Haines  
EA to MPP John Yakabuski

*United Townships of Head, Clara & Maria Council*

**Report to Council**

Type of Report									
Meeting Date	Thursday, February 18, 2021				Report Date	Thursday, February 11, 2021			
Decision Required	X	Yes		No	Priority		High	X	Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
<b>Report #21/02/18/1003 – Updated TOR for Council Advisory Groups</b>									

**Subject:** Terms of Reference for Council Advisory Groups

**Recommendation:** Review and approve the revised Terms of Reference for the Public Works Advisory Group and the Recreational Advisory Group.

**Background/Executive Summary:**

Given that, the *Municipal Act, 2001* states:

**238 (1)** In this section and in sections 239 to 239.2,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards; (“comité”)

The Clerk-Treasurer received direction at the January 28<sup>th</sup>, 2021 regular meeting of Council to update the existing Term’s of Reference appropriately.

**Financial Considerations/Budget Impact:**

None.

**Enclosures:**

Public Works Advisory Group Terms of Reference  
 Recreational Advisory Group Terms of Reference

Approved and Recommended by the Clerk

Charlotte Toope, Clerk/Treasurer
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# The United Townships of Head, Clara & Maria

## Public Works Advisory Group

### Terms of Reference

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#### **Purpose**

The Head, Clara & Maria Public Works Advisory Group is a volunteer group established to provide recommendations to Staff on matters relating to the Public Works department in the municipality. The group strives to provide timely and cost-effective advice and opinion to Municipal Staff on potential solutions to ongoing and future infrastructure problems.

#### **Mandate**

- To support and enhance existing maintenance and preventative maintenance programs.
- To advise on issues and gaps in maintenance services and how to address these issues, when identified by Staff and Council.
- To advise on new and emerging threats when identified by Staff or Council.
- Upon request from staff, to provide experience-based advice for problem solving of Municipal infrastructure issues

#### **Membership and Responsibilities**

The group is to serve as an advisory body to Staff and has no delegated authority.

1. The group shall be comprised of three or more members of the public, the Municipal Clerk and at least one member of Council. The Mayor will serve as an “Ex-Officio” member.
2. Members shall be appointed by resolution of council, for a term to run consistent with the appointments of Council representatives. The chair will be appointed at the same time, by the Mayor.
3. The chairperson is responsible for leading the discussion at each meeting pursuant to the meeting agenda and the group’s mandate. If a chair or co-chair is not present, members are to select an acting chairperson to serve in the same capacity for the duration of that meeting.
4. Appointments may be revoked at any time at the discretion of Council with or without the recommendation of staff.

#### **Reporting**

1. The group reports regularly to Council, through Staff reports and meeting minutes.
2. The group will have no annual operating or capital budget.
3. The group will receive administrative support from the Clerk’s office. This will include the recording of minutes, the preparation of agendas, and support necessary to convene a meeting and support operations.

### **Decision Making and Voting**

Recommendations will be made by way of consensus. Minutes to reflect if the recommendation was supported by all members or by majority.

Meetings shall be open to the public and properly advertised as per the Municipal Notice By-Law.

### **Quorum**

A quorum shall be a simple majority of the total number of group members (i.e. 50% plus one). If a quorum does not exist for a meeting, it shall be cancelled. Staff is not counted towards a quorum and do not have voting privileges.

### **Meeting Structure and Format**

The group shall meet at least quarterly and upon request from Staff at other times if necessary.

1. An initial meeting shall take place within the first month of establishment of the group, to set goals and a meeting calendar for the year.
2. All meetings of the group shall be open to the public.
3. As an advisory group to Staff, the group is subject to the Municipal Code of Conduct, the Municipality's Harassment and Workplace Health and Safety Policies and any other applicable policies and/or procedures and legislation.

### **Group Reimbursements**

1. All members of the Public Works Advisory Group shall serve without financial remuneration.
2. Group members will not be reimbursed for expenses incurred, unless pre-approved by the Clerk-Treasurer.



# The United Townships of Head, Clara & Maria Recreation Advisory Committee Group Terms of Reference

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## Purpose

The Head, Clara & Maria Recreation Advisory Committee Group (“the committee”) is a volunteer committeegroup established to provide recommendations to Staff and Council on matters related to parks, recreational facilities and recreational programming and events in the municipality. The committeegroup strives to increase and strengthen social and recreational activities in the community.

## Mandate

- o To support and enhance existing recreational opportunities in the municipality.
- ~~o To identify issues and gaps in recreation services and provide advice on how to address these issues through future Council strategic planning~~
- o To identify advise on new and emerging recreational opportunities
- ~~o To ensure communication and consultation with residents and stakeholders on recreation issues and opportunities~~
- o To support interested organizations or community members in carrying out events as per Council direction and policy

## Membership and Responsibilities

The committee Group is to serve as an advisory body to Council and has limited delegated authority.

1. The committeegroup shall be comprised of five at least three members of the public and two one members of Council.
2. Members shall be appointed by resolution of council, ~~for a one year term to run consistent with the appointments of Council representatives.~~ The chair will be appointed at the same time, by the Mayor. Council members shall have voting privileges equal to every other member. Volunteer members of the group, who are also municipal employees, shall have voting privileges equal to every other member.
3. The chairperson is responsible for leading the discussion at each meeting pursuant to the meeting agenda, ~~and the committee’s mandate.~~ If a chair or co-chair is not present, members are to select an acting chairperson to serve in the same capacity for the duration of that meeting.
- ~~4. Committee members who are absent for three consecutive meetings without leave from the Committee shall automatically cease to be a committee member. To ensure that there is an available quorum a new member shall be appointed by Council as soon as possible after this event.~~
- ~~5.4.~~ Appointments may be revoked at any time at the discretion of Council with or without the recommendation of staff, ~~or committee.~~

## Reporting

1. The committeegroup reports regularly to council through meeting minutes ~~and shall prepare an annual written report to Council reviewing their goals, objectives and success.~~
2. The committeegroup will prepare an annual operating and capital budget for Council consideration.
3. The Committeegroup will receive administrative support from the Clerk's office. This will include the recording of minutes, the preparation of agendas, support necessary to convene a meeting and support operations. The employee providing administrative support is not a member of the committee and does not have voting privileges.

## Decision Making and Voting

~~Where possible, d~~Decisions will be made by way of consensus. Minutes of the meeting will reflect whether or not all members, or only a majority were in agreement with the decision. ~~When a vote is necessary, a motion must be moved and seconded prior to voting. A resolution is deemed to be carried if the majority of members present vote in the affirmative. Recorded votes shall not be permitted. The committee shall not routinely reconsider a previous motion, unless directed to do so by Council.~~

~~1. Decisions of Committees of Council shall be made by written resolution for Council's subsequent review and decision if outside committee authority.~~

- ~~2.1.~~ Meetings shall be open to the public and properly advertised as per the Municipal Notice By-Law.

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## Quorum

A quorum shall be a simple majority of the total number of committeegroup members (i.e. 50% plus one). If a quorum does not exist for a meeting, it shall be cancelled. Administrative support employee Staff is not counted towards a quorum ~~and do not have voting privileges.~~

## Meeting Structure and Format

The committeegroup shall meet at least 6 times per year and at the call of the Chair at other times necessary and to be determined by the committeegroup.

1. An initial meeting shall take place in January of each year to set goals and a meeting calendar for the year.
2. All meetings of the committeegroup shall be open to the public.
3. As an formal-advisory committeegroup to Council, the committeegroup is subject to the Rules of Procedure for Committees as outlined in the Municipal Procedure By-Law, the Municipal Code of Conduct, the Municipality's Harassment and Workplace Health and Safety Policies and any other applicable policies and/or procedures and legislation.
4. At all times, the committeegroup is a function of Council and acts at Council's pleasure meaning it may be dissolved at any time.

## CommitteeGroup Reimbursements

1. All members of the Recreation Advisory Committeegroup shall serve without financial remuneration.

2. CommitteeGroup members will not be reimbursed for expenses incurred, unless pre-approved by the Clerk~~-or~~Treasurer, who are directly accountable to Council for all purchasing and procurement decisions.

*United Townships of Head, Clara & Maria Council*

**Report to Council**

Type of Decision									
Meeting Date	Thursday, November 19, 2020				Report Date	Tuesday, November 10, 2020			
Decision Required		Yes	X	No	Priority		High	X	Low
Direction		Information Only		X	Type of Meeting	X	Open		Closed

**Report #21/02/18/1101 – Preliminary Draft 2021 Budget Projections**

**Subject:** Preliminary Draft 2021 Budget Preview

**Recommendation:** That Council review the preliminary working budget for 2021.

**Executive Summary:** The figure below provides a preliminary view of the 2020 working budget projections, compared to 2020 approved budget. At this time, it is premature to provide 2020 actuals as there are outstanding factors such as unpaid PIL properties and accounts that will require adjustments to reflect 2020/2021 accrual payments. However, an operating surplus is expected.

	Approved 2020	Proposed 2021
<b>Expenses</b>		
General Government	\$ 512,305.00	\$ 472,726.00
Protection & Health Services	\$ 105,831.00	\$ 104,083.00
Transportation Services	\$ 134,992.00	\$ 132,522.00
Environmental Services	\$ 73,575.00	\$ 58,250.00
Social & Family Services	\$ -	\$ -
Recreational & Cultural Services	\$ 43,830.00	\$ 32,880.00
Land Use Planning & Development	\$ -	\$ -
Grant expenses	\$ 63,462.00	\$ 16,560.00
<b>TOTAL</b>	<b>\$ 933,995.00</b>	<b>\$ 817,021.00</b>
Transfers to Reserves	\$ 218,066.00	
Capital Budget	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 218,066.00</b>	<b>\$ -</b>
<b>Grand Total</b>	<b>\$ 1,152,061.00</b>	<b>\$ 817,021.00</b>
<b>Revenues</b>		
Previous year Operating Surplus	\$ 218,066.00	
Grants	\$ 182,803.00	\$ 133,543.00
Revenues	\$ 83,930.00	\$ 41,480.00
	<b>\$ 484,799.00</b>	<b>\$ 175,023.00</b>
<b>DIFFERENCE</b>	<b>-\$ 667,262.00</b>	<b>-\$ 641,998.00</b>
Transfers from Reserve	\$ -	\$ -
Taxation & PIL	<b>\$ 668,820.00</b>	<b>\$ 641,998.00</b>

Approved and Recommend by the Clerk  
Charlotte Toope, Clerk-Treasurer



**THE CORPORATION OF THE UNITED TOWNSHIPS OF  
HEAD, CLARA & MARIA**

**BY-LAW NUMBER 2021-04**

**BEING** a By-Law to establish roadway service standards for the municipal road system within the jurisdiction of the Corporation of the United Townships of Head, Clara & Maria.

**WHEREAS** authority is given to the Townships of Head, Clara & Maria by the Municipal Act S.O. 2001, c25 11 (2) to establish policy regarding municipal roadway service standards;

**AND WHEREAS** the Municipality desires to implement policy to identify certain minimum and desired standards for roadway service on roads within the jurisdiction of the municipality as described and attached hereto in Schedule "A".

**NOW THEREFORE** the Corporation Of The United Townships Of Head, Clara & Maria enacts as follows:

1. That the standards in Schedule "A" which may be amended from time to time, be adopted and utilized by the Public Works Department of the Municipality to provide service within the municipality;
2. That all operational services or contractors of the Municipal Public Works Department be directed to provide service, where applicable, that aim to meet, at a minimum, the level of service as set out in the Schedule "A" to this by-law 100% of the time.
3. That neither this corporation nor its officials make any promise or assurance that roadway services will be in excess of the minimum standard set in Schedule "A".

**READ** a first and second time this 18<sup>th</sup> day of February, 2021.

**READ** a third time and passed this      day of      , 2021.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

<b>Head, Clara &amp; Maria Policies and Procedures</b>			
<b>DEPARTMENT: Administration</b>			<b>POLICY #: A-01</b>
<b>POLICY NAME: Customer Service and Communication Policy</b>			
<b>DATE:</b>	<b>REV. DATE:</b> January 2021	<b>APPROVED BY:</b>	<b>PAGE #:</b> 1 of 4

## **PURPOSE**

To provide guidelines on how to maintain the highest standards in providing customer service and maintaining respectful communications.

## **POLICY**

### **Client Service**

1. We are committed to providing superior customer service. In support of this, we expect all employees to:
  - identify client needs and expectations by listening, being accessible and resolving problems quickly and politely;
  - conduct yourself in a friendly, courteous and professional manner with all coworkers, residents, ratepayers, suppliers and members of the public;
  - maintain the highest ethical standards and refrain from gossip;
  - co-operate freely, contribute to the efforts of the team and offer your assistance wherever required, whether or not such assistance falls within the normal duties of your job;
  - be honest, trustworthy and dependable in fulfilling all of your duties;
  - speak in a professional manner and avoid swearing, sarcasm or threatening language; and
  - remain friendly and co-operative, even when dealing with individuals who are upset or irate.
  
2. All employees are expected to maintain a level of personal conduct during working hours that reflects positively on the municipality.
  
3. Remain in compliance with all aspects of the Accessibility Policy.

## **Communications**

### ***Written Communications***

1. All written communications should be professional, accurate and clear. Employees are expected to ensure that any documents that are prepared have proper spelling, punctuation and grammar.

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2. To reflect our commitment to equal opportunity, all business communications must be written in gender-neutral language, as follows:
  - Use “Dear Sir or Madam” or directly address the person to whom you are writing if you are sure of their preferred pronoun (i.e., “Dear Ms. Smith” or “Dear Mr. Jones”).
  - Do not identify women by their marital status by addressing them as “Miss” or “Mrs.”, unless they ask you to do so; use “Ms.” instead.
  - Do not use terms of endearment such as “dear”, “honey”, etc.
  - Use “he, she or them”, plural references or repeat the noun, e.g., "the employee must work 37 hours per week unless the employee is working a compressed work week".
  
3. Please be respectful of any language differences between you and your co-workers, Council members or any member of the public. If you are in the company of others who speak different languages, make every effort to ensure that everyone understands and is included in the conversation.

#### ***E-mail Communications***

1. Although e-mail is an acceptable form of business communication, any e-mail messages you send must be in accordance with our guidelines on written communications.
  
2. Please observe good e-mail etiquette, as follows:
  - Do not send e-mail messages unnecessarily. Only send messages to those who require the information (do not cc or bcc unnecessary recipients).
  - Use a complete subject line that lets people know if the e-mail is urgent, e.g., “Please respond to this message today”.
  - Avoid becoming overly familiar or excessively curt in e-mail messages, as they can be easily misunderstood.
  - If the information will be longer than one page, create a memo and attach it to the e-mail.
  
3. Respond promptly to e-mail messages. If you are unable to provide the required response quickly, send the individual a brief message acknowledging the e-mail and stating when you will be able to respond.
  
4. E-mail is not confidential. If you need to distribute confidential information, make sure it is properly encrypted or password protected.

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5. If the e-mail message requires a response from someone else, let the sender know that you are forwarding the message and provide contact information about the individual to whom you are forwarding the message.
  
6. E-mail is not always the most appropriate form of communication. In many situations it can help build relationships to have a telephone or face-to-face conversation with a person. This is especially true if the subject matter is complicated. Please keep that in mind when selecting the most appropriate method of communication.

### ***Telephone Communications***

1. Your telephone greeting often represents the first impression that callers will have of you. Therefore, answer the telephone with a warm and welcoming tone and always state your name and ask how you may be of assistance.
  
2. Do not place callers on hold when answering the phone until you have asked them if they mind being put on hold and they have had the opportunity to reply. Do not put callers on hold for more than two minutes. If it will take longer than two minutes before you can respond to the caller, ask if you can call back at a more convenient time.
  
3. Find out how you can assist the caller. Wherever possible, answer callers' questions yourself rather than transferring them to other individuals. If you must transfer the call, apologize to the caller and explain why you are transferring the call.

### ***Virtual Meetings***

1. Be Prepared
  - Arrive on time, appropriately dressed, and have meeting materials on hand.
  
2. Be Attentive
  - Show that you understand with a head nod, hand gestures or feedback icons.
  
3. Be Active
  - Take notes. Use chat or raise your hand to share questions or ideas.
  
4. Be Polite
  - Mute microphone unless you are speaking.

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- Turn camera off if you are in a distracting space.
- Avoid background noises when your microphone is unmuted (rustling papers, eating, etc).

### ***Voice Mail***

1. Check voice mail regularly and return phone calls promptly, preferably on the same day. If the call will require a lengthy follow-up and you are unable to provide an immediate response, place a short call to the individual to let him or her know that you have received the message and provide an expected time when you will be able to respond in full.
2. If you leave a voice mail message for someone, please provide sufficient detail about the reason for your call.

<b>Head, Clara &amp; Maria Policies and Procedures</b>			
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**POLICY**

In recognition of its commitment to excellence in the provision of service to its ratepayers, The Corporation of the United Townships of Head, Clara & Maria offers several flexible work arrangements to its staff.

**PURPOSE & SCOPE**

Our primary purpose in providing flexibility in scheduling is to attract and retain employees and other staff whom we value.

We acknowledge that members of the organization have a commitment to their families that does not diminish their equally strong commitment to the performance of their job. We also acknowledge the existence of a disability that requires accommodation has no effect on professional commitment. This acknowledgement requires the Municipality to be as supportive of the professional growth and the opportunities available to those on flexible work arrangements as it would be in the case of those on regular schedules.

**RESPONSIBILITIES AND ENTITLEMENTS OF THE MUNICIPALITY**

The Municipality will attempt to accommodate all requests for flexible scheduling, recognizing that the interests of the Municipality, its citizens and other employees will need to be considered in each instance, as well as the interests of the employee participating in the alternate work arrangement.

The Municipality will make reasonable efforts to encourage all members of the Municipal workforce and Council to recognize that flexible scheduling is beneficial both for the organization and for the individual member of the Municipality.

The Municipality will expect persons on alternate work arrangement schedules to be available to the Municipality during unscheduled hours only when absolutely necessary.

The Municipality will inform the employee on an alternate work arrangement promptly if it has any concerns about the way in which the arrangement is working.

**RESPONSIBILITIES AND ENTITLEMENTS OF THE INDIVIDUAL**

An employee on an alternate work arrangement is expected to communicate promptly with the organization about any concerns or problems with the arrangement.

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Alternate work arrangement employees remain committed professionals and are expected to carry out their responsibilities to the Municipality in a professional and competent manner even though that obligation may at times conflict with the flexible work arrangement schedule.

It is imperative that individuals on an alternate work arrangement demonstrate a reasonable amount of accommodation in regard to unforeseeable needs of the Municipality. They should be prepared to undertake occasional travel, last-minute work requirements and concentrated periods of work outside the schedule.

## **PROCEDURES**

### **1) WORK ARRANGEMENTS THAT WILL BE CONSIDERED BY THE MUNICIPALITY**

#### **a) Full-time options**

##### **i) Flexible Work Week - Flex-time**

A rearrangement of full-time hours so that the regular day's work begins and ends at times different from most others in the workplace.

An employee may be granted flexible hours provided that such arrangement is consistent with the administration or operational requirements of the department in which the employee works, results in no increased cost to the Corporation and is mutually agreed to by the employee and her supervisor.

Employees may bank extra hours worked per day, with the prior approval of the supervisor to a maximum of 40 hours. Hours are banked as time for time.

Extra time worked may be banked only when the period of extra time is a minimum of 30 minutes per occasion.

##### **ii) Compressed Work Week**

A type of flex-time arrangement where fewer but longer days are worked with the result that other days are shorter or not scheduled as work days.

The same number of hours are worked each one or two week period but over a reduced number of days. Instead of working 10 - 7 hour days (70 hours per two week period), staff could work 7 – 8 hour days and 2 – 7 hour days..

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**b. Reduced-hour options**

**i. Part-Time Work Weeks - Reduced work schedule**

Fewer hours are worked than the number required on a full-time schedule. Pay is reduced accordingly. A reduced work schedule can be structured:

- as fewer hours per day;
- as fewer days per week;
- as fewer weeks per year;

**ii. Job-sharing**

A regular, continuing arrangement between two employees and the Municipality in which the individuals agree to share the responsibilities and entitlements of a full-time position.

**iii. Annualized Hours**

A specified number of hours are worked in a year. The employee has the ability to choose within certain boundaries, their days and hours of work, with the provision that they work the specified number of hours per year

**2) ELIGIBILITY**

All staff in any area of operations may submit a proposal for a flexible work arrangement realizing that some positions will not lend themselves to some of the above options.

A proposed arrangement that can be made without undue hardship to the Municipality, (considering the work of the organization, its service to the public and its obligations to all its ratepayers and other staff) will be approved. Where the flexible arrangement involves reduced work hours, the arrangement will be subject to the following overriding conditions:

- The employee will remain available to the Municipality and to the public in busy times or in emergencies.
- The employee will provide a list of hours during which he or she can easily be contacted.
- A contact person at the Municipal office will be kept aware of how to contact the individual as required at other times.
- An employee on an approved alternate work arrangement may continue the schedule as long as it is necessary or desired. In the event of a demand for alternate work arrangements so unusually high as to create undue hardship for the Municipality, new applicants and employees whose alternate work arrangements have already been

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approved will be expected to come to a cooperative arrangement concerning their schedules.

- If the Municipality considers that the arrangement is not proving satisfactory, the Municipality reserves the right to end a flexible work arrangement and to return the individual to regular scheduling upon two (2) months' notice.

### 3) IMPLEMENTATION AND SCHEDULING

#### i) **Flexible Scheduling**

To facilitate the drafting and implementation of flexible work arrangements, the Clerk-Treasurer shall be consulted before any arrangement is finalized. In the instance of the Clerk-Treasurer, Council will be consulted.

The Clerk-Treasurer (or Council) and the employee will work towards facilitating cooperation in the implementation of a flexible work arrangement.

#### ii) **Submitting a proposal**

A written proposal for a flexible work arrangement should be submitted to the Clerk-Treasurer or Council at least two (2) weeks prior to the proposed starting date for a new arrangement.

The proposal should outline the desired arrangement, the proposed starting date, the ending date (if it is to be for a limited period) and all other information that is relevant.

#### iii) **Detailed agreement**

Before a flexible work arrangement takes effect, the terms of the arrangement (including the total hours to be worked and compensation to be paid) will be clearly established in writing and agreed to by the employee concerned and the Clerk-Treasurer (or Council in the case of the Clerk-Treasurer).

The written agreement will specify hours to be spent at the office.

#### iv) **Transition to a reduced work schedule**

When a Municipal employee switches to a reduced work arrangement, there may be a transition period when part of that person's workload might be transferred to others. Where possible, the Clerk-Treasurer will reassign the workload to others within the organization. If this is not possible, the Municipality will consider other alternatives, including the possibility of hiring additional staff.

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v) **Returning to regular schedule**

An individual wishing to resume full-time (in the event of an employee with a disability) or return to regular schedule work must submit a written request to the Clerk-Treasurer.

A request to resume full-time (in the event of an employee with a disability) or return to regular schedule work will be honoured as soon as possible and not later than three (3) months from the date of the request. (The 3-month period is intended to allow the Municipality some flexibility in accommodating the needs of all parties involved.)

vi) **Urgent matters**

When an urgent matter arises at a time when the employee on an alternate work schedule is not in the office, the matter will be handled in the same way as it would be if the individual concerned were on a regular schedule but not in the office.

**4) COMPENSATION**

i) **Full-time hours**

Any flexible work arrangement under which the employee works the equivalent of full-time hours (flex-time, compressed time, flex-place/telecommuting) will be compensated in the same way as any other full-time position without reduction in salary or benefits.

ii) **Reduced schedule employees: salary**

The Municipality will compensate an employee on a reduced schedule by making a realistic assessment of the compensation that would be received by a comparable employee working on a regular basis. In calculating the salary of the comparable regular schedule employee, the Municipality will consider all factors that are normally relevant to compensation decisions. These factors will include qualifications, abilities, length of tenure and productivity and will be reflected in an hourly rate applied per hour of time worked.

iii) **Reduced schedule employees: benefits**

Reduced schedule employees are entitled to participate in the full range of benefits that are provided as part of the overall compensation package for employees assuming that they meet the criteria as outlined in the current benefits plan.

Municipal-supported opportunities for professional enrichment (such as conferences and courses) are awarded on the basis of the relevance of the program to the

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employee's position. The fact that an employee is on a flexible work arrangement will not affect that person's eligibility for such opportunities.

iv) **Vacation and leave**

Eligibility for leave (paid and unpaid) will not be affected by the fact that an employee is on a flexible work schedule.

Vacation and leave time will accrue for the reduced schedule employee in the same manner as they would for a regular schedule employee except that the rate of accrual will be proportionate to the reduced work schedule.

As vacation and leave time are directly related to time worked, the entitlement should be on a *pro rata* basis.

**5) REGULAR REVIEWS**

An initial meeting will be arranged to review every new flexible work arrangement three (3) months after its implementation. Regular meetings will be held every six (6) months thereafter or as required.

The meetings will be held between the employee on alternate work arrangement and the Clerk-Treasurer (or Council in the case of the Clerk-Treasurer).

Where the individual is being frequently called upon to work hours outside of, or in excess of, those specified in the flexible work agreement, the problems will be resolved at the review meeting.

Regular review meetings are in addition to routine performance reviews.

**6) MUNICIPAL MEETINGS**

Periodic meetings, open to all members of the staff (and Council in the event of the Clerk-Treasurer), will be arranged to address issues arising from flexible work arrangements if and as required.

Such meetings will provide an opportunity for the individual on a flexible work schedule to raise any difficulties he may have encountered.

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The meetings will also allow members of the Municipality to review the goals and purposes of the flexible work arrangement policy, and discuss any proposals for changes to the policy.

#### **7) APPEALS**

Any decision of the Clerk-Treasurer may be appealed in writing to Council as per our grievance and complaint policy as with any other employee challenge.

A response to an appeal will be given as per our grievance/complaint policy.

#### **8) CONCLUSION**

The Council of the Municipality of the United Townships of Head, Clara & Maria reaffirms its commitment to supporting its employees in meeting needs occasioned by disability, in fulfilling their responsibilities to their families, and meeting the increasing costs of commuting. The Council acknowledges that the need for a flexible work arrangement does not, in any way, reflect upon the individual's diligence and commitment to the performance of his job duties.

This flexible work arrangement policy is intended to benefit the Municipality and all its members. The Municipality expects all members of the workforce to use their best efforts, in good faith, to ensure that those mutual benefits are realized.

<b>Head, Clara &amp; Maria Policies and Procedures</b>			
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<b>POLICY NAME: Telecommuting</b>			
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**POLICY STATEMENT:**

The United Townships of Head, Clara & Maria recognizes that there may be, on occasion, circumstances when it would be more beneficial or flexible for an Employee to work at home or at an alternate location (telecommute) on a temporary basis, or in order to complete a particular task (e.g. special project, detailed data review, or a temporary accommodation) which requires an environment where there are less interruptions.

However, it is not possible to offer all Employees to telecommute as the requirements of some jobs will not be suitable for such arrangements.

Telecommuting is not a universal privilege and will be arranged or revoked on a case-by-case basis.

**OBJECTIVES:**

1. This policy outlines the process used and expectations for Employees to telecommute. All telecommute arrangements are subject to the discretion of the United Townships of Head, Clara & Maria. Employees will only be permitted to work from home if approved by the Clerk-Treasurer. In the case of the Clerk-Treasurer, work from home arrangements must be approved by Council.
2. This policy does not alter or replace the terms of an existing employment contract. Employees must comply with all United Townships of Head, Clara & Maria rules, policies, practices, and instructions that would apply if the employee were working at the regular United Townships of Head, Clara & Maria worksite.
3. Work hours, compensation, and leave scheduling will continue to conform to applicable policies and agreements.
4. Requests to work overtime or use leave time must be approved by the in the usual manner.
5. Working from home may be feasible for those Employees whose work requires them to write, perform research or complete data analysis or may be part of a temporary workplace accommodation.
6. If an Employee is required to have face-to-face contact with other Employees, residents, patients, clients or the public, or requires frequent access to material and documents that cannot be removed from the designated workplace, Employees may not be permitted to telecommute. Confidential documents must not leave the building.

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7. In the event an Employee is required to work from home due to a provincial declared emergency, or “Stay At Home” order, the requirements and objectives of the telecommuting arrangement remain the same as an optional arrangement.

**PERFORMANCE MANAGEMENT:**

Working from home should not affect an employee’s ability to complete day-to-day functions, including communicating with colleagues, staff, customers, and so on. Employees must stay updated on work events and demands.

If an Employee’s presence is required for a meeting at the worksite reasonable notice will be provided.

**QUALIFYING CONDITIONS:**

1. All telecommuting or alternate location decisions shall be made in a fair, equitable and transparent manner. Each request will be dealt with on a case-by-case basis, taking into consideration the feasibility and operational requirements of the Municipality, and the cost effectiveness of the arrangement.

Factors that may be considered when determining the feasibility of working at home include:

- a) Whether it meets the Municipality’s operational needs;
- b) Whether the Employee is able to attend at their work location;
- c) Whether supervision is possible;
- d) Whether normal productivity standards can be met;
- e) Whether the Employee’s position requires face-to-face interaction with others at the workplace, including supervision of others;
- f) Whether equipment or supplies or adequate internet connectivity, essential to job performance are available or can be provided at the Employee’s home;
- g) The ability for the Municipality to provide equipment to perform the work; and
- h) The limited availability for remote access having regard to numbers of user licenses for various software applications.

**MAINTAIN CONTACT:**

1. Employees are required to ensure that they maintain frequent contact during hours of work.

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2. Employees are required to provide a contact phone number that they may be reached during regular working hours. Virtual meetings within the reporting relationship and with coworkers are encouraged on a regular basis for those who telecommute.
3. Employees require the necessary internet connectivity to participate in virtual meetings as required by the Employer.
4. Employees are expected to maintain their regular lunch and break schedules or other pre agreed break times as arranged between the Employee and their immediate supervisor.

#### **CONFIDENTIALITY AND ACCESS – USE OF UNITED TOWNSHIPS OF HEAD, CLARA & MARIA PROPERTY**

Employees must use United Townships of Head, Clara & Maria provided devices when working from home to ensure that the appropriate software and programs are being used while maintaining data security and confidentiality. Failure to use United Townships of Head, Clara & Maria approved devices may leave United Townships of Head, Clara & Maria data vulnerable to a breach and may result in disciplinary action.

- a) United Townships of Head, Clara & Maria owned resources may only be used for business purposes. Employees must take reasonable steps to protect any United Townships of Head, Clara & Maria property from theft, damage, or misuse. Depending on the circumstances, the employee may be responsible for any damage to or loss of United Townships of Head, Clara & Maria property.
- b) Equipment and files shall only be accessible to the Employee and must be safeguarded from access by other members of the household and visitors. United Townships of Head, Clara & Maria staff may require access at a reasonable time to equipment and United Townships of Head, Clara & Maria records (paper and electronic) kept at an Employee’s alternate location. Employees must ensure compliance to privacy legislation such as the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA) at all times.

#### **HEALTH AND SAFETY – WORKPLACE ILLNESS OR INJURY WHILE WORKING FROM HOME**

1. Should the Municipality authorize work at home, the Employee shall be required to report to their supervisor, without delay, any accident for job-related injuries that occur in the course and scope of employment while working from home. The supervisor or manager will maintain its reporting obligation to the Workplace Safety and Insurance Board (WSIB), where required. In addition, the

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Municipality maintains the right to investigate any alleged accident or injury claims that occur at the home.

2. Employees will not meet with clients or their coworkers in person in their home location.
3. Employees working from home will be covered by workers' compensation for job-related injuries that occur in the course and scope of employment while working from home. The Employee remains liable for injuries to third parties that occur on the Employee's premises.

**ABSENCE REPORTING:**

In the event that the employee is ill or requires time off during a period of working at an alternate location, the normal process of requesting approval and recording hours taken will apply.

**TRAVEL AND OTHER EXPENSES:**

1. Any travel expenses are per the United Townships of Head, Clara & Maria Expense Reimbursement policy. Mileage will be paid from either the Employee's home location or their normal work location whichever is lessor.
2. Employees approved to work at home are expected to provide their own utilities including but not limited to furniture, lighting, heating, internet, telephone, etc.
3. The United Townships of Head, Clara & Maria will not be held liable for any damages to an Employee's property or any injuries to family members, visitors or other's in the Employee's home.
4. It is the Employee's responsibility to consult with an insurance agent for any coverage implications due to telecommuting.