



REGULAR COUNCIL AGENDA

For the Corporation of the Town of
Espanola

Council Meeting

To Be Held On

Tuesday, June 25, 2019
Council Chambers

100 Tudhope Street
7:00 pm



Espanola Council AGENDA

*For the Regular Meeting of the Town of Espanola
To Be Held On **Tuesday, June 25, 2019** at 7:00 p.m.
In The Council Chambers, Municipal Building*

7:00 P.M. REGULAR MEETING OF COUNCIL
Council Chambers, 100 Tudhope Street

Please note this meeting will be streamed.

Disclosure of Pecuniary Interest and General Nature Thereof

PUBLIC HEARINGS

None

DELEGATIONS

None

QUESTION PERIOD

PART 1 - CONSENT AGENDA

Resolution Prepared Adopting Resolutions for
Items **A1 to F4 inclusive** contained in the Consent Agenda

- CA-12-19 Be It Resolved That: Items A1 to F4 inclusive contained in Part 1, Consent Agenda be adopted.

Adoption of Minutes

A1 Special Meeting of Council of June 11, 2019

A2 Regular Meeting of Council of June 11, 2019

- 19-136 Be It Resolved That: The following Minutes are hereby accepted; Special Meeting of Council of June 11, 2019; Regular Meeting of Council of June 11, 2019.

Board and Committee Reports

B1 Corporate Services Committee Meeting of June 4, 2019

- 19-137 Be It Resolved That: The following Board and Committee reports are hereby received: Corporate Services Committee Meeting of June 4, 2019.

Matters arising from the "In Camera Session"

None

Business Arising from Board and Committees

Corporate Services Committee Meeting of June 4, 2019

D1 Recommendation regarding POA Write Off's

- 19-138 Be It Resolved That: As Recommended by the Corporate Services Committee That: Council write off the attached list of flies that have been in default since prior to the transfer in 1999 up to an including 2000.

D2 Recommendation regarding the Code of Conduct

- 19-139 Be It Resolved That: As Recommended by the Corporate Services Committee That: Bylaw No 2921/19 be adopted, being a Bylaw to adopt a revised Code of Conduct for Council and Local Boards.

Bylaws and Resolutions

The following bylaws will be read and passed.

E1 Bylaw No. 2925/19

- 19-140 Being a Bylaw of the Town of Espanola to confirm the proceedings of Council at its Meeting of June 11, 2019.

E2 Bylaw No 2926/19

- 19-141 Being a Bylaw of the Town of Espanola to execute an Agreement with eScribe Software Ltd for meeting and agenda automation.

E3 Bylaw No 2927/19

- 19-142 Being a Bylaw of the Town of Espanola to execute an Agreement with The Espanola Police Services Board and the Ministry of the Solicitor General under the R.I.D.E. Grant Program.

Reports

F1 Leisure Services Department Departmental Report for May 2019

F2 Economic Development Department Departmental Report for May 2019

F3 Public Works Department Departmental Report for May 2019

F4 Joint Health and Safety Meeting Minutes of May 2, 2019

- 19-143 Be It Resolved That: The following reports are hereby received;
Leisure Services Department Departmental Report for May 2019
Economic Development Department Departmental Report for May 2019;

PART II - REGULAR AGENDA

Bylaws and Resolutions

G1 Hiring Policy

G2 Recommendation regarding Building Inspector/Property Standards Officer

- 19- 144 Be It Resoled That: Staff proceeds with filling the vacant Building Inspector position.

G3 Recommendation regarding the Video Surveillance Policy

- 19-145 Be It Resolved That the Video Surveillance Policy be adopted as amended.

G4 Recommendation 2019 Winter Sand Tender Award

- 19-146 Be It Resolved That: Council award the 2019 winter sand tender to OCL Custom Crushing & Quarrying Ltd.

G5 Recommendation regarding CDM Energy Plan

- 19-147 Be It Resolved That: Council accept and endorse the Updated Town of Espanola Energy Conservation and Demand Management Plan (2020-2024), dated July 1, 2019, and approval to consider the energy conservation measures outlined within the plan in an effort to achieve the stated additional 5-10% reduction in energy consumption in municipal operations by 2025 compared to the 2014 baseline.

Correspondence For Information Only

None

Information

This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.

Crown-Indigenous Relations correspondence re: Boundaries of Whitefish River
Blue Sky Economic Growth correspondence re: Broadband Funding Briefing
MTO correspondence re: Highway classification
Public Health Sudbury & Districts correspondence re: Parity of Esteem Position Statement
MAH correspondence re: More Homes, More Choice Act

Conference and Conventions

2019 AMO AGM & Annual Conference; August 18-21, 2019; Ottawa

Mayor and Councillor Reports and Announcements

Future Council/Committee Meetings

Regular Meeting of Council of July 9, 2019 @ 7:00 pm
Regular Meeting of Council of August 13, 2019 @ 7:00 pm

Adjournment

Closed Meeting (if required)

**SPECIAL MEETING OF COUNCIL
OF THE TOWN OF ESPANOLA**

**Main Level Boardroom
Municipal Office**

**June 11, 2019
6:00 pm**

Her Worship Mayor Beer presided over the meeting.

Disclosure of pecuniary interest and general nature thereof

Present: Councillors R. Dufour; K. Duplessis; B. Foster; H. Malott; M. Van Alstine

Aurel Malo, Managing Partner Dibrina Human Resources;
appointed as Clerk

Absent: Councillor S. Hayden

In Camera H. Malott – M. Van Alstine

Be It Resolved That:

1. Under authority of Section 26.1.3 of Bylaw No. 2062/08, Council goes into an "in camera" session for the purpose stated in Section 239.2 of the Municipal Act:

- personal matters about an identifiable individual, including municipal or local board employees;

Time: 6:00 pm

Carried

Resume Special K. Duplessis – B. Foster

Meeting Be It Resolved That: The Special Meeting of Council hereby resumes.

Time: 7:01pm

Carried

Adjournment B. Foster – K. Duplessis

Be It Resolved That: The Special Meeting of Council is hereby adjourned.

Time: 7:01pm

Carried

J. Beer
Mayor

A. Malo
Appointed Clerk



**THE PUBLIC MEETING OF COUNCIL
OF THE TOWN OF ESPANOLA**

**Council Chambers
Municipal Office**

**June 11, 2019
7:00 pm**

Mayor Beer presided over the meeting.

Present:

Councillor K. Duplessis, R. Dufour, B. Foster, H. Malott, M. Van Alstine

Staff: P. Roque, Clerk/Manager of Planning Services; C. Townsend, CAO/Treasurer; T. Denault-Roque, Recording Secretary

Absent:

Councillor S. Hayden

The Mayor advised this meeting would be streamed and posted online following the meeting.

Disclosure of pecuniary interest and the general nature thereof.

Public Hearing

None

Delegations/Petitions

Donna Stewart, Director of Integrated Social Services with DSB provided a historical overview of MS-DSB; board representation model; board apportionment model; map of service area, which included a list of services being provided and the 2019 approved budget.

Nicole Haley, CEO of ERHHC and Jon Brunetti, Manager of the Espanola and Area Family Health Team provided Council with information on the Doctor Recruitment. Ms. Haley spoke to the history of the Committee and the biggest challenges that they are facing, the services being provided and sources of funding. Mr. Brunetti advised there is currently a full complement of physicians, but cautioned that recruitment needs to be on going. He spoke of the Espanola and Area Community Care and Planning Network which has been active for approximately 4 years. This Network of providers meet monthly to discuss different community care initiatives. Mr. Brunetti closed by asking for representation from either Council or Town staff to join the Community Care Network Table.

Question Period

None

CONSENT AGENDA

CA-011-19 B. Foster – K. Duplessis

Be It Resolved That: Items A1 to F2 contained in Part 1, Consent Agenda be adopted.

Carried

Items A1-A2
Council Minutes

19-126 K. Duplessis – B. Foster

Be It Resolved That: The following Minutes are hereby accepted; Regular Meeting of Council of May 28, 2019; Special Meeting of Council of May 28, 2019.

Carried

Board and Committee Reports

Item B1

19-127 H. Malott – R. Dufour

Be It Resolved That: The following board and committee reports are hereby received: Espanola Public Library Board Meeting of April 18, 2019.

Carried

Matters arising from the "In Camera Session"

None

Business Arising from Board and Committees

None

Bylaws and Resolutions

Item E1

Confirmatory Bylaw

19-128 H. Malott – R. Dufour

Be It Resolved That: Bylaw No 2923/19 be adopted, being a Being a Bylaw of the Town of Espanola to confirm the proceedings of Council at its Meeting of May 28, 2019.

Carried

Item E2

**Tax Extension
Agreement Bylaw**

19-129 R. Dufour – B. Foster

Be It Resolved That: Bylaw No 26922/19 be adopted, being a Bylaw of the Town of Espanola to Amend Bylaw No. 2884/18.

Carried

Item E3

**Site Plan Agreement
Bylaw**

19-130 H. Malott – B. Foster

Be It Resolved That: Bylaw No 2924/19 be adopted, being a Bylaw of the Town of Espanola to execute an Agreement between the Town of Espanola and Ryan Bulloch.

Carried

Items F1-F2
Reports

19-131 B. Foster – R. Dufour

Be It Resolved That: The following reports are hereby received; Manitoulin-Sudbury District Services Board CAO First Quarter

Activity Report for 2019; Public Health Sudbury & Districts
Meeting Minutes of May 16, 2019 – Unapproved.

Carried

PART II
REGULAR AGENDA
Bylaws and Resolutions

Item G1
Government of
Ontario E-Learning

19-132 B. Foster – K. Duplessis

Be It Resolved That: Council for the Town of Espanola supports the Township of McNab/Braeside's Resolution No. 131-2019 regarding the Government of Ontario proposal for E-Leaning and furthermore this motion be sent to Ontario Premier, Doug Ford; Minister of Education, Lisa Thompson; Michael Mantha, MPP; Carol Hughes, MP; AMO and ROMA.

Carried

Item G2
Pride Week

19-133 K. Duplessis – B. Foster

Be It Resolved That: WHEREAS the Town of Espanola values inclusion as established in the Strategic Plan 2013; WHEREAS the citizens of Espanola, who are Lesbian, Gay, Bisexual or Transgender (LGBT) are equal and important members of the society; WHEREAS many Ontario communities are celebrating their citizens who are LGBT by declaring a Pride Week; raising awareness for equal rights and full equality for individuals locally and globally; THEREFORE Be It Resolved that Council declares June 21-28 Pride Week in the Town of Espanola.

Carried

Correspondence For Information Only

None

Information

This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.

Cheque Register for May 2019

Premier of Ontario correspondence re: cost sharing adjustments

Conference and Conventions

2019 AMO AGM & Annual Conference; August 18-21, 2019; Ottawa

Mayor and Councillors Reports and Announcements

Notice of Motion

19-134 R. Dufour – M. Van Alstine

WHEREAS: Corporate Services was looking to amend the hiring policy to increase Councils oversight with regards to either hiring new, or replacement of an employee.

THEREFORE;

BE IT RESOLVED THAT: Council introduces a hiring freeze until such time as the amendments to the hiring policy be completed.

Carried

Hiring Freeze

19-135 R. Dufour – H. Malott

Be It Resolved That: **WHEREAS:** Corporate Services was looking to amend the hiring policy to increase Councils oversight with regards to either hiring new, or replacement of an employee.

THEREFORE;

BE IT RESOLVED THAT: Council introduces a hiring freeze until such time as the amendments to the hiring policy be completed.

Carried

Grant Application

Councillor Foster advised Council that the Police Services Board will be applying for grant funding the Community Safety and Wellbeing Plan.

Community Events

Mayor Beer advised of the community events she participated in and encouraged other Council members to participate in any upcoming events.

Future Council Meetings

Special Meeting of Council of June 18, 2019 @ 4:00 pm

Community Services Committee Meeting of June 18, 2019 @ 5:00 pm – Mayor Beer advised this meeting has been cancelled

Committee of the Whole Meeting of June 25, 2019 @ 6:00 pm

Regular Meeting of Council of June 25, 2019 @ 7:00 pm

Adjournment

M. Van Alstine – R. Dufour

Be It Resolved That: The Regular Meeting of Council is hereby adjourned.

Time: 8:05 pm

Carried

Jill Beer
Mayor

Paula Roque
Clerk

CORPORATE SERVICES COMMITTEE MEETING**Tuesday, June 4, 2019****4:00 pm****Council Chambers****Municipal Building****Chair Bill Foster presided over the meeting****Disclosure of pecuniary interest and general nature thereof**

Councillor Duplessis stated he would like to have an item added to the agenda, that being the Hiring Policy for discussion and direction.

Present: Councillors K Duplessis; M. Van Alstine
Municipal Officials, C. Townsend, CAO/Treasurer; P. Roque, Clerk/Manager of Planning Services; T. Denault-Roque, Recording Secretary

Absent: Mayor Beer

Departmental Report None

POA Write Off's **K. Duplessis – M. Van Alstine**
Be It Resolved That: As Recommended by the Corporate Services Committee That: Council write off the attached list of files that have been in default since prior to the transfer in 1999 up to an including 2000.

Carried

Staff was directed to bring Policy# F23-01617 to the following Corporate Services Committee meeting.

Code of Conduct **M. Van Alstine – K. Duplessis**
Be It Resolved That: As Recommended by the Corporate Services Committee That: Bylaw 2921/19 be adopted, being a Bylaw to adopt a revised Code of Conduct for Council and Local Boards.

Carried

Video Surveillance Policy A discussion ensued. The Committee directed Staff to place this item in the G section on the Regular Council Agenda of June 25, 2019.

Other Revenue Sources for the Town A discussion ensued. Staff was directed to prepare a staff report on possible revenue sources for the municipality. The report will include the costs of implementing and managing each option and will be brought back to the Committee for the October meeting.

Feeding Wildlife

A discussion ensued. The Clerk explained that complaints have been received regarding residents feeding wild animals within the community and staff would like direction on whether or not to move forward with the preparation of a bylaw to deter and enforce residents from doing so. It was the consensus of the Committee to not move forward with this.

Notice of Motion

K. Duplessis – M. Van Alstine

Be It Resolved That: As Recommended by the Corporate Services Committee That: Effective immediately, all new positions and replacement of existing positions will be reviewed by council, prior to advertising or prior to the internal selection process.

Carried

Hiring Policy

A discussion ensued. It was the consensus of the Committee to include this Item in the G Section on the Regular Meeting of Council Agenda of June 25, 2019.

Adjournment

M. Van Alstine – K. Duplessis

The Corporate Services Committee meeting is hereby adjourned.

Time: 4:37 pm.

B. Foster
Chair

P. Roque
Clerk



CORPORATE SERVICES COMMITTEE

Moved By: K. Duplessis

Date: June 4, 2019

Seconded By: M. Van Alstine

Motion No.: 1

Be It Resolved That: As Recommended by the Corporate Services Committee That:

Council write off the attached list of files that have been in default since prior to the transfer in 1999 up to and including 2000.

CARRIED ☒ DEFEATED ☐
DEFERRED ☐

Bill Foster
Chair

**RECORDED VOTE
INTEREST**

	For	Against
Mayor J. Beer	_____	_____
B. Foster	_____	_____
K. Duplessis	_____	_____
M. Van Alstine	_____	_____

DECLARATION OF PECUNIARY

Mayor J. Beer	_____
B. Foster	_____
K. Duplessis	_____
M. Van Alstine	_____

AGENDA #

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STAFF REPORT

DEPARTMENT: POA

DATE: May 24, 2019

ITEM: Write off default cases for Elliot Lake.

RECOMMENDATION: Write off the attached list of files that have been in default since prior to the transfer in 1999 up to and including 2000.

BACKGROUND: The Provincial Offence office cannot impose a licence suspension on defaulted offences for reasons listed below. These outstanding fines have been sent to collections and are deemed uncollectible.

Defaulted offences include but are not limited to: Trespass to Property Act, Liquor Licence Act, By-laws or driving offences that do not have a driver's licence attached to the ticket which makes it unenforceable by way of suspending their driver's licence.

ANALYSIS: Upon council approval, all the attached defaulted fines will be updated to a CW (council write-off) code in ICON and will be purged off the system.

EXISTING POLICY: See Collections Policy and Write Off Procedures Policy #F23-01617

STRATEGIC GOAL: Reduce the total amount of fines outstanding by writing off uncollectible files.

FINANCIAL COMMITMENT: The total amount of defaulted fines for Elliot Lake up to and including the year 2000 is \$ 266,934.05. Please see attached sheets.

BUDGETED:

Yes

No

IMPLEMENTATION: POA to submit these cases to the Ministry of Attorney General for the preliminary and final write off stage which will reflect on the 2020 annual report.

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

Prepared By: Christine Desjardins

Department Manager: Christine Desjardins

CAO / Treasurer: Cynthia Townsend

Approval of Recommendation: Yes ☒ No ☐

Comments: _____

DF Enforcements - up to and including 2000

Offence #	Amount O/S	Date of Infraction
0161 999 00 12500156 00	\$ 113.75	Feb 19/94
0161 999 93 1664 00	\$ 275.00	Jan 21/93
0161 999 00 27051526 00	\$ 148.75	June 15/96
0161 999 00 27090813 00	\$ 188.75	Feb 26/97
0161 999 00 40009331 00	\$ 148.75	May 16/98
0161 999 00 15265241 00	\$ 128.75	May 21/94
0161 999 00 40009053 00	\$ 88.75	May 10/98
0161 999 00 21121487 00	\$ 188.75	May 9/95
0161 999 92 q969211 00	\$ 91.25	Mar 19/92
0161 999 00 27051716 00	\$ 88.75	Nov 2/96
0161 999 00 27050865 00	\$ 88.75	July 12/97
0161 999 00 21121967 00	\$ 128.75	Apr 15/95
0161 999 92 000181 00	\$ 91.25	Oct 7/92
0161 999 95 506 00	\$ 335.00	Jan 11/95
0161 999 89 789466 00	\$ 141.25	Dec 13/89
0161 999 90 790560 00	\$ 26.25	July 12/90
0161 999 00 12681327 00	\$ 53.75	June 12/93
0161 999 97 296 00	\$ 686.00	Apr 27/97
0161 999 00 16775787 00	\$ 288.75	Oct 2/94
0161 999 00 27088010 00	\$ 88.75	July 20/96
0161 999 00 27092457 00	\$ 78.75	Aug 19/96
0161 999 00 21122353 00	\$ 88.75	July 14/95
0161 999 92 r3564455 00	\$ 66.25	Aug 7/92
0161 999 00 27090344 00	\$ 50.00	Oct 8/97
0161 999 00 14634927 00	\$ 128.75	Jun 16/94
0161 999 92 r3564072 00	\$ 116.25	July 12/92
0161 999 00 50007985 00	\$ 128.75	Oct 4/99
0161 999 00 50007965 00	\$ 88.75	Apr 27/99
0161 999 00 50007883 00	\$ 88.75	Apr 25/99
0161 999 00 50008427 00	\$ 88.75	Apr 14/99
0161 999 00 40007624 00	\$ 88.75	Jan 18/99
0161 999 00 40007537 00	\$ 88.75	Jan 7/99
0161 999 00 40007429 00	\$ 85.00	Dec 24/98
0161 999 00 40007546 00	\$ 85.00	Dec 26/98
0161 999 00 40009082 00	\$ 85.00	Jan 16/99
0161 999 00 50008004 00	\$ 88.75	Apr 9/99
0161 999 90 790145 00	\$ 116.25	Nov 4/90
0161 999 00 16073287 00	\$ 78.75	Nov 8/94
0161 999 00 12498705 00	\$ 288.75	June 18/93
0161 999 00 15265881 00	\$ 66.25	Apr 2/94
0161 999 00 27050640 00	\$ 128.75	May 28/97
0161 999 00 12498643 00	\$ 78.75	May 28/93
0161 999 00 16073682 00	\$ 338.75	Dec 7/94
0161 999 92 928168 00	\$ 66.25	May 12/92
0161 999 00 16073242 00	\$ 78.75	Aug 31/94
0161 999 00 62217110 00	\$ 95.00	Sept 25/00
0161 999 92 927867 00	\$ 266.25	July 26/92
0161 999 00 50008075 00	\$ 148.75	Aug 27/99
0161 999 00 27050997 00	\$ 88.75	June 11/98
0161 999 90 n7300661 00	\$ 66.25	May 26/90
0161 999 00 27051941 00	\$ 88.75	Sept 21/96
0161 797 90 789109 00	\$ 76.25	Feb 10/90
0161 797 90 789108 00	\$ 76.25	Feb 10/90
0161 797 90 01345 00	\$ 123.75	Mar 4/90
0161 999 00 12499614 00	\$ 78.75	Oct 16/93
0161 999 00 12499615 00	\$ 128.75	Oct 16/93
0161 999 00 40004396 00	\$ 68.75	Aug 16/98
0161 999 96 1683 00	\$ 602.00	Mar 15/93
0161 999 93 1684 00	\$ 70.00	Mar 23/93
0161 999 93 1685 00	\$ 70.00	Mar 16/93
0161 999 00 50007926 00	\$ 88.75	Feb 22/99
0161 999 99 140 00	\$ 85.00	Feb 18/99

0161 999 00 40009110 00	\$	88.75	Nov 26/98
0161 999 00 40007535 00	\$	88.75	Dec 11/98
0161 999 00 50007860 00	\$	88.75	Feb 12/99
0161 999 00 12681625 00	\$	525.00	Feb 26/94
0161 999 00 27051728 00	\$	85.00	May 6/97
0161 999 00 27051705 00	\$	88.75	Oct 27/96
0161 999 00 12499971 00	\$	128.75	Nov 12/93
0161 999 00 21117743 00	\$	338.75	Jan 21/95
0161 999 00 12681173 00	\$	123.75	July 4/93
0161 797 90 790066 00	\$	41.25	June 11/90
0161 999 00 21119608 00	\$	88.75	Dec 19/95
0161 999 00 40009014 00	\$	148.75	June 27/98
0161 999 00 40009007 00	\$	40.00	May 6/98
0161 999 00 62193003 00	\$	153.75	Sept 2/00
0161 999 00 40008965 00	\$	50.00	Apr 27/98
0161 999 98 275 00	\$	85.00	May 13/98
0161 999 91 q863207 00	\$	66.25	Nov 12/91
0161 999 91 q4741962 00	\$	66.25	Dec 8/91
0161 999 92 927890 00	\$	113.75	May 14/92
0161 999 00 27050996 00	\$	88.75	Oct 29/97
0161 999 00 50008494 00	\$	88.75	June 26/99
0161 999 00 50008369 00	\$	75.00	Sept 29/99
0161 797 91 791642 00	\$	41.25	Sept 13/91
0161 999 00 12498494 00	\$	78.75	Apr 30/93
0161 999 00 15265557 00	\$	78.75	Apr 6/94
0161 999 00 21123048 00	\$	88.75	Oct 2/95
0161 999 00 27092456 00	\$	88.75	Aug 2/96
0161 999 00 21123885 00	\$	88.75	Feb 29/96
0161 999 92 927446 00	\$	43.75	Aug 21/92
0161 797 92 927941 00	\$	43.75	Sept 2/92
0161 999 00 21124244 00	\$	88.75	Jan 23/96
0161 999 00 12499402 00	\$	68.75	Sept 24/93
0161 999 00 12499401 00	\$	78.75	Sept 24/93
0161 999 00 27050458 00	\$	68.75	Nov 22/96
0161 999 90 789089 00	\$	66.25	Apr 5/90
0161 999 00 12499290 00	\$	113.75	Sept 5/93
0161 999 91 q864595 00	\$	116.25	Sept 14/91
0161 999 00 12680758 00	\$	178.75	Oct 31/93
0161 999 92 q969008 00	\$	66.25	Feb 1/92
0161 999 00 27089128 00	\$	88.75	Feb 28/97
0161 999 00 40008883 00	\$	88.75	Dec 7/97
0161 999 92 1582 00	\$	600.00	Aug 8/91
0161 999 00 40008959 00	\$	95.00	Apr 9/98
0161 999 00 40008958 00	\$	95.00	Apt 9/98
0161 999 00 40009012 00	\$	88.75	June 27/98
0161 999 00 40009013 00	\$	148.75	June 27/98
0161 999 00 40009150 00	\$	148.75	Oct 9/98
0161 999 00 40007536 00	\$	88.75	Jan 7/99
0161 999 00 40007566 00	\$	88.75	Jan 30/99
0161 999 00 50007851 00	\$	88.75	Feb 2/99
0161 999 00 50008426 00	\$	88.75	Mar 19/99
0161 999 99 277 00	\$	255.00	Apr 23/99
0161 999 99 84 00	\$	120.00	Jan 26/99
0161 999 00 50008359 00	\$	88.75	July 9/99
0161 999 00 40007636 00	\$	88.75	Jan 10/99
0161 999 00 40008827 00	\$	88.75	Jan 10/99
0161 999 00 27090930 00	\$	338.75	May 11/97
0161 999 00 27090931 00	\$	338.75	May 11/97
0161 999 00 27050966 00	\$	338.75	Oct 17/97
0161 999 00 52304937 00	\$	255.00	Feb 1/00
0161 999 00 52304938 00	\$	255.00	Feb 1/00
0161 999 00 52304939 00	\$	395.00	Feb 1/00
0161 999 00 52304941 00	\$	125.00	Feb 1/00
0161 999 92 r3564422 00	\$	116.25	Aug 1/92

0161 999 00 15265341 00	\$	78.75	Mar 7/94
0161 999 91 790536 00	\$	116.25	Aug 13/91
0161 999 00 27051439 00	\$	78.75	July 13/96
0161 999 00 27050987 00	\$	88.75	Feb 4/98
0161 999 91 926286 00	\$	116.25	Dec 14/91
0161 999 91 926844 00	\$	266.25	Dec 31/91
0161 999 00 14633432 00	\$	78.75	July 30/94
0161 999 00 27051600 00	\$	88.75	Apr 18/96
0161 999 92 927527 00	\$	66.25	July 27/92
0161 999 00 14633379 00	\$	78.75	June 29/94
0161 999 00 14633532 00	\$	78.75	June 29/94
0161 999 00 21119312 00	\$	88.75	June 29/95
0161 999 90 790388 00	\$	66.25	Nov 11/90
0161 999 90 791011 00	\$	66.25	Dec 22/90
0161 999 92 926495 00	\$	66.25	Mar 16/92
0161 999 92 926739 00	\$	66.25	Mar 24/92
0161 999 91 926487 00	\$	66.25	Jan 2/92
0161 999 91 926408 00	\$	116.25	Nov 21/91
0161 999 96 833 00	\$	30.00	Sept 28/96
0161 999 00 14633091 00	\$	68.75	June 18/94
0161 999 90 704471 00	\$	5.00	Nov 1/90
0161 999 00 14633500 00	\$	78.75	Apr 23/94
0161 999 00 12681510 00	\$	75.00	Oct 1/93
0161 999 00 27051873 00	\$	88.75	Dec 20/96
0161 999 90 790496 00	\$	116.25	Jan 25/91
0161 999 92 1596 00	\$	88.75	Aug 23/92
0161 797 92 926545 00	\$	73.75	Nov 29/92
0161 999 00 12680995 00	\$	128.75	Mar 13/93
0161 797 91 791628 00	\$	41.25	Apr 24/91
0161 999 00 12680994 00	\$	78.75	Mar 13/93
0161 999 00 12681018 00	\$	55.00	June 1/93
0161 999 00 12681019 00	\$	115.00	June 1/93
0161 999 00 27089866 00	\$	128.75	Feb 24/97
0161 999 92 q969494 00	\$	66.25	June 29/92
0161 999 91 q3418461 00	\$	66.25	Feb 23/91
0161 999 00 12677637 00	\$	178.75	Oct 31/93
0161 999 00 21120024 00	\$	68.75	Dec 7/95
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0161 999 00 16073464 00	\$	63.75	Nov 1/94
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0161 999 00 16072915 00	\$	88.75	Dec 29/94
0161 999 00 12681785 00	\$	63.75	Aug 27/93
0161 999 00 21117622 00	\$	88.75	Jan 28/95
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0161 999 00 27090877 00	\$	148.75	Dec 19/97
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0161 797 91 926327 00	\$	66.25	Sept 8/91
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0161 999 91 926878 00	\$	66.25	Aug 31/91
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0161 797 91 790530 00	\$	66.25	July 30/91
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0161 797 91 789697 00	\$	66.25	Aug 6/91
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0161 999 92 q969344 00	\$	66.25	July 11/92
0161 999 00 40008747 00	\$	88.75	Apr 29/98
0161 999 00 40008755 00	\$	88.75	May 20/98
0161 797 90 791299 00	\$	41.25	Sept 7/90
0161 797 90 791258 00	\$	41.25	Aug 20/90
0161 797 90 791296 00	\$	41.25	Aug 22/90

0161 797 90 790773 00	\$	66.25	Aug 5/90
0161 999 00 27050936 00	\$	88.75	Apr 29/97
0161 999 95 183 00	\$	625.00	Jan 28/95
0161 999 00 16776185 00	\$	128.75	Dec 31/94
0161 999 00 27091966 00	\$	148.75	Nov 22/97
0161 999 90 790476 00	\$	266.25	Oct 10/90
0161 999 92 927051 00	\$	116.25	Oct 24/92
0161 797 92 926489 00	\$	66.25	Mar 6/92
0161 999 92 927896 00	\$	116.25	June 6/92
0161 999 92 927523 00	\$	91.25	Aug 22/92
0161 999 92 1551 00	\$	225.00	Apr 9/92
0161 797 92 1546 00	\$	63.75	Mar 7/92
0161 999 00 12681093 00	\$	128.75	Aug 1/93
0161 999 00 16776782 00	\$	285.00	Aug 21/94
0161 999 00 16776783 00	\$	110.00	Aug 21/94
0161 999 94 757 00	\$	645.00	Aug 21/94
0161 999 00 15265711 00	\$	288.75	May 6/94
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0161 999 00 12500749 00	\$	200.00	Dec 3/93
0161 999 00 12500750 00	\$	285.00	Dec 3/93
0161 999 00 16074645 00	\$	53.75	Nov 1/94
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0161 999 00 21122711 00	\$	88.75	Mar 16/95
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0161 999 00 12498726 00	\$	288.75	July 11/93
0161 999 95 558 00	\$	55.00	Apr 7/95
0161 999 00 53398234 00	\$	75.00	June 3/00
0161 999 98 537 00	\$	125.00	Aug 13/98
0161 797 90 790396 00	\$	66.25	Dec 14/90
0161 999 92 r5306372 00	\$	191.25	Oct 1/92
0161 999 95 505 00	\$	140.00	Apr 4/95
0161 999 00 50008496 00	\$	88.75	Sept 23/99
0161 999 00 27051252 00	\$	88.75	July 7/97
0161 999 00 27051268 00	\$	88.75	Aug 4/97
0161 999 00 12499565 00	\$	77.50	Oct 31/93
0161 999 94 110 00	\$	525.00	Jan 17/94
0161 999 94 338 00	\$	325.00	Jan 17/94
0161 999 00 27050443 00	\$	68.75	May 28/96
0161 999 92 r5302500 00	\$	78.75	Dec 23/92
0161 999 00 50000203 00	\$	88.75	July 31/99
0161 999 97 704 00	\$	495.00	June 5/97
0161 999 00 50002002 00	\$	120.00	Oct 20/99
0161 999 00 16073243 00	\$	78.75	Sept 3/94
0161 999 00 16776842 00	\$	78.75	Aug 17/94
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0161 999 00 12499157 00	\$	93.75	Aug 7/93
0161 999 00 15265410 00	\$	128.75	Apr 23/94
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0161 999 00 14633368 00	\$	125.00	Apr 2/94
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0161 999 96 4 00	\$	135.00	Dec 15/95
0161 999 00 27091020 00	\$	188.00	May 6/97
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0161 999 00 40001577 00	\$	338.75	Apr 19/98
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0161 999 00 27051532 00	\$	68.75	Aug 20/96
0161 999 92 927887 00	\$	66.25	Apr 26/92

0161 999 00 21121987 00	\$	148.75	Apr 29/95
0161 999 00 21122700 00	\$	88.75	Mar 17/95
0161 999 00 52296759 00	\$	88.75	Nov 28/99
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0161 999 00 50001801 00	\$	128.75	May 3/99
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0161 999 00 21122251 00	\$	148.75	July 7/95
0161 999 00 12499004 00	\$	78.75	July 4/93
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0161 999 00 12499549 00	\$	78.75	Oct 22/93
0161 999 00 21119377 00	\$	88.75	June 6/95
0161 999 00 62210371 00	\$	508.75	July 18/00
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0161 999 92 r3566452 00	\$	91.25	Aug 8/92
0161 999 00 40005122 00	\$	128.75	Nov 22/97
0161 999 91 790440 00	\$	66.25	July 24/91
0161 999 00 52304802 00	\$	148.75	Oct 7/99
0161 999 00 14633436 00	\$	73.75	July 31/94
0161 999 00 14633268 00	\$	78.75	July 19/94
0161 999 00 27050552 00	\$	328.75	July 2/97
0161 999 00 27050273 00	\$	568.75	Feb 11/97
0161 999 00 27050257 00	\$	528.75	Feb 25/97
0161 999 91 927331 00	\$	66.25	Sept 6/91
0161 797 92 927926 00	\$	66.25	July 4/92
0161 797 90 790735 00	\$	66.25	Nov 30/90
0161 999 00 52297476 00	\$	93.75	Apr 28/00
0161 999 00 16073163 00	\$	65.83	Aug 27/94
0161 999 99 286 00	\$	592.90	Mar 23/99
0161 999 92 1622 00	\$	173.75	July 24/92
0161 999 00 40008449 00	\$	308.75	Nov 21/98
0161 999 00 50007878 00	\$	148.75	Mar 14/99
0161 999 00 12498276 00	\$	238.75	Feb 21/93
0161 999 00 50008954 00	\$	70.00	Oct 20/99
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0161 999 92 r5306361 00	\$	66.25	Oct 1/92
0161 999 90 789615 00	\$	66.25	June 30/90
0161 999 90 790379 00	\$	66.25	July 7/90
0161 999 90 789086 00	\$	66.25	Mar 27/90
0161 999 90 789031 00	\$	66.25	Mar 28/90
0161 999 90 704316 00	\$	66.25	Mar 9/90
0161 999 00 40003452 00	\$	138.75	Oct 8/98
0161 999 97 612 00	\$	195.00	Sept 19/97
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0161 999 0012499548 00	\$	78.75	Oct 22/93
0161 999 92 r3563232 00	\$	66.25	Sept 6/92
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0161 999 90 001426 00	\$	488.75	Dec 13/90
0161 797 93 12681751 00	\$	63.75	Jan 20/93
0161 797 92 870595 00	\$	63.75	Dec 1/92
0161 797 92 870594 00	\$	63.75	Nov 26/92
0161 999 00 12681755 00	\$	63.75	Mar 23/93
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0161 999 94 105 00	\$	50.00	Feb 11/94
0161 999 00 14633483 00	\$	78.75	Mar 12/94
0161 999 00 16073044 00	\$	88.75	Dec 2/95
0161 999 00 21123647 00	\$	148.75	June 28/95

0161 999 00 12500913 00	\$	288.75	May 19/93
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0161 797 90 789043 00	\$	56.25	May 18/90
0161 797 90 790512 00	\$	66.25	May 12/90
0161 999 91 q864698 00	\$	116.25	Oct 20/91
0161 999 99 737 00	\$	150.00	Oct 9/99
0161 999 92 926584 00	\$	92.50	Nov 1/92
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0161 797 90 791363 00	\$	41.25	Nov 28/90
0161 999 00 27089053 00	\$	88.75	Jan 6/97
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0161 999 90 704394 00	\$	111.25	Oct 3/90
0161 999 90 790771 00	\$	26.25	Aug 2/90
0161 999 00 21119341 00	\$	78.75	June 14/95
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0161 999 00 12681392 00	\$	113.75	Jan 26/94
0161 999 00 12500039 00	\$	75.00	Nov 19/93
0161 999 91 790246 00	\$	206.25	June 29/91
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0161 999 00 52305128 00	\$	38.75	May 22/99
0161 797 90 704432 00	\$	56.25	Dec 7/90
0161 797 90 790485 00	\$	56.25	Dec 14/90
0161 999 00 12681139 00	\$	68.75	May 21/93
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0161 999 00 50001120 00	\$	170.00	June 26/99
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0161 999 92 r5301096 00	\$	123.75	Oct 31/92
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0161 999 00 15264885 00	\$	45.00	July 30/94
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0161 999 00 21117554 00	\$	208.75	Jan 18/95
0161 999 00 27090257 00	\$	59.75	Oct 31/97
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0161 999 92 r5306346 00	\$	66.25	Oct 1/92
0161 999 92 r5306335 00	\$	91.25	Oct 1/92
0161 797 91 791675 00	\$	41.25	Dec 7/91
0161 797 91 926397 00	\$	797.91	Dec 18/91
0161 999 91 q4927333 00	\$	86.25	June 4/91
0161 999 00 21121289 00	\$	78.75	May 16/95
0161 999 95 454 00	\$	755.00	Mar 13/95
0161 999 00 27052167 00	\$	148.75	May 28/96
0161 999 91 790719 00	\$	66.25	Apr 26/91
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0161 999 91 1471 00	\$	263.75	July 24/91
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0161 999 00 40009140 00	\$	88.75	Aug 10/98
0161 999 00 40008836 00	\$	88.75	Sept 24/98
0161 999 00 12681020 00	\$	78.75	June 4/93
0161 999 00 12681146 00	\$	78.75	June 12/93

0161 999 91 790233 00	\$	66.25	Jan 15/91
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0161 999 00 21124020 00	\$	148.75	Dec 23/95
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0161 999 00 14633406 00	\$	128.75	Apr 8/94
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0161 999 00 27051528 00	\$	338.75	June 25/96
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0161 999 00 52297537 00	\$	153.75	May 13/00
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0161 797 92 927986 00	\$	66.25	Aug 5/92
0161 797 92 927932 00	\$	66.25	July 31/92
0161 797 92 927985 00	\$	66.25	Aug 1/92
0161 797 90 791257 00	\$	41.25	Aug 14/90
0161 797 92 927535 00	\$	66.25	Aug 16/92
0161 999 95 932 00	\$	470.00	July 5/95
0161 999 00 14633120 00	\$	325.00	July 26/94
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0161 797 92 927847 00	\$	66.25	July 30/92
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0161 999 00 50008153 00	\$	88.75	Oct 30/99
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0161 999 00 40004051 00	\$	95.00	July 11/98
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0161 999 00 21121537 00	\$	338.75	June 12/95
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0161 999 95 912 00	\$	250.00	July 22/95
0161 999 00 21121124 00	\$	88.75	Jan 20/95
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0161 999 00 12498232 00	\$	78.75	Apr 21/93
0161 999 92 q969100 00	\$	116.25	Apr 27/92
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0161 999 98 714 00	\$	275.00	Nov 27/98
0161 999 99 656 00	\$	45.00	Oct 30/99
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0161 797 92 926721 00	\$	66.25	May 6/92
0161 797 91 791227 00	\$	66.25	July 4/91
0161 999 00 16072949 00	\$	78.75	Oct 21/94
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0161 999 91 1468 00	\$	88.75	June 30/91
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0161 999 00 40008738 00	\$	148.75	June 27/98
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0161 999 00 12681804 00	\$	63.75	Mar 24/93
0161 999 98 113 00	\$	495.00	Jan 12/98
0161 999 00 12681016 00	\$	78.75	May 23/93
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0161 999 91 q4736292 00	\$	53.75	July 28/91
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0161 797 92 927976 00	\$	66.25	June 1/92
0161 797 91 926978 00	\$	66.25	Aug 16/91
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0161 999 97 69 00	\$	310.00	Jan 8/97
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0161 999 00 21119490 00	\$	88.75	Nov 21/95
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0161 999 92 927442 00	\$	66.25	July 5/92
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0161 999 00 12499349 00	\$	78.75	Oct 30/93
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0161 999 92 q968806 00	\$	166.25	July 24/92
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0161 999 00 749590 00	\$	78.75	Jan 29/94
0161 999 00 12500895 00	\$	113.75	Feb 5/93
0161 999 00 40008751 00	\$	88.75	May 15/98
0161 999 92 927980 00	\$	66.25	June 24/92
0161 999 90 q1957303 00	\$	76.25	Aug 4/90
0161 999 00 21119466 00	\$	80.00	Aug 30/95
0161 797 92 927978 00	\$	66.25	June 24/92
0161 999 702 00	\$	870.00	Oct 10/99
0161 999 00 27091461 00	\$	338.75	Nov 3/97
0161 999 00 21122581 00	\$	305.00	Feb 15/95
0161 999 92 r0204056 00	\$	91.25	Aug 1/92
0161 999 92 r020455 00	\$	266.25	Aug 1/92
0161 999 95 470 00	\$	265.00	Feb 15/95
0161 999 00 27051887 00	\$	88.75	Sept 1/96
0161 999 91 702743 00	\$	38.75	Feb 22/91
0161 797 90 790601 00	\$	66.25	July 8/90
0161 797 92 927742 00	\$	66.25	Oct 19/92
0161 797 90 788998 00	\$	66.25	Aug 17/90
0161 797 90 789821 00	\$	66.25	Aug 17/90
0161 999 00 12680957 00	\$	78.75	Feb 4/93
0161 999 00 12681649 00	\$	113.75	Feb 13/94
0161 797 92 927029 00	\$	66.25	Oct 20/92
0161 797 92 926582 00	\$	66.25	Oct 17/92
0161 999 92 926530 00	\$	266.25	June 30/92
0161 999 91 q864691 00	\$	191.25	Oct 1/91
0161 999 92 926583 00	\$	91.25	Oct 18/92
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0161 999 00 21119445 00	\$	78.75	Aug 18/95
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0161 999 00 21117708 00	\$	78.75	Feb 7/95
0161 999 00 50009878 00	\$	68.75	Dec 9/99
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0161 999 00 21119650 00	\$	125.00	Feb 16/96
0161 999 00 12681331 00	\$	63.75	July 4/93
0161 999 91 791226 00	\$	243.75	May 22/91
0161 797 90 790228 00	\$	51.25	Dec 27/90
0161 999 92 q969759 00	\$	53.75	Apr 20/92
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0161 797 90 704357 00	\$	66.25	Sept 17/90
0161 999 00 40008903 00	\$	85.75	Feb 15/98
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0161 999 00 40009309 00	\$	128.75	May 16/98
0161 999 00 40009009 00	\$	338.75	May 27/98
0161 999 00 12681357 00	\$	78.75	June 25/93
0161 999 00 14633307 00	\$	128.75	June 11/94

0161 999 00 21120986 00	\$	148.75	Jan 9/95
0161 797 91 791350 00	\$	41.25	Apr 22/91
0161 797 91 791648 00	\$	26.25	Nov 18/91
0181 999 92 r3564153 00	\$	66.25	July 18/92
0161 999 91 790720 00	\$	66.25	Apr 26/91
0161 999 00 21117942 00	\$	68.75	May 2/95
0161 999 00 27089864 00	\$	118.75	Jan 13/97
0161 999 00 62191006 00	\$	153.75	Oct 8/00
0161 999 00 21117577 00	\$	148.75	Oct 14/95
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0161 999 00 21123155 00	\$	87.50	Sept 3/95
0161 999 99 477 00	\$	75.00	July 11/99
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0161 797 90 790071 00	\$	41.25	June 25/90
0161 797 90 790604 00	\$	66.25	July 21/90
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0161 794 92 10550 00	\$	53.75	Dec 7/92
0161 999 93 1730 00	\$	123.00	May 1/93
0161 999 00 21124609 00	\$	88.75	Feb 22/96
0161 999 00 27088988 00	\$	88.75	Oct 19/96
0161 999 00 62218841 00	\$	93.75	Oct 23/00
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0161 999 00 21124111 00	\$	148.75	Dec 7/95
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0161 999 00 12681393 00	\$	78.75	Feb 18/94
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0161 999 00 21121219 00	\$	88.75	May 20/95
0161 999 00 27090938 00	\$	338.75	Jun 27/97
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0161 999 00 12500239 00	\$	203.75	Jan 21/94
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0161 999 00 27051411 00	\$	88.75	July 19/96
0161 999 92 926352 00	\$	116.25	Apr 9/92
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0161 999 92 926767 00	\$	63.75	Feb 29/92
0161 999 96 164 00	\$	310.00	Feb 19/96
0161 999 97 361 00	\$	325.00	May 30/97
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0161 999 00 21119100 00	\$	63.75	July 25/95
0161 797 91 791663 00	\$	41.25	June 4/91
0161 999 00 12681334 00	\$	78.75	July 17/93
0161 999 90 789012 00	\$	66.25	Apr 30/90
0161 999 90 001347 90	\$	63.75	Nov 24/89
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0161 999 00 27092274 00	\$	98.75	June 23/96
0161 999 91 1493 00	\$	103.75	Aug 25/91
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0161 999 00 27050837 00	\$	148.75	June 30/97
0161 797 90 790598 00	\$	66.25	Oct 4/90
0161 999 91 791115 00	\$	116.25	May 29/91
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0161 999 00 27051972 00	\$	83.75	Sept 18/96
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0161 999 00 40008890 00	\$	88.75	Mar 24/98
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0161 999 00 12681150 00	\$	128.75	July 14/93
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0161 999 92 926538 00	\$	51.25	July 18/92
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0161 999 00 21119319 00	\$	88.75	May 19/95
0161 999 92 1580 00	\$	263.75	Aug 8/92
0161 999 00 12498633 00	\$	78.75	May 21/93
0161 999 92 r3567395 00	\$	116.25	Sept 19/92
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0161 999 00 15266205 00	\$	78.75	June 1/94
0161 999 00 15265854 00	\$	78.75	June 3/94
0161 999 00 15266381 00	\$	203.75	May 13/94
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0161 999 94 441 00	\$	275.00	May 13/94
0161 797 92 926718 00	\$	66.25	May 9/92
0161 797 91 927002 00	\$	66.25	Aug 15/91
0161 999 00 50007929 00	\$	148.75	Mar 18/99
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0161 797 92 926809 00	\$	66.25	Jan 4/92
0161 999 00 40009504 00	\$	148.75	May 16/98
0161 999 00 62217252 00	\$	348.75	June 4/00
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0161 999 00 40009008 00	\$	88.75	May 8/98
0161 999 00 27051297 00	\$	148.75	Sept 6/97
0161 999 00 21119624 00	\$	88.75	Feb 6/96
0161 797 92 927850 00	\$	66.25	Oct 3/92

0161 999 92 926535 00	\$	46.25	July 18/92
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0161 999 00 15266442 00	\$	78.75	May 26/94
0161 999 99 704 00	\$	824.50	Oct 11/99
0161 999 00 50008184 00	\$	148.75	Feb 9/00
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0161 999 93 1699 00	\$	290.00	June 1/93
0161 999 93 1696 00	\$	284.00	Mar 16/93
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0161 999 96 165 00	\$	1,740.00	Oct 18/95
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0161 999 97 787 00	\$	255.00	Aug 14/97
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0161 999 50008157 00	\$	88.75	Mar 11/00
0161 999 00 32335668 00	\$	208.75	Oct 19/97
0161 999 00 21120710 00	\$	145.00	Oct 14/95
0161 999 00 40004854 00	\$	398.75	Jan 18/98
0161 999 00 27088729 00	\$	188.75	Sept 28/96
0161 999 92 927815 00	\$	266.25	June 7/92
0161 999 00 14633375 00	\$	100.00	May 6/94
0161 797 92 927521 00	\$	66.25	Aug 22/92
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0161 999 94 64 00	\$	2,500.00	Jan 19/94
0161 999 94 519 00	\$	1,525.00	June 17/94
0161 999 00 50001876 00	\$	88.75	May 7/99
0161 999 00 40008764 00	\$	148.75	May 29/98
0161 999 94 702054 00	\$	58.75	Feb 11/94
0161 999 92 926537 00	\$	66.25	July 18/92
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0161 999 00 16074821 00	\$	178.75	Nov 5/94
0161 999 00 14634532 00	\$	288.75	June 7/94
0161 999 94 510 00	\$	525.00	June 7/94
0161 999 92 q969838 00	\$	116.25	May 3/92
0161 999 00 27092393 00	\$	53.75	Oct 31/96
0161 999 00 27091680 00	\$	128.75	July 12/97
0161 999 00 21120034 00	\$	53.75	Nov 28/95
0161 999 00 21119486 00	\$	53.75	Oct 28/95
0161 999 94 664 00	\$	453.75	Aug 1/94
0161 999 92 r5300772 00	\$	117.50	Nov 7/92
0161 999 00 50001272 00	\$	83.75	Jan 1/00
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0161 999 00 27090548 00	\$	168.75	Mar 3/97
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0161 999 92 928542 00	\$	33.75	Oct 2/92
0161 999 00 12680739 00	\$	128.75	Oct 15/93
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0161 999 00 62217007 00	\$	123.75	June 17/00
0161 999 00 40008750 00	\$	88.75	May 9/98
0161 999 94 749616 00	\$	78.75	Jan 25/94
0161 797 91 791093 00	\$	66.25	June 1/91
0161 999 00 16777114 00	\$	338.75	Nov 19/94
0161 999 00 12681171 00	\$	78.75	June 20/93
0161 999 00 12681463 00	\$	78.75	June 18/93
0161 999 00 27089146 00	\$	612.25	Mar 17/97
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0161 999 00 62218829 00	\$	153.75	Sept 24/00
0161 999 00 40007563 00	\$	88.75	Jan 15/99
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0161 999 92 q969172 00	\$	266.25	Apr 12/92
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0161 999 90 788963 00	\$	76.25	Apr 8/90
0161 999 90 704245 00	\$	66.25	Apr 9/90
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0161 999 00 50008557 00	\$	88.75	Sept 9/99
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0161 999 00 40004073 00	\$	188.75	Sept 21/98
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0161 999 00 40008736 00	\$	88.75	June 20/98
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0161 999 00 12681153 00	\$	76.75	Feb 22/93
0161 999 00 21124471 00	\$	153.75	Feb 18/96
0161 999 00 50008287 00	\$	88.75	Jan 1/00
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0161 999 00 21117615 00	\$	125.00	Nov 10/95
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0161 999 00 27088888 00	\$	88.75	Dec 7/96
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0161 999 00 21119318 00	\$	148.75	May 19/95
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0161 999 00 12499048 00	\$	78.75	July 10/93
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0161 999 00 16777084 00	\$	128.75	Nov 4/94
0161 999 99 485 00	\$	80.00	July 3/99
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0161 999 00 27051939 00	\$	88.75	Nov 4/96
0161 999 00 27051559 00	\$	88.75	Nov 6/96
0161 999 00 27051331 00	\$	148.75	July 26/97
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0161 999 00 40004264 00	\$	148.75	Sept 12/98
0161 999 00 50008378 00	\$	148.75	Feb 15/99
0161 999 00 50008404 00	\$	88.75	Mar 24/99
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0161 999 00 52297120 00	\$	188.75	Mar 27/00
0161 999 92 1595 00	\$	325.00	Aug 18/92
0161 999 92 q969380 00	\$	116.25	June 12/92
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0161 797 91 791139 00	\$	66.25	July 25/91
0161 797 91 789700 00	\$	66.25	Aug 7/91
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0161 999 00 21124594 00	\$	88.75	Feb 1/96
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0161 999 00 50002971 00	\$	338.75	June 26/99
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0161 999 00 62193040 00	\$	85.00	Aug 27/00
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0161 999 92 926475 00	\$	136.25	Jan 5/92
0161 999 00 12500247 00	\$	78.75	Feb 14/94
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0161 999 93 12681201 00	\$	128.75	Jan 22/93
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0161 797 89 789362 00	\$	76.25	Aug 18/89
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0161 999 00 21124620 00	\$	88.75	Feb 18/96
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0161 999 95 1092 00	\$	250.00	Aug 31/95
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0161 999 00 12681076 00	\$	78.75	Jan 28/93
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0161 999 00 40002788 00	\$	88.75	Dec 11/98
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0161 797 91 790665 00	\$	66.25	Aug 16/91
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0161 797 91 926851 00	\$	66.25	Aug 31/91
0161 999 00 16775866 00	\$	113.75	Oct 28/94
0161 999 90 789941 00	\$	66.25	Mar 23/90
0161 999 90 789940 00	\$	141.25	Mar 23/90
0161 797 91 926326 00	\$	66.25	Sept 6/91
0161 797 91 1480 00	\$	88.75	Sept 7/91

0161 999 90 790273 00	\$	17.50	Dec 11/90
0161 999 00 21117704 00	\$	153.75	Jan 21/95
0161 999 00 21117705 00	\$	65.00	Jan 21/95
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0161 797 91 790962 00	\$	66.25	Apr 25/91
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0161 999 00 21117507 00	\$	208.75	Sept 28/95
0161 999 00 53412327 00	\$	153.75	May 20/00
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0161 999 00 27050819 00	\$	88.75	June 13/97
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0161 999 00 21119475 00	\$	88.75	Dec 12/95
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0161 999 99 29 00	\$	604.65	Nov 14/98
0161 999 00 50008239 00	\$	88.75	Mar 4/00
0161 999 00 21119321 00	\$	147.50	May 19/95
0161 999 00 27090876 00	\$	148.75	Nov 29/97
0161 999 00 21123502 00	\$	138.75	Sept 28/95
0161 999 00 50002110 00	\$	148.75	Sept 7/99
0161 999 00 12015994 00	\$	525.00	Sept 9/93
0161 797 92 000011 00	\$	63.75	Nov 16/92
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0161 999 00 12681813 00	\$	48.75	May 29/93
0161 999 92 q968811 00	\$	166.25	Aug 1/92
0161 999 00 40004097 00	\$	148.75	Aug 15/98
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0161 999 00 12677357 00	\$	53.75	May 31/93
0161 999 92 q969955 00	\$	136.25	May 8/92
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0161 999 91 q864576 00	\$	66.25	Sept 1/91
0161 999 00 27088060 00	\$	118.75	Oct 13/96
0161 999 91 704450 00	\$	114.25	Jan 22/91
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0161 797 91 791335 00	\$	41.25	Jan 5/91
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0161 999 91 1517 00	\$	263.75	Dec 21/91
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0161 999 00 27091511 00	\$	88.75	Sept 22/97
0161 999 00 50001103 00	\$	88.75	Mar 20/99
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0161 999 98 302 00	\$	135.00	May 29/98
0161 999 98 219 00	\$	120.00	Apr 3/98
0161 999 00 16073101 00	\$	78.75	Aug 18/94
0161 999 91 789667 00	\$	66.25	Aug 17/91
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0161 999 00 21117941 00	\$	68.75	Mar 31/95
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0161 999 00 12681120 00	\$	78.75	Nov 26/93
0161 999 92 926296 00	\$	102.50	Nov 29/92
0161 999 90 790262 00	\$	116.25	Nov 4/90
0161 999 92 927728 00	\$	113.75	Aug 24/92

0161 999 92 927729 00	\$	113.75	Aug 24/92
0161 999 92 926424 00	\$	66.25	May 23/92
0161 999 00 50008428 00	\$	148.75	Apr 24/99
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0161 999 00 14833537 00	\$	128.75	July 14/94
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0161 797 92 927532 00	\$	66.25	Aug 6/92
0161 999 00 40009084 00	\$	88.75	Jan 25/99
0161 999 91 791147 00	\$	41.25	July 31/91
0161 999 92 r3563372 00	\$	91.25	July 31/92
0161 797 91 791626 00	\$	41.25	Apr 24/91
0161 999 91 r022137 00	\$	266.25	Oct 31/91
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0161 999 00 50001601 00	\$	88.75	Feb 27/99
0161 999 00 27090665 00	\$	88.75	Apr 11/97
0161 999 00 16775928 00	\$	88.75	Dec 24/94
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0161 999 00 16775927 00	\$	88.75	Dec 24/94
0161 999 00 16776840 00	\$	88.75	Nov 15/94
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0161 999 00 21119541 00	\$	88.75	Sept 23/95
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0161 999 92 r3566172 00	\$	36.25	Aug 30/92
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0161 999 00 12681279 00	\$	220.00	Apr 19/93
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0161 999 00 21119357 00	\$	145.00	July 21/95
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0161 999 91 702747 00	\$	116.25	Apr 6/91
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0161 999 92 1560 00	\$	513.75	May 10/92
0161 999 97 223 00	\$	2,420.00	Mar 28/97
0161 999 00 27050894 00	\$	335.00	Mar 28/97
0161 999 92 r3563641 00	\$	66.25	Aug 16/92
0161 999 00 21123366 00	\$	338.75	Sept 27/95
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0161 999 90 q1956861 00	\$	66.25	July 28/90
0161 999 90 001380 00	\$	263.75	July 28/90
0161 999 00 50000090 00	\$	148.75	Sept 25/99
0161 999 00 12681174 00	\$	113.75	July 8/93
0161 999 00 52296762 00	\$	82.75	Dec 5/99
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0161 999 00 40001885 00	\$	338.75	Aug 1/98
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0161 999 00 40008854 00	\$	88.75	Nov 22/97
0161 999 00 21119314 00	\$	88.75	Aug 5/95
0161 999 00 21121720 00	\$	88.75	May 2/95
0161 999 92 12015651 00	\$	66.25	Jan 7/93
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0161 999 93 12500814 00	\$	128.75	Jan 31/93
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0161 999 00 62210353 00	\$	413.75	June 7/00
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0161 999 00 40006895 00	\$	183.75	Jan 6/98
0161 999 00 291 00	\$	325.00	Sept 13/00
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0161 999 00 40006888 00	\$	398.75	Dec 15/97
0161 999 00 27052584 00	\$	128.75	June 13/96
0161 999 00 27050421 00	\$	338.75	Oct 8/96
0161 999 00 27050211 00	\$	208.75	Nov 29/96
0161 999 00 27050811 00	\$	398.75	Apr 29/97
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0161 999 00 21117882 00	\$	88.75	Mar 13/95
0161 999 00 16073874 00	\$	88.75	Nov 21/94
0161 999 00 15265497 00	\$	78.75	Mar 30/94
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0161 999 00 14633963 00	\$	78.75	Mar 11/94
0161 999 00 14633976 00	\$	78.75	Apr 20/94
0161 999 00 14633977 00	\$	78.75	Apr 22/94
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0161 999 00 21118909 00	\$	338.75	Oct 24/95
0161 999 00 21118979 00	\$	88.75	Sept 18/95
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0161 999 92 r5300352 00	\$	78.75	Dec 23/92
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0161 999 00 62212006 00	\$	213.75	Nov 4/00
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0161 999 00 16074641 00	\$	53.75	Sept 16/94
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0161 999 00 16073306 00	\$	88.75	Apr 11/96
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0161 999 00 12681636 00	\$	128.75	Nov 6/93
0161 999 00 40002017 00	\$	398.75	June 1/98
0161 999 00 27051291 00	\$	88.75	Oct 19/97
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0161 999 00 50007877 00	\$	148.75	Mar 4/99
0161 999 00 27051389 00	\$	88.75	July 28/97
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0161 999 91 791113 00	\$	116.25	May 15/91
0161 999 00 40009303 00	\$	95.00	May 15/98
0161 999 95 758 00	\$	1,170.00	May 13/95
0161 999 00 40001381 00	\$	148.75	Apr 24/98
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0161 999 00 12498331 00	\$	66.25	Apr 10/93
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0161 999 00 12681508 00	\$	78.75	Sept 19/93
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0161 999 93 1723 00	\$	75.00	Oct 3/93
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0161 797 93 12681001 00	\$	78.75	Jan 30/93
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0161 797 91 870553 00	\$	41.25	Dec 13/91
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0161 999 00 237 00	\$	155.00	May 12/00
0161 999 00 12682180 00	\$	63.75	Sept 29/93
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0161 999 93 1646 00	\$	875.00	Mar 28/93
0161 999 00 21120823 00	\$	158.75	Jan 26/95
0161 999 95 728 00	\$	310.00	May 20/95
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0161 999 96 166 00	\$	80.00	Feb 16/96
0161 999 00 40008707 00	\$	88.75	Jan 1/98
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0161 999 00 21117852 00	\$	60.00	Feb 3/95
0161 999 00 21119406 00	\$	85.00	July 6/95
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0161 999 98 20 00	\$	775.00	Nov 5/97
0161 999 94 278 00	\$	120.00	June 4/93
0161 999 00 12677652 00	\$	178.75	Sept 15/93
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0161 999 92 926775 00	\$	91.25	May 24/92
0161 999 00 16073380 00	\$	88.75	Aug 26/95
0161 999 00 50001297 00	\$	148.75	Apt 24/99
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0161 999 91 926808 00	\$	66.25	Dec 31/91
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0161 999 00 16072956 00	\$	88.75	Nov 30/94
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0161 999 00 27051621 00	\$	68.75	May 2/96
0161 999 00 50008125 00	\$	148.75	Nov 4/99
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0161 999 00 27088902 00	\$	88.75	July 11/97
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0161 999 00 16072953 00	\$	88.75	Nov 12/94
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0161 999 00 12015791 00	\$	203.75	Apr 2/93
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0161 999 92 1578 00	\$	513.75	July 28/92
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0161 999 00 40006918 00	\$	118.75	Oct 17/98
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0161 999 00 62192973 00	\$	93.75	July 30/00
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0161 999 93 1650 00	\$	650.00	Apr 21/93
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0161 999 00 12498614 00	\$	523.00	May 26/93
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0161 797 92 926309 00	\$	66.25	May 30/92
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0161 999 00 27050844 00	\$	145.00	July 20/97
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0161 999 00 12016157 00	\$	148.75	Dec 28/93
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TOTAL \$ 266,934.05



CORPORATE SERVICES COMMITTEE

Moved By: M. Van Alstine

Date: June 4, 2019

Seconded By: K. Duplessis

Motion No.: 2

Be It Resolved That: As Recommended by the Corporate Services Committee That:

Bylaw No 2921/19 be adopted, being a Bylaw to adopt a revised Code of Conduct for Council and Local Boards.

CARRIED ✓ DEFEATED _____
DEFERRED _____

Bill Foster
Chair

**RECORDED VOTE
INTEREST**

For Against

Mayor J. Beer	_____	_____
B. Foster	_____	_____
K. Duplessis	_____	_____
M. Van Alstine	_____	_____

DECLARATION OF PECUNIARY

Mayor J. Beer	_____
B. Foster	_____
K. Duplessis	_____
M. Van Alstine	_____

AGENDA # 2

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STAFF REPORT

DEPARTMENT: Administration	DATE: May 24, 2019
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ITEM: Code of Conduct

RECOMMENDATION: Be It Resolved That: As Recommended By the Corporate Services Committee That: Bylaw 2921/19 be adopted, being a Bylaw to adopt a revised by Code of Conduct for Council and Local Boards.
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BACKGROUND: Policy C08-01687 was original adopted March 2016 and has been revised in order to meet changing legislation and recommendations from the Town's Integrity Commissioner.
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ANALYSIS: The Town's Integrity Commissioner recommended changes to this Policy and the IC Protocol Policy and provided a template that is used in other Municipalities that he represents. Mr. Swayze discussed and advised Council on the requirements of the policy and the key items that must be included.

EXISTING POLICY: C08-01687 and L11-01872

STRATEGIC GOAL: Excellence in Government

FINANCIAL COMMITMENT: \$0 to change Policy

BUDGETED: NA	Yes	No
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IMPLEMENTATION: Clerk's Office/Council/Board Members

Prepared By: Paula Roque

Department Manager:

CAO / Treasurer: Cynthia Townsend

Approval of Recommendation: Yes ☒ No ☐

Comments:



The Corporation of the Town of Espanola

Bylaw No. 2921/19

**Being a Bylaw to
ADOPT A CODE OF CONDUCT
FOR MEMBERS OF COUNCIL AND LOCAL BOARDS**

WHEREAS Section 223.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

AND WHEREAS the *Modernizing Ontario's Municipal Legislation Act, 2016* (Bill 68) was enacted and includes amendments to the *Municipal Act* and the *Municipal Conflict of Interest Act* coming into force on March 1, 2019;

AND WHEREAS the Council of the Corporation of the Town of Espanola considers it appropriate and proper to establish a code of conduct (the "Code") and to enact a bylaw in this regard and repeal Bylaw 2704/16 and Policy L11-01872.

NOW THEREFORE BE IT ENACTED by Council of the Corporation of the Town of Espanola as follows:

1. THAT Council does hereby adopt the Code of Conduct, Policy C08-01687 attached hereto as Schedule "A" and forming part of this Bylaw.

Read a first, second and third time and passed in open Council on this ??th day of June 2019.

Jill Beer
Mayor

Paula Roque
Clerk

Department:	Council	Policy Number:	C08-01687
Subject:	Code of Conduct	Effective Date:	22/03/16
Bylaw No:	2921/19	Revision Date:	11/06/19
		Version #:	3



PREAMBLE

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of its Members, this Code is established to govern and regulate the ethical conduct of all Members. This Code also supplements other existing Federal and Provincial legislation and Town by-laws and policies that govern Members' conduct which include but are not limited to the following:

- Criminal Code of Canada
- Municipal Act
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act (Violence and Harassment in the workplace)
- Ontario Human Rights Code
- Planning Act
- All bylaws and policies approved by Council of the Town of Espanola

1. PURPOSE AND PRINCIPLES

- 1.1 The Code sets out and identifies the Town's expectations for its Members and establishes rules for appropriate conduct.
- 1.2 The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the Town's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
 - (a) the decision-making process of Council is open, accessible and equitable and respects the Town's governance structure;
 - (b) public office is not to be used for the personal financial benefit of any Member;
 - (c) Town residents should have confidence in the integrity of their local government and of their Members; and

- (d) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

2. DEFINITIONS

2.1 In this Code:

- (a) **"Applicant"** means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the *Municipal Conflict of Interest Act*;
- (b) **"Application"** means a written request for an investigation with respect to an alleged contravention of the *Municipal Conflict of Interest Act*;
- (c) **"Clerk"** means the Clerk of the Town or his/her designate;
- (d) **"Code"** means the "Code of Conduct for Council Members" as established by Council pursuant to Section 223.2 of the *Municipal Act, 2001*;
- (e) **"Complainant"** means a person who has filed a complaint in accordance with this Code;
- (f) **"Complaint"** means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;
- (g) **"confidential information"** means any information in the possession of or received in confidence by the Town that the Town is prohibited from disclosing or has decided to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation, which includes but is not limited to:
 - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the *Municipal Act, 2001*;
 - (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the *Municipal Act, 2001*;
 - (iii) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Town;
 - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
 - (vii) sources of Complaints or Applications where the identity of the Complainant or Applicant is given in confidence; or
 - (viii) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- (h) **"Council"** means the Council of the Corporation of the Town of Espanola.
- (i) **"gift"** means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and

accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;

- (j) **"harassment"** or **"harass"** involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:
 - (i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
 - (ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- (k) **"Integrity Commissioner"** means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the *Municipal Act, 2001*;
- (l) **"Local Board"** is hereby defined as in Section 1(1) and Section 223.1 of the *Municipal Act*, as amended.
- (m) **"meeting"** means any legally-constituted meeting of Council or a Local Board;
- (n) **"Member"** means a member of Council including the Mayor, or a member of a local Board;
- (o) **"social media"** means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (p) **"staff"** means direct employees of the Town whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- (q) **"Town"** means the Corporation of the Town of Espanola; and
- (r) **"Town property"** includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Town.

3. CONDUCT OF MEMBERS

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and respect, recognizing that a Member is always a representative of the Town and of their elected office. A Member shall at all times conduct themselves with decorum and in accordance with the Town's Procedure By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

4. COMPLIANCE WITH THE CODE OF CONDUCT

- 4.1 This Code applies to every Member. This Code shall be applied to members of Local Boards, who are not members of Council, with necessary modifications applied in the discretion of the Integrity Commissioner.
- 4.2 A Member shall:
- (a) observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
 - (b) respect the integrity of the Code and inquiries and investigations conducted under it; and
 - (c) co-operate in every way possible in securing compliance with and enforcement of the Code.
- 4.3 No Member shall:
- (a) undertake any act of reprisal or threaten reprisal against a Complainant, Applicant or any other person for providing relevant information to the Integrity Commissioner or any other person; or
 - (b) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

5. TRANSPARENCY AND OPENNESS IN DECISION MAKING

Members shall:

- (a) conduct Council business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
- (b) ensure the public has input and receives notice regarding Council's decision making processes in accordance with the Procedure By-law;
- (c) ensure compliance with the *Municipal Act*, *Municipal Conflict of Interest Act*, *Municipal Freedom of Information and Protection of Privacy Act*, and other applicable legislation regarding open meetings, accountability and transparency.

6. ACCESS TO INFORMATION AND CONFIDENTIALITY

A Member shall:

- (a) only be entitled to have access to information in the possession of the Town that is relevant to matters before Council or a Committee or that is relevant to their role as Members of Council. Otherwise, they have the same access rights to information as any member of the public. and
- (b) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Town except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*;
- (b) disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) provide to any other person to disclose, release, publish any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (e) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* or if directed to do so by a court.

7. UNDUE USE OF INFLUENCE

No Member shall use their status as a Member of Council to improperly influence the actions or decisions of staff or others to the private advantage of the Member or his or her family, employees or business associates.

8. STAFF RELATIONS

8.1 Only Council as a whole and no single Member including the Mayor, has the authority to direct employees, approve budgets, policy, and other such matters, unless specifically authorized by Council.

8.2 A Member shall:

- (a) respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the Town without undue influence from any Member.
- (b) Respect the administrative structure and direct any staff performance concerns through the appropriate supervisory staff.

8.3 No Member Shall:

- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;
- (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
- (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

8.4 A Member shall act in accordance with Policy C08-01871 Council Staff Relations.

9. GIFTS

9.1 No Member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

9.2 Notwithstanding Section 9.1 the following exceptions are applicable:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- (b) gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) compensation authorized by law;
- (d) a reimbursement of reasonable expenses incurred in the performance of activities connected with a legitimate municipal purpose;
- (e) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (f) services provided without compensation by persons volunteering their time;
- (g) a suitable memento of a function with nominal value, honouring the Member or the Town;
- (h) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country;
- (i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance.

10. USE OF TOWN PROPERTY

10.1 A Member shall:

- (a) only use Town property for activities relevant to their role as Members of Council; and
- (b) not obtain any personal financial gain or advantage from the use of Town property.

11. POLITICAL ACTIVITY

11.1 Members may not use Town resources for any type of political activity during a municipal election and at any other time, including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

12. HARASSMENT

No Member shall harass any other member, any staff, or any member of the public.

13. ENCOURAGEMENT OF RESPECT FOR THE TOWN AND ITS BY- LAWS

13.1 A Member shall:

- (a) encourage the public, prospective contractors and members of the public, and their colleagues to abide by the Town's by-laws and policies, including this Code; and
- (b) accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.

14. SOCIAL MEDIA

14.1 A Member shall:

- (a) adhere to any and all Town policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

14.2 No Member shall:

- (a) use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

15. ROLE OF THE INTEGRITY COMMISSIONER

15.1 The Town shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an Independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.

15.2 The Integrity Commissioner shall provide the following services:

- (a) The application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them.

- (b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them.
- (c) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council or of local boards.
- (d) Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
- (e) Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
- (f) Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
- (g) The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's code of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

16. COMPLAINT/APPLICATION PROCESS

- 16.1 A complaint that a member has contravened the Code may be initiated by any person, any Member of Council, or by Council as follows:
- (a) a complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - (b) a complaint must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
 - (c) a complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
 - (ii) any evidence in support of the allegation; and
 - (iii) any witnesses in support of the allegation must be identified.
- 16.2 If filed with the Integrity Commissioner after March 1, 2019, an Application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:
- (a) An application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - (b) An Application must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
 - (c) An Application shall include:

- (i) An explanation with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
 - (ii) any evidence in support of the allegation;
 - (iii) any witnesses in support of the allegation must be identified; and
 - (iv) a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention not more than six weeks before the date of application in accordance with Section 223.4.1 (5) & (6) of the *Municipal Act*, as amended.
- (d) An Application may only be made within six weeks after the Applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

16.3 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- (a) **Criminal Matter** – If the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- (b) **Municipal Freedom of Information and Protection of Privacy** – If the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
- (c) **Municipal Elections Act** – If the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

16.4 If the Integrity Commissioner determines they do not have jurisdiction as described in Section 16.3 the Integrity Commissioner shall advise the complainant in writing accordingly.

16.5 The Integrity Commissioner may dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavour to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.

- 16.6 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 16.7 If the Integrity Commissioner has decided to commence an investigation of a Complaint (except where otherwise required by the *Public Inquiries Act*, 2009, if applicable), or of an Application, the Integrity Commissioner shall provide a copy of the Complaint or Application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the Complainant or Applicant with a request for a written reply also within ten (10) days.
- 16.8 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any Town workplace relevant to the complaint, including any documents or records under the custody or control of the Town.
- 16.9 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 16.10 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
 - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 16.11 Upon conclusion of an Application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of

the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.

16.12 The Integrity Commissioner shall:

- (a) advise the Applicant if he or she will not be making an application to a judge; and
- (b) after deciding whether or not to apply to a judge, provide a written report providing reasons for the decision.

16.13 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

17. PENALTIES

17.1 Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days.

17.2 Council may also take the following actions:

- (a) removal from membership of a Local Board;
- (b) removal as chair of a Local Board;
- (c) request the repayment of reimbursement of monies received;
- (d) request the return of property or reimbursement of its value;
- (e) request an apology.

18. INTERPRETATION

18.1 This code shall be interpreted as follows:

- (a) the headings in the Code form no part of the Code but shall be deemed to be inserted for convenience of reference only;
 - (i) all changes in number and gender shall be construed as may be required by the context;
 - (ii) the reference to any Town official shall be deemed to include the Town official who performs the duties of such referenced person from time to time, including their delegates;
 - (iii) the reference to Integrity Commissioner shall be deemed to include any person who has been delegated powers and duties by the Integrity Commissioner in accordance with subsection 223.3(3) of the *Municipal Act*, 2001;
 - (iv) the reference to a statute or regulation, except as may be otherwise provided, shall be deemed to include such statute or regulation as may be amended or re-enacted from time to time

- or its successor legislation, and, in each case, the regulations made from time to time pursuant thereto;
- (v) the reference to a by-law, resolution, policy or guideline made, enacted, established or adopted by the Town, including the Code, except as may be otherwise provided, shall be deemed to include such by-law, resolution, policy or guideline as may be amended or re-enacted from time to time or its successor by-law resolution policy or guideline made, enact, established or adopted from time to time; and
 - (vi) if a court of competent jurisdiction should declare any section or part of a section of this Code to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Code and it is hereby declared that the remainder of this Code shall be valid and remain in force.

DRAFT



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 2925/19

**Being a bylaw of the Town of Espanola to Adopt
the Minutes of Council for the Term Commencing
December 1st, 2018, and Authorizing
Taking of any Action Authorized Therein and Thereby**

WHEREAS Section 101 of the Municipal Act, R.S.O. 1990, C. M45, as amended, requires a municipal council to exercise its powers by bylaw, except where otherwise provided;

AND WHEREAS in many cases, action which is taken or authorized to be taken by a Council or a Committee of Council does not lend itself to an individual bylaw;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESPANOLA ENACTS AS FOLLOWS:

1. That the Minutes of the meetings of the Council of the Town of Espanola for the term commencing December 1st, 2018, held on: June 11, 2019 and the same are hereby adopted.
2. That the taking of any action authorized in or by the Minutes mentioned in Section 1 hereof and the exercise of any powers by the Council or Committees by the said minutes be and the same are hereby ratified, authorized and confirmed.
3. That where no individual bylaw has been or is passed with respect to the taking of any action authorized in or by the Minutes mentioned in Section 1 hereof or with respect to the exercise of any powers by the Council or Committees in the above mentioned Minutes, then this bylaw shall be deemed for all purposes to be the bylaw required for approving and authorizing the taking of any action authorized therein or thereby or required for the exercise of any power therein by the Council or Committees.
4. That the Mayor and proper officers of the Corporation of the Town of Espanola are hereby authorized and directed to do all things necessary to give effect to the recommendations, motions, resolutions, reports, action and other decisions of the Council or Committees as evidenced by the above mentioned Minutes in Section 1 and the Mayor and Clerk are hereby authorized and directed to execute all necessary documents in the name of the Corporation of the Town of Espanola and to affix the seal of the Corporation thereto.

Read a First, Second and Third Time and Passed this 25th day of June 2019.

J. Beer
Mayor

P. Roque
Clerk



The Corporation of the Town of Espanola

Bylaw No. 2926/19

**Being a Bylaw to Execute An Agreement Between
The Town of Espanola and
eSCRIBE Software Ltd**

THAT the Council of the Corporation of the Town of Espanola enacts as follows;

1. That the Mayor and CAO/Treasurer are hereby authorized to execute an agreement between The Town of Espanola and eSCRIBE Software Ltd.
2. That the agreement shall be attached to and become part of the Bylaw.

Read a first, second and third time in open Council on this 25th day of June 2019.

Jill Beer
Mayor

Paula Roque
Clerk



REGULAR MEETING OF COUNCIL

Moved By: Heather Malott Date: May 28, 2019

Seconded By: Ray Dufour Motion No. 19-119

BE IT RESOLVED THAT:

The Town of Espanola enter into a three year contract in the amount of \$9950 per year with eSCRIBE Software of Markham Ontario to provide the following services:

- Video Webstreaming
- Staff Report Approval Workflows and Agenda Preparation
- Internet Publishing of AODA Compliant Agendas, Minutes and Video
- Citizen Engagement Including Bill 68 Conflict of Interest Registry Support
- Meet Management including recording minutes, votes, conflict of interest and tagging of minutes to video

CARRIED ☒ DEFEATED ☐

DEFERRED ☐

Joe Beer
Chair

RECORDED VOTE

	For	Against
Mayor J. Beer	_____	_____
R. Dufour	_____	_____
K. Duplessis	_____	_____
B. Foster	_____	_____
S. Hayden	_____	_____
H. Malott	_____	_____
M. Van Alstine	_____	_____

**DECLARATION OF
PECUNIARY INTEREST**

Mayor J. Beer	_____
R. Dufour	_____
K. Duplessis	_____
B. Foster	_____
S. Hayden	_____
H. Malott	_____
M. Van Alstine	_____



The Corporation of the Town of Espanola

Bylaw No. 2927/19

**Being a Bylaw of the Town of Espanola
to Execute An Agreement Between
The Espanola Police Services Board and the Ministry of the Solicitor General**

THAT the Council of the Corporation of the Town of Espanola enacts as follows;

1. That the Mayor and CAO/Treasurer are hereby authorized to execute an agreement between The Espanola Police Services Board and the Ministry of the Solicitor General under the R.I.D.E. Grant Program.
2. That the agreement shall be attached to and become part of the Bylaw.

Read a first, second and third time in open Council on this 25th day of June 2019.

Jill Beer
Mayor

Paula Roque
Clerk

Ministry of the Solicitor General

Public Safety Division
External Relations Branch

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3
Tel.: 416 314-3010
Fax: 416 314-3092

Ministère du Solliciteur général

Division de la sécurité publique
Direction des relations extérieures

25, rue Grosvenor
12^e étage
Toronto ON M7A 2H3
Tél.: 416 314-3010
Télec.: 416 314-3092



June 11, 2019

Her Worship Jill Beer
Chair
Espanola Police Services Board
100 Tudhope Street
Espanola ON P5E 1S6

Dear Mayor Beer:

Re: Reduce Impaired Driving Everywhere (R.I.D.E.) Grant Allocation for 2019-2020

As you know, protecting the people of Ontario and keeping communities safe is a top priority for this government. That is why we have committed to provide frontline police with the tools, resources and supports they need to protect our communities.

I am pleased to inform you that **Espanola Police Services Board** has been granted an allocation of **\$8,853.00** under the R.I.D.E. Grant Program for the 2019-2020 fiscal year. This grant is intended to enhance the regular R.I.D.E. program currently being conducted by the **OPP Manitoulin (Espanola)** to offset the costs for sworn officers' overtime and paid duty.

Attached is a copy of the R.I.D.E. Grant contractual agreement, which covers the period from April 1, 2019 and ending March 31, 2020. Execution of this agreement is a precondition for the reimbursement of claims you will make under your R.I.D.E. Grant Program and binds you to specific requirements as referred to in Article 7 and stipulated in Schedule D (Budget, Payment Plan and Reporting).

Please have the authorized signatory for the grantee sign the agreement and return **two original signed** copies along with **proof of your general liability insurance** (\$5 million), indemnifying "Her Majesty the Queen in Right of Ontario, her Ministers, Agents, Appointees and Employees", as per section A10.2 of the agreement, by **July 31, 2019**, to:

Ms. Yoko Iwasaki
Community Safety Analyst
Program Development Section, External Relations Branch
Public Safety Division
Ministry of the Solicitor General
12th Floor, 25 Grosvenor Street
Toronto ON M7A 2H3

.../2

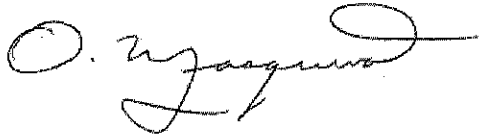
Mayor Jill Beer
Page Two

Your copy of the fully executed contract will be returned to you as soon as possible.

Regrettably, impaired driving is one of the leading causes of criminal death and injury in our society. The R.I.D.E. program continues to be an effective deterrent against drinking and driving and remains an important program to educate the public.

Thank you for your support and participation in this valuable initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "O. Mosquera". The signature is fluid and cursive, with a large loop at the end.

Oscar Mosquera
Manager
Program Development Section
External Relations Branch

Enclosure

c: **OPP Manitoulin (Espanola)**

Department: General Administration	Form Number: A99-01371
Subject: Departmental Report	Effective Date: 06/05/17
Policy No:	Revision Date: 08/04/27
Bylaw No:	Version #: 2

DEPARTMENTAL REPORT

DEPARTMENT: Leisure Services	MONTH: May, 2019
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Project Status:

Building

- Making progress with dirty power issue. Transformer has been tapped and power factor correction system is working perfectly. Next step will be to re-install drives for the pool HRV
- Project work on hold (short on staff)
- Summer hours commenced May long weekend

Arena

- Project work in arena delayed (short on staff)
- Brine analysis came back unfavourable. Metal Air to resolve issue

Pool

- 5 regional schools (grades 4 & 7) started Swim to Survive lessons
- 1 school (JK to grade 3) began Swim at School Program
- Spring Lesson Session began
- Held last Shelley Newton Sunday Rec Swim until October
- Plans underway for a volunteer run Shelley Newton Memorial Fundraiser carwash June 23rd at the Rec Complex
- Aquatic Paddle Board Yoga cancelled due to lack of participants

Special Events/Programs held by Community Partners

- Local Hippie Mothers Day Vendor Fair (48 tables) very successful
- St Joseph School hosted a multi-sport event on the arena pad with schools participating from Massey and Little Current – they plan to expand and host in 2020
- Knight Cruisers Car Club hosted Annual Car & Craft show, Breakfast with the Masons & Plant Show by Horticultural Society
- Independent Assembly of God hosted worship & workshops for all denominations
- Noojmowin Teg Health Centre offers soccer program/flag football & multi-sports to youth (registration insufficient to continue programs)

Events/Programs

- Tennis & Pickle Ball season opened
- Meeting held with Pickle Ball players to plan for program expansion to include indoor play on arena floor Mon & Thurs nights and on rain dates until July 31st when the ice plant starts
- Facilitated a donation of \$450 for 2 more portable pickle ball nets

- Booked indoor Pickle Ball times with Rainbow School Board for fall of 2019 and winter of 2020
- Mailed out Volunteer Appreciation Day invites to all volunteer run organizations to share with their members before they break for the summer. Volunteer Appreciation Celebration is planned for Sat Sept 28th 7-9pm featuring Internationally recognized comedian/ventriloquist Mark Crocker
- Met with representative of Tourism Culture & Sport to discuss Recreational Status & development opportunities for recreation & culture throughout community
- Met with Our Children Our Future to discuss challenges/opportunities surrounding the Free After School Program. Our Children Our Future have determined the program is no longer sustainable because they were not able to attract the number of participants required by the Province.
- Met with EHS as a follow-up to our reciprocal agreement
- Ongoing work on Summer Programs, Camps & Events, Seniors Appreciation, July 1st, Cycle Event, Outdoor Movie, Volunteer Appreciation & Pumpkin Festival
- 2 local businesses have come on board with sponsorships to support Pumpkin Festival programming

Promotions

- Capitalized on the Car show to promote Summer Programs, Camps & Events Playground Survey, & Seniors Appreciation Day
- Face book, LED, community Channel, radio and print promotions ongoing for Summer Programs, Camps & Events, Playground Survey, Seniors Appreciation, June classes

Recreation Master Plan

- Met with Recreation & Culture Advisory Committee

Complaints / Compliments:

- Wondering when the radio will be working again
- 2 complaints about water pooling in downstairs women's washroom
- Birds nest above front entrance
- 2 complaints about stall in women's washroom being out of toilet paper
- Cable snapped on Quad Extension Machine
- 3 compliments that The new Hitt Machine is awesome

Employee Status:

- Full time facility resigned
- Casual facility was successful applicant for Full-time Facility position
- Full time facility on modified work due to injury
- Casual facility on modified work due to injury
- Fulfilled casual facility position for the summer months

Visitors:

MAY 2019

DROP INS	
Aquafit	6
Fitness Centre	84
Line Dancing	30

MAY 2018

DROP INS	
Aquafit	10
Fitness Centre	143
Line Dancing	17

Squash	0
Swim	341
TOTAL	461

Memberships - RESIDENT	
Aquafit	85
Bronze Pool	152
Fitness	859
Squash	11
Silver	42
Gold	0
Pool Pass	75
Private Swim Lessons	0
TOTAL	1224

Memberships - NON RESIDENT	
Aquafit	116
Bronze Pool	39
Fitness	142
Squash	3
Silver	24
Gold	0
Pool Pass	57
Private Swim Lessons	2
TOTAL	383

SHELLEY NEWTON FREE SWIM	
May 12	13

LIONS' FREE SWIMS	
May 4	67
May 11	37
May 18	32
May 25	63
TOTAL	199

Squash	11
Swim	411
TOTAL	592

Memberships - RESIDENT	
Aquafit	151
Bronze Pool	116
Fitness	1152
Squash	9
Silver	120
Gold	3
Pool Pass	0
Private Swim Lessons	0
TOTAL	1551

Memberships - NON RESIDENT	
Aquafit	94
Bronze Pool	84
Fitness	298
Squash	2
Silver	33
Gold	0
Pool Pass	44
Private Swim Lessons	2
TOTAL	557

LIONS' FREE SWIMS	
May 5	95
May 12	68
May 19	54
May 26	63
TOTAL	280

Department Manager: Joel Yusko

Submitted on: June 6/2019

Department: Economic Development	Form Number: A99-01371
Subject: Departmental Report	Effective Date: 02/12/19
Policy No:	Revision Date:
Bylaw No:	Version #: 1

DEPARTMENTAL REPORT

DEPARTMENT: Economic Development MONTH: May 2019

Funding Opportunities

- Reviewed Green Jobs Initiative & suggested it for a local community organization to secure seasonal employment
- Reviewed Building Communities through Arts & Heritage as a possible opportunity for festival funding

Community Improvement Plan

- 2 inquiries from new businesses but no new applications
- Follow up with existing applicant on status report

Economic Development Corporation

- Awaiting reply from lawyer

Business Development

- Welcome Bags now being delivered by Keystone Real Estate Inc. Brokerage, Remax Crown Realty & Brentwood Village upon the closure of a home sale to an out of town buyer
- A total of 14 businesses & organizations have contributed to the Welcome Bags
- Follow up on a lead of a business owner looking for space to relocate business
- Meetings with two business people interested in establishing a business network
- Follow up discussion with prospective housing developer from USA
- Ongoing discussions with Blue Sky Network for business development opportunities to support small & medium size businesses with technology/website & social media support
- Follow-up with Regional Business Centre on workshops to support local business start ups to be held June 3rd/shared this on face book & direct calls and emails to businesses
- ongoing review of business directory to ensure information is current

Promotions

- the Northern Ford NASCAR Espanola Tribute car featured on CTV news – shared on our face book page
- Winter Banner Contest submissions were put on display at the Rec Complex during the car show for community voting – the display remains up and so far we have received 230 votes

- Received the Spring/Summer Highway banners from the printer – the banners will be hung as soon as Public Works has a schedule opportunity
- Received inquiries from people interested in relocating to Espanola & area from Niagara Falls, Stratford, Kitchener, USA
- Face book promotion of Espanola online business directory
- Discussions with Town folio on moving forward with Ec Dev profiles on website

Other

- Attended the Lambac Trade Fair in Little Current as one of the judges of the booths
- Met each Espanola business operator at the Trade Fair to discuss support resources through the Town of Espanola CIP/Business Directory/direction to support resources
- Met with some out of town businesses at the Trade Fair and discussed opportunities for relocation and or expansion to Espanola
- Attended planning meeting on Heritage Park reformation
- Reviewed TRIEM manual on impact assessment of cultural and tourism events
- Reviewed Principles of Asset Based Community Development
- Redirected 2 businesses and 1 community organization to resources to assist with summer hiring

CEDO: Cheryl Kennelly

Submitted on June 5, 2019

Department: General Administration	Form Number: A99-01371
Subject: Departmental Report	Effective Date: 06/05/17
Policy No:	Revision Date: 08/04/27
Bylaw No:	Version #: 2

DEPARTMENTAL REPORT

DEPARTMENT: Public Works

MONTH: May 2019

PROJECT STATUS:

- **Bio-Solids:** Awaiting results of funding application.
- **Asset Management:** On-going.
- **Hwy 6/Centre St.:** Contractor has remobilized. Deficiency repairs, surface asphalt, property restorations and traffic sensing loops at Second Avenue to be completed by June 30, 2019.
- **IRP Phase 2A:** Contractor has remobilized. Deficiency repairs, surface asphalt and property restorations to be completed by June 30, 2019.

TRANSPORTATION:

- Public Works continued with regular maintenance of town streets and back roads including road maintenance, brushing & tree cutting, patching, sweeping, shouldering, grading, ditching, sign repairs, grass cutting and garbage/debris pick-up.
- Put up closed road sign at Spanish River boat launch due to flooding of turn-around and launch area.
- Repaired sink holes.
- Installed entrance sign for Domtar on Centre St. at full cost recovery.
- Performed spring lawn repairs from winter damage.
- Replaced broken guardrails on Clear Lake Hill.
- Repaired culvert washouts.

EQUIPMENT:

- #13 Tri-axle Truck is still down from February 4th. PWD mechanics will attempt further electrical troubleshooting when time permits this summer.
- #3 Grader is still down from April 9, 2019. Parts are received. This grader is predominately a snow plow. Mechanics will repair when time permits this summer.
- #36 Sweeper is down from May 21, 2019. Not yet repaired.

ENVIRONMENTAL:

- Installed garbage cans around town.

- Opened yard waste depot on May 2, 2019.
- Three blue boxes were issued during the month of May.

BEAUTIFICATION:

- Replaced dedication tree at Clear Lake Beach as the tree died.
- Started prepping the flower beds.
- Installed brick flower garden border at North Entrance.

CEMETERY:

- Continued with burials & monument layouts.

BALL FIELDS/PARKS/CLEAR LAKE BEACH:

- Repaired and maintained fields
- Men's & Ladies Slo-Pitch, Fastball, Minor Ball & Soccer seasons have begun.
- Installed basketball hoops at the outdoor rink.

WATER & SEWER:

- Repaired catch basins and hydrants.
- Repaired water service on Buzdygan St.
- Repaired water main valve.
- Performed 2 sanitary sewer service camera inspections.
- Had sanitary sewer service camera repaired.
- Flushed hospital water lines due to complaints of dirty water.
- There was one complaint of dirty water in the distribution system.
- There was one complaint of a sewer back-up. The homeowners were advised to contact plumbers as the blockages were in the services.
- Provided one residence with iron remover.

INTER DEPARTMENTAL:

- Maintained vehicles and equipment for other departments.
- Moved shed & seacan and lifted asphalt for Fire Dept.
- Repaired flagpole for the Complex.
- Assisted the Firehall Construction Project with Second Ave. entrance work and fence installation.

COMPLAINTS/COMPLIMENTS:

- There was a complaint regarding potholes on Bass Lake Rd from the Ski Hill to the Dump.
- There was one compliment for the condition and cleanliness of the pavilion and washrooms.

EMPLOYEE STATUS:

- A Public Works employee is off on long term disability since March 2018. Another Public Works Employee is off on short term disability since April 15, 2019.

- One employee retired on May 1, 2019.
- 8 summer students began working on May 6, 2019.
- The water operators attended the annual water conference on May 14 & 15, 2019 in Sault Ste. Marie.
- 4 employees attended Genie TZ-50 training at the Public Works Department.
- Temporary employee #672 was awarded the full-time position to fill the permanent vacancy left by the May 1st retirement.
- Temporary employee #671 resigned effective May 24, 2019.

Unapproved

JUN 14 2019

JOINT HEALTH & SAFETY MEETING MINUTES**Thursday, May 2nd, 2019****9:00 a.m.****Upstairs – Fire Hall**

Present: D. Parker Manager Rep.
D. Sokoloski Worker Rep.
A. Kelly Worker Rep.

Absent: D. Massicotte Manager Rep.
B. Stewart Worker Rep.

Recording Secretary: A. Duguay

Co-Chair D. Parker presided over the meeting. The meeting was called to order at 9:05 A.M.

Acceptance of Minutes:**1. D. Sokoloski – A. Kelly**

THAT: The Joint Health & Safety Committee hereby approves the minutes of the April 4th, 2019 meeting. Motion carried.

Inspections: April inspections were completed by the Non-Union/Fire Department.

Dept.	Date Inspected	# of Hazards	Date Repaired
Fire	17-Apr-19	0	N/A
Admin.	18-Apr-19	0	N/A
Recreation	17-Apr-19	0	N/A
Library	17-Apr-19	0	N/A
PWD	17-Apr-19	1	17-Apr-19

May inspections are to be completed by the Public Works Department.

Other Reports:

Outstanding Issues:

Any Other Business:

Recognition Sub-Committee:

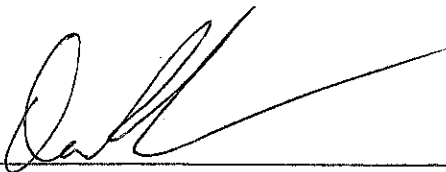
Safety Recognition BBQ to be held on Wednesday June 12, 2019.
Council passed motion for Recognition Safety Awards.

New Business: Discussed medical incidents occurring at the workplace.

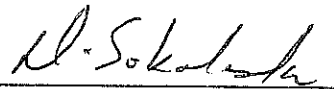
Next Meeting: **Thursday June 6th, 2019 @ 9:00 A.M. – Fire Hall**

Adjournment: **2. D. Sokoloski**

THAT: The Joint Health & Safety Committee is hereby
adjourned. Time: 9:22 A.M. Motion carried.



D. Parker, Co-Chair



D. Sokoloski, Co-Chair

Feeding Wildlife

A discussion ensued. The Clerk explained that complaints have been received regarding residents feeding wild animals within the community and staff would like direction on whether or not to move forward with the preparation of a bylaw to deter and enforce residents from doing so. It was the consensus of the Committee to not move forward with this.

Notice of Motion

K. Duplessis – M. Van Alstine

Be It Resolved That: As Recommended by the Corporate Services Committee That: Effective immediately, all new positions and replacement of existing positions will be reviewed by council, prior to advertising or prior to the internal selection process.

Carried

Hiring Policy

A discussion ensued. It was the consensus of the Committee to include this Item in the G Section on the Regular Meeting of Council Agenda of June 25, 2019.

Adjournment

M. Van Alstine – K. Duplessis

The Corporate Services Committee meeting is hereby adjourned.

Time: 4:37 pm.

B. Foster
Chair

P. Roque
Clerk

Department: Human Resource	Policy Number: H11-01282
Subject: Hiring Policy	Effective Date:
Bylaw No: 1917/06	Revision Date: 12/11/21
	Version #: 4

Purpose:

The purpose of the recruitment, selection and hiring policy shall be to clearly delineate the philosophy and principles, which govern recruitment in all Departments by the Corporation of the Town of Espanola.

Policy:

To ensure that the Town of Espanola selects the most qualified candidates, the hiring process which recognizes equal opportunity and is based on merit.

General Guidelines

The Corporation embraces certain fundamental principles and concepts which govern the recruitment, selection and hiring policy.

Employee

Requisition Form

Each Department Manager shall submit to the Corporate Services Committee an employee requisition form for approval prior to the advertising of a **new full time** position. The Form # H99-01390 is attached hereto and shall form part of the policy.

Criminal

Reference Check

A criminal reference check is required before anyone can be hired, transferred, promoted or accepted as an employee, contractor or volunteer into positions of trust. Refer to the Criminal Reference Check Policy #P13-01284.

Testing

The process for hiring will generally consist of testing candidates on their skills and may include physical testing.

Criteria

The selection and appointment shall be based solely on consideration of merit and ability to perform effectively in a designated position with the main consideration being the qualifications and personal suitability of the applicant. The following criteria will be randomly used to consider hiring depending upon department need: for education, employees shall have a minimum of Grade 12 and shall provide an original transcript or diploma; skill; experience; past performance in a position; abilities to perform the essential duties of the position, work experience and personal suitability.

Human Rights

The process will be fair and will be in accordance with the Ontario Human Rights Code and the Ontario Employment Standards Act.

Hiring of Relatives

It is the policy of the Town of Espanola to accept all applications for employment. The main consideration in selecting among applicants for a vacancy will be the qualifications and ability to perform the essential duties of the position and personal suitability of the applicant. The fact that a potential employee is related to an existing employee, a local board member or member of Council neither prejudices nor advances that person's hiring prospects.

Local Hiring

All other hiring factors being equal, a resident or taxpayer of the Town of Espanola will be given preference, students included.

FULL TIME

Definition of Employment Status

Employees who work 35 hours or more per week on a continuous basis in an approved job classification.

Procedure of Committee

Where it has been recognized by the Department and approved by Council that a **newly created** permanent position is required, the position will be advertised indicating a complete list of requirements. The applicants will be short listed and interviewed by the selection hiring committee. A council resolution is required for hiring of the individual and the rate of pay will be determined by Council or the current Collective Agreement in effect.

Rate of Pay Provision

For a full time position who is a member of the Canadian Union of Public Employees the rate of pay shall be established by the governing Collective Agreement. For a non union permanent position the rate of pay shall be subject to a pay grid as established and maintained by Council.

Selection/Hiring Committee

When hiring a full time employee in a supervisory role, the committee will generally be comprised of the following;

Administration Clerk Treasurer/Administrator or designate will act as a resource person in an advisory capacity.

Manager The Department Manager or designate will be on the committee involving hiring within their budget authorization.

Council At least one Councillor will be on the Committee.

Interviews Members appointed to the selection/hiring committee must be present for all interviews to be part of the final decision on any hiring within their department.

When hiring a full time employee not in a supervisory role, the committee will generally be comprised of the following;

Administration Clerk Treasurer/Administrator or designate will act as a resource person in an advisory capacity.

Manager The Department Manager or designate will be on the committee involving hiring within their budget authorization.

- Supervisor** The Supervisor or designate responsible for the function in the department will be on the committee.
- Interviews** Members appointed to the selection/hiring committee must be present for all interviews to be part of the final decision on any hiring within their department.

A questionnaire will be used by the selection/hiring committee based on criteria relating to the position in question and to afford the committee the legitimate right of employers to obtain the most qualified and suitable candidate for a particular position. A point system will be assigned to the questionnaire in order to aid in determining the most suitable candidate.

PART TIME

Definition of Employment Status

Part Time	Employee who is scheduled to work less than 35 hours per week.
Part Time/ Permanent	Employee who is regularly scheduled to work on a continuous basis.
Temporary/ Casual	Employees who work the standard number of hours on a temporary basis as a replacement for full time employees or for work overload situations; or to perform specific assigned tasks

Procedure of Committee

Part Time/ Temporary/ Casual	Part time help may be required to replace full time employees who are on holidays or are off for an indefinite period of time. Hiring of temporary part time staff from the approved pool of employees is at the discretion of the Department Manager provided that funding is available.
---	---

A temporary part time/casual pool of employees may be established from where each Department may draw from if suitable and meets the needs of the department. The selection process of hiring must be adhered to and employees have completed the enrolment process.

An advertisement for temporary part time/casual pool positions indicating a complete list of requirements will be made as required.

The rate of pay for temporary part time/casual staff will be established by Council in a "rate of pay provision" policy or union contract.

Selection/Hiring Committee

When hiring part time temporary or part time permanent, the committee will generally be comprised of the following;

Administration	Clerk Treasurer/Administrator or designate will act as a resource person in an advisory capacity when required.
Manager	The Department Manager or designate within that department shall be on the committee.

Supervisor The Supervisor or designate responsible for the function in the department will be on the committee.

Interviews Members appointed to the selection/hiring committee must be present for all interviews to be part of the final decision on any hiring within their department.

A questionnaire will be used by the selection/hiring committee based on criteria relating to the applicant's ability to do the job in question and to afford the committee the legitimate right of employers to obtain the most qualified and suitable candidate for a particular position. A point system will be assigned to the questionnaire to determine the most suitable candidate.

SUBSIDY

Definition of Employment Status

Employees who are qualified by eligibility in a subsidized and sponsored program.

Procedure of Committee

The Municipality from time to time qualifies for grants which are sponsored by the Federal and or Provincial Government. These employees are hired for specific projects which the Town is reimbursed by some means for wages and/or materials.

If required, referrals from the Canada Employment Centre or other agencies must be provided by the individuals. Hiring of grant personnel is at the discretion of the Selection Committee.

The rate of pay for grant staff shall be established by Council, or as directed by the sponsoring organization.

A Department Hiring Committee will be established to determine the most suitable candidate.

Selection/Hiring Committee

When hiring employee who qualifies for a subsidy program for an interim time or seasonal, the committee will generally be comprised of the following;

- | | |
|-----------------------|--|
| Administration | Clerk Treasurer/Administrator or designate will act as a resource person in an advisory capacity. |
| Manager | The Department Manager or designate within that department will be on the committee. |
| Supervisor | The Supervisor or designate responsible for the function in the department will be on the committee. |
| Interviews | Members appointed to the selection/hiring committee must be present for all interviews to be part of the final decision on any hiring within their department. |

When hiring employee who qualifies for a subsidy program on a part time permanent or permanent basis; the selection/hiring committee may include at least one councillor.

A questionnaire will be used by the selection/hiring committee based on criteria relating to the applicant's ability to do the job in question and to afford the committee the legitimate right of employers to obtain the most qualified and suitable candidate for a particular position. A point system will be assigned to the questionnaire to determine the most suitable candidate.

STUDENT

Definition of Employment Status

Employees who are hired to perform work on a seasonal basis during specific time periods and for activities or projects which have been allocated within the current approved budget.

Procedure of Committee

Each department is to establish a list of positions that must be filled to carry out the approved programs. Post all positions indicating a complete list of requirements for each position. List of positions will be posted at the Municipal Office, Canada Employment Office and Department offices. A deadline of April 15th will be used for most summer positions; however some positions may be filled prior to this date with the Clerk Treasurer/Administrator's approval. Applicants may indicate positions desired however, the Committee's selection will be final.

- 1) Suitable candidates who have met the criteria and are University or College students will be given preference, then secondary.
- 2) Applicant must be returning to school and must show proof that they are a full time student and enrolled in a recognized post secondary institution in the forthcoming year.

Following the interview process, should there be more applicants qualified that have met the criteria for a particular program than required, the suitable candidates shall enter into a lottery system that will be conducted by the Hiring Committee.

Only successful students will be notified; the rate of pay for students shall be established by Council in the "rate of pay provision" policy.

Selection/Hiring Committee

When hiring students, the committee will generally be comprised of the following;

Manager	The Department Manager or designate within that department may be on the committee.
Supervisor	The Supervisor or designate responsible for the function in the department shall be on the committee.
Interviews	Members appointed to the selection/hiring committee must be present for all interviews to be part of the final decision on any hiring within their department.

A questionnaire will be used by the selection/hiring committee based on criteria relating to the applicant's ability to do the job in question and to afford the committee the legitimate right of employers to obtain the most qualified and suitable candidate

for a particular position. A point system will be assigned to the questionnaire to determine the most suitable candidate.

VOLUNTEERS

Definition of Employment Status

Volunteer Firefighter Employees who are classified as Volunteer Firefighters.

Volunteers Individuals from time to time are used for specific projects.

Procedure of Committee

Volunteer In the case of volunteer firefighters, the position will be advertised indicating a
Firefighters complete list of requirements. The applicants will be short listed and interviewed by the selection committee.

Volunteers Where it has been recognized by a Department Manager, that volunteers are required to assist with special projects, it shall be at the discretion of the Department Manager to select the individuals.

Selection/Hiring Committee

When hiring volunteer firefighters, the committee will generally be comprised of the following;

Manager The Department Manager or designate within that department will be on the committee.

Supervisor The Deputy Chief and one or two Captains will be on the committee.

Interviews Members appointed to the selection/hiring committee must be present for all interviews to be part of the final decision on any hiring within their department.

A questionnaire will be used by the selection/hiring committee based on criteria relating to the applicant's ability to do the job in question and to afford the committee the legitimate right of employers to obtain the most qualified and suitable candidate for a particular position. A point system will be assigned to the questionnaire to determine the most suitable candidate.

BOARD AND COMMITTEE

SELECTION/HIRING COMMITTEE

The Committee composition will vary depending on the definition of the employment status required and the Department or Departments, but will generally be comprised of the following:

Committee/Board	In the case of committee or Board operating within a department, at least one
Member	committee member may be on the selection/hiring committee in the hiring of an employee in a supervisory role.

TERMS AND CONDITIONS OF EMPLOYMENT

1. I shall be required to observe all the safety regulations of the Corporation.
2. That I am entitled to become and remain a member in good standing of any local union or association for which I would be eligible within the specified time as detailed in the union contract agreement and to pay the monthly dues.
3. That should I be appointed to permanent service and be eligible to participate, I will automatically become a member of the employer's pension plan.
4. I understand that I am only entitled to participate in the benefit program offered by the Employer if I am found to be eligible by the insurer. If the insurer denies my coverage I agree and accept that the Employer has no obligation to provide such benefits
5. That I shall not acquire seniority rights during the probationary period which will give me the opportunity to adjust to a new career and will also provide the Corporation with an opportunity to evaluate my adaptability in the new position.
6. That I shall be a probationary employee only for a period determined by either the Collective Agreement with the appropriate local union or association or by the Corporation.

I hereby certify that the statements made by me in this application are true and complete to the best of my knowledge and belief and are made in good faith. I understand that if any of these statements are untrue, this application may be rejected or any appointment to a position rescinded.

In consideration of this application, I authorize the Corporation or any agency acting on their behalf to make whatever inquiries the Corporation deems necessary concerning my past employment.

Date: _____ Signature: _____

APPLICATION FOR EMPLOYMENT

Employment Application

A standardized application for employment shall be used by all Departments of the Town of Espanola, Form # H99-01336 and Form # H99-01419 for Volunteer Firefighters and shall form part of the policy.

Summer Employment Application

A standardized application for summer employment shall be used by the Leisure Services, Library and Public Works Department, Form #H99-01335 and shall form part of the policy.

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STAFF REPORT

DEPARTMENT: Building Services

DATE: June 12, 2019

ITEM: Building Inspector/Property Standards Officer

RECOMMENDATION: Be It Resolved That: Staff proceeds with filling the vacant Building Inspector position.

BACKGROUND: The resignation of our Building Inspector / Property Standards Officer effective May 31, 2019 represents a substantial setback. The person that has left this position was a valuable required asset to our operation. The varied construction background brought to the job, the experience gained over the last 4 years and the considerable investment of training on the part of the municipality were all measurements of this asset. The ability to attract someone of equivalent standing and reside here for their career, filling this position will be a challenge.

ANALYSIS: Temporarily operating Building Controls and Property Standards without sufficient staff and effectively filling the vacancy presents at a number of issues that are of concern: not replacing this position will increase the liability to the municipality substantially. Approximately 75-80% of all errors and omissions liability claims stem from alleged failure or not complying to prescribed inspections. Insufficient staffing levels will result in a severe backlog of issuing building permits and mandatory inspections and as such result the Ontario Building Code Regulations will not be met. The Property Standards duties would not be fulfilled.

EXISTING POLICY: Council Approval

STRATEGIC GOAL: Maintain our Infrastructure
Excellence in Government
Safe & Healthy Community

FINANCIAL COMMITMENT: Budgeted position

BUDGETED: Yes ☒ No ☐

IMPLEMENTATION: Building Services

Prepared By:

Dan Rivet, C.B.C.O. Chief Building Official

CAO/Treasurer:

Cynthia Townsend

Approval of Recommendation:

Yes ☒ No ☐

Comments: See position advertisement and job task list.

19/06/2019 11:49:55AM



Summary:	2023-11-15 10:00:00 - 11:00:00 11:00:00 - 12:00:00 12:00:00 - 13:00:00 13:00:00 - 14:00:00 14:00:00 - 15:00:00 15:00:00 - 16:00:00 16:00:00 - 17:00:00 17:00:00 - 18:00:00 18:00:00 - 19:00:00 19:00:00 - 20:00:00 20:00:00 - 21:00:00 21:00:00 - 22:00:00 22:00:00 - 23:00:00 23:00:00 - 00:00:00		
Location:	11:00:00	12:00:00	13:00:00
Department:	11:00:00	12:00:00	13:00:00
Scenario:	11:00:00	12:00:00	13:00:00
Job ID:	11:00:00	12:00:00	13:00:00

Building Code Management

1. Plans Examination
2. Reviews blueprints and site plans and completes calculations to ensure compliance.

Building Inspection

3. Application and plans review for building permits to ensure minimum requirements are met with applicable laws and municipal by-laws, including planning and zoning, health unit requirements with respect to septic systems
4. Responds to telephone enquiries related to zoning and the building code, giving out information and resolving problems.
5. Liaises with members of the public to interpret by-laws, communicate information and resolve problems.
6. Issues Orders to Comply, Unsafe Condition, Order to Uncover, Stop Work Order, issue fines under the Provincial Offences Act, attend court, issue Orders to Remedy, etc.
7. Inspects footings, building structures, insulation, vapour barriers and plumbing to ensure compliance with by-laws, Ontario Building Code standards and the Ontario Building Code Act.
8. Completes inspections to ensure compliance with all Ministry prescribed mandatory inspection. Liaises with owners and builders to communicate problem areas.
9. Site inspection to verify setbacks with approved plans and the Ontario Building Code, issue permit
10. Complete reports, issue occupancy certificates, update electronic file and property roll.
11. Complete zoning letters for solicitors, insurance companies, inspections, research property file and issues orders as necessary
12. Ensure timelines in the OBCA and related regulations are adhered to.

Customer Service

13. Assists ratepayers to complete applications (building permit), provides information regarding processing procedures, inspections, zoning matters and required additional information

By-law enforcement

14. Verifies zoning and site plan compliance.
15. Resolves disputes.
16. Responds to complaints regarding Property Standards. Performs inspections with respect to property standards infractions, issues orders, ensures compliance and documentation.
17. Acts as Property Standards Officer for administering property standards violations.

Administration

18. Inputs building permit applications information and files information in owners property files
19. Reports on building issues to Chief Building Official

Other

20. Performs other tasks as assigned by management.

BUILDING INSPECTOR

The Corporation of The Town of Espanola is seeking a positive, team-oriented individual to fill the position of Building Inspector. Reporting to the Chief Building Official, this position is responsible for performing duties regulated under the Building Code Act for the administration and enforcement of the applicable building code. The successful candidate will perform inspections and provide information to the general public regarding the applicable building code, municipal bylaws and any other regulations pertaining to building, property standards and plumbing and sewage systems.

QUALIFICATIONS:

- A post-secondary education in architectural technology or construction engineering technology;
- Passing Ministry of Municipal Affairs and Housing exams in the following categories: legal, house, small building, large & complex buildings, plumbing – all buildings, HVAC – house, building services and building structural.
- BCQ and/or CBCO Certification through the Ontario Building Officials Association.
- Requires the ability to perform intermediate math calculations and the ability to read and interpret blueprints, site plans, and grading plans.
- Plans examination experience is required
- Excellent interpersonal, public relations, communication, and ability to work in a team environment are necessary
- Excellent time management, record-keeping skills, clear and legible handwriting required as well as computer literacy.
- Minimum two (2) yrs experience in a municipal government environment.
- Valid "G" Level Driver's Licence in good standing

SALARY: Commensurate on qualifications, knowledge and experience. The Town of Espanola has a comprehensive employee benefit package.

We wish to thank all who apply however only those persons selected for an interview will be contacted.

Note: A Criminal Record Check will be requested by the Hiring Manager should you be the candidate of choice. Please do not submit your Criminal Record Check with your application.

Attn: File #2019-BS1

The Corporation of the Town of Espanola

100 Tudhope St, Ste 2

Espanola, ON P5E 1S6

e-mail: town@espanola.ca • Fax: 705-869-0083

Please submit your covering letter and resume by 4:00 pm, June 7, 2019.

Information collected will be used solely for the purpose of candidate selection, in accordance with the Municipal Freedom of Information & Protection of Privacy Act

The Town of Espanola is an equal opportunity employer committed to inclusive, barrier-free recruitment and selection processes. If contacted for an employment opportunity, please advise if you require an accommodation.



JUN 19 2019



Ministry of the Attorney General

Ministère du Procureur général

Court Services Division
Office of the Manager of Court
Operations

Division des services aux tribunaux
Bureau du Chef de l'administration des tribunaux

155 Elm St.
Sudbury ON P3C 1T9
Tel.: 705 564-7769

155, Rue Elm
Sudbury ON P3C 1T9
Tél. : 705 564-7769

June 18, 2019

Town of Espanola,
Espanola, Ontario

Dear Sir/Madam:

RE : Camera Surveillance – 100 Tudhope St. – Municipal Building

It was brought to my attention that there the camera/video surveillance at this building was removed once the Espanola Police has left. This brings me some great concern in reference to staff and stakeholders safety when sitting in court, the daily dealings with the public and our judiciary that presides in the lower level of the building with no security from the police.

I would like to bring to your attention that court days are very busy in this building, the halls on each floors are often full of attendees and disgruntle clients. Staff and our stakeholders have been faced on frequent occurrences with clients being intoxicated and have expressed concerns going into certain areas, particularly where there are files and supplies stored in the lower level. I recall a couple of occasions where video surveillance would have assisted, one the theft of a TV in our area on the second floor and the overcoat of a crown attorney.

I strongly recommend that this be revisited for the safety of the staff and the public.

Regards,

Reina Gauthier,
A/Manager, Court Operations
Sudbury/Manitoulin Districts

RG



CORPORATE SERVICES COMMITTEE

Moved By: K. Duplessis

Date: June 4, 2019

Seconded By: M. Van Alstine

Motion No.: 3

Be It Resolved That: As Recommended by the Corporate Services Committee That:

The Video Surveillance Policy be adopted as amended.

Deferred to council. - June 25/19.

CARRIED _____ DEFEATED _____

DEFERRED _____

Chair

**RECORDED VOTE
INTEREST**

For Against

Mayor J. Beer	_____	_____
B. Foster	_____	_____
K. Duplessis	_____	_____
M. Van Alstine	_____	_____

DECLARATION OF PECUNIARY

Mayor J. Beer	_____
B. Foster	_____
K. Duplessis	_____
M. Van Alstine	_____

AGENDA #3

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

STAFF REPORT

DEPARTMENT: Administration

DATE: May 3, 2019

ITEM: Video Surveillance Policy

RECOMMENDATION:

Be It Resolved That: The Video Surveillance Policy be adopted as amended.

BACKGROUND:

The CAO attended an online webinar by the Information and Privacy Commissioner of Ontario. It was brought to our attention that our existing policy may not be adequate in addressing all of the challenges specifically as they relate to the collection of personal information.

ANALYSIS:

Outlined in the IPC's "Guidelines for the Use of Video Surveillance" October 2015 guide is the requirements to legally collect personal information that may be collected by video and/or audio surveillance.

These requirements focus on lawful collection, use and disclosure as well as access, retention and security to records.

Other municipal polices consulted include:

- Town of Central Elgin
- City of Guelph
- Town of Wasaga Beach
- Town of Oakville

To date video surveillance has been utilized at the complex (see existing policy) to ensure the safety and security of persons and property as well as the Town office, the site of the local courthouse. There have been several times over the years were local police enforcement have requested and/or accessed this surveillance video in the course of their duties.

EXISTING POLICY: n/a

STRATEGIC GOAL:

- ☐ 1) Improve and Maintain our Infrastructure
- ☐ 2) Sustainable Economic Growth & Prosperity
- ☒ 3) Excellence in Government

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

☒ **4) Safe and Healthy Community**

FINANCIAL COMMITMENT: No direct commitment as a result of this policy, however the camera coverage at 100 Tudhope is expected to be expanded from one camera to three, one for each floor of the building.

BUDGETED: Yes ☐ No ☐

IMPLEMENTATION:

Prepared By: Cynthia Townsend

Department Manager: _____

CAO / Treasurer: _____

Approval of Recommendation: Yes ☐ No ☐

Comments: _____

Department: Corporate Wide	Policy Number: R05-01632
Subject: Video Surveillance Policy	Effective Date: 2011/01/25
Bylaw No:	Revision Date: 2019/06/11
	Version #: 3

Policy Statement

The Town of Espanola (the Town) recognizes the need to balance an individual's right to privacy and the need to ensure the safety and security of municipal employees,, the public and property.

As an institution governed by the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, Chapter M. 56*, the Town of Espanola has obligations with respect to notice, access, use, disclosure, retention and disposal of records. While video surveillance cameras are installed for safety and security reasons, the Town's video surveillance systems must also be designed to minimize privacy intrusion.

Proper video surveillance, where deemed necessary, is one of the most effective means of helping to keep Municipal facilities and properties operating in a way that protects security, safety, and privacy. Personal information collected by video surveillance includes video images and audio.

Policy Description

This Municipal policy has been developed to govern video surveillance at municipally owned and leased properties in accordance with the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

The Municipal Freedom of Information and Protection of Privacy Act as detailed in Section 38(2) of Freedom of Information and Protection of Privacy Act (FIPPA) and 28(2) of Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), personal information may be collected without consent when it is:

1. expressly authorized by statute or by-law,
2. used for the purposes of law enforcement, or
3. necessary to the proper administration of a lawfully authorized activity.

Scope

This policy applies to all types of camera surveillance systems, surveillance monitors, and camera recording devices at municipally owned and leased properties that are used for safety and security purposes.

These Guidelines do not apply to covert surveillance used for law enforcement purposes. In those circumstances, either a statutory authority exists and/or the authority for the surveillance is lawfully obtained through a search warrant. Covert surveillance is conducted through the use of hidden devices.

These Guidelines do not apply to videotaping or audiotaping of Town Council or Committee Meetings.

Responsibilities

The senior staff member responsible for the Video Surveillance Policy is the Clerk or his or her designates. The Clerk may delegate responsibilities under this Policy to other staff.

The Chief Administrative Officer/Treasurer (CAO) is Town's Head under the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), and is responsible for providing a response to access requests.

The key duties of the Clerk include:

- Ensuring policy compliance.
- Undertaking yearly evaluations of video surveillance system installations to ensure compliance with this Policy.
- Approving installation of video cameras at specified municipally owned and leased properties.
- Advising on placement of video surveillance monitoring signs.
- Acting as the primary contact for all requests by law enforcement agencies for access to video records.
- Overseeing day-to-day operations of video surveillance cameras.
- Complying and ensuring Operator's compliance with all aspects of the Security Video Surveillance Policy.
- Ensuring monitoring and recording devices are stored in a safe and secure location.
- Ensuring logbooks, recording all activities related to video devices and records, are kept and maintained.
- In consultation with Human Resources, providing training on a regular basis regarding obligations and compliance with the MFIPPA and the Security Video Surveillance Policy.
- Ensuring that no copies of data/Images in any format (hardcopy, electronic, etc.) is taken from the video surveillance system inappropriately
- Immediately reporting all alleged privacy breaches to the Chief Administrative Officer for immediate action.
- Working with the Chief Administrative Officer to investigate video surveillance security privacy breaches.
- Ensuring that they and their assignees receive appropriate training.

Department managers and supervisors will:

- Ensure the appropriate use of the video surveillance system at their facility(ies) in compliance with this policy;
- Refer any requests for copies of surveillance video to the Clerk or delegated employee;
- Investigate and report any privacy breaches to the Clerk or delegated employee.

All Staff must:

- adhere to the video surveillance policy and must not access or use information contained in the video surveillance system, its components, files, or database for personal reasons, nor dispose, destroy, erase or alter any record without proper authorization
- report to their manager or supervisor any suspected privacy breach;

- report to their supervisor any problems with the video surveillance system.

Guidelines to Follow Prior to the Installation of a Video Surveillance System

Before deciding to install video surveillance, the following factors must be considered:

- The use of video surveillance cameras should be justified on the basis of significant safety and security concerns, which must relate to the protection of patrons and the public, or the deterrence or detection of theft, vandalism or other property damage;
- A video surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable.
- An assessment must be conducted on the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated.
- The proposed design and operation of the video surveillance systems should minimize privacy intrusion.
- Whether or not additional sensory information, such as sound, is directly related to potential problems or does not need to be recorded.

When designing a video surveillance system and installing equipment, the following must be considered:

- The video surveillance systems may operate at any time in a 24 hour period.
- The video equipment should be installed to only monitor those spaces that have been identified as requiring video surveillance.
- The ability to adjust cameras should be restricted, if possible, so that the cameras do not record and operators cannot adjust or manipulate cameras to overlook spaces that are not intended to be covered by the video surveillance program, such as through windows in adjacent buildings or onto adjacent properties.
- Equipment should never monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms). –
- Where possible, video surveillance should be restricted to periods when there is a demonstrably higher likelihood of crime being committed and detected in the area under surveillance.
- Viewing and recording equipment must be located in a strictly controlled access area.
- Only identified and trained staff shall have access to the controlled access area and the reception/recording equipment.
- Every reasonable attempt should be made to ensure video monitors are not in a position that enables the public and/or unauthorized staff to view the monitors.

Notice of Use of Video Systems

In order to provide notice to individuals that video is in use:

- The Town shall post signs, visible to members of the public, at all entrances and/or prominently displayed on the perimeter of the grounds under video surveillance (see Appendix #2).
- The notification requirements of this sign must inform individuals, using words and symbols, of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be

used; and the title, business address, and telephone number of someone who can answer questions about the collection (see Appendix #2).

- This information will also be available on the Municipal website.

Video Equipment / Records

Types of Recording Devices

The Town may use Digital Video Recorders (DVR) in its video systems. Facilities using video recorders will retain these records for a period of up to 30 days, depending on the recording device and technology. A record of an incident will only be stored longer than 30 days where it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes.

Record Identification

All records (storage devices) shall be clearly identified (labeled) as to the date and location of origin. They shall be labeled with a unique, sequential number or other verifiable symbol. In facilities with a DVR that stores information directly on a hard drive, the computer time and date stamp shall be understood to be this identification.

Logbook

Each device shall have a logbook to record all activities related to video devices and records. The activities include all information regarding the use, maintenance, and storage of records and all instances of access to, and use of, recorded material. All logbook entries will detail authorized staff, date, time, and activity. This logbook must remain in a safe and secure location with the video recording equipment. Only the Clerk and/or their designate is authorized to remove this logbook from the secure location.

Access to Video Records

Access

Access to the video surveillance records, e.g. remote access using the internet, logbook entries, CD, video tapes, etc shall be restricted to authorized personnel only to in order to comply with their roles and responsibilities as outlined in the Video Surveillance Policy.

Any staff accessing records should sign a written agreement to adhere to this policy, including an undertaking of confidentiality.

Storage

All storage devices that are not in use must be stored securely in a locked receptacle located in an access-controlled area.

Formal Access Requests Process

With exception of requests by law enforcement agencies, all requests for video records should be directed to the Town Office at 2-100 Tudhope Street, Espanola, Ontario for processing.

A person requesting access to a record should make a request in writing either in the form of a letter or the prescribed form and submit it to the Chief Administrative Officer under MFIPPA. This form is available in our offices, or at www.espanola.ca.

The individual requesting the record must:

- Provide sufficient detail (the approximate time and date, the location - if known - of the incident, etc.) to enable an experienced employee, upon a reasonable effort, to identify the record; and,
- At the time of making the request, pay the prescribed fees as provided for under the Act.

Access: Law Enforcement

If access to a video surveillance record is required for the purpose of a law enforcement investigation, the requesting Officer must complete the Law Enforcement Officer Request Form (See Appendix #1) and forward this form to the Chief Administrative Officer.

While there may be other situations where the disclosure of video surveillance footage is permitted, video surveillance may be disclosed to a law enforcement agency when:

- the law enforcement agency approaches the Town with a warrant requiring the disclosure of the footage, as per section 42(1)(e) of FIPPA and section 32(e) of MFIPPA,
- the law enforcement agency approaches the Town, without a warrant, and requests the disclosure of footage to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA, or
- staff observe an illegal activity on Town property and disclose the footage to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA.

Staff will provide the recording for the specified date and time of the incident as requested by the Law Enforcement Officer and record the following information in the facility's video logbook:

- i. the date and time of the original, recorded incident including the designated name/number of the applicable camera and DVR;
- ii. the time and date the copy of the original record was sealed;
- iii. the time and date the sealed record was provided to the requesting Officer;
- iv. the case file number of the agency's investigation,
- v. a description of the circumstances justifying the disclosure;
- vi. the amount of footage involved;
- vii. the name, title and agency to whom the footage is being disclosed;
- viii. the legal authority for the disclosure,
- ix. the means used to disclose the footage and
- x. if the record will be returned or destroyed after use by the Law Enforcement Agency.

This must only be completed by an individual(s) authorized in a private, controlled area that is not accessible to other staff and/or visitors.

In order to protect privacy, the Town will, whenever possible, strongly encrypt video surveillance footage at rest and when transmitted across open, public networks, and store physical records of footage, such as discs, memory cards or servers, in a locked facility.

Custody, Control, Retention and Disposal of Video Records / Recordings

The Town retains custody and control of all original video records not provided to law enforcement.

Video records are subject to the access and privacy requirements of the MFIPPA, which includes but is not limited to the prohibition of all Staff from access or use of information from the video surveillance system, its components, files, or database for personal reasons.

With the exception of records retained for criminal, safety, or security investigations or evidentiary purposes, or as otherwise required by law, the Town must not maintain a copy of recordings for longer than 30 days.

Any records that are accessed or disclosed will be retained for one year, as per Regulation 460 of FIPPA and section 5 of Regulation 823 of MFIPPA.

The Town will take all reasonable efforts to ensure the security of records in its control / custody and ensure their safe and secure disposal.

Old storage devices must be disposed of in accordance with an applicable technology asset disposal process ensuring personal information is erased prior to disposal, and cannot be retrieved or reconstructed. Disposal methods may include shredding, burning, or erasing, depending on the type of storage device.

Unauthorized Access and/or Disclosure (Privacy Breach)

Staff who become aware of any unauthorized disclosure of a video record in contravention of this Policy and/or a potential privacy breach are to immediately notify the Clerk and/or the Chief Administrative Officer. After this unauthorized disclosure or potential privacy breach is reported:

- Upon confirmation of the existence of a privacy breach, the Chief Administrative Officer shall notify the Information and Privacy Officer of Ontario (IPC) and work constructively with the IPC staff to mitigate the extent of the privacy breach and to review the adequacy of privacy protection with the existing policy.
- The Clerk shall inform the Chief Administrative Officer of events that have led up to the privacy breach.
- The staff member shall work with the Clerk to take all reasonable actions to recover the record and limit the record's disclosure.
- The Clerk will notify affected parties whose personal information was inappropriately disclosed.
- The Clerk shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences.

Intentional wrongful disclosure or disclosure caused by negligence by employees may result in disciplinary action up to and including dismissal. Intentional wrongful disclosure or disclosure caused by negligence by service providers (contractors) may result in termination of their contract.

Inquiries From the Public Related to the Video Surveillance Policy

A staff member receiving an inquiry from the public regarding the Video Surveillance Policy shall direct the inquiry to the Chief Administrative Officer.

Review of Video Surveillance Policy

This policy shall be reviewed every 2 (two) years by the Chief Administrative Officer who will forward recommendations for update, if any, to Council for approval.



Law Enforcement Officer Request Form

RELEASE OF RECORD TO LAW ENFORCEMENT AGENCY UNDER SECTION 32(G) OF THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.

I, _____ of the _____
(print name of officer) (print name of police force)

request a copy of the following record (s):

1. _____
2. _____
3. _____

containing the personal information of _____
(print name(s) of individual(s))

to aid in the investigation undertaken with a view to a law enforcement proceeding
or from which a law enforcement proceeding is likely to result.

Signature of Officer Badge/Identification No

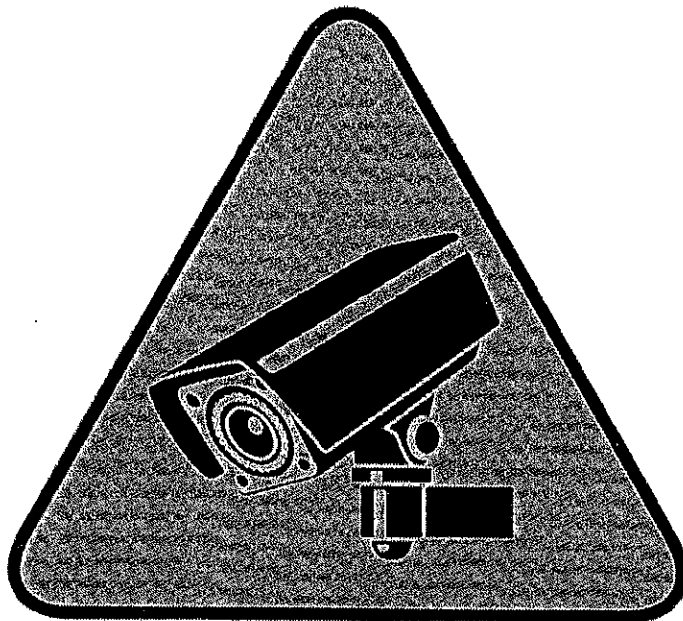
Date

Signature of CAO

Date

Return all completed ORIGINAL forms to the CAO at the Town of Espanola, 2-100
Tudhope Street, Espanola, Ontario P5E 1S6

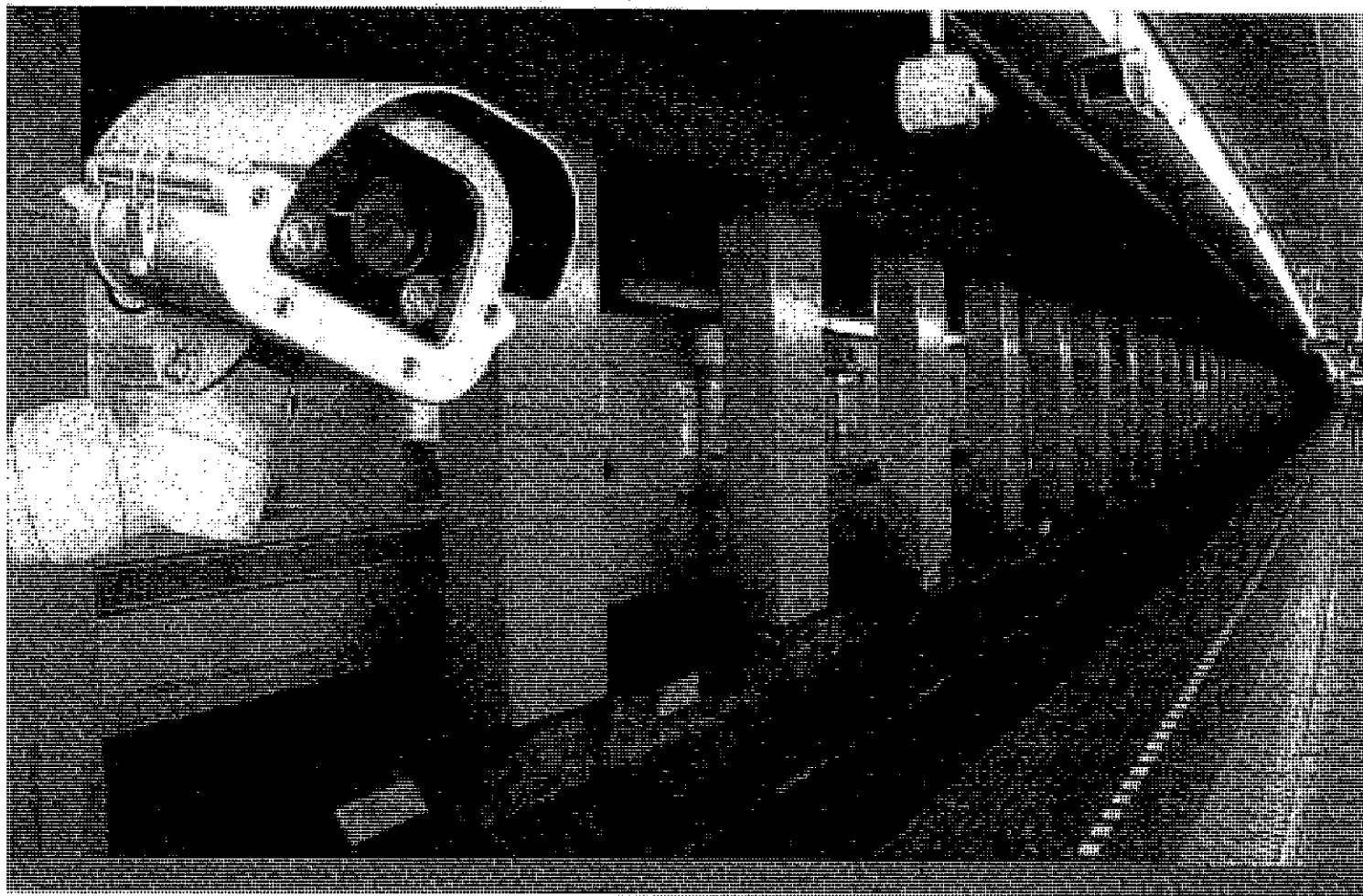
Appendix 2 Notice of Collection



The personal information obtained from the Video and Audio Surveillance Cameras at this site is collected under the legal authority of the MFIPPA S28(2). The information you provide may be used for the purpose of promoting public safety and reduction of crime at this site.

Any questions about this collection can be directed to the CAO at
2-100 Tudhope St., Espanola, ON or 705-869-1540. More information is available at www.espanola.ca





Guidelines for the Use of Video Surveillance

October 2015



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

GUIDELINES FOR THE USE OF VIDEO SURVEILLANCE

“If all that has to be done to win legal and social approval for surveillance is to point to a social problem and show that surveillance would help to cope with it, then there is no balancing at all, but only a qualifying procedure for a license to invade privacy.

Alan Westin, *Privacy and Freedom*

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FORWARD

The Office of the Information and Privacy Commissioner of Ontario (IPC) first published guidelines for the use of video surveillance in public places in 2001 and then for the use of video surveillance in schools in 2003. The purpose of the guidelines was to assist provincial and municipal public sector institutions (institutions) in determining whether video surveillance programs were lawful and justifiable. These guidelines were subsequently updated in 2007 and 2009, respectively.

Since that time, new circumstances and uses of video surveillance have revealed additional issues and factors to consider. For example, certain circumstances may warrant that you provide individuals with a notice of collection of their personal information in a form other than visual signage. In addition, depending on operational circumstances, the period within which unused video surveillance footage should be erased may vary. Accordingly, we have updated the guidelines to reflect these and other such considerations. We have also restructured the guidelines and provided key messages and examples for clarity.

As noted above, the IPC originally published separate sets of guidelines for the use of video surveillance in public places and in schools. The present guidelines consolidate these documents into a single publication.

INTRODUCTION

Institutions are responsible for ensuring the safety of individuals and the security of equipment and property within the scope of the services they provide. One tool used by institutions to help them fulfill this obligation is video surveillance.

Video surveillance captures sensory information about activities and events in a given area over time. Although primarily used as a means of detecting and assisting in the investigation of criminal activity, video surveillance may also act as a deterrent when used in an appropriate manner.

While video surveillance may help to increase the safety of individuals and the security of assets, it also introduces risks to the privacy of individuals whose personal information may be collected, used and disclosed as a result of the technology. The risk to privacy is particularly acute because video surveillance may, and often does, capture the personal information of law-abiding individuals going about their everyday activities. In view of the broad scope of personal information collected, special care must be taken when considering whether and how to use this technology.

The IPC oversees compliance with the privacy protection provisions of Ontario's *Freedom of Information and Protection of Privacy Act (FIPPA)* and *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and conducts investigations into privacy complaints. As part of its mandate, the IPC provides guidance, such as that found in this document, regarding Ontario's access and privacy legislation.

The purpose of these guidelines is to inform institutions of their key obligations under *FIPPA* and *MFIPPA* with respect to the use of video surveillance. In addition, they provide a list of best practices which, if implemented, will assist institutions in fulfilling their obligations under *FIPPA* and *MFIPPA* and in protecting the privacy of individuals.

These guidelines are not a comprehensive assessment of every authority or circumstance involving video surveillance in which personal information may be collected, used or disclosed under *FIPPA* and *MFIPPA*. When dealing with issues that may arise in the context of video surveillance, it is important that you consult the acts themselves, including their regulations, and seek advice from your freedom of information and privacy coordinator or legal counsel, where appropriate.

SCOPE OF GUIDELINES

Video surveillance is available in a variety of forms and can be combined with other technologies to augment its capabilities. For example, video surveillance is either covert or overt depending on whether its use is concealed or made known to the individuals affected by it. It is fixed or mobile depending on the range of movement available to it through the technology used. Some examples of mobile video surveillance include body-worn cameras and drones.¹ In addition, video surveillance can be combined with video analytics to increase the identifiability of individuals, patterns of behaviour and objects recorded by it. Some examples of video analytics that may be combined with video surveillance include facial recognition and automated license-plate recognition (ALPR).

While video surveillance is available in different forms and capabilities, these guidelines apply to the use of video surveillance deployed in an *overt* and *fixed* (non-mobile) manner *without* the use of video analytics.

These guidelines do not apply to covert surveillance, or surveillance when used as a case-specific investigation tool for law enforcement purposes where there is statutory authority and/or the authority of a search warrant to conduct the surveillance.

These guidelines are also not intended to apply to workplace surveillance systems installed by an institution to conduct surveillance of employees.

VIDEO SURVEILLANCE REQUIREMENTS

In Ontario, *FIPPA* and *MFIPPA* set out rules for the collection, use and disclosure of personal information by institutions. The application of these rules to video surveillance programs raises specific issues. Institutions will need to consider the following issues and the requirements that stem from them when deciding whether and how to use video surveillance.

PERSONAL INFORMATION

The first issue to address when considering the use of video surveillance is whether the system will involve the collection, use or disclosure of personal information. Institutions are required to comply with the rules set out in *FIPPA* and *MFIPPA* with respect to information that falls under the definition of personal information. Section 2(1) of *FIPPA* and *MFIPPA* defines "personal information"

¹ For guidance on body-worn cameras, please see the Federal, Provincial and Territorial Privacy Commissioners' "Guidance for the Use of Body-worn Cameras by Law Enforcement Authorities," available on the IPC website.

as "recorded information about an identifiable individual," which includes, but is not limited to, "information relating to the race, national or ethnic origin, colour, religion, age [or] sex" of the individual.

Therefore, if you use video surveillance to collect, use or disclose personal information, you must comply with the rules set out in *FIPPA* and *MFIPPA*. This will likely be the case, given that video surveillance is typically set up to collect images of individuals from which they may be identified.

EXAMPLE

Even if a video camera in a public school campus is set up to monitor the physical appearance of students, it is not an identifiable individual and the person or persons of FIPPA and MFIPPA.

LAWFUL COLLECTION

Once you have determined that your video surveillance system will involve the collection of personal information, the next step is to determine whether you have the legal authority to do so. Section 38(2) of *FIPPA* and 28(2) of *MFIPPA* set out the conditions under which personal information may be collected. These sections provide that no person shall collect personal information on behalf of an institution, unless the collection is:

1. expressly authorized by statute,
2. used for the purposes of law enforcement or
3. necessary to the proper administration of a lawfully authorized activity.

At least one of these three conditions must be met in order for you to have the legal authority to collect personal information. You may notice that consent is absent from this list. Unlike under the *Personal Information Protection and*

Electronic Documents Act (PIPEDA), which governs most private-sector companies in Canada and federal works and undertakings, consent is not available as a source of authority for the collection of personal information under *FIPPA* or *MFIPPA*. How each of these three conditions for obtaining authority to collect personal information may be met in the case of video surveillance is discussed below.

If you use video surveillance to collect, use or disclose personal information, you must comply with the privacy protections set out in *FIPPA* and *MFIPPA*.

EXPRESSLY AUTHORIZED BY STATUTE

The meaning of this first condition is fairly straightforward. You are authorized to collect personal information if there is a statute or regulation that provides you with such authority and the collection is done in accordance with that statute or regulation and for the specified purpose.

In applying this condition, the qualifier *expressly* must be given additional consideration. The IPC's position is that an authority to collect personal information stated only in broad or non-specific terms would not be enough to be considered "expressly authorized by statute." Instead the phrase:

requires either that specific types of personal information collected be expressly described in the statute, or a general reference to the activity be set out in the statute, together with a specific reference to the personal information to be collected in a regulation under the statute; i.e., in a form or in the text of the regulation.²

Therefore, it is important that you ensure that any statutory authorization to collect personal information by means of video surveillance is grounded in sufficiently specific terms in the applicable statute or regulation.

EXAMPLE

A police officer or a "law enforcement" institution is authorized to collect the information in this report, or its own, in accordance with a statute that authorizes the collection of personal information.

USED FOR THE PURPOSES OF LAW ENFORCEMENT

The wording of this second condition can give rise to some confusion. Does it mean that *any* institution can be authorized to collect personal information so long as it is "used for the purposes of law enforcement?" Or, is it restricted in its application to those institutions with a law enforcement mandate?

The IPC's position is the latter: the institution must have a clear law enforcement mandate, ideally in the form of a statutory duty. As per the definition of "law enforcement" in section 2(1) of *FIPPA* and *MFIPPA*, this could be either with respect

² See Investigation Report I95-Q30P, available on the IPC website.

to “policing” or “investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.” Therefore, to justify the collection of personal information under this condition, it is not enough to claim a mere *interest* in policing or law enforcement investigations.³

At the same time, those institutions that do in fact have a clear law enforcement mandate—for example, police services, certain kinds of regulators, transit authorities with special constable services⁴—are not granted *carte blanche* under this law enforcement condition. In Privacy Complaint Report MC-040012-1, the IPC held that the phrase “used for the purposes of law enforcement” is not an unconditional authority and only applies in cases where the collection of personal information furthers actual law enforcement purposes.⁵ Accordingly, the considerations set out in the next section, especially in regard to the “necessity” of the collection of personal information, will, in general, also apply to the use of video surveillance by law enforcement agencies.

If your institution has a clear law enforcement mandate, then you are authorized to collect personal information by means of video surveillance, so long as that collection furthers actual law enforcement purposes.

NECESSARY TO THE PROPER ADMINISTRATION OF A LAWFULLY AUTHORIZED ACTIVITY

This condition may authorize a collection of personal information in a wide range of circumstances. To satisfy this condition, you must be able to demonstrate two things: (1) that the activity for which personal information is collected is “lawfully authorized,” and (2) that the collection of personal information is “necessary” to that activity.

LAWFULLY AUTHORIZED

In understanding what is meant by “lawfully authorized activity,” it is important to note that the activity at issue, while related to the activity of collecting personal information, is not identical to it. The lawfully authorized activity forms the context within which the collection would occur. In the case of video surveillance, the activity will typically relate to the safe and secure operation of a building, facility or public space.

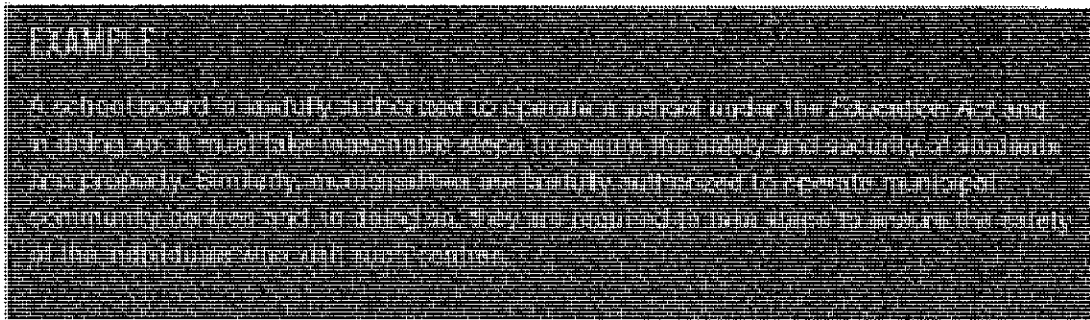
With respect to the phrase “lawfully authorized,” the authorization may come in different forms—for example, in a statute or regulation, but also in a bylaw, policy or

³ See Investigation Report I95-030P available on the IPC website.

⁴ See Privacy Investigation Report MC07-68 “Privacy and Video Surveillance in Mass Transit Systems: A Special Investigation Report” available on the IPC website.

⁵ Privacy Complaint Report MC-040012-1 available on the IPC website.

order formally approved by a governing body with the lawful authority to enact such a bylaw, policy or order.



NECESSARY

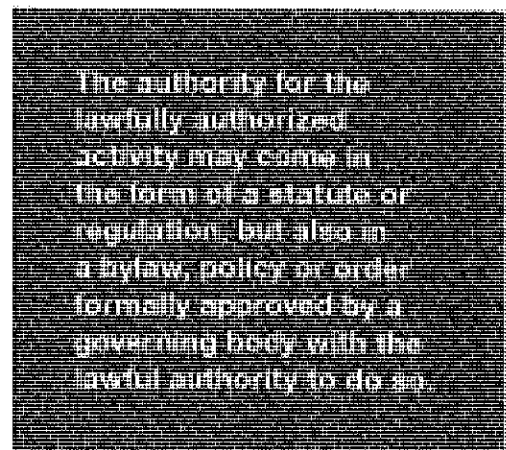
In addition to being part of a lawfully authorized activity, the third condition for legal authority to collect personal information under section 38(2) of *FIPPA* and section 28(2) of *MFIPPA* requires that the collection of personal information be “necessary” to the proper administration of that activity. “Necessary” here means *more* than merely helpful. Accordingly, a collection of personal information that was only merely helpful to the proper administration of a lawfully authorized activity would not meet the “necessary” standard.⁶

In determining whether the collection of personal information is “necessary,” it is important to consider the necessity of the collection from the following aspects:

1. the means used to collect the personal information,
2. the sensitivity of the personal information and
3. the amount of personal information.

The Means Used to Collect Personal Information

As noted in the Introduction, a particularly privacy-invasive aspect of video surveillance is that it frequently collects the personal information of law-abiding individuals going about their everyday activities. Because of this, when determining the necessity of video surveillance as a means to collect personal information, it is important that you consider whether the following circumstances hold:



⁶ See *Cash Converters Canada Inc v Oshawa (City)*, 2007 ONCA 502 at para 40.

- The problem to be addressed by video surveillance is real, substantial and pressing. Note that this may be shown on the basis of verifiable, specific incidents of crime or significant safety concerns.

EXAMPLE

A bank of offices and waiting rooms, in general, not be considered a repository of personal information. However, if a bank of offices is used to store personal information, it should be considered a repository of personal information.

- Other less intrusive means of achieving the same goals have been considered and are substantially less effective than video surveillance or are not feasible.

EXAMPLE

A bank of offices and waiting rooms, in general, not be considered a repository of personal information. However, if a bank of offices is used to store personal information, it should be considered a repository of personal information.

- The benefits of video surveillance substantially outweigh the reduction of privacy inherent in its use. Note that an overall reduction in costs will not, in and of itself, be considered sufficient to outweigh the reduction in privacy.

The feeling of being watched or monitored by the continuous “gaze” of video surveillance may have a “chilling effect” on law-abiding individuals, causing them to alter their behaviour and limit the expression of their rights. When weighing the benefits of video surveillance against the costs to privacy, Institutions should keep these kinds of potential effects of video surveillance in mind.

The Sensitivity of Personal Information

In the case of video surveillance, the sensitivity of the personal information collected will inform whether the benefits of video surveillance, discussed above, will substantially outweigh the reduction of privacy inherent in its use. The loss of privacy is directly related to the sensitivity of the personal information involved. Therefore, the greater the sensitivity of the personal information collected, the greater the benefits of video surveillance must be in order to substantially outweigh the reduction in privacy.

When determining the sensitivity of personal information collected by means of video surveillance, it is important that you consider the following two factors: (1) the nature of the space under observation, and (2) the "closeness" of the surveillance.

Determining the sensitivity of personal information collected by means of video surveillance requires consideration of the nature of the space under observation and the "closeness" of the surveillance.

Some spaces are considered to be more sensitive than others. For example, individuals generally have a higher expectation of privacy in areas such as change rooms and public washrooms. Accordingly, the sensitivity of these semi-private spaces would be considered to be higher than that of "open air" public spaces such as public roads, parks and squares, where individuals generally have a lower expectation of privacy. Although generally lower, individuals' expectation of privacy in public space is not entirely eliminated.⁷

At the same time, a space in which individuals generally have a lower expectation of privacy can be made more sensitive as a result of the means used to collect personal information. For example, if the video surveillance technology in use can zoom in on individuals sitting in a public park such that it is able to read the words they are reading or writing, then the sensitivity of that space and the personal information collected in it would increase. In addition, the sensitivity of the information may rise when the recording is continuous, particularly where the information is not subject to a short retention period.

The Amount of Personal Information

This factor involves applying the principle of data minimization to the collection and storage of personal information. In the case of video surveillance, data minimization entails limiting the amount of personal information collected and retained to that which is necessary to fulfill the purposes of the lawfully authorized activity. With respect to limiting the amount of personal information collected, it is important that you consider making the following adjustments when installing and operating the surveillance equipment:

- Recording equipment, such as video cameras, audio recorders or other devices, is installed only in areas directly related to the problem to be addressed by video surveillance.
- Additional sensory information, such as sound, is not recorded or made available to operators unless it is directly related to the problem to be addressed by video surveillance.

⁷ See *Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers, Local 401*, 2013 SCC 62 at para 27; and see Privacy Investigation Report MC07-68 "Privacy and Video Surveillance in Mass Transit Systems: A Special Investigation Report" at page 2, available on the IPC website.

- Reception equipment is installed and set up such that it monitors only those spaces that have been identified as requiring video surveillance. For example, cameras should not be directed to look through the windows of adjacent buildings or onto adjacent property, or else those areas should be blocked from view or blacked out.
- If the capabilities of the reception equipment are adjustable by operators, these capabilities have been restricted, to the extent possible, so that operators cannot adjust, zoom or otherwise manipulate the equipment to collect information about spaces that are not intended to be covered by the video surveillance program.

Ensure that the amount of personal information collected by means of video surveillance is limited to that which is necessary by adjusting the number of cameras and the installation and operation of the surveillance equipment accordingly.

In addition, you may wish to consider restricting video surveillance to time periods when there is a demonstrably higher likelihood of the presence of the underlying problem in the area under surveillance.

EXAMPLE

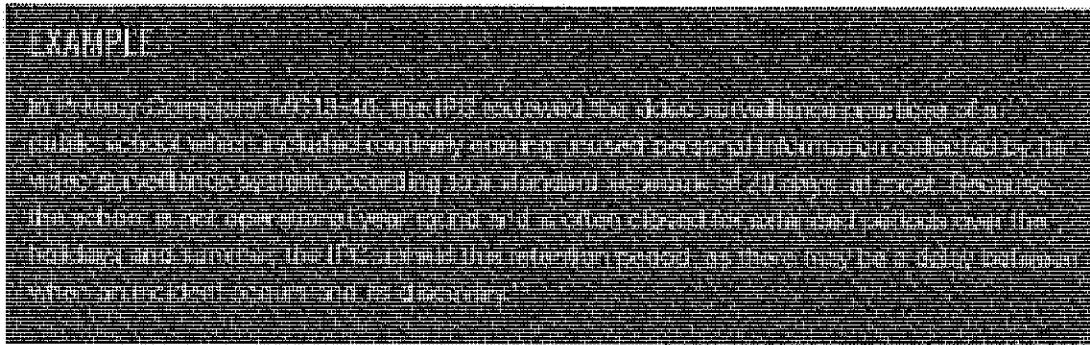
A video camera that monitors a building for security captures information about adjacent parking lots. To limit the amount of captured information collected by it, the camera is set up so it cannot see through a block wall or window or property adjacent to the building lot.

With respect to limiting the amount of personal information retained, because video surveillance frequently collects the personal information of law-abiding individuals going about their everyday activities, a large portion of the footage collected will not be used. In order to protect this unused footage from misuse, it is important that you limit its retention period in the following way:

- Recorded information that has not been used is routinely erased according to a standard schedule. Under the standard schedule, the retention period for unused information is limited to the amount of time reasonably necessary to discover or report an incident that occurred in the space under surveillance.

⁸ For additional information involving a similar case, see Privacy Complaint Report MC13-60, available on the IPC website.

When erasing or deleting recorded information, whether used or unused, it is critical that the information and old storage devices are disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include overwriting electronic records, shredding, burning or magnetically erasing the personal information.⁹

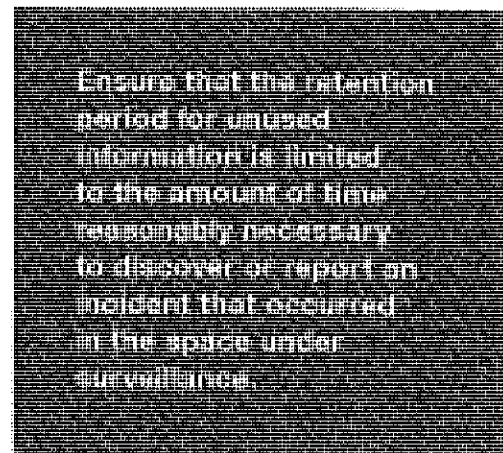


NOTICE OF COLLECTION

FIPPA and *MFIPPA* require that individuals be notified of the collection of their personal information, subject to specific and narrow exceptions.¹¹ Specifically, section 39(2) of *FIPPA* and section 29(2) of *MFIPPA* provide that an individual must be informed of:

- (a) the legal authority for the collection;
- (b) the principal purpose or purposes for which the personal information is intended to be used; and
- (c) the title, business address and business telephone number of a public official who can answer the individual's questions about the collection.

Providing effective notice in the context of video surveillance may be challenging because the collection occurs automatically—simply by virtue of individuals moving or finding themselves within a particular space monitored by video surveillance. Accordingly, it is important that you consider implementing the following conditions:



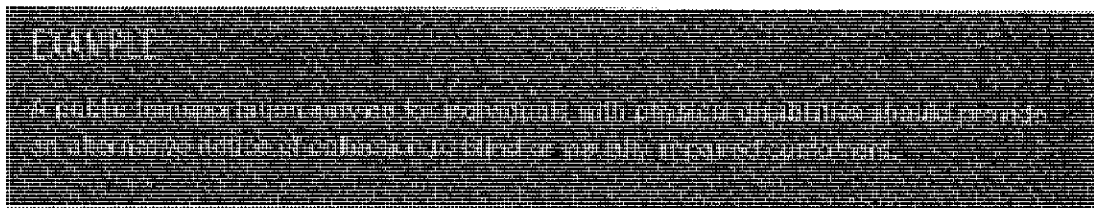
⁹ For guidance on the secure destruction of personal information, see "Secure Destruction of Personal Information," available on the IPC website.

¹⁰ See Privacy Complaint MO13-46, available on the IPC website.

¹¹ See section 39(3) of *FIPPA* and section 29(3) of *MFIPPA*.

- Signs with a clear, language-neutral graphical depiction of the use of video surveillance are prominently displayed at the perimeter of the monitored areas and at key locations within the areas. The signs should include basic information to clarify that video surveillance is being used in the area.
- The information required by paragraphs (a)–(c) of section 39(2) of *FIPPA* and section 29(2) of *MFIPPA* is available and easily accessible on your institution's website.

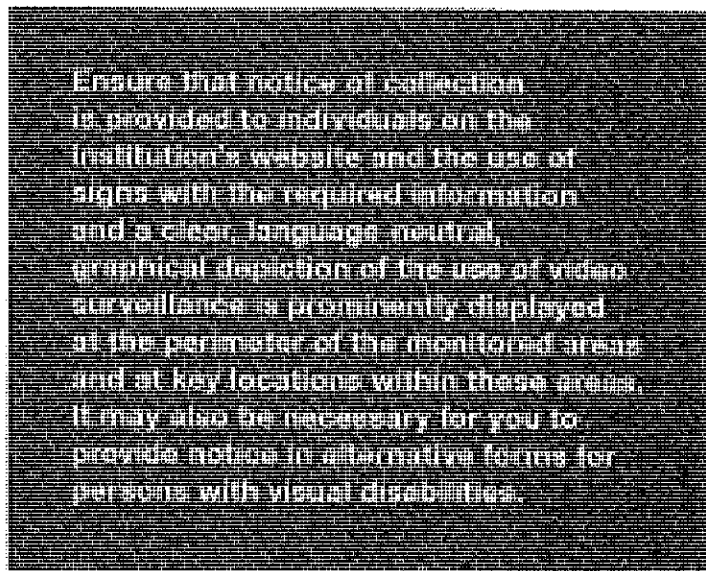
The above guidance for signs assumes that a high percentage of the individuals whose personal information is being collected are able to read them—in other words, that they are not visually disabled. However, this may not be the case in certain spaces, such as services dedicated to persons with physical disabilities. In such cases, it is important that you consider providing notice in alternative forms



LAWFUL USE

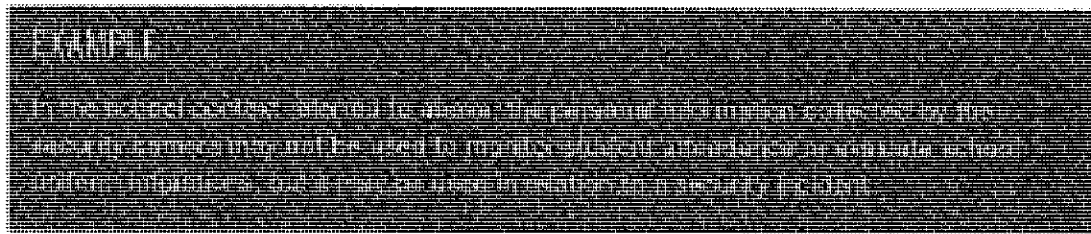
Because video surveillance collects a broad scope of personal information, much of the information collected is not likely to be relevant to the purpose of the surveillance program. For example, a security camera set up to monitor the entrance to a school will typically collect more information about the movements and activities of law-abiding individuals going about their everyday activities than information relating to security incidents. An important aspect of managing a video surveillance program involves protecting this additional personal information from misuse.

Section 41(1) of *FIPPA* and section 31(1) of *MFIPPA* restrict how personal information may be used once it has been lawfully collected. As a general rule, the acts prohibit the use of personal information unless the institution obtains consent from the individual to whom



the information relates or the personal information is used for the purpose for which it was obtained or compiled or for a consistent purpose. A "consistent purpose" is defined in section 43 of *FIPPA* and section 33 of *MFIPPA* as a use of personal information that the individual to whom the information relates might reasonably have expected at the time of collection.

In the context of video surveillance, this means that as a general rule, institutions may only use personal information collected by means of video surveillance for the purpose of the video surveillance program or for a consistent purpose. Use of the information for other, unrelated purposes would not generally be permitted. When information collected for one purpose is used for another, unrelated purpose this is often called "function creep."

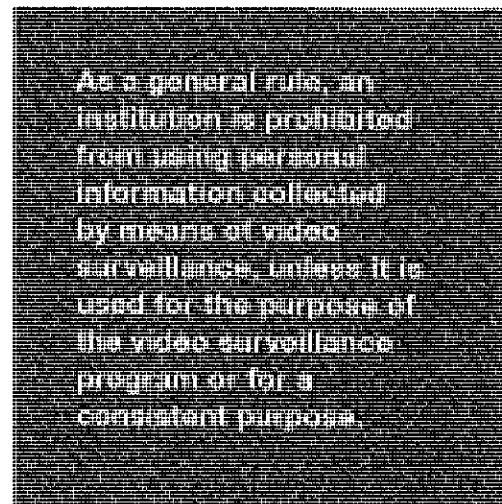


LAWFUL DISCLOSURE

FIPPA and *MFIPPA* prohibit the disclosure of personal information, except in the circumstances identified in section 42(1) of *FIPPA* and 32 of *MFIPPA*. You should develop policies and procedures in consultation with your freedom of information and privacy coordinator or legal counsel to ensure that any disclosures of video surveillance footage are consistent with these sections.

While personal information may be lawfully disclosed in these limited circumstances, an increasingly important issue in the context of video surveillance is the disclosure of personal information to appropriate authorities, above all, law enforcement agencies.

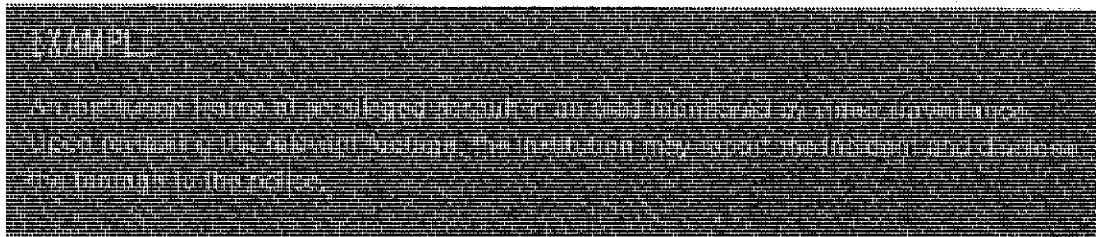
The existence of video surveillance in spaces managed by institutions has not gone unnoticed by law enforcement agencies, who increasingly rely upon it as an additional evidentiary tool in investigations, including into incidents that did not directly occur in those spaces. If your institution uses video surveillance, you may receive requests from law enforcement agencies for footage relating to incidents of which you have no



prior knowledge. At other times, you may consider disclosing footage to a law enforcement agency on your own initiative, for example, in response to illegal activity that occurs on the premises of your institution.

While there may be other situations where the disclosure of video surveillance footage is permitted, video surveillance may be disclosed to a law enforcement agency when:

- the law enforcement agency approaches your institution with a warrant requiring the disclosure of the footage, as per section 42(1)(e) of *FIPPA* and section 32(e) of *MFIPPA*,
- the law enforcement agency approaches your institution, without a warrant, and asks that you disclose the footage to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of *FIPPA* and section 32(g) of *MFIPPA* or
- you observe an illegal activity on your premises and disclose the footage to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of *FIPPA* and section 32(g) of *MFIPPA*.



When permitted under *FIPPA* or *MFIPPA*, it is important that disclosures be done in a manner that protects the privacy and security of the personal information. Section 4 of Regulation 460 of *FIPPA* and section 3 of Regulation 823 of *MFIPPA* require institutions to define, document and put in place reasonable measures to prevent unauthorized access as well as inadvertent destruction or damage of records. Accordingly, when disclosing personal information, it is important that you:

- Maintain an auditable log of each disclosure.
- Ensure the log includes the date, time and location of the footage and, where applicable, the case file number of the law enforcement agency's investigation.

- Ensure the log also includes a description of the circumstances justifying the disclosure, the amount of footage involved, the name, title and agency to whom the footage is being disclosed, the legal authority for the disclosure, the means used to disclose the footage and whether the footage will be returned or securely destroyed after use.
- Ensure that if digitized, the footage is securely encrypted.

Ensure that reasonable measures to prevent unauthorized access and inadvertent destruction or damage of records are defined, documented and put in place as part of your institution's process for disclosing video surveillance footage.

ACCESS

Individuals have a general right of access to records in the custody or under the control of institutions, under section 10 of *FIPPA* and section 4 of *MFIPPA*. Additionally, individuals whose personal information is in the custody or under the control of institutions have a right of access to that personal information under section 47(1) of *FIPPA* and section 36(1) of *MFIPPA*.

Ensure that your video surveillance program includes a process for responding to access to information requests and the means to redact exempt information from the video footage.

Your institution may receive a request from an individual for access to surveillance footage capturing his or her image for specified periods of time. That individual may have a right to access the relevant footage. Accordingly, you should ensure that your institution has a process in place to facilitate responses to access to information requests. Note that all or portions of the video surveillance footage requested may be exempt from disclosure for a number of reasons under *FIPPA* and *MFIPPA*, including the fact that disclosure may result in an unjustified invasion of someone else's privacy.¹²

In addition, your video surveillance system should include the ability to remove or redact information from the video footage to protect exempted information—for example, by using tools and techniques such as:

- digitizing analogue footage to enable the use of more powerful editing tools,
- blacking out or blurring images of individuals and
- removing the sound of voices.

¹² The video surveillance footage may also be exempt from disclosure for other reasons. You will need to consult with your freedom of information and privacy coordinator or legal counsel regarding the request and the information that should be redacted.

EXAMPLE

An individual who and falls are identified in a subway station behind of several cameras, and the machine is recorded by the tunnel camera's video surveillance system. If the individual makes an access request for information relating to that incident, filling the request may involve access that contains the personal information of the system's as well as the individual. To protect the privacy of the individual, it may be necessary to ensure that personal information before the record is released to the individual.

RETENTION

To ensure that individuals have a reasonable opportunity to access the personal information about them held by institutions, *FIPPA*, *MFIPPA* and their regulations set out rules regarding the minimum length of time institutions must retain personal information once they have used it. Specifically, section 5(1) of Regulation 460 of *FIPPA* and section 5 of Regulation 823 of *MFIPPA* require institutions in general to retain personal information for at least one year after use, although Regulation 823 permits municipal institutions to reduce this time period through a resolution or bylaw.

It is important to note that this retention requirement applies only to personal information that has been "used" by institutions. It does not apply to personal information that has been collected but not used, which in the case of video surveillance may have much shorter retention requirements.¹³ In the context of video surveillance, personal information is used whenever footage that contains images of individuals or other identifiable information is accessed or disclosed. Therefore, if you access or disclose video surveillance footage, as a general rule it is important that you retain it for at least one year.¹⁴ However, simply viewing a live feed does not represent a "use" of personal information.

If your institution accesses or discloses video surveillance footage, as a general rule, retain the footage for at least one year to provide the individuals to whom it relates with an opportunity to access it.

SECURITY

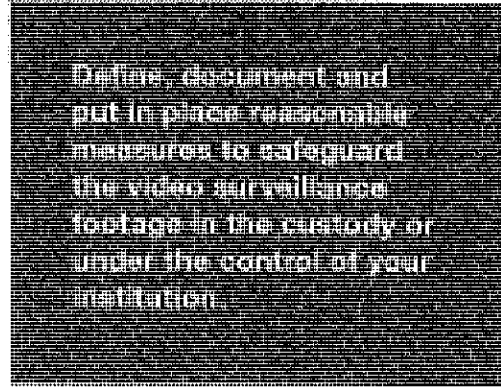
Section 4 of Regulation 460 of *FIPPA* and section 3 of Regulation 823 of *MFIPPA* require institutions to protect personal information in their custody or under their control from unauthorized access and inadvertent destruction or damage.

¹³ See the retention requirement in the discussion of "The Amount of Personal Information" above.

¹⁴ Note that your institution may have records retention requirements and policies that require the retention of used, accessed or disclosed video surveillance footage beyond the one year retention period set out in *FIPPA* and *MFIPPA*.

In the context of video surveillance, security involves ensuring the confidentiality, integrity and availability of the footage captured by the system. Accordingly, it is important that you define, document and put in place reasonable measures to safeguard the video surveillance footage in your custody or under your control. These measures may include:

- strongly encrypting video surveillance footage at rest and when transmitted across open, public networks,
- storing physical records of footage, such as discs, memory cards or servers, in a locked facility,
- limiting staff and other individuals' access to footage on a need-to-know basis,
- storing monitors in a secure location where they are not visible to the public,
- granting accounts, systems, applications and devices only the degree and kind of access necessary to fulfill defined duties and functions,
- whitelisting applications to help prevent malware and other non-approved programs from running,
- regularly patching systems and applications to protect against vulnerabilities,
- using standard, secure system configurations and not using default or factory settings and
- keeping auditable logs of all accesses, uses and disclosures of footage that are generated automatically where records are maintained electronically.



You may need to consult with the system provider and/or technical staff to implement some of these measures.

If you are considering storing video surveillance footage outside of Canada—for example, if you use a third-party service provider with data centres located outside of Canada—you should perform a risk-based analysis to determine whether the risks posed by the extraterritorial storage of personal information can be sufficiently mitigated by applicable safeguards, such as contractual provisions. This analysis will take into consideration the sensitivity of the footage and the laws of the jurisdiction in which the personal information is to be stored.¹⁵

¹⁵ For additional guidance on U.S.-based service providers, please see Privacy Investigation Report PC12-39 "Reviewing the Licensing Automation System of the Ministry of Natural Resources", available on the IPC website.

VIDEO SURVEILLANCE BEST PRACTICES

Knowing your institution's obligations under *FIPPA* and *MFIPPA* is one thing; fulfilling them, however, is another. While the above section seeks to inform institutions of their obligations under *FIPPA* and *MFIPPA* with respect to the use of video surveillance, it does not discuss organizational procedures that institutions may implement towards achieving and maintaining compliance. In what follows, we will discuss five best practices to assist institutions in fulfilling their obligations under *FIPPA* and *MFIPPA* and in protecting the privacy of individuals.

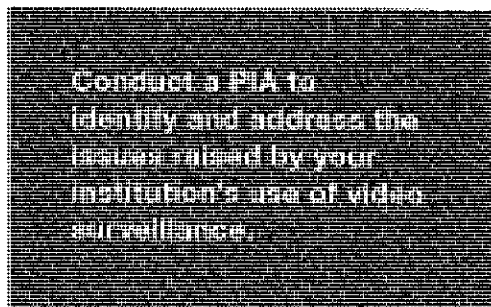
PRIVACY IMPACT ASSESSMENT

A privacy impact assessment (PIA) is a risk management tool that helps to identify the effects of a given program or other activity on an individual's privacy, and the safeguards or strategies that may be employed to eliminate the adverse outcomes of those effects or reduce them to an acceptable level. These safeguards and strategies can then be incorporated into the institution's video surveillance program, policies and procedures. PIAs also serve to identify risks to organizations.

Many of the issues raised in the previous section of these guidelines will be addressed in the course of conducting a PIA, if done properly. A PIA should, for example, identify and help resolve issues relating to your institution's use of video surveillance, including:

- the lawfulness of the collection, use, disclosure and retention of personal information,
- requirements for notice and individual access and
- appropriate measures to safeguard personal information.

Therefore, it is important that you conduct a PIA prior to your institution's use of video surveillance and whenever significant changes are made to the program. Institutions may wish to refer to the IPC's *Planning for Success: Privacy Impact Assessment Guide*¹⁶ or to the Ministry of Government and Consumer Services' PIA guidelines and tools¹⁷ for guidance on completing a PIA, or other guidance that may be directly applicable to your institution.



¹⁶ Available on the IPO website.

¹⁷ Available by contacting the Information, Privacy and Archives Division by email at web.fol.MGOS@ontario.ca or by telephone at 416-212-7061.

PUBLIC CONSULTATION

Demonstrating that you have considered all the issues raised by the use of video surveillance and have made informed decisions regarding them promotes accountability on the part of your institution and increases public trust in the program. The use of video surveillance affects all the individuals who end up moving within the space under observation. Therefore, prior to using video surveillance, and where feasible to do so, you should identify those who reasonably may be affected



Consult with the public as to the necessity and impact of the proposed use of video surveillance.

by the video surveillance and consult with them as to the program's necessity and impact. This consultation provides stakeholders with an opportunity to comment on the specifics of the program—for example, the location of cameras—in addition to the use of video surveillance itself. You should also develop a process for evaluating the necessity of the program on an ongoing basis and stakeholder consultations should be part of that process. Additionally, it is important

that you consider consulting with stakeholders prior to updating your institution's surveillance equipment or practices.

POLICIES AND PROCEDURES

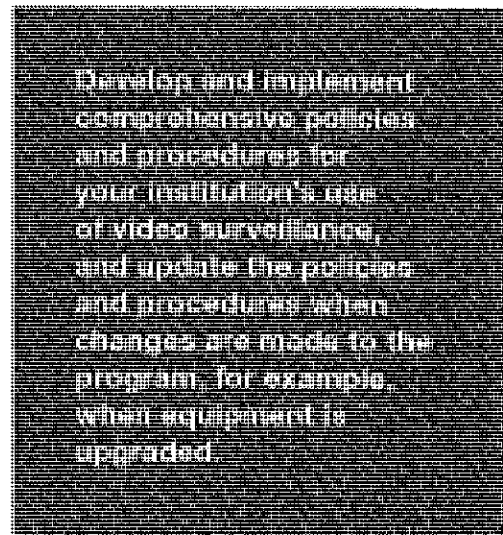
Institutions should develop and implement policies and procedures to assist in complying with the requirements set out in section 4 of Regulation 460 of *FIPPA* and section 3 of Regulation 823 of *MFIPPA*. These provisions require institutions to define, document and put in place reasonable measures to safeguard the video surveillance footage in your custody or under your control.¹⁸ While security is necessary, implementing policies and procedures for all aspects of your video surveillance program will help you to fulfill your obligations under *FIPPA* and *MFIPPA*. Accordingly, it is important that comprehensive policies and procedures for your institution's use of video surveillance be developed and implemented. These policies and procedures may include information about the issues raised above in these guidelines, such as:

- A description of the status of your institution under *FIPPA* or *MFIPPA* and the duties and responsibilities that arise as a result of this status. This may include your institution's obligations with respect to notice, access, use, disclosure, retention and disposal of records in accordance with *FIPPA* and *MFIPPA*.
- The rationale, objectives and justification for implementing the video surveillance program.

¹⁸ See the 'Security' section of these guidelines.

- A description of the nature of the personal information collected.
- Limitations placed on access to and use of personal information by employees, including the individuals that can view the information and under what circumstances it may be viewed.
- A description of the procedure that must be followed in the event that an employee is requested to disclose personal information.
- The potential consequences to employees if they breach policies or procedures.
- The designation of a senior staff member to be responsible for the organization's privacy obligations under *FIPPA* or *MFIPPA* and its policy.
- The administrative, technical and physical safeguards implemented by the organization to prevent unauthorized access to personal information and to protect personal information from inadvertent destruction or damage.
- The duties and responsibilities of employees in implementing the administrative, technical and physical safeguards put in place. This includes the signing of a written agreement to adhere to these duties, including an undertaking of confidentiality, and to undergo initial and ongoing privacy training.
- An explanation of the process for responding to privacy breaches and the duties and responsibilities imposed on employees in identifying, reporting, containing and participating in the investigation and remediation of privacy breaches.¹⁹
- The retention periods of the surveillance footage.
- The frequency and circumstances in which the video surveillance program will be audited.

In addition, it is important that you consider reviewing and updating your institution's policies and procedures regularly or whenever there is a change or upgrade to the video surveillance program. You may also consider making these policies and procedures available to the public.

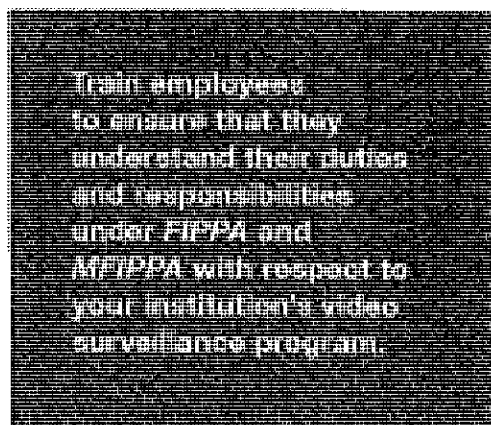


¹⁹ See *Privacy Breach Protocol & Guidelines for Government Organizations*, available on the IPC website.

TRAINING

Educating your employees on their roles and responsibilities, as defined in the policies and procedures you have developed, is an essential step to achieving an effective and compliant video surveillance program. How are employees to know what their individual duties and responsibilities are if they are not adequately trained on them? If employees are not aware of their roles and responsibilities, your institution may be at a greater risk of having a privacy breach. Accordingly, it is

important that employees be trained to ensure that they understand their duties and responsibilities under *FIPPA* and *MFIPPA* with respect to your institution's video surveillance program. Specifically, it is recommended that employees attend an initial privacy orientation as well as regular training, and that these training programs contain detailed information about the policies and procedures that have been implemented by the organization and the obligations arising from them.



AUDITS

While developing policies and procedures and training employees are important steps to achieving an effective and compliant project or program, doing this does not necessarily mean that the roles, responsibilities and practices set out in the policies and procedures are, in fact, being followed or have been realized within an institution. To achieve this next level of assurance, verification of your institution's compliance with its policies and procedures is needed. Accordingly, it is important that you audit the roles, responsibilities and practices of your institution's video surveillance program regularly to ensure that they comply with your policies and procedures²⁰. You may wish to consider retaining an independent third party to perform the audit.

In addition, the circumstances under which the use of video surveillance was originally justified may change. An area that was once prone to high rates of criminal activity may, through development or other external factors, transform into a low-crime area. Further, new, less intrusive means of achieving the same goals may become available. Accordingly, it is important that the necessity of your institution's video surveillance program regularly be considered to determine whether it is still justified in accordance with the requirements under *FIPPA* and *MFIPPA*.

²⁰ There may be circumstances where it would be appropriate to conduct audits more frequently, including where a previous inappropriate access or disclosure or other privacy breach has occurred.

When performing an audit, it is important that you address any deficiencies or concerns identified by the audit in a timely fashion, in some cases immediately. It is also important that you inform employees of the fact that their job activities may be subject to auditing and that they may be called upon to justify particular instances where they accessed footage. Further, in the interest of openness and transparency, you may wish to make the findings of your audit publicly available.

CONCLUSION

Institutions are increasingly looking to video surveillance to assist in maintaining the safety of individuals and the security of property within their institutions. By its very nature, video surveillance introduces risks to the privacy of individuals whose personal information may be collected, used and disclosed. However, if the program associated with the use of video surveillance is implemented in a privacy-protective manner, as described in these guidelines, the risks may be sufficiently mitigated to fulfill institutions' obligations under *FIPPA* and *MFIPPA*. These guidelines present various issues, requirements and best practices for institutions to consider before as well as after implementing a video surveillance program.

Audit the roles, responsibilities and practices of your institution's video surveillance program regularly to ensure that they comply with your policies and procedures. Review and evaluate the necessity of your institution's video surveillance program regularly to determine whether it is still justified in accordance with the requirements under *FIPPA* and *MFIPPA*.

ADDITIONAL RESOURCES

IPC Privacy Complaint Reports Involving video surveillance on the IPC website:

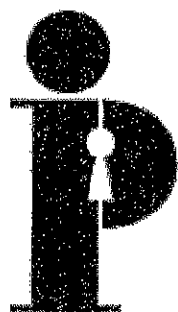
- Privacy Complaint MC13-60
- Privacy Complaint MC13-46
- Privacy Complaint MC10-2
- Privacy Investigation Report MC07-68, Privacy and Video Surveillance In Mass Transit Systems: A Special Investigation Report

ABOUT THE INFORMATION AND PRIVACY COMMISSIONER OF ONTARIO

The role of the Information and Privacy Commissioner of Ontario is set out in three statutes: the *Freedom of Information and Protection of Privacy Act*, the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*. The Commissioner acts independently of government to uphold and promote open government and the protection of personal privacy.

Under the three Acts, the Commissioner:

- Resolves access to information appeals and complaints when government or health care practitioners and organizations refuse to grant requests for access or correction.
- Investigates complaints with respect to personal information held by government or health care practitioners and organizations.
- Conducts research into access and privacy issues.
- Comments on proposed government legislation and programs.
- Educates the public about Ontario's access and privacy laws.



**Information and Privacy
Commissioner of Ontario**

**Commissaire à l'information et à la
protection de la vie privée de l'Ontario**

Information and Privacy Commissioner of Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario
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Website: www.ipc.on.ca
Telephone: 416-326-3333
Email: Info@ipc.on.ca

October 2015



THE CORPORATION OF THE TOWN OF WASAGA BEACH
POLICY MANUAL

SECTION NAME: Protection to Persons & Property	POLICY NUMBER: 5-5
POLICY: Video Surveillance Policy	REVIEW DATE: March 2019
EFFECTIVE DATE: March 2016	REVISIONS:
ADOPTED BY BY-LAW: By-Law No. 2016-57	ADMINISTERED BY: Chief Information Technology Officer and Town Clerk

PURPOSE

It is the policy of The Corporation of The Town of Wasaga Beach ("Corporation") to utilize video surveillance to ensure the security of individuals, assets and property.

Video security surveillance systems are a resource used by the Town of Wasaga Beach at selected sites within the jurisdiction of the Corporation. In the event of a reported or observed incident, the review of recorded information may be used to assist in the investigation of the incident.

The Town of Wasaga Beach recognizes that video surveillance technology has a high potential for infringing upon an individual's right to privacy and although video surveillance technology may be required for legitimate operational purposes, its use must be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (the Act).

This policy will provide guidelines designed to assist Town Departments that have identified an appropriate use for video surveillance technology, to manage records that may be created using this technology in a manner that complies with the Act and record management requirements.

SCOPE

These Guidelines do not apply to covert surveillance used for law enforcement purposes. In

those circumstances, either a statutory authority exists and/or the authority for the surveillance is lawfully obtained through a search warrant.

Covert surveillance is conducted through the use of hidden devices. If covert surveillance is not implemented pursuant to the conditions in the preceding paragraph, extra diligence in considering the use of this technology is required. However, covert surveillance is beyond the scope of this policy.

These Guidelines do not apply to videotaping or audiotaping of Town Council or Committee Meetings. In the event that taping of Council or Committee meetings occurs, disclosure must be made to the participants and attendees.

DEFINITIONS

Personal Information is defined in Section 2 of the Municipal Freedom of Information and Protection of Privacy Act ("Act"), as recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex and age. If a video surveillance system displays these characteristics of an identifiable individual or the activities in which he or she is engaged, its contents will be considered "personal information" under the *Act*.

Record means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes: a photograph, a film, a microfilm, a videotape, a machine-readable record, and any record that is capable of being produced from a machine-readable record.

Video Surveillance System refers to a video, physical or other mechanical electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces (including streets, highways, parks).

Reception Equipment refers to the equipment or device used to receive or record the personal information collected through a video surveillance system, including a camera or video monitor or any other video, audio, physical or other mechanical, electronic or digital device.

Storage Device refers to a videotape, computer disk or drive, CD ROM, computer chip or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.

GUIDELINES

The following guidelines are applicable to all Town Departments:

1) Designated Responsibilities

The Chief Information Technology Officer or designate is responsible for the overall Corporate Video Security Surveillance Program.

The Department Head of each Department is responsible for ensuring the establishment of Departmental procedures of video surveillance equipment, in accordance with this policy. The Department Head or designate is responsible for the life-cycle management of authorized video security surveillance systems [specifications, equipment standards, installation, maintenance, replacement, disposal and related requirements (e.g. signage) including:

- a) Documenting the reason for implementation of a video surveillance system at the designated area.
- b) Maintaining a record of the locations of the reception equipment.
- c) Maintaining a list of personnel who are authorized to access and operate the system(s).
- d) Maintaining a record of the times when video surveillance will be in effect.
- e) Posting of a NOTICE OF COLLECTION OF PERSONAL INFORMATION (Refer to Section 4).
- f) Assigning a person responsible for the day-to-day operation of the system in accordance with the policy, procedures and direction/guidance that may be issued from time-to-time.

Town employees and service providers shall review and comply with the policy and the Act in performing their duties and functions related to the operation of the video surveillance system.

2) Considerations

Prior to installation of video surveillance equipment, the Town Department must consider the following:

- a) The use of each video surveillance camera should be justified on the basis of security based on verifiable, specific reports of incidents of crime or significant safety concerns or for crime prevention. Video cameras should only be installed in identified public areas where video surveillance is a necessary and viable detection or deterrence activity.
- b) An assessment of the effects that the proposed video surveillance system may have on personal privacy should be conducted in an attempt to mitigate any adverse effects. Privacy intrusion should be minimized to that which is absolutely necessary to achieve its required, lawful goals.
- c) A requirement that any agreements between the Town and service providers state that the records dealt with or created while delivering a video surveillance program are under the Town's control and subject to privacy legislation (MFIPPA).
- d) A requirement that employees and service providers (in the written agreement) review and comply with the policy and the Act in performing their duties and functions related to the operation of the video surveillance system.

3) Installation and Placement

- a) Video surveillance equipment should never monitor the inside of areas where the public and employees have a higher expectation of privacy such as change rooms, washrooms or other similar areas where personal privacy and/or confidentiality is expected.
- b) Equipment should be installed in a strictly controlled access area. Only controlling personnel should have access to the access area and the equipment.
- c) Equipment should be installed in such a way that it only monitors those spaces that have been identified as requiring video surveillance.
- d) Adjustment of the camera position should be restricted, if possible, to ensure only designated areas are being monitored.
- e) Video surveillance should be restricted to periods when there is demonstrably a higher likelihood of crime being committed and detected in the area under surveillance. Video surveillance may occur on a continuous basis in areas where deemed necessary.

4) Notification

The public should be notified of the existence of video surveillance equipment by clearly written signs prominently displayed at the entrances, exterior walls, interior of buildings and/or perimeter of the video surveillance areas.

Signage must satisfy the notification requirements under section 29(2) of the Act, which include:

- a) informing individuals of the legal authority for the collection of personal information;
- b) the principal purpose(s) for which the personal information is intended to be used; and
- c) the title, business address and telephone number of someone who can answer questions about the collection;

The following is suggested wording for use in building signage, based on a minimum requirement of the IPC:

"THIS AREA IS MONITORED BY VIDEO SURVEILLANCE CAMERAS. Please direct inquiries regarding the collection of personal information to the Town of Wasaga Beach, 30 Lewis Street, (705) 429-3844"

5) Access, Use and Disclosure

Information collected by way of video surveillance systems may only be used for the purposes of the stated rationale and objectives set out to protect public safety or to detect and deter criminal activity and vandalism. Information should not be retained or used for any other purposes.

- a) All tapes or other storage devices that are not in use should be dated, labeled and stored securely in a locked container located in a controlled access area.
- b) Access to the storage devices is limited to the Chief Information Technology Officer or designate. Logs should be kept of all instances of access to, and use of, recorded material to enable a proper audit trail. The personal information recorded by video surveillance is subject to access and privacy legislation. An individual whose personal information has been collected by a video surveillance system has a right of access under Section 36 of the Municipal Freedom of Information and Protection of Privacy Act. Access will depend upon whether an exemption applies and if exempt information can be reasonably severed from the record.
- c) Only the C.A.O., Town Solicitor, Town Prosecutor, Department Head or designate may review the information retrieved by the Chief Information Technology Officer. Circumstances, which would warrant review, will normally be limited to an incident that has been reported/observed or to investigate a potential crime and may involve the appropriate law enforcement personnel.

6) Retention

Unless otherwise established, the retention period for information that has not been viewed for law enforcement or public safety purposes shall be **three (3) days** for digital systems. Once the retention period is met, all tapes must be erased and reused or securely disposed of (shredded, burned or degaussed). The Town may use self-erasing, re-setting systems which are pre-set to a designated time period.

When recorded information has been viewed for law enforcement or public safety purposes, the retention period shall be a minimum of one (1) year from the date of viewing. However, this information may be retained for a period longer than one year if legal action or prosecution which relies on this evidence is ongoing.

The Town will store and retain storage devices required for evidentiary purposes according to standard procedures until the law enforcement authorities request them.

DELEGATION AND DISPUTE

The Chief Information Technology Officer and Town Clerk of the Corporation are delegated the responsibilities related to the processing of communications. Any dispute from the public regarding the provisions of this policy, shall be referred to the Chief Information Technology Officer, who in consultation with the Town Clerk and C.A.O. shall make a determination regarding the issue.

POLICY ADMINISTRATION AND REVIEW

This policy shall be administered by the Chief Information Technology Officer and the Town Clerk.

This policy will be reviewed every three (3) years or as required based on revisions to corporate practises or Provincial legislation.



Security Video Surveillance Policy

Policy Statement

The Municipality of Central Elgin (the Municipality) recognizes the need to balance an individual's right to privacy and the need to ensure the safety and security of municipal employees, clients, visitors and property.

As an institution governed by the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, Chapter M. 56*, the Municipality of Central Elgin has obligations with respect to notice, access, use, disclosure, retention and disposal of records.

While video surveillance cameras are installed for safety and security reasons, the Municipality's video surveillance systems must also be designed to minimize privacy intrusion.

Proper video surveillance, where deemed necessary, is one of the most effective means of helping to keep Municipal facilities and properties operating in a way that protects security, safety, and privacy. Personal information collected by video surveillance includes video images and audio.

Policy Description

This Municipal policy has been developed to govern video surveillance at municipally owned and leased properties in accordance with the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

The Municipal Freedom of Information and Protection of Privacy Act

As detailed in Section 38(2) of Freedom of Information and Protection of Privacy Act (FIPPA) and 28(2) of Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), personal information may be collected without consent when it is:

1. expressly authorized by statute or by-law,
2. used for the purposes of law enforcement, or
3. necessary to the proper administration of a lawfully authorized activity.

This policy has been drafted to conform with practices outlined by the Information and Privacy Commissioner of Ontario ("IPC") in a document entitled "Video Surveillance: The Privacy Implications", available at https://www.ipc.on.ca/wp-content/uploads/Resources/2015_Guidelines_Surveillance.pdf. The IPC has indicated that after careful consideration, an institution may decide to use video surveillance for purposes in accordance with MFIPPA. Section 2 of MFIPPA defines "videotapes" in the term "record" and also provides a definition of "personal information" which describes it as recorded information about an identifiable individual.

Application

This policy applies to all types of camera surveillance systems, surveillance monitors, and camera recording devices at municipally owned and leased properties that are used for security purposes.

This policy does not apply to Agencies, Boards, and Commissions; or to cameras used by the Ontario Provincial Police; or, to video surveillance used for employment related or labour-related information; or, to cameras used for the reduction of liability for the surveillance of roads and their conditions.

Responsibilities

The senior staff member responsible for the Video Surveillance Policy is the Director of Physical Services or his or her assignees. The Director of Physical Services may delegate responsibilities under this Policy to other staff.

The Chief Administrative Officer/Clerk is Municipality's Head under the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), and is responsible for providing a response to access requests.

The key duties of the Director of Physical Services include:

- Ensuring policy compliance.
- Undertaking yearly evaluations of video surveillance system installations to ensure compliance with this Policy.
- Approving installation of video cameras at specified municipally owned and leased properties.
- Advising on placement of video surveillance monitoring signs.
- Acting as the primary contact for all requests by law enforcement agencies for access to video records.
- Overseeing day-to-day operations of video surveillance cameras.
- Complying and ensuring Operator's compliance with all aspects of the Security Video Surveillance Policy.
- Ensuring monitoring and recording devices are stored in a safe and secure location.
- Ensuring logbooks, recording all activities related to video devices and records, are kept and maintained.
- In consultation with Human Resources, providing training on a regular basis regarding obligations and compliance with the MFIPPA and the Security Video Surveillance Policy.
- Ensuring that no copies of data/images in any format (hardcopy, electronic, etc.) is taken from the video surveillance system inappropriately
- Immediately reporting all alleged privacy breaches to the Chief Administrative Officer for immediate action.
- Working with the Chief Administrative Officer to investigate video surveillance security privacy breaches.

- Providing status updates to Council, annually, regarding staff adherence to the responsibilities within the policy.
- Reporting to Council when video surveillance is being proposed in new locations.
- Ensuring that they and their assignees receive appropriate training.

All Staff must adhere to the video surveillance policy and must not access or use information contained in the video surveillance system, its components, files, or database for personal reasons, nor dispose, destroy, erase or alter any record without proper authorization and without following the regulations contained in the Security Video Surveillance Policy.

Guidelines to Follow Prior to the Installation of a Video Surveillance System

Before deciding to install video surveillance, the following factors must be considered:

- The use of video surveillance cameras should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns.
- A video surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable.
- An assessment must be conducted on the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated.
- The proposed design and operation of the video surveillance systems should minimize privacy intrusion.
- Whether or not additional sensory information, such as sound, is directly related to potential problems or does not need to be recorded.

When designing a video surveillance system and installing equipment, the following must be considered:

- The video surveillance systems may operate at any time in a 24 hour period.
- The video equipment should be installed to only monitor those spaces that have been identified as requiring video surveillance.
- The ability to adjust cameras should be restricted, if possible, so that the cameras do not record and operators cannot adjust or manipulate cameras to overlook spaces that are not intended to be covered by the video surveillance program, such as through windows in adjacent buildings or onto adjacent properties.
- Equipment should never monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms). —
- Where possible, video surveillance should be restricting to periods when there is a demonstrably higher likelihood of crime being committed and detected in the area under surveillance.
- Viewing and recording equipment must be located in a strictly controlled access area.
- Only identified and trained staff shall have access to the controlled access area and the reception/recording equipment.
- Every reasonable attempt should be made to ensure video monitors are not in a position that enables the public and/or unauthorized staff to view the monitors.

Notice of Use of Video Systems

In order to provide notice to individuals that video is in use:

- The Municipality shall post signs, visible to members of the public, at all entrances and/or prominently displayed on the perimeter of the grounds under video surveillance (see Appendix #2).
- The notification requirements of this sign must inform individuals, using words and symbols, of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used; and the title, business address, and telephone number of someone who can answer questions about the collection (see Appendix #2).
- This information will also be available on the Municipal website.

Personnel Authorized to Operate Video Equipment

Only the Director of Physical Services, and staff designated by the Director, shall be permitted to operate video surveillance systems.

Video Equipment / Records

Types of Recording Devices

The Municipality may use Digital Video Recorders (DVR) in its video systems. Facilities using video recorders will retain these records for a period of up to 30 days, depending on the recording device and technology. A record of an incident will only be stored longer than 30 days where it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes.

Monitors will be kept in a secure location where they are not visible to the public.

Record Identification

All records (storage devices) shall be clearly identified (labeled) as to the date and location of origin. They shall be labeled with a unique, sequential number or other verifiable symbol. In facilities with a DVR that stores information directly on a harddrive, the computer time and date stamp shall be understood to be this identification. In facilities with a VCR or other recording mechanism using a removable / portable storage device, the operator shall affix a label to each storage device identifying this information.

Logbook

Each device shall have a logbook to record all activities related to video devices and records. The activities include all information regarding the use, maintenance, and storage of records and all instances of access to, and use of, recorded material. All logbook entries will detail authorized staff, date, time, and activity. This logbook must remain in a safe and secure location

with the video recording equipment. Only the Director of Physical Services is authorized to remove this logbook from the secure location.

Access to Video Records

Access

Access to the video surveillance records, e.g. remote access using the internet, logbook entries, CD, video tapes, etc shall be restricted to authorized personnel only in order to comply with their roles and responsibilities as outlined in the Video Surveillance Policy.

Any staff accessing records should sign a written agreement to adhere to this policy, including an undertaking of confidentiality.

Storage

All storage devices that are not in use must be stored securely in a locked receptacle located in an access-controlled area.

Formal Access Requests Process

With exception of requests by law enforcement agencies, all requests for video records should be directed to the main office at 450 Sunset Drive in St. Thomas, Ontario for processing.

A person requesting access to a record should make a request in writing either in the form of a letter or the prescribed form and submit it to the Chief Administrative Officer under MFIPPA. This form is available in our offices, or at www.centralelgin.org.

The individual requesting the record must:

- Provide sufficient detail (the approximate time and date, the location - if known - of the incident, etc.) to enable an experienced employee, upon a reasonable effort, to identify the record; and,
- At the time of making the request, pay the prescribed fees as provided for under the Act.

Access: Law Enforcement

If access to a video surveillance record is required for the purpose of a law enforcement investigation, the requesting Officer must complete the Law Enforcement Officer Request Form (See Appendix #1) and forward this form to the Director of Physical Services.

While there may be other situations where the disclosure of video surveillance footage is permitted, video surveillance may be disclosed to a law enforcement agency when:

- the law enforcement agency approaches the Municipality with a warrant requiring the disclosure of the footage, as per section 42(1)(e) of FIPPA and section 32(e) of MFIPPA,
- the law enforcement agency approaches the Municipality, without a warrant, and requests the disclosure of footage to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA, or

- staff observe an illegal activity on Municipality property and disclose the footage to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA.

Staff will provide the recording for the specified date and time of the incident as requested by the Law Enforcement Officer and record the following information in the facility's video logbook:

- i) the date and time of the original, recorded incident including the designated name/number of the applicable camera and DVR;
- ii) the time and date the copy of the original record was sealed;
- iii) the time and date the sealed record was provided to the requesting Officer;
- iv) the case file number of the agency's investigation,
- v) a description of the circumstances justifying the disclosure;
- vi) the amount of footage involved;
- vii) the name, title and agency to whom the footage is being disclosed;
- viii) the legal authority for the disclosure,
- ix) the means used to disclose the footage and
- x) if the record will be returned or destroyed after use by the Law Enforcement Agency.

This must only be completed by an individual(s) authorized in a private, controlled area that is not accessible to other staff and/or visitors.

In order to protect privacy, the Municipality will, whenever possible, strongly encrypt video surveillance footage at rest and when transmitted across open, public networks, and store physical records of footage, such as discs, memory cards or servers, in a locked facility.

Custody, Control, Retention and Disposal of Video Records / Recordings

The Municipality retains custody and control of all original video records not provided to law enforcement.

Video records are subject to the access and privacy requirements of the MFIPPA, which includes but is not limited to the prohibition of all Staff from access or use of information from the video surveillance system, its components, files, or database for personal reasons.

With the exception of records retained for criminal, safety, or security investigations or evidentiary purposes, or as otherwise required by law, the Municipality must not maintain a copy of recordings for longer than 30 days.

Any records that are accessed or disclosed will be retained for one year, as per Regulation 460 of FIPPA and section 5 of Regulation 823 of MFIPPA.

The Municipality will take all reasonable efforts to ensure the security of records in its control / custody and ensure their safe and secure disposal.

Old storage devices must be disposed of in accordance with an applicable technology asset disposal process ensuring personal information is erased prior to disposal, and cannot be retrieved or reconstructed. Disposal methods may include shredding, burning, or erasing, depending on the type of storage device.

Unauthorized Access and/or Disclosure (Privacy Breach)

Staff who become aware of any unauthorized disclosure of a video record in contravention of this Policy and/or a potential privacy breach are to immediately notify the Director of Physical Services and the Chief Administrative Officer. After this unauthorized disclosure or potential privacy breach is reported:

- Upon confirmation of the existence of a privacy breach, the Chief Administrative Officer shall notify the Information and Privacy Officer of Ontario (IPC) and work constructively with the IPC staff to mitigate the extent of the privacy breach and to review the adequacy of privacy protection with the existing policy.
- The Director of Physical Services shall inform the Chief Administrative Officer of events that have led up to the privacy breach.
- The staff member shall work with the Director of Physical Services to take all reasonable actions to recover the record and limit the record's disclosure.
- The Director of Physical Services will notify affected parties whose personal information was inappropriately disclosed.
- The Director of Physical Services shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences.

Intentional wrongful disclosure or disclosure caused by negligence by employees may result in disciplinary action up to and including dismissal. Intentional wrongful disclosure or disclosure caused by negligence by service providers (contractors) may result in termination of their contract.

Inquires From the Public Related to the Video Surveillance Policy

A staff member receiving an inquiry from the public regarding the Video Surveillance Policy shall direct the inquiry to the Chief Administrative Officer.

Review of Video Surveillance Policy

This policy shall be reviewed every 2 (two) years by the Chief Administrative Officer who will forward recommendations for update, if any, to Council for approval.

Appendix 1 - Law Enforcement Officer Request Form

RELEASE OF RECORD TO LAW ENFORCEMENT AGENCY UNDER SECTION 32(G) OF
THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.

I, _____, of the _____
(print name of officer) (print name of police force)

request a copy of the following record(s):

1.

2.

3.

containing the personal information of _____
(print name(s) of individual(s))

to aid an investigation undertaken with a view to a law enforcement proceeding or from which a
law enforcement proceeding is likely to result.

Signature of Officer

Badge/Identification No.

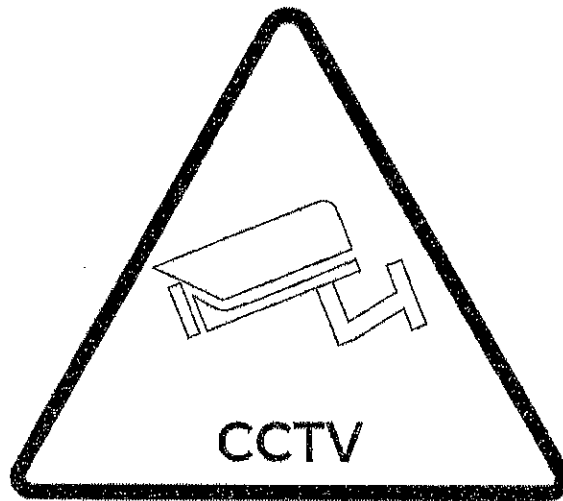
Date

Signature of Director of
Physical Services

Date

Return all completed ORIGINAL forms to the Director of Physical Services at the Municipality of
Central Elgin, 450 Sunset Drive, Elgin County Administration Building, St. Thomas, Ontario N5R 5V1.

Appendix 2 – Notice of Collection



ATTENTION

**This area may be monitored by
Video Surveillance Cameras**

The personal information obtained from the Video Surveillance Cameras at this site is collected under the legal authority of the The Municipal Act, 2001, and . The information you provide may be used for the purpose of promoting public safety and reduction of crime at this site.

Any questions about this collection can be directed to the CAO at 450 Sunset Drive, St. Thomas, or 519-631-4860. More Information is available at www.centralelgin.org.



Department: Leisure Services Department	Policy Number: R05-01632
Subject: Video Surveillance Policy	Effective Date: 2011/01/25
Bylaw No:	Revision Date: 2017-01-19
	Version #: 2

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Policy Statement

The Town of Espanola (the Town) recognizes the need to balance an individual's right to privacy and the need to ensure the safety and security of municipal employees, the public and property.

As an institution governed by the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, Chapter M. 56*, the Town of Espanola has obligations with respect to notice, access, use, disclosure, retention and disposal of records. While video surveillance cameras are installed for safety and security reasons, the Town's video surveillance systems must also be designed to minimize privacy intrusion.

Proper video surveillance, where deemed necessary, is one of the most effective means of helping to keep Municipal facilities and properties operating in a way that protects security, safety, and privacy. Personal information collected by video surveillance includes video images and audio.

Policy Description

This Municipal policy has been developed to govern video surveillance at municipally owned and leased properties in accordance with the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

The *Municipal Freedom of Information and Protection of Privacy Act*, as detailed in Section 38(2) of Freedom of Information and Protection of Privacy Act (FIPPA) and 28(2) of Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), personal information may be collected without consent when it is:

1. expressly authorized by statute or by-law,
2. used for the purposes of law enforcement, or
3. necessary to the proper administration of a lawfully authorized activity.

Scope:

This policy applies to all types of camera surveillance systems, surveillance monitors, and camera recording devices at municipally owned and leased properties that are used for safety and security purposes.

These Guidelines do not apply to covert surveillance used for law enforcement purposes. In those circumstances, either a statutory authority exists and/or the authority for the surveillance is lawfully obtained through a search warrant.

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Covert surveillance is conducted through the use of hidden devices.

These Guidelines do not apply to videotaping or audiotaping of Town Council or Committee Meetings

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Responsibilities

The senior staff member responsible for the Video Surveillance Policy is the Clerk or his or her designates. The Clerk may delegate responsibilities under this Policy to other staff.

The Chief Administrative Officer/Treasurer (CAO) is Town's Head under the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), and is responsible for providing a response to access requests.

The key duties of the Clerk include:

- Ensuring policy compliance.
- Undertaking yearly evaluations of video surveillance system installations to ensure compliance with this Policy.
- Approving installation of video cameras at specified municipally owned and leased properties.
- Advising on placement of video surveillance monitoring signs.
- Acting as the primary contact for all requests by law enforcement agencies for access to video records.
- Overseeing day-to-day operations of video surveillance cameras.
- Complying and ensuring Operator's compliance with all aspects of the Security Video Surveillance Policy.
- Ensuring monitoring and recording devices are stored in a safe and secure location.
- Ensuring logbooks, recording all activities related to video devices and records, are kept and maintained.
- In consultation with Human Resources, providing training on a regular basis regarding obligations and compliance with the MFIPPA and the Security Video Surveillance Policy.
- Ensuring that no copies of data/images in any format (hardcopy, electronic, etc.) is taken from the video surveillance system inappropriately.
- Immediately reporting all alleged privacy breaches to the Chief Administrative Officer for immediate action.

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¶ Access to information collected under the video surveillance shall be accessed by management and for law enforcement purposes only.¶

¶ Under no circumstance shall footage be shown or provided to any individual.¶

¶ If there is an alleged crime, the patron/visitor shall be advised to file a police report. The police shall view the footage or ask for a copy.¶

¶ When an incident has been reported the files shall be recorded on an external drive (usb/cd) and stored securely in a locked cabinet/safe for 2 years¶

¶ Where a review of the recorded information indicates that unlawful activity has occurred or is suspected, the local police service will be brought in to view the recorded information.

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- Working with the Chief Administrative Officer to investigate video surveillance security privacy breaches.
- Ensuring that they and their assignees receive appropriate training.

Department managers and supervisors will:

- Ensure the appropriate use of the video surveillance system at their facility(ies) in compliance with this policy;
- Refer any requests for copies of surveillance video to the Clerk or delegated employee;
- Investigate and report any privacy breaches to the Clerk or delegated employee.

All Staff must:

- adhere to the video surveillance policy and must not access or use information contained in the video surveillance system, it's components, files, or database for personal reasons, nor dispose, destroy, erase or alter any record without proper authorization
- report to their manager or supervisor any suspected privacy breach;
- report to their supervisor any problems with the video surveillance system.

Guidelines to Follow Prior to the Installation of a Video Surveillance System

Before deciding to install video surveillance, the following factors must be considered:

- The use of video surveillance cameras should be justified on the basis of significant safety and security concerns, which must relate to the protection of patrons and the public, or the deterrence or detection of theft, vandalism or other property damage;
- A video surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable.
- An assessment must be conducted on the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated.
- The proposed design and operation of the video surveillance systems should minimize privacy intrusion.
- Whether or not additional sensory information, such as sound, is directly related to potential problems or does not need to be recorded.

When designing a video surveillance system and installing equipment, the following must be considered:

- The video surveillance systems may operate at any time in a 24 hour period.
- The video equipment should be installed to only monitor those spaces that have been identified as requiring video surveillance.
- The ability to adjust cameras should be restricted, if possible, so that the cameras do not record and operators cannot adjust or manipulate cameras to overlook spaces that are not intended to be covered by the video surveillance program, such as through windows in adjacent buildings or onto adjacent properties.
- Equipment should never monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms). -

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- Where possible, video surveillance should be restricted to periods when there is a demonstrably higher likelihood of crime being committed and detected in the area under surveillance.
- Viewing and recording equipment must be located in a strictly controlled access area.
- Only identified and trained staff shall have access to the controlled access area and the reception/recording equipment.
- Every reasonable attempt should be made to ensure video monitors are not in a position that enables the public and/or unauthorized staff to view the monitors.

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Notice of Use of Video Systems

In order to provide notice to individuals that video is in use:

- The Town shall post signs, visible to members of the public, at all entrances and/or prominently displayed on the perimeter of the grounds under video surveillance (see Appendix #2).
- The notification requirements of this sign must inform individuals, using words and symbols, of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information is intended to be used; and the title, business address, and telephone number of someone who can answer questions about the collection (see Appendix #2).
- This information will also be available on the Municipal website.

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Video Equipment / Records

Types of Recording Devices

The Town may use Digital Video Recorders (DVR) in its video systems. Facilities using video recorders will retain these records for a period of up to 30 days, depending on the recording device and technology. A record of an incident will only be stored longer than 30 days where it may be required as part of a criminal, safety, or security investigation or for evidentiary purposes.

Record Identification

All records (storage devices) shall be clearly identified (labeled) as to the date and location of origin. They shall be labeled with a unique, sequential number or other verifiable symbol. In facilities with a DVR that stores information directly on a harddrive, the computer time and date stamp shall be understood to be this identification.

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Logbook

Each device shall have a logbook to record all activities related to video devices and records. The activities include all information regarding the use, maintenance, and storage of records and all instances of access to, and use of, recorded material. All logbook entries will detail authorized staff, date, time, and activity. This logbook must remain in a safe and secure location with the video recording equipment. Only the Clerk and/or their designate is authorized to remove this logbook from the secure location.

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Access to Video Records

Access

Access to the video surveillance records, e.g. remote access using the Internet, logbook entries, CD, video tapes, etc shall be restricted to authorized personnel only to In order to comply with their roles and responsibilities as outlined in the Video Surveillance Policy.

Any staff accessing records should sign a written agreement to adhere to this policy, including an undertaking of confidentiality.

Storage

All storage devices that are not in use must be stored securely in a locked receptacle located in an access-controlled area.

Formal Access Requests Process

With exception of requests by law enforcement agencies, all requests for video records should be directed to the Town Office at 2-100 Tudhope Street, Espanola, Ontario for processing.

A person requesting access to a record should make a request in writing either in the form of a letter or the prescribed form and submit it to the Chief Administrative Officer under MFIPPA. This form is available in our offices, or at www.espanola.ca.

The individual requesting the record must:

- Provide sufficient detail (the approximate time and date, the location - if known - of the incident, etc.) to enable an experienced employee, upon a reasonable effort, to identify the record; and,
- At the time of making the request, pay the prescribed fees as provided for under the Act.

Access: Law Enforcement

If access to a video surveillance record is required for the purpose of a law enforcement investigation, the requesting Officer must complete the Law Enforcement Officer Request Form (See Appendix #1) and forward this form to the Chief Administrative Officer.

While there may be other situations where the disclosure of video surveillance footage is permitted, video surveillance may be disclosed to a law enforcement agency when:

- the law enforcement agency approaches the Town with a warrant requiring the disclosure of the footage, as per section 42(1)(e) of FIPPA and section 32(e) of MFIPPA,
- the law enforcement agency approaches the Town, without a warrant, and requests the disclosure of footage to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA, or
- staff observe an illegal activity on Town property and disclose the footage to a law enforcement agency to aid an investigation from which a proceeding is likely to result, as per section 42(1)(g) of FIPPA and section 32(g) of MFIPPA.

Staff will provide the recording for the specified date and time of the incident as requested by the Law Enforcement Officer and record the following information in the facility's video logbook:

- the date and time of the original, recorded incident including the designated name/number of the applicable camera and DVR;
- the time and date the copy of the original record was sealed;
- the time and date the sealed record was provided to the requesting Officer;

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- iv. the case file number of the agency's investigation;
- v. a description of the circumstances justifying the disclosure;
- vi. the amount of footage involved;
- vii. the name, title and agency to whom the footage is being disclosed;
- viii. the legal authority for the disclosure;
- ix. the means used to disclose the footage and
- x. if the record will be returned or destroyed after use by the Law Enforcement Agency.

This must only be completed by an individual(s) authorized in a private, controlled area that is not accessible to other staff and/or visitors.

In order to protect privacy, the Town will, whenever possible, strongly encrypt video surveillance footage at rest and when transmitted across open, public networks, and store physical records of footage, such as discs, memory cards or servers, in a locked facility.

Custody, Control, Retention and Disposal of Video Records / Recordings

The Town retains custody and control of all original video records not provided to law enforcement.

Video records are subject to the access and privacy requirements of the MFIPPA, which includes but is not limited to the prohibition of all Staff from access or use of information from the video surveillance system, its components, files, or database for personal reasons.

With the exception of records retained for criminal, safety, or security investigations or evidentiary purposes, or as otherwise required by law, the Town must not maintain a copy of recordings for longer than 30 days.

Any records that are accessed or disclosed will be retained for one year, as per Regulation 460 of FIPPA and section 5 of Regulation 823 of MFIPPA.

The Town will take all reasonable efforts to ensure the security of records in its control / custody and ensure their safe and secure disposal.

Old storage devices must be disposed of in accordance with an applicable technology asset disposal process ensuring personal information is erased prior to disposal, and cannot be retrieved or reconstructed. Disposal methods may include shredding, burning, or erasing, depending on the type of storage device.

Unauthorized Access and/or Disclosure (Privacy Breach)

Staff who become aware of any unauthorized disclosure of a video record in contravention of this Policy and/or a potential privacy breach are to immediately notify the Clerk and/or the Chief Administrative Officer. After this unauthorized disclosure or potential privacy breach is reported:

- Upon confirmation of the existence of a privacy breach, the Chief Administrative Officer shall notify the Information and Privacy Officer of Ontario (IPO) and work constructively with the IPO staff to mitigate the extent of the privacy breach and to review the adequacy of privacy protection with the existing policy.
- The Clerk shall inform the Chief Administrative Officer of events that have led up to the privacy breach.

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- The staff member shall work with the Clerk to take all reasonable actions to recover the record and limit the record's disclosure.
- The Clerk will notify affected parties whose personal information was inappropriately disclosed.
- The Clerk shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences.

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Intentional wrongful disclosure or disclosure caused by negligence by employees may result in disciplinary action up to and including dismissal. Intentional wrongful disclosure or disclosure caused by negligence by service providers (contractors) may result in termination of their contract.

Inquires From the Public Related to the Video Surveillance Policy

A staff member receiving an inquiry from the public regarding the Video Surveillance Policy shall direct the inquiry to the Chief Administrative Officer.

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Review of Video Surveillance Policy

This policy shall be reviewed every 2 (two) years by the Chief Administrative Officer who will forward recommendations for update, if any, to Council for approval.

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Appendix 1 - Law Enforcement Officer Request Form

RELEASE OF RECORD TO LAW ENFORCEMENT AGENCY UNDER SECTION 32(G) OF THE
MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.

I, _____, of the

(print name of officer) (print name of police force)
request a copy of the following record(s):

- 1.
- 2.
- 3.

containing the personal information of

(print name(s) of
individual(s)) to aid an investigation undertaken with a view to a law enforcement
proceeding or from which a law enforcement proceeding is likely to result.

Signature of Officer Badge/Identification No. _____ Date _____

Signature of CAO _____ Date _____

Return all completed ORIGINAL forms to the CAO at the Town of Espanola, 2-100
Tudhope Street, Espanola, Ontario P5E 1S6

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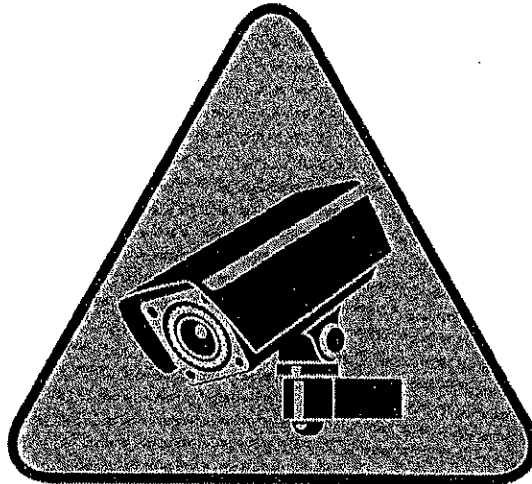
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Appendix 2 Notice of Collection



NOTICE
You are under CCTV Surveillance

The personal information obtained from the Video and Audio Surveillance Cameras at this site is collected under the legal authority of the MFIPPA S28(2). The information you provide may be used for the purpose of promoting public safety and reduction of crime at this site.

Any questions about this collection can be directed to the CAO at
2-100 Tudhope St., Espanola, ON or 705-869-1540. More information is available at www.espanola.ca



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Purpose: To provide guidance in the responsible use of the video surveillance records.

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Information obtained through video surveillance will be used for security and law enforcement purposes, which must relate to the protection of patrons and the public, or the deterrence or detection of criminal activity, including theft, vandalism or other property damage.

Access to information collected under the video surveillance shall be accessed by management and for law enforcement purposes only.

Under no circumstance shall footage be shown or provided to any individual.

If there is an alleged crime, the patron/visitor shall be advised to file a police report. The police shall view the footage or ask for a copy.

When an incident has been reported the files shall be recorded on an external drive (usb/cd) and stored securely in a locked cabinet/safe for 2 years

Where a review of the recorded information indicates that unlawful activity has occurred or is suspected, the local police service will be brought in to view the recorded information.

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Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date:
Policy No:	Revision Date: 06/05/17
Bylaw No:	Version #: 1

STAFF REPORT

DEPARTMENT: Public Works Dept.	DATE: June 17, 2019
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ITEM: 2019 Winter Sand Tender Award (WS-2019)
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RECOMMENDATION: Award the 2019 winter sand tender to OCL Custom Crushing & Quarrying Ltd.
--

BACKGROUND: The 2019 winter sand tender was sent out to 3 suppliers. They were as follows: T. Bell, Carlyle Const. and OCL. The tender was sent out for bid on June 5/19 with a June 14/19 closing date at 2pm. The only bid received was from OCL.
--

<p>ANALYSIS: As OCL was the only bidder on the standard specification, it is recommended to award them the contract for \$10.87/tonne x 3,000 tonnes = \$32,610.00 plus HST.</p> <p>The department expects to exceed the budgeted amount of \$24,000 by approximately \$8,610 plus tax. This is due to the severity of this past winter and the excessive quantity of sand used.</p> <p>Included in the tender is an allowance of +/- 20% of the tender quantity to ensure we fill the sand dome to capacity.</p>
--

EXISTING POLICY: Policy F17-01325 – Procurement of Goods Policy
--

STRATEGIC GOAL: Improve and maintain our infrastructure
--

FINANCIAL COMMITMENT: Approximately \$33,200 including the town portion of HST.
--

IMPLEMENTATION: Immediately

Prepared By: Dave Parker

Department Manager: Joel Yusko

Clerk Treasurer/Administrator: Cynthia Townsend

Approval of Recommendation: Yes ☒ No ☐

Comments: The additional amount can be funded from the Winter Maintenance Reserve. If all of the sand is not required in the 2019/2020 winter, it will reduce the quantity required in 2020/2021.