REGULAR MEETING OF COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE, TO BE HELD IN THE COUNCIL CHAMBERS, MUNICIPAL ADMINISTRATION COMPLEX, MANITOUWADGE, ONTARIO, ON WEDNESDAY, APRIL 25, 2018 AT THE HOUR OF 7:00 P.M.

AGENDA

01 CALL TO ORDER

02 ADDITIONS OR DELETIONS TO AGENDA

03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

04 APPROVAL OF AGENDA

05 DELEGATIONS AND PRESENTATIONS

06 ADOPTION OF MINUTES OF PREVIOUS MEETINGS

01 Minutes of the Regular Meeting held April 11, 2018

02 Minutes of the Special Meeting held April 12, 2018

07 PETITIONS

08 DISBURSEMENTS

01 Statement of Disbursement Sheet No. 2018-06 for $182,370.19.

09 CORRESPONDENCE

10 REPORTS AND COMMITTEES

01 Minutes of Meetings: Manitouwadge Nuclear Waste Community Liaison Committee held March 15, 2018.

02 Minutes of Meetings: Thunder Bay District Municipal League held April 14, 2018.

11 VERBAL UPDATE BY MAYOR

12 VERBAL UPDATE BY CAO/CLERK-TREASURER

13 BY-LAWS

01 Being a By-Law to establish a “Community Well-Being Reserve Fund”.

02 Being a By-Law to authorize the entering into an Agreement with the Ministry of Natural Resources and Forestry for the Grant of Easement located at Part of Location CL 17046, Designated as Parts 1, 2 and 3, on RP 55R-13569.


14 BUSINESS

01 Administration Report TR2018-10 submitted by Margaret Hartling, CAO/Clerk-Treasurer regarding Use of Corporate Resources for Election Purposes policy, dated April 19, 2018.

02 Proposed amendment to draft budget by Mayor Major.


15 MOTIONS AND NOTICES OF MOTIONS

01 Notice of Motion submitted by Councillor Lelievre.

Subject: regarding the 2018 Capital Project
- to revisit the proposed purchase of a LED sign discussed during the recent budget talks.

16 CLOSED SESSIONS

17 BUSINESS ARISING FROM CLOSED SESSION

18 ADJOURNMENT

**************************
PRESENT:  Mayor Andy Major  
Councillor Ray Lelievre  
Councillor Sheldon Plummer  
Councillor Peter Ruel  

ABSENT:  Councillor Ed Dunnill  

STAFF:  Margaret Hartling, CAO/Clerk-Treasurer  
Owen Cranney, CBCO, Fire Chief, CBO, CEMC, Airport Manager  
Marcel DeMars, Municipal Law Enforcement Officer  
Shawna Patterson, Director of Community Services Intern  
Joleen Keough, Deputy Clerk  

PUBLIC:  1  

01 CALL TO ORDER  
RESOLUTION NO. 2018-84  
Moved by:  Councillor Ruel  
Seconded by:  Councillor Lelievre  
RESOLVED THAT:  the Regular Meeting commence at the hour of 7:00 p.m.  
CARRIED  

02 ADDITIONS OR DELETIONS TO AGENDA  

03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF  
01 Declaration of pecuniary interest submitted by Councillor Lelievre regarding:  
Agenda Item No: 16-03 in open session  
Agenda Item No: 05-04 in closed session  
- She is my spouse.  

04 APPROVAL OF AGENDA  
RESOLUTION NO. 2018-85  
Moved by:  Councillor Lelievre  
Seconded by:  Councillor Plummer  
RESOLVED THAT:  the agenda be approved as circulated.  
CARRIED  

05 DELEGATIONS AND PRESENTATIONS  

06 ADOPTION OF MINUTES OF PREVIOUS MEETINGS  
01 Minutes of the Regular Meeting held March 14, 2018.  
RESOLUTION NO. 2018-86  
Moved by:  Councillor Plummer  
Seconded by:  Councillor Lelievre  
RESOLVED THAT:  the Minutes of the Regular Meeting held on March 14, 2018 are adopted as circulated.  
CARRIED
08 DISBURSEMENTS


RESOLUTION NO. 2018-87
Moved by: Councillor Ruel  Seconded by: Councillor Plummer

RESOLVED THAT: Disbursement Sheet No. 2018-05, Six Hundred and Forty-Six Thousand, Three Hundred and Seventy-Eight Dollars and Fifty-Nine Cents ($646,378.59) as provided to Council for information purposes only.

CARRIED

09 CORRESPONDENCE

01 Correspondence from the Nuclear Waste Management Organization regarding NWMO Community Well-being Investment – 2018, dated March 27, 2018.

RESOLUTION NO. 2018-88
Moved by: Councillor Ruel  Seconded by: Councillor Lelievre

RESOLVED THAT: correspondence item 09-01 be received and filed.

CARRIED

10 REPORTS AND COMMITTEES

01 Minutes of Meetings: Manitouwadge Nuclear Waste Community Liaison Committee held February 15, 2018 and March 5, 2018.

RESOLUTION NO. 2018-89
Moved by: Councillor Plummer  Seconded by: Councillor Lelievre

RESOLVED THAT: the Minutes of Meeting of the Manitouwadge Nuclear Waste Community Liaison Committee held February 15, 2018 and March 5, 2018, be accepted as received.

CARRIED

02 Minutes of Meetings: Manitouwadge Municipal Housing Corporation held February 20, 2018.

RESOLUTION NO. 2018-90
Moved by: Councillor Ruel  Seconded by: Councillor Lelievre

RESOLVED THAT: the Minutes of Meeting of the Manitouwadge Municipal Housing Corporation held February 20, 2018, be accepted as received.

CARRIED

03 Minutes of Meetings: Thunder Bay District Social Services Administration Board held February 15, 2018 (regular) and February 15, 2018 (closed). *Statements available at: http://www.tbdssab.ca/index.php/administration/

RESOLUTION NO. 2018-91
Moved by: Councillor Ruel  Seconded by: Councillor Plummer

RESOLVED THAT: the Minutes of Meeting of the Thunder Bay District Social Services Administration Board held February 15, 2018 (regular) and February 15, 2018 (closed), be accepted as received.

CARRIED
RESOLUTION NO. 2018-92
Moved by: Councillor Ruel Seconded by: Councillor Lelievre
RESOLVED THAT: the Minutes of Meeting of the Manitouwadge Public Library Board held February 20, 2018, be accepted as received. CARRIED

RESOLUTION NO. 2018-93
Moved by: Councillor Plummer Seconded by: Councillor Lelievre
RESOLVED THAT: the Minutes of Meeting of the Thunder Bay District Health Board held February 21, 2018, be accepted as received. CARRIED

VERBAL UPDATE BY MAYOR
01 Verbal update provided by Mayor

VERBAL UPDATE BY CAO/CLERK-TREASURER
01 Verbal update provided by CAO/Clerk-Treasurer

BY-LAWS
01 Being a By-Law to permit, regulate and prohibit the operation of All-Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles and Recreational Off-Highway Vehicles (Off-Road Vehicles) on the shoulder of certain Municipal Highways and in certain areas within the Township of Manitouwadge.

Administration Report FBA2018-05 submitted by Owen Cranney, Fire Chief and prepared by Marcel DeMars, Municipal Law Enforcement Officer regarding the Off-Road Vehicle By-law, dated February 6, 2018.

RESOLUTION NO. 2018-94
Moved by: Councillor Ruel Seconded by: Councillor Plummer
Being a By-Law to permit, regulate and prohibit the operation of All-Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles and Recreational Off-Highway Vehicles (Off-Road Vehicles) on the shoulder of certain Municipal Highways and in certain areas within the Township of Manitouwadge, be read a first and second time.

And furthermore, be read a third time, passed and numbered as By-law No. 2018-08 CARRIED
14 BUSINESS

01 Resignation of Jaysen Fairbrother as Union Representative on the Township’s Health & Safety Committee.

RESOLUTION NO. 2018-95
Moved by:  Councillor Lelievre  Seconded by:  Councillor Plummer

RESOLVED THAT:  Council is in receipt of Jaysen Fairbrother’s resignation as being the Union Representative on the Township’s Joint Health and Safety Committee.

AND BE IT FURTHER RESOLVED THAT:  Council accepts Jaysen Fairbrother’s resignation with regret and requests that a copy of this resolution, along with a letter of appreciation is sent for services given on this committee.

CARRIED

02 Appointment of James Brown as Union Representative on the Township’s Health & Safety Committee.

RESOLUTION NO. 2018-96
Moved by:  Councillor Ruel  Seconded by:  Councillor Lelievre

RESOLVED THAT:  Council approves the appointment of James Brown as the Union’s Representative for the Township’s Health & Safety Committee, effective immediately.

CARRIED

03 Administration Report CS2018-03 submitted by Shawna Patterson, Director of Community Services Intern regarding a Golf Pro, dated March 26, 2018.

RESOLUTION NO. 2018-97
Moved by:  Councillor Plummer  Seconded by:  Councillor Ruel

RESOLVED THAT:  Council is in receipt of Administration Report No. CS2018-03, submitted by Shawna Patterson, Director of Community Services Intern regarding a Golf Pro.

AND BE IT FURTHER RESOLVED THAT: upon conclusion of Council's review and consideration, direct staff as follows:

1) Council approves the recommendation to operate as in previous years and re-advertise for a Golf Pro for the 2019 season.

CARRIED

04 Administration Report CS2018-04 submitted by Shawna Patterson, Director of Community Services Intern regarding Communities in Bloom, dated March 26, 2018.

RESOLUTION NO. 2018-98
Moved by:  Councillor Ruel  Seconded by:  Councillor Lelievre

RESOLVED THAT:  Council is in receipt of Administration Report No. CS2018-04, submitted by Shawna Patterson, Director of Community Services Intern regarding Communities in Bloom.

AND BE IT FURTHER RESOLVED THAT: upon conclusion of Council's review and consideration, direct staff as follows:
1) Council approves entering into the Friend’s Category with the registration fee of $250.00 plus small prizes.

CARRIED

05 Administration Report TR2018-08 submitted by Margaret Hartling, CAO/Clerk-Treasurer regarding Transfer to Reserves, dated April 5, 2018.

RESOLUTION NO. 2018-99
Moved by: Councillor Plummer  Seconded by: Councillor Lelievre

RESOLVED THAT: Council is in receipt of Administration Report No. TR2018-08, submitted by Margaret Hartling, CAO/Clerk-Treasurer regarding Transfer to Reserves.

AND BE IT FURTHER RESOLVED THAT: upon conclusion of Council's review and consideration, direct staff as follows:

1) Council approves to transfer unexpended Capital funds to Reserves.

CARRIED

MOTIONS AND NOTICES OF MOTIONS

CLOSED SESSIONS

01 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board.
   - 28 Wenonah Drive

02 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board.
   - 38 Neebig Ave.

03 Section 239(2)(e): litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
   - Human Rights complaint

04 Section 239(2)(e): litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
   - Complaint from staff member - Update

RESOLUTION NO. 2018-100
Moved by: Councillor Ruel  Seconded by: Councillor Plummer

WHEREAS Section 239(4) of the Municipal Act, 2001, S.O. 2001, c.25 provided that before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them, shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

NOW THEREFORE BE IT RESOLVED THAT: this meeting is hereby closed to the public as the subject matter being discussed falls under the following section:

1) Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board;
   - 28 Wenonah Drive

2) Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board;
   - 38 Neebig Ave.
Section 239(2)(e): litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - Human Rights complaint

Section 239(2)(e): litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - Complaint from staff member - Update

RESOLUTION NO. 2018-101
Moved by: Councillor Ruel  Seconded by: Councillor Lelievre
RESOLVED THAT: the meeting is hereby declared to be open to the public at 8:16 p.m.
CARRIED

17 BUSINESS ARISING FROM CLOSED SESSION

RESOLUTION NO. 2018-102
Moved by: Councillor Ruel  Seconded by: Councillor Plummer
RESOLVED THAT: accept the offer to purchase 28 Wenonah in the amount of $3,000.00 and that all legal costs associated with the sale of land shall be borne by the purchaser; subject to the lands being vacant prior to the sale.
AND FURTHER THAT: staff is directed to execute said documents in relation to this sale.
CARRIED

RESOLUTION NO. 2018-103
Moved by: Councillor Plummer  Seconded by: Councillor Lelievre
RESOLVED THAT: accept the offer to purchase 38 Neebig Avenue in the amount of $3,000.00 and that all legal costs associated with the sale of land shall be borne by the purchaser; subject to the lands being vacant prior to the sale.
AND FURTHER THAT: staff is directed to execute said documents in relation to this sale.
CARRIED

RESOLUTION NO. 2018-104
Moved by: Councillor Ruel  Seconded by: Councillor Plummer
RESOLVED THAT: Council, upon receipt of a report from Petrone & Partners, request the Integrity Commissioner to further investigate whether Councillor Dunnill is in breach of The Code of Conduct.
CARRIED

18 ADJOURNMENT

RESOLUTION NO. 2018-105
Moved by: Councillor Lelievre  Seconded by: Councillor Plummer
RESOLVED THAT: the Regular Meeting adjourn at the hour of 8:18 p.m.
CARRIED

Mayor Andy Major  Margaret Hartling, CAO/Clerk-Treasurer

PRESENT: Mayor Andy Major  
Councillor Ray Lelievre  
Councillor Sheldon Plummer  
Councillor Peter Ruel

ABSENT: Councillor Edward Dunnill

STAFF: Margaret Hartling, CAO/Clerk-Treasurer  
Shawna Patterson, Director of Community Services Intern  
Owen Cranney, CBCO, Fire Chief, CBO, CEMC, Airport Manager  
Randy Barnes, Public Works Superintendent  
Elizabeth Bierworth, CEO, Manitouwadge Public Library

PUBLIC:  
0

01 CALL TO ORDER

RESOLUTION NO. 2018-106  
Moved by: Councillor Plummer  
Seconded by: Councillor Lelievre

RESOLVED THAT: the Special Meeting commence at the hour of 8:37 a.m.

CARRIED

02 ADDITIONS OR DELETIONS TO AGENDA

03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

04 APPROVAL OF AGENDA

RESOLUTION NO. 2018-107  
Moved by: Councillor Plummer  
Seconded by: Councillor Lelievre

RESOLVED THAT: the agenda be approved as circulated.

CARRIED

05 DELEGATIONS AND PRESENTATIONS

06 BUSINESS

01 “Draft” 2018 Budget deliberation

07 CLOSED SESSIONS

01 Section 239(2)(b): personal matters about an identifiable individual, including municipal or local board employees.  
- Staffing

RESOLUTION NO. 2018-108  
Moved by: Councillor Ruel  
Seconded by: Councillor Plummer

WHEREAS Section 239(4) of the Municipal Act, 2001, S.O. 2001, c.25 provided that before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them, shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
NOW THEREFORE BE IT RESOLVED THAT: this meeting is hereby closed to the public as the subject matter being discussed falls under the following section:

- Section 239(2)(b): personal matters about an identifiable individual, including municipal or local board employees.

CARRIED

RESOLUTION NO. 2018-109
Moved by: Councillor Plummer
Seconded by: Councillor Lelievre

RESOLVED THAT: the meeting is hereby declared to be open to the public at 11:42 a.m.

CARRIED

RESOLUTION NO. 2018-110
Moved by: Councillor Lelievre
Seconded by: Councillor Plummer

RESOLVED THAT: the Special Meeting recess at the hour of 11:52 a.m. and reconvene at the hour of 12:30 p.m.

CARRIED

*Note: Councillor Ruel left room at 1:23 p.m.
Councillor Ruel returned to room at 1:25 p.m.

*Note: Mayor Major left room at 1:50 p.m.
Mayor Major returned to room at 1:52 p.m.

*Note: Councillor Plummer left room at 2:10 p.m.
Councillor Plummer returned to room at 2:14 p.m.

*Note: Councillor Ruel left meeting at 2:41 p.m.

08 BUSINESS ARISING FROM CLOSED SESSION

09 ADJOURNMENT

RESOLUTION NO. 2018-111
Moved by: Councillor Lelievre
Seconded by: Councillor Plummer

RESOLVED THAT: the Special Meeting adjourn at the hour of 3:22 p.m.

CARRIED

Mayor Andy Major
Margaret Hartling, CAO/Clerk-Treasurer
The Corporation of the  
TOWNSHIP OF MANITOUWADGE  
Manitouwadge, Ontario  
P0T 2C0  

STATEMENT OF DISBURSEMENTS  

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CAO/CLERK - TREASURER  
MAYOR  

APPROVED BY RESOLUTION NO. __________________________________________
MEETING OF COUNCIL HELD ____________________________________________

☐ CAO/CLERK - TREASURER  
☐ DEPUTY CLERK
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Manitouwadge
Nuclear Waste Community Liaison Committee

Learning More About Canada's Plan for the Long-Term Management of Used Nuclear Fuel

NWCLC Minutes, March 15, 2018
Regular Meeting
Manitouwadge Municipal Council Chambers
At 7:00 pm.

Members Present: Jim Moffat – Chair
Andy Major – Mayor
Wayne Barsalou
Dave Schleier
Erika Robert
Rita Labbee
Tiffany Lidster
Amber Campbell
Tyler Beran – Vice Chair

Absent: Noah Ruel
Charles Newton

Township Staff: Margaret Hartling – CAO/Clerk-Treasurer
Karen Robinson – NWCLC Project Co-ordinator

Public Present: 15

1. CALL TO ORDER

Meeting was called to order by Jim Moffat at 7:00 pm.

Moved by: Dave Schleier
Seconded by: Raymond Lelievre

No. 2018-16

RESOLVED THAT: the Regular Meeting of the Manitouwadge Nuclear Waste Community Liaison Committee commence at the hour of 7:00 pm.

CARRIED

2. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF
Manitouwadge  
Nuclear Waste Community Liaison Committee

Learning More About Canada’s Plan for the Long-Term Management of Used Nuclear Fuel

3. APPROVAL OF AGENDA

Moved by: Erika Robert  
Seconded by: Raymond Lelievre  
No. 2018-17

RESOLVED THAT: the Agenda of the NWCLC be approved as amended.

CARRIED

4. BUSINESS

01 APPROVAL OF MINUTES

RESOLVED THAT: the Minutes of Regular Meeting of the Manitouwadge Nuclear Waste Community Liaison Committee held February 15, 2018 are adopted as circulated.

Moved by:  
Tiffany Lidster  
Seconded by: Andy Major  
No. 2018-18

CARRIED

02 APPROVAL OF SPECIAL MEETING MINUTES

RESOLVED THAT: the Minutes of the Special Meeting of the Manitouwadge Nuclear Waste Community Liaison Committee held March 5, 2018 are adopted as circulated.

Moved by:  
Tiffany Lidster  
Seconded by: Andy Major  
No. 2018-19

CARRIED

03 NWMO Raport to the Committee on Recent Activities

a) Aboriginal Engagement Update
b) Communications Update
c) Review of Recent Open House on Potential Borehole Locations

RESOLVED THAT: the Manitouwadge CLC thanks NWMO for their presentations and updates.

Moved by:  
Dave Schleier  
Seconded by: Rita Labbee  
No. 2018-20

CARRIED
Presentation was moved down to Item 4, (h)

04 BUSINESS

a) Project Co-ordinator Report

Moved by: Amber Campbell
Seconded by: Tiffany Lidster
No. 2018-21

RESOLVED THAT: the Project Co-ordinators report be accepted as received.

b) Project Ideas

i) Block Party – Ray Lelievre

ii) Question and Answer Session – Dave Schleier

iii) National Emergency Preparedness Week – Tiffany Lidster

iv) Ontario Family Free Fishing Week – Tiffany Lidster

v) Robotics Event – MPS May 17th – Jim Moffat

Moved by: Andy Major
Seconded by: Erika Robert
No. 2018-22

RESOLVED THAT: the CLC approve a special meeting on April 5, 2018 at 7:00 pm.

CARRIED

Request was made by Mayor Major to have the CLC ask CNSC to attend Manitouwadge for a presentation in the near future.

Moved by: Raymond Lelievre
Seconded by: Wayne Barsalou
No. 2018-23

RESOLVED THAT: the CLC make arrangements to request that the CNSC attend Manitouwadge for a presentation.

CARRIED
Manitouwadge
Nuclear Waste Community Liaison Committee

Learning More About Canada’s Plan for the Long-Term Management of Used Nuclear Fuel

c) Dr. Jason Donev visit to Manitouwadge

Moved by: Raymond Lelievre
Seconded by: Rita Labbee

RESOLVED THAT: the CLC bring Dr. Jason Donev to Manitouwadge at the cost of $2920.00 through Resource #3 funding in May 2018.

CARRIED

d) May Meeting Date Change from May 10 to May 17, 2018

Moved by: Tiffany Robert
Seconded by: Rita Labbee

RESOLVED THAT: the CLC approve a date change for the Regular Meeting from May 10, 2018 to May 17, 2018.

CARRIED

e) Discussion regarding Guest Speakers

f) Set date for Accessibility Training

Moved by: Rita Labbee
Seconded by: Erika Robert

RESOLVED THAT: the CLC set a special meeting on April 19, 2018 for accessibility training.

CARRIED

g) Presentation moved from Item #03

PRESENTATION:

“Discussion of Values and Principles of Exploring Partnership” – Manitouwadge and DPRA
5. ADJOURNMENT

Moved by: Raymond Lelievre  
Seconded by: Erika Robert  
No. 2018-27

RESOLVED THAT: the regular meeting of the Manitouwadge Nuclear Waste Community Liaison Committee adjourn at the hour of 7:45 pm.

CARRIED

Jim Moffat, Chair of NWCLC
Karen Robinson, NWCLC Project Coordinator
Minutes of the Board Meeting
Saturday, April 14, 2018
Centennial Room, Centennial Building/Fire Hall
Township of Dorion

1. Call to order: The meeting was called to order at 12 noon.

A welcome to Dorion was given by Ed Chambers, Mayor or the Township of Dorion. President Rick Dumas thanked Dorion for not only their hospitality which included the meeting facility, lunch, and as well, a tour of the Greenwich Wind Farm following the meeting.

Present:
President Rick Dumas Town of Marathon
1st Vice President Rodney Swarek, by telephone Township of White River
2nd Vice President Wendy Wright Township of Gillies
Member Larry Hebert City of Thunder Bay
Member Erick Pietsch Municipality of Greenstone
Member Bernie Kamphof Municipality of Oliver Paipoonge
Member Donna Blunt Municipality of Shuniah
Member Cathy Woodbeck Township of Conmee
Member Ed Chambers Township of Dorion
Member Willy Liebig Township of Hornepayne
Member Raymond Lelievre Township of Manitouwadge
Member Jerry Loan Township of O'Connor
Member Gary Nelson Township of Red Rock
Member Gustav Krause Township of Schreiber

Regrets:
Alternate Rebecca Johnson City of Thunder Bay
Alternate James Foulds Township of Nipigon
Member Wendy Landry Municipality of Shuniah

2. Approval of the Agenda

MOTION

Made by: Erick Pietsch
Seconded by: Jerry Loan
THAT the agenda be approved as amended. CARRIED

3. Guests:

Andrew Spencer, Hydro-One VP of Transmission and Stations, and Daniel Levitan, Director of External Relations spoke on the topic of Hydro One's Lake Superior Link project.

4. Minutes of Board meeting January 13, 2018 in the Municipality of Shuniah
MOTION

Made by: Jerry Loan
Seconded by: Larry Hebert
THAT the minutes of the Board meeting held January 13, 2018 in the Municipality of Shuniah be approved as printed. CARRIED

5. Business Arising from the Minutes
None.

6. Financial Matters
(a) Financial Statements
   (i) Income Statement

MOTION

Made by: Donna Blunt
Seconded by: Bob Krause
THAT the Income Statement for the period Sept 1/17-March 31/18, indicating net income of $13,432.11 be received. CARRIED

   (ii) Balance Sheet

MOTION

Made by: Cathy Wood beck
Seconded by: Ray Lelievre
THAT the Balance Sheet to March 31, 2018, indicating total assets of $43,032.86, be received. CARRIED

7. Ongoing Business
None.

8. New Business
(a) 101th Conference, December 7-8, 2018 Chair: Wendy Wright
   (i) Location of conference
Delegate conference cost to remain the same. Dinner tickets can be transferred to another Municipal councillor or municipal employee but for transparency and accountability to taxpayers, cannot be transferred to spouses/significant others, etc. Guest tickets can be purchased for non-delegates.

The Executive Director noted that although we may have 60 conference delegates, we do not guarantee for 60, thus making some money for the Thunder Bay District Municipal League. Vice-President Wendy Wright commented that the dinner is an excellent time to meet new people and learn about other municipalities. If they so choose, a municipality could invite an out-going councillor as a dinner guest, which is a separate paid (guest) ticket.

MOTION

Made by: Wendy Wright
Seconded by: Eric Pietsch
THAT, as none of the Municipalities outside the City of Thunder Bay are able to host the 2018 conference of the Thunder Bay District Municipal League, and as the Board would like to keep conference expenses to a minimum, the 101st Annual Meeting and Conference be held on December 7-8, 2018 at the Prince Arthur Waterfront Hotel. CARRIED

(ii) Draw Prizes: Municipalities will be asked to donate $25 and prizes will be purchased with the larger prize being drawn at the dinner.

(iii) Suggested Topics & speakers:
1. Update from the TBDSSAB, District Health Unit (20 minutes)
2. What to Expect as a New Councillor, speakers: Wendy & Shelby Ch'ng
4. Economic Development. Suggested Speaker: from Smooth Rock Falls
5. First Nations Interests. Suggested Speaker, Pierre Pelletier, Regional Grand Chief
6. Multicultural Awareness, possibility with experiences of recent refugee(s). Speaker contact: Cathy Woodbeck
8. OPP overview, including information about the new Board (Conmee, O’Connor, Gillies and Neebing) as well as information about the anticipated effects on policing with reference to the new cannabis legislation. No speaker suggested.

It was suggested that the meeting open by asking people to introduce themselves.

Cathy Woodbeck, representing the Thunder Bay Multicultural Association, thanked the Thunder Bay District Municipal League for the donation received from the 100th Conference and assured members present that it would be well used for refugees across the district.

9. Correspondence was reviewed.

10. Other Business

11. Committee Reports
(a) Conference Committee (see above)
(b) Finance Committee (none)
(c) Resolution Committee (none)
(d) NOMA representatives
Rick Dumas gave an overview of the issues being discussed at NOMA. With reference to the proposed new East-West Tie Transmission Project, he noted that NOMA had a passed a resolution supporting Nextbridge.
(e) North Superior Workforce Training Board (no report)
(f) Thunder Bay & Area Food Strategy, report from Gord MacKenzie, Thunder Bay District Municipal League representative, had been forwarded to board members by email. Additional information was provided by Bernie Kamphof, Vice-Chairman of the Food Strategy

(g) Energy East Task Force (no report)

12. Next meeting: July 14, 2018 in Red Rock Marina Centre.

13. Adjourn

MOTION

Made by: Bob Krause
Seconded by: Bernie Kamphof
THAT we do now adjourn at 1:35 p.m.
THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 2018 -

Being a By-Law to establish a “Community Well-Being Reserve Fund”

WHEREAS Section 417, subsection (1) of the Municipal Act, 2001, S.O. 2001, c.25, empowers a municipality to establish and maintain reserve funds for any purpose for which it has authority to spend money;

AND WHEREAS the Council for The Corporation of the Township of Manitouwadge deems it advisable to establish a reserve fund for the purposes of supporting projects, programs or services that benefit community youth or seniors, community sustainability, energy efficiency or economic development initiatives;

NOW THEREFORE the Council of The Corporation of the Township of Manitouwadge enacts as follows:

1. That a reserve fund be established and maintained for the purpose of holding funds for the support of projects, programs or services that benefit community youth or seniors, community sustainability, energy efficiency or economic development initiatives (the “Reserve Fund”);

2. That any interest and earnings on said funds shall form part of the Reserve Fund and be expended on Community Well-Being Initiatives;

3. That the monies transferred to the Reserve Fund and interest thereon shall not be expended, pledged or applied to any purpose other than for Community Well-Being Initiatives as described in;

4. This By-law comes into force and takes effect upon enactments; and

5. That this By-law may be cited for all purposes as “Township of Manitouwadge Community Well-Being Reserve Fund By-law”.

READ A 1ST AND 2ND TIME this day of , 2018 and
READ A THIRD TIME AND FINALLY ENACTED this day of , 2018.

________________________________________  _______________________________________
Mayor Andy Major                        Margaret Hartling, CAO/Clerk-Treasurer
April 9, 2018

Mayor Andy Major
The Corporation of the Township of Manitouwadge
1 Mississauga Dr.
Manitouwadge, Ontario
P0T 2C0

Dear Mayor Major:

Re: Funding Agreement between Nuclear Waste Management Organization ("NWMO") and the Corporation of the Township of Manitouwadge (the "Municipality") under the Enhanced Resource Funding Program (the "Program")

Thank you for your community's ongoing participation in the NWMO's Learn More Program. As part of our regular review of programs to ensure they continue to meet the evolving needs of communities, we have made refinements to the Enhanced Resource Funding Program (the "Program") that you are currently participating in. The purpose of this letter agreement is to restate and replace the terms and conditions of your participation in the Program, including, to restate and replace the terms and conditions set out in our letters dated September 16, 2015.

Funding

Upon entering into this funding agreement, NWMO will provide the Municipality with funding in accordance with the Resources to Support Engagement of Interested Communities in the NWMO Site Selection Process, September 2017 (the "Program Document"), a copy of which is attached. Funding levels as set out in the Program Document reflect the maximum budget available for a calendar year instead of a 12-month period as indicated in the Program Document.

NWMO will advance $75,000 of administrative expenses (Item 1 under the Program Document) to the Municipality upon receipt of a signed version of this funding agreement. Additional funds can be made available following receipt of an accounting of the use of the previously advanced funds.

Funding for other eligible expenditures or anticipated eligible expenditures in the program will be advanced following a request through NWMO's Relationship Manager.

Please note the addition of four new areas of support (Items 9-12 under the Program Document) for which NWMO will cover costs up to $200,000 per calendar year. Funding for Item 13 is covered under a separate agreement between NWMO and the Municipality.
Progress Reporting

In January and July of each calendar year, the Municipality and NWMO will jointly review progress on activities funded by the Program.

Financial Reporting

In January and July of each calendar year, the Municipality will provide a financial report describing how the funding has been spent, including, a statement of expenditures identifying the use of NWMO-provided funds by type of cost accompanied by an extract of the General Ledger or listing of expenditures printed from the Municipality’s accounting system which shows the use of NWMO funding. NWMO may request further explanation or supporting receipts if needed.

General

Annual funding is available to the Municipality for the duration of your participation in Step 2 Phase 2 of the NWMO’s Site Selection Process.

Please acknowledge your understanding and agreement to the terms of this funding agreement by signing both original versions of this funding agreement and sending one scanned version by email to nsandberg@nwmo.ca. Please also return one original of this funding agreement to NWMO using the enclosed pre-paid envelope.

Please do not hesitate to contact Norman Sandberg at 1-416-303-2254 or email nsandberg@nwmo.ca if you have any questions.

Sincerely,

Mahrez Ben Beffadel
Vice President, Site Selection

I acknowledge and agree to the terms of this Funding Agreement and request the first payment.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

By: ____________________________

(please print)

Title: __________________________

Date: _________________________
PRELIMINARY ASSESSMENT OF POTENTIAL SUITABILITY: PHASE 2

Resources to Support Engagement of Interested Communities in the NWMO Site Selection Process

Addendum to Support Communities Involved in Advanced Studies

SEPTEMBER 2017
I. Purpose

The Nuclear Waste Management Organization (NWMO) is committed to provide resources to assist communities that are participating in Phase 2 preliminary assessment studies to support their efforts to explore interest in hosting the deep geological repository and Centre of Expertise, which are core components of Canada's plan for the long-term management of used nuclear fuel.

As communities advance through the multi-year Phase 2 assessment process, technical studies become more detailed, and the breadth and depth of engagement activities, more intensive. Greater involvement by communities is required, as well as additional resources to support these activities.

The resources outlined here are being added to the existing resource program available to interested communities involved in Phase 2 studies (Preliminary Assessment of Potential Suitability: Phase 2). These additional resources to interested communities that advance to initial borehole studies are intended to ensure that community costs associated with participating in advanced phases of work are fully covered.

These resources are available to communities that expressed interest in learning more about the project. They have successfully completed an initial screening, they have worked with the NWMO to complete Phase 1 preliminary assessment studies, and through these assessments, their area has been identified as having strong potential to meet the robust requirements associated with this project and warrant initial borehole studies.

The additional resources outlined here are being added to the existing resource program and are intended to support the community to:

- More broadly and deeply involve community members in learning
- Further build and strengthen relationships with nearby First Nation and Métis communities
- Begin to engage in activities with neighbours to explore how the project might best fit in the area, and be implemented in a way that addresses the priorities, needs, and sensitivities of people and communities in the area
- Make investments in the well-being of their community while participating in advanced studies

These resources are automatically available to interested communities that have reached advanced phases of work, such as initial borehole studies, as an addition to the existing funding program.
II. Resources Available

Resources available to interested communities involved in initial borehole studies include: 1) the resources offered to all interested communities involved in Phase 2 preliminary assessments (items 1-8 below); and 2) additional resources intended to cover the costs of deeper and broader engagement in the area (items 9-12 below).

Funding levels reflect maximum budget envelopes for a 12-month period. Actual funding to an interested community will be limited to actual documented spending within program parameters.

1. Funding for administrative expenses associated with working with the NWMO and communicating with community members

Resources are available for expenses incurred through participating in Phase 2 feasibility studies, which will be covered at cost. This includes costs associated with:

- Dedicated support staff
- Administrative expenses of a community working group and its regular meetings, including newsletter, website and advertising
- Aboriginal cultural awareness training within the community
- Support for small learning infrastructure improvements such as computer for project administrator, table or chairs for a community liaison committee (CLC) meeting room, audiovisual equipment for CLC meeting room, map printer, and photocopy or printing costs

This also includes costs associated with expenses of Council and municipal staff regarding communications among staff and Council, payroll, accounts payable, tracking receipts, phone, fax, email, etc., related to the NWMO process, and expenses regarding meetings with Aboriginal peoples in the area and surrounding communities or region.

Expenses in this category to be covered at cost. An accounting must be kept of activities and money spent suitable for third-party audit and submitted to the NWMO every six months for the duration of participation in this program.

1a. Community learning through conference attendance, including conference fees and travel expenses

Community representatives may be interested in attending conferences which bring together researchers, implementers, regulators, and/or other specialists to share information about approaches, plans and activities for the long-term management of used nuclear fuel.

Expenses to be covered at cost. An accounting must be kept of activities and money spent suitable for third-party audit and submitted to the NWMO every six months for the duration of participation in this program.
1b. Community youth initiatives to support science learning and learning about Canada’s plan for the long-term management of used nuclear fuel

The involvement of youth in community learning and decision-making is a goal of both the community and project. In support of this goal, funding is available to support community-led initiatives in this area.

Expenses to be covered at cost. An accounting must be kept of activities and money spent suitable for third-party audit and submitted to the NWMO every six months for the duration of participation in this program.

2. Support for community strategic planning activities

Detailed studies will be conducted during Phase 2 assessments of the potential social, economic and cultural effects associated with the project. These studies will be conducted in close collaboration with the community, and may include economic modelling, market and other studies.

The community may wish to enhance or augment an existing long-term vision for community sustainability, integrated community sustainability plan and/or strategic plan during this process to support its participation in the planning and implementation of these other studies with the NWMO.

Funding is available for a community to contract with an outside expert to enhance or augment an existing plan to support community participation in the process.

3. Support for building community understanding on key topics such as radiation, geoscience studies, environmental protection, and multiple barriers

The NWMO acknowledges the importance to communities of developing a deep understanding of key topics from NWMO specialists and academics working in the field by organizing a series of learning events and workshops which will bring community representatives and these academics and specialists together.

Modest participant expenses will be covered by the NWMO for community representatives (and their invited neighbours) to participate in these learning events and workshops.
4. **Community representatives visit an interim storage facility**

   Costs covered

   Community members may be interested in seeing how used nuclear fuel is currently managed on an interim basis.

   The NWMO will cover travel expenses for a small delegation of community representatives to visit an interim nuclear waste storage facility in Ontario or other nearby facility.

5. **Community representatives meet with the Canadian Nuclear Safety Commission (CNSC)**

   Costs covered

   Community members may be interested in learning about the regulatory framework that governs the NWMO project.

   The NWMO will cover travel expenses for a small delegation of community representatives to learn more about the regulatory framework governing the long-term management of used nuclear fuel by meeting with the CNSC.

   The timing and agenda for the meeting is established directly by the CNSC in concert with the delegation, in order to ensure the delegation’s areas of interest and questions are addressed.

6. **Support for building community understanding of the international perspective**

   Costs covered

   The NWMO encourages communities to keep abreast of international programs and best practices.

   The NWMO will facilitate opportunities for community representatives to learn from those involved in the implementation of used fuel management programs in other countries by organizing a series of learning events or workshops which will bring together community representatives and these international leaders.

   Modest participant expenses will be covered by the NWMO for community representatives to participate in these workshops.

   Community members may be interested in seeing how nuclear material is being managed over the long term. In the latter part of Phase 2 assessments in a community, the NWMO will cover travel expenses for a small delegation of community representatives to visit an operating waste management facility and meet the host community in the United States or Europe, as organized with the NWMO.
7. **Community learning centre**

The NWMO community office will be expanded to house exhibits and other learning material and will be staffed to support learning within the community as Phase 2 assessment studies are planned and implemented and findings are shared.

---

8. **Open houses and community discussions**

A regular schedule of open houses will be planned and organized with the community to seek community involvement in the conduct of the studies and to share study findings as they become available.

---

9. **Funding to support future community decision-making**

a. Access to independent third-party advice to represent community interests in discussions with the NWMO and communities in the area

b. Training/skills development in areas such as:
   - Project planning/management
   - Participating in/running effective committees or boards/meetings
   - Facilitation and/or conflict resolution skills (e.g., for processes/meetings)
   - Communication training
   - Funding for Economic Development Officer positions where these do not exist currently

---

10. **Funding to support shared learning and shared planning initiatives in the area**

Funding to conduct the following, in collaboration with the NWMO:

- Marketing/research studies to examine barriers to relocation of trades/professionals to the communities and area, tourism development, business expansion and retention, etc.
- Working with other regional interests such as economic or workforce development planning institutions or groups
- Sponsor economic development seminars and workshops
- "State of the region" updates
11. Funding to support exploring and building partnership in the area

Funding to support partnership building between the interested community and their neighbours. In addition to ongoing support for community-specific strategic planning/implementation, support could be provided for:

- Broader regional strategic/economic development planning initiatives to explore the project
- Extending/improving reflection through existing regional approaches or agreements

12. Building knowledge and awareness of the Adaptive Phased Management Project in the broad area

Funding to facilitate speakers in the area, learn more tours for key area opinion leaders and cross-section of community members, and area learning workshops.

13. NEW - Funding to support investments in community sustainability and well-being

Funding to support community investments in sustainability and well-being provided by the NWMO to the community’s Community Well-being Reserve Fund. Administered by the community, these funds are intended to support continuing efforts to build community sustainability and well-being. Examples of activities that could be supported include:

- Projects, programs or services for community youth
- Scholarship programs for community youth
- Projects or programs or services for community seniors
- Projects or programs to support community sustainability
- Projects or programs to support community economic development
- Projects or programs to support energy efficiency

NWMO yearly contribution
For more information, please contact:

Nuclear Waste Management Organization
22 St. Clair Avenue East, 6th Floor
Toronto, ON M4T 2S3
Canada

Fax: 647.259.3692
Email: learnmore@nwmo.ca
THE CORPORATION OF THE TOWNSHIP OF MANITOUDAGE

BY-LAW NO. 2018 - ___

Being a By-Law to Authorize the entering into an Agreement with Ministry of Natural Resources and Forestry for the Grant of Easement located at RP 55R-13569, designated as Parts 1, 2 and 3.

WHEREAS pursuant to Section 9 of the Municipal Act, 2001, S.O. 2001, c.25 states that a municipality has the capacity, rights, powers and privileges of a natural person for purpose of exercising its authority under this or any other Act;

AND WHEREAS the Council for The Corporation of the Township of Manitouwadge deems it expedient to enter into an agreement with the Ministry of Natural Resources and Forestry;

NOW THEREFORE the Council of The Corporation of the Township of Manitouwadge enacts as follows:

1. The Corporation of the Township of Manitouwadge agrees to enter into an agreement with the Ministry of Natural Resources and Forestry;

2. The said agreement identified as Appendix "A" is hereto attached and forms part of this By-law;

3. The Mayor and CAO/Clerk-Treasurer are hereby authorized and directed to execute and seal under the corporate seal of the Corporation the agreement attached hereto as Appendix "A";

4. This By-law comes into force and takes effect on the date of its final passing.

READ A 1ST AND 2ND TIME this day of , 2018 and
READ A THIRD TIME AND FINALLY ENACTED this day of , 2018.

Mayor Andy Major
Margaret Hartling, CAO/Clerk-Treasurer
Legal Document;

Do not date stamp, mark, change, staple, punch or initial.
PROVINCE OF ONTARIO

MINISTRY OF NATURAL RESOURCES AND FORESTRY

GRANT OF EASEMENT

NO. 1008

THIS AGREEMENT made in duplicate the sixth day of February in the year of Our Lord two thousand and fifteen pursuant to the Public Lands Act,

BETWEEN:

THE MINISTER OF NATURAL RESOURCES AND FORESTRY for the Province of Ontario, hereinafter called the "Grantor",

- and -

THE CORPORATION OF THE TOWNSHIP OF MANITOUWadge, hereinafter called the "Grantee"

OF THE FIRST PART;

WHEREAS the Grantee operates a waste disposal site, (the "Waste Disposal Site") located on lands more particularly described in Schedule 'B' attached hereto adjacent to certain Public Lands owned by Her Majesty the Queen in right of Ontario.

AND WHEREAS surface and ground water from the Waste Disposal Site may flow or migrate into, onto, over, along and under the said Public Lands.

WITNESSETH that under the Public Lands Act and in consideration of the sum of ONE THOUSAND DOLLARS ($1,000.00) now paid by the Grantee to the Minister of Finance of Ontario, the receipt whereof is hereby acknowledged, and the covenants and agreements hereinafter contained on the part of the Grantee to be observed and performed, the Grantor doth hereby grant, convey, transfer, and confirm unto the Grantee, its successors and assigns, as and from the first day of January, 2015 the right, licence, liberty, privilege and easement on, over, under and through the Public Lands situate, lying and being in the Geographic Township of Leslie, in the Municipal Township of Manitouwadge, in the Territorial District of Thunder Bay and Province of Ontario, being more particularly described in Schedule "A" attached hereto.
1. The Grantor hereby grants to the Grantee the right in the nature of an easement and irrevocable licence to use the said Public Lands for the purpose of a contaminant attenuation zone for the Waste Disposal Site including without limitation, the right to discharge contaminants from the Waste Disposal Site into, onto, over, along and under the said Public Lands subject to the terms of this agreement.

2. This agreement shall be effective until such time as the Director of the Ministry of the Environment consents to the removal of this agreement from title.

3. The Grantee, its employees, agents and contractors shall have reasonable access to the Public Lands from time to time for all reasonable purposes arising from the rights granted under this agreement, including, without limitation,

   a) the right to enter into the Public Lands and onto the surface above the Public Lands for purposes of testing, monitoring, intercepting contaminants and carrying out remedial work (the "Works");

   b) the right to install, operate and maintain Works, for the purposes mentioned in clause 3.(a), in or above the Public Lands, including on the surface above the Public Lands.

4. The Grantee agrees to restore at its own expense the surface of the Public Lands to its approximate condition as the same existed immediately prior to the installation of the Works, to the satisfaction of the Grantor so far as is consistent with the use of the easement hereby granted.

5. Notwithstanding any rule of law or equity, the Works shall at all times remain the property of the Grantee notwithstanding that the same may be annexed or affixed to the land and shall at any time and from time to time be removable in whole or in part by the Grantee, its successors and assigns.

6. In the event that the Grantee abandons the Works, the Grantee may, with the consent of the Grantor, leave any part thereof in place.

7. The Grantee agrees to maintain a surface and ground water monitoring program with respect to the Waste Disposal Site as it pertains to the Public Lands in accordance with the environmental approvals as required by the Ministry of the Environment.
8. (a) The Grantor acknowledges that surface and ground water flowing or otherwise migrating onto, over, along and under the Public Lands from the Waste Disposal Site may be contaminated from waste deposited at the Waste Disposal Site.

(b) The Grantor understands and acknowledges that the rights granted to the Grantee include the right of the Grantee to prevent the Grantor from paving, erecting a structure or making any use of the Public Lands above or in the vicinity of the Public Lands that would interfere with the functioning of the Public Lands as a contaminant attenuation zone or with the exercise of any of the rights mentioned herein, without the prior written consent of the Grantee.

(c) The Grantee agrees that the Waste Disposal Site will accept only domestic, commercial and non-hazardous solid industrial waste.

(d) The Grantee agrees to operate and close the Waste Disposal Site in accordance with applicable legislation.

9. Subject to the rights granted herein to the Grantee, Her Majesty the Queen in right of Ontario shall have charge of the administration, management, sale and disposition of the Public Lands and shall have the right to fully use and enjoy it.

10. The rights, liberties, privileges and easement hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land, and this agreement, including all the covenants and conditions herein contained, shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.

11. The Grantee performing and observing the covenants and conditions on its part to be performed and observed, shall and may peaceably hold and enjoy the rights, liberties, privileges and easement hereby granted, without let, hindrance, molestation or interruption on the part of the Grantor or of any person claiming by, through, under or in trust for the Grantor.

12. The right, licence, liberty, privilege and easement herein granted are hereby declared to be appurtenant to the lands of the Grantee (the "Waste Disposal Site") situate, lying and being in the Geographic Township of Leslie, in the Municipal Township of Manitouwadge, in the Territorial District of Thunder Bay and Province of Ontario, being more particularly described in Schedule "B" attached hereto.
13. The Grantee covenants to indemnify, keep indemnified and save harmless the Grantor, Her Majesty the Queen in right of Ontario, Her officers, servants and agents or any of them, hereinafter collectively referred to as "the Grantor" from and against all claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever, resulting from, caused by or in any manner connected with the exercise of any right granted herein or which would not have happened but for the existence of this easement, and the Grantee hereby waives, releases and forever discharges, the Grantor from all claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever, which the Grantee has or hereafter shall or may have resulting from, caused by or in any manner connected with the exercise of any right granted herein or which would not have happened but for the existence of this easement, provided that the indemnity and release herein shall not apply if a court of competent jurisdiction has ruled that such claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever are attributable to acts of the Grantor in deliberate or reckless disregard for the rights granted herein.

14. All notices to be given hereunder may be given by registered letter, addressed to the Grantee at:

    1 Mississauga Drive
    Manitouwadge, Ontario
    P0T 2C0

and to the Grantor at:

    District Manager
    Ministry of Natural Resources and Forestry
    48 Mission Road
    P.O. Box 1160
    Wawa, Ontario
    P0S 1K0

or such other address as the Grantor or Grantee may respectively, from time to time designate by letter, and any such notice shall be deemed to have been given to and received by the addressee three days after mailing thereof, postage prepaid and registered.

15. Neither this agreement nor any benefits or burdens under this agreement shall be assignable by any party without the prior written consent of the other party, which consent shall not be unreasonably withheld. Subject to the foregoing, this agreement shall enure to the benefit of and be binding upon the parties and their respective successors (including any successor by reason of amalgamation of any party) and permitted assigns.
Part of Location CL 17046,
Being part of the Unsubdivided Geographic Township of Leslie,
Municipal Township of Manitouwadge,
Territorial District of Thunder Bay,
Containing 10.827 hectares, more or less,
Designated as Parts 1, 2 and 3, on Reference Plan 55R-13569.
SCHEDULE 'B'

FIRSTLY

Part of Location CL 17046,
Being part of the Unsubdivided Geographic Township of Leslie,
Municipal Township of Manitouwadge,
Territorial District of Thunder Bay,
Designated as Part 4, on Reference Plan 55R-13569.
All of PIN 62428-1564(LT).

SECONDLY

All of Location CL 4893,
Being part of the Unsubdivided Geographic Township of Leslie,
Municipal Township of Manitouwadge,
Territorial District of Thunder Bay,
Designated as Part 1, on Reference Plan 55R-6873.
All of PIN 62428-1186(LT).
IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

C. Scott Kaldeway  
Provincial Lands Specialist - Crown Land Registry  
Land and Water Services Section  
Ministry of Natural Resources and Forestry  
for and on behalf of the  
Minister of Natural Resources and Forestry

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY: ________________________________

AND: ________________________________

We have authority to bind the corporation.

Grant of Easement No. 1008  
Main Office File No. 194769

The Corporation of the Township of Manitouwadge  
1 Mississauga Drive  
Manitouwadge, Ontario  
PO Box 2C0
BACKGROUND:

In 2014 the Township purchased land to expand the boundaries of the landfill site.

COMMENTARY:

As a result of the purchase of lands to expand the boundaries of the landfill site, a "Grant of Easement" is required by the MNRF. This easement will be in place from the first day of January, 2015.

FINANCIAL IMPLICATIONS:

Under the Public Lands Act and in consideration of the sum of $1,000.00

ACCESSIBILITY IMPLICATIONS: none

IN CONSULTATION WITH: N/A

RECOMMENDATION:

For Council information and approval only.
BACKGROUND:

Section 88.8 (4) of the Municipal Elections Act prohibits the Township from making contributions in any form, which includes its assets, resources and employees to those candidates running for office.

COMMENTARY:

By-law 2013-14, Code of Conduct for Council Members, Local Boards and Committees does reference the use of Municipal resources. The proposed policy is much broader and provides more clarity for both staff and, specifically in relation to election.

The purpose of this policy to provide a more comprehensive document outlining what those resources are and what candidates running for office are permitted or not permitted to do. It will also clarify for staff what they are permitted and not permitted to do for candidates.

The deadline for approval of such a policy for the 2018 elections is April 30, 2018.

FINANCIAL IMPLICATIONS: none

ACCESSIBILITY IMPLICATIONS: none

IN CONSULTATION WITH: Joleen Keough, Deputy-Clerk

RECOMMENDATION:

It is recommended that Council adopt the proposed Policy # Admin2018-01, titled "Use of Corporate Resources for Election Purposes".
THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
POLICY

SECTION: Administration
POLICY: Use of Corporate Resources for Election Purposes

POLICY #: ADMIN2018-

POLICY STATEMENT:

The Municipal Elections Act, 1996, establishes the election campaign finance rules for Candidates running in a municipal election. Public funds are not to be used for any election related purposes, including the promotion of, or opposition to, the candidacy of a person for elected office. The Municipal Elections Act, more specifically Section 88.8(4) relating to campaign finance rules, prohibits the municipality, The Corporation of the Township of Manitouwadge, from making contributions in any form, which includes its assets, resources, and employees.

This policy does not preclude a member of Council from performing their duties as a Councillor, nor inhibit them from representing the interests of their constituents.

PURPOSE:

The purpose of this policy is to clarify for election Candidates, including all members of Council, that they are required to follow the campaign finance provisions as set forth in the Municipal Elections Act.

SCOPE:

This policy is applicable to all Candidates, and all members of Council, including any acclaimed member of Council or member of Council who is not seeking re-election. This policy is also applicable to all staff of the Township of Manitouwadge.

POLICY:

1. Definitions

"The Act" means the Municipal Elections Act, 1996, as amended from time to time, and includes any regulation made thereunder.

"Candidate" means a person who is running or has expressed an intention to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under Section 8 of the Municipal Election Act, 1996.
THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
POLICY

"Campaign Period" begins the date a Candidate files their nomination through to voting day in a municipal election year. For federal and provincial elections the campaign period begins with the issuance of the writ through to voting day.

"The Township of Manitouwadge" means The Corporation of the Township of Manitouwadge.

"Corporate Resources" includes but is not limited to the Township's employees, events, funds, information and assets.

"Election Year" or "Election Period" means May 1 through to Voting Day during a regular municipal election year.

"Employees" or "Staff" includes full-time, part-time, casual and contract employees, paid by the Township of Manitouwadge.

"Nomination Day" for a regular municipal election is the fourth Friday in July in the year of the election.

2. Policy Applications

Throughout the Campaign Period all restrictions noted in this policy will be applied to all Candidates, including acclaimed Candidates. Effective Nomination Day at 2:01 p.m. all restrictions noted in this policy will be applied to all Candidates, all members of Council, including acclaimed Candidates and those members of Council not seeking re-election. Individuals who have questions about this policy are encouraged to contact the Clerk’s Department to obtain further clarification.

Technology Related Provisions

- Candidates and members of Council shall not use Corporate Resources, for any election-related purposes including computers, laptops, telephones, cell/smart phones, tablets, printers, scanners, or other services such as email, internet and filing storage.

- Websites and domain names that are maintained or funded by the Township of Manitouwadge shall not include any election-related campaign material or links to sites that feature election-related campaign material.

- In an Election Year, Mayor and Council biographies will remain static, and no changes to these pages will be allowed unless a member resigns.
THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
POLICY

Facilities Related Provisions

- Candidates may not campaign and/or distribute campaign literature during any function being hosted by the Township of Manitouwadge, whether on municipal property or not.
- Candidates shall not use any municipally provided facilities for any election-related purposes unless rented in accordance with the Township of Manitouwadge's rental procedures.
- No campaign related signs nor any other election-related material shall be displayed in or on any municipally owned facilities. Election signs are permitted to be placed in municipally owned buildings that are leased to another person or entity but must be removed at the end of the lease.

Communications Related Provisions

- Members of Council are responsible for ensuring that the content of any communication material, printed, hosted or distributed by the Township of Manitouwadge is not election campaign related.
- Candidates shall not print or distribute any election campaign related material using municipal funds; the Township of Manitouwadge will not distribute material, through electronic or non-electronic means, which it determines is election campaign related.
- The Township of Manitouwadge's logo, slogan, etc. shall not be printed or distributed on any election material or included on any election campaign related website, except in the case of a link to the Township's website to obtain information about the municipal election.
- Photographs produced for and owned by the Township of Manitouwadge shall not be used by Candidates for any election purposes.
- No advertising paid for by the Township of Manitouwadge shall contain the name of a Councillor or the Mayor unless consistent with their duties as an elected official.
- In a municipal election year, the Township of Manitouwadge resources and members of Councils' budgets shall not be used to sponsor any advertisements, flyers, newsletters or householder from the day after Nomination Day up to and including final voting day.

This prohibition also applies to the use of any Township of Manitouwadge equipment, facilities or websites if the access is Township-sponsored.
THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
POLICY

Employee Provisions

- Employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activity at the federal, provincial and municipal levels providing that such activity does not take place during work hours or use corporate assets or resources, or property. Notices, posters or similar material in support of a particular Candidate or political party are not to be produced, displayed or distributed by employees on Township of Manitouwadge work sites or property.

- Employees shall not canvass or actively work in support of a municipal Candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, floater day, or vacation leave.

- Employees shall not canvas or actively work in support of a municipal Candidate or political party while wearing uniform, badge, logo or any other item identifying them as an employee of the Township of Manitouwadge, or using a vehicle owned or leased by the Township.

- Employees need to ensure that they act in compliance with the Code of Conduct for Employees policy.

Related Policies, Legislation and By-laws

- Code of Conduct for Council Members, Local Boards and Committees Policy
- Code of Conduct for Employees Policy
- Municipal Elections Act, 1996

Review Period

This policy shall be reviewed the third year of the fourth year term of Council and will be revised to reflect the evolving nature of how technology is used or in light of any changes in legislation.

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<th>Approval:</th>
<th>Resolution #2018-__</th>
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<td>□ CAO/Clerk-Treasurer</td>
<td>Council Meeting of: <em><strong>/</strong></em>/___</td>
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<td>□ Deputy Clerk</td>
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<td>Revised Issue: □</td>
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Township of Manitouwadge

Code of Conduct Complaint

The Complaint

The Council of the Township of Manitouwadge (Council) adopted a Code of Conduct for members of Council on October 9, 2013.

In November of 2015, it appointed Amberley Gavel Ltd. as Integrity Commissioner for the purpose of conducting investigations under the Code and providing advice with respect to provisions of the Code.

On April 11, 2018 Council passed the following resolution:

“Resolved that: Council, upon receipt of a report from Petrone and Partners, request the Integrity Commissioner to further investigate whether Councillor Dunnill is in breach of the Code of Conduct.”

The Investigation

The report referred to in the resolution above is in regards to two complaints, one against Councillor Ed Dunnill by Chief Administrative Officer Margaret Hartling, and a second filed by Councillor Dunnill against CAO Hartling, both pursuant to the Township’s Workplace Violence/Harassment Prevention Policy. A copy of the report is attached to this report with the names of some parties redacted as they are not essential to our report.

The complaint against Ms. Hartling, which the investigation determined was unfounded, was beyond our scope to investigate.

We have reviewed the Petrone report, and spoken with the author Robin Clinker. We are satisfied that the investigation was thorough and is appropriate for us to rely on for our consideration of whether Councillor Dunnill was in breach of the Council Code of Conduct as well as the Workplace/Harassment prevention Policy.

We urge the reader to review that report which is attached to this report as an Appendix.

In order to make the determination above we have reviewed the following Sections of the Township’s Code.
17. CONDUCT RESPECTING STAFF

Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of Township staff.

Employees of the Township serve Council and work for the Township under the direction of the Municipal Manager Clerk. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members do not have the authority to direct members of staff to carry out particular functions.

Members should make inquiries of staff through the Municipal Manager Clerk or the appropriate senior staff, as directed by the Municipal Manager Clerk.

Only Council as a whole and no single member of Council, including the Mayor, has the authority to direct staff, approve budget, policy, committee processes and other such matters, unless specifically authorized by Council.

Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and, without undue influence from any individual member or faction of the Council, a local board or committee. Accordingly, no one shall maliciously or falsely injure the professional or ethical reputation of staff. Respect must be shown for the professional capacities of the staff of the Township.

Township Employees have a duty and obligation to act impartially, and in accordance with prescribed regulations or standards of conduct. Similarly, Employees with professional qualifications have an additional duty and obligation to act in accordance with standards of conduct prescribed for their profession. Members shall refrain from engaging in any conduct which might deter, interfere or unduly influence Township Employees in the performance of such duties and obligations.

18. DISCREETIBLE CONDUCT (INTERPERSONAL BEHAVIOURS)

Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members of Council, local boards and committees shall ensure that the work environment is free from discrimination and of personal and sexual harassment.
All members are expected to abide by the provisions of the Human Rights Code, as amended, and by the workplace violence and harassment provisions of the Occupational Health Prevention Policy. In doing so, they shall treat every person, including other members of Council, local boards and committees, Township employees, individuals providing services on a contract for service, students employed by Township and the public with dignity, understanding and respect.

We are satisfied from a reading of the Code and in particular the sections of the above that we have the authority to deal with the complaint as referred by Council.

Finding and Recommendations

We agree with the conclusions in the Petrone report with respect to Councillor Dunnill’s behaviour. The behaviours described and deemed to have breached the Workplace Violence/Harassment Prevention Policy are sufficient to allow for a finding of a breach of the Code of Conduct as well in our opinion.

We agree with the recommendations regarding anti-harassment training and limitations on Councillor Dunnill’s contacts with Ms. Hartling.

With respect to the breach of the Code we are limited to recommending a reprimand be issued by Council to the Councillor, or a suspension of pay up to 90 day’s remuneration.

Our recommendation is that only a formal reprimand be issued by Council at this time.

However, should Councillor Dunnill not comply with recommendations contained in the report from Perone and Partners in a reasonable period of time, in the opinion of Council, that his remuneration be suspended for up to 90 days depending on which part or parts of the recommendations have not been met.

Nigel Bellchamber

for

Amberley Gavel Ltd

Integrity Commissioner

April 18, 2018
Investigation Report: Workplace Complaint

March 26, 2018

Investigator: Robin A. Clinker
Petrone & Partners
76 N. Algoma Street
Thunder Bay, Ontario, P7A 4Z4

Recipient: Township of Manitouwadge
c/o Mary Catherine Chambers
Buset & Partners LLP
1121 Barton Street
Thunder Bay, Ontario, P7B SM6
March 26, 2018

Complaint of Margaret Hartling dated January 4, 2018

Name of Complainant: Margaret Hartling
Name of Respondent: Ed Dunnill
Date of Alleged Incidents: Various
Date of Investigation: February 2, 2018 to March 8, 2018
Investigator: Robin A. Clinker

Complaint of Councillor Ed Dunnill dated February 8, 2018

Name of Complainant: Ed Dunnill
Name of Respondent: Margaret Hartling
Date of Alleged Incidents: October 23, 2017
Date of Investigation: February 2, 2018 to March 8, 2018
Investigator: Robin A. Clinker

Summary of the Complaints

The CAO/Clerk-Treasurer of the Township of Manitouwadge (the “Town”), Margaret Hartling filed a complaint against Councillor Ed Dunnill on January 4, 2018 alleging that Councillor Dunnill has harassed her and that his actions are in violation of the Township’s Workplace Violence/Harassment Prevention Policy. Ms. Hartling has made numerous allegations that have occurred between January 11, 2016 and January 4, 2018.

Ms. Hartling has alleged that the behavior of Mr. Dunnill is harassment and has affected her ability to properly perform the duties of her position for the Township. She asserts that the relationship between her and Councillor Dunnill is toxic and this makes it
difficult for Ms. Hartling to perform her duties as the CAO/Clerk-Treasurer of the Township.

The specific allegations against Councillor Dunnill will be set out below.

In addition, Councillor Ed Dunnill, a Member of Council for the Town filed a complaint against Ms. Hartling on February 8, 2018 alleging that Ms. Hartling made comments during a Council Meeting on October 23, 2017 that were psychologically threatening and intimidating to him. He has alleged that Ms. Hartling is in violation of the Township's Workplace Violence/Harassment Prevention Policy, the Code of Conduct for Employee's and the Occupational Health and Safety Act

A. Investigation Process

Robin A. Clinker was retained by counsel for the Town to conduct an investigation into the above complaints and to make a determination as to whether the allegations are substantiated and to make corresponding recommendations to the Town, if such a finding is made. The purpose of the investigation and this report is to provide legal advice to the Town.

Robin A. Clinker conducted an investigation and interviewed the following people:

Margaret Hartling
Councillor Ed Dunnill
Mayor Andy Major
Councillor Sheldon Plummer
Councillor Peter Ruel

Robin A. Clinker also reviewed the following documents:

- Workplace Violence/Harassment Prevention Policy for the Corporation of the Township of Manitouwadge
- Code of Conduct for Council Members, Local Boards and Committees (Policy No.CORP2013-01)
- Complaint from Margaret Hartling to Mayor Major dated January 4, 2018
- Chronicle Journal article entitled "Homeowners punished in councillor's spat" published April 3, 2016
- Email Correspondence between Ms. Hartling and Mr. Dunnill dated April 8, 2016 re:PW Superintendent
• Email correspondence between Mr. Dunnill and [Redacted] dated May 26-27, 2016 re: Dimestore Fisherman
• Email correspondence between Mayor Major and Mr. Dunnill dated October 4, 2016 re: Staff Appreciation
• Performance Review for CAO/Clerk-Treasurer for 2016 re: comments by Mr. Dunnill
• Memo to Mayor and Council from Ms. Hartling dated March 13, 2017 re: performance review
• Memo to Mayor and Council from Ms. Hartling, [Redacted] re: concerns about behavior of Mayor and Council
• Email correspondence between Mr. Dunnill and [Redacted] dated November 24-26, 2015 re: POI
• Email correspondence between Mr. Dunnill and Ms. Hartling dated August 8-9, 2017 re: Pecuniary Interest Declarations
• Email correspondence between Mr. Plummer, Mr. Dunnill and Ms. Hartling dated August 29-September 6, 2017 re: Clarification
• Email correspondence between Mr. Dunnill and Ms. Hartling dated September 6-13, 2017 re: Notice of Motion
• Email correspondence between Mr. Dunnill and Ms. Hartling dated September 18-25, 2017 re: Flight Itinerary
• Email correspondence between Mr. Dunnill and Mayor Major dated October 4-8, 2016 re: Staff Appreciation
• Email correspondence between Mr. Dunnill and Mayor Major dated November 8, 2017 re: Closed Meeting Sessions
• Email correspondence between Mr. Dunnill, Mayor Major and Mr. Plummer dated November 7-8, 2017 re: Closed Meeting Quorum
• Email correspondence from Mr. Dunnill to Ms. Hartling dated November 24, 2017 re: Closed Meeting Conduct-October 11, 2017
• Email correspondence between Mr. Dunnill and Kathryn Marshall dated November 17-20, 2017 re: Offer to Settle- DWF File #30424/079
• Email correspondence between Ms. Hartling and Mr. Dunnill re: Golden Wallace Follick LLP - legal
• Email correspondence between Ms. Hartling and Mr. Dunnill dated December 12, 2017 re: Clarification
• Correspondence from Mr. Dunnill to Mayor, Council and CAO dated January 7, 2018 re: Request for Deferral
• Handwritten note of Ms. Hartling dated January 10, 2018 re: notified at performance appraisal about harassment complaint
• Email correspondence between Ms. Marshall and Mr. Hartling dated December 14, 2017 and January 8, 2018 re: Dunnill
• Ms. Hartling’s Performance Review for year ending December 2017
• Final Report re: Township of Manitouwadge Code of Conduct Complaint prepared by Nigel Belchamber
• Response to CAO/Clerk-Treasurer Allegations of Contraventions of Code of Conduct prepared by Mr. Dunnill
• Written Apology to CAO/Clerk-Treasurer dated January 13, 2018 from Mr. Dunnill
• Request for Investigation from Mr. Dunnill to Amberley Gavel Ltd. dated July 17, 2017
• Exhibits to Issues stated in the Original Response to CAO’s Complaint prepared by Mr. Dunnill and dated February 25, 2018
• Township of Manitouwadge Administration Report dated January 3, 2017
• The Corporation of the Township of Manitouwadge- By-Law No. 2015-19
• Minutes of the Regular Meeting of Council of the Corporation of the Township of Manitouwadge on November 25, 2015
• Minutes of the Regular Meeting of Council of the Corporation of the Township of Manitouwadge on December 9, 2015
• Agenda for Regular Meeting of Council of the Corporation of the Township of Manitouwadge on July 12, 2017
• Agenda for Regular Meeting of Council of the Corporation of the Township of Manitouwadge on October 23, 2017
• Minutes of the Regular Meeting of Council of the Corporation of the Township of Manitouwadge on October 11, 2017
• Agenda for Special Meeting of Council of the Corporation of the Township of Manitouwadge on January 10, 2018
• Agenda for Closed Meeting of Council on January 10, 2018
• Excerpt from the Minutes of the Regular Meeting of Council of the Corporation of the Township of Manitouwadge on May 11, 2016
• Correspondence from Amberley Gavel Ltd. to Mayor and Council dated December 30, 2017
• Correspondence from [REDACTED] to Ms. Hartling dated October 17, 2017 re: Manitouwadge Landfill Bank Swallows
• Email correspondence from Mayor Major to Council dated December 1, 2017 re: CAO performance evaluation
• Email correspondence between Mr. Dunnill and Mr. Bellchamber dated October 25-November 9, 2017 re: Request for Advice
• Handwritten notes of Mr. Dunnill re: call to MOL
• Email correspondence (undated) from Mr. Dunnill
• Township pf Manitouwadge-Performance Review Form for CAO/Clerk-Treasurer completed by Mr. Dunnill
• Response to Complaint by Councillor Dunnill by Ms. Hartling dated February 27, 2018
• Rebuttal to CAO’s Response to My Complaint by Mr. Dunnill (with attachments)

B. Position of the Complainant- (Margaret Hartling)

Ms. Hartling alleged that:

Allegation #1
• Councillor Dunnill has made comments to third parties about her ability to perform her job without any information to support the allegations being made
- January 4, 2016 - Councillor Dunnill advised Nigel Bellchamber that Town's "books were a mess"

Allegation #2
- Councillor Dunnill makes comments to ratepayers about her abilities to perform her job and a lack of transparency insinuating that she is hiding information from ratepayers without any information to support the allegations being made
- May 2016 – in email correspondence to [Redacted] regarding the Dimestore Fisherman he implied that he was also not informed about the event and he implied that the CAO and Council were deliberately withholding information about the event

Allegation #3
- During a Regular Council Meeting on July 13, 2016 Councillor Dunnill spoke about possible criminal charges re: issuing of gaming licences that could be laid against the CAO and staff if such licences were issued

Allegation #4
- During a Regular Council Meeting on January 11, 2017 Councillor Dunnill stated during an open session of Council that the Crimestoppers Committee was only looking for a fee reduction on green fees for an upcoming golf tournament so members of the committee could golf for free (Ms. Hartling was a member of that committee)

Allegation #5
- In August 2017 during an open session of Council, Councillor Dunnill accused Ms. Hartling of unilaterally deciding to reduce the Town's office hours and maintained that position despite being provided with information to the contrary from another Councillor
Allegation #6

- In August 2017 Councillor Dunnill included in his materials, filed in a lawsuit against the Town, email correspondence between himself and a former co-worker of Ms. Hartling about her performance while she was an employee of the Township of Terrace Bay and made his own demeaning and unfounded comment about Ms. Hartling in that email correspondence.

Allegation #7

- Councillor Dunnill's evaluation of Ms. Hartling's performance for both 2016 and 2017 include accusations and concerns that are unfounded, not substantiated by other information and contradictory to the review of her performance by the Mayor and other Council Members.
- Her performance reviews include personal attacks on her character based on allegations that cannot be proven by Councillor Dunnill.
- His personal relationship with Ms. Hartling has clouded his ability to fairly evaluate her performance.

Allegation #8

- After the October 23, 2017 Council meeting Councillor Dunnill advised Mayor and Council that he was no longer going to attend closed sessions of Council and blamed Ms. Hartling's conduct for same.
- He demanded an apology from Ms. Hartling before he would re-attend closed sessions.
- He also advised Ms. Hartling that an apology had to be provided by her prior to her upcoming performance evaluation:
  - Ms. Hartling perceived same as a threat that her performance evaluation would be negatively impacted if she did not provide an apology.
  - Ms. Hartling did not provide an apology.
According to the complainant, the above alleged behaviours have caused discomfort and awkwardness to the complainant and are unwelcome. They have prevented the complainant from being able to communicate with the respondent and have made it extremely difficult to carry out the duties of her job. The complainant is also concerned that the alleged behaviours have impacted her ability to deal with the ratepayers in the Town effectively. The complainant further states that Councillor Dunnill makes it very difficult for her to perform her duties and a lot of "extra time" is spent dealing with Councillor Dunnill's accusations and concerns which are made without any supporting information. Ms. Hartling believes at Councillor Dunnill was opposed to her appointment as the CAO and is now attempting to sabotage her within that position.

Due to the actions of Councillor Dunnill, Ms. Hartling fears for her job, livelihood and professional reputation.

C. Position of the Respondent – (Councillor Ed Dunnill)

Councillor Dunnill's responses to the allegations are as follows:

Allegation #1

- Councillor Dunnill acknowledges that he relied on hearsay in making these comments and has issued an apology to Ms. Hartling in response to her complaint dated February 13, 2018

Allegation #2

- Councillor Dunnill maintains that his comments to [redacted] about Ms. Hartling were justified as he maintains that he was not advised about the Dimestore Fisherman until the Friday before the Council Meeting that it was to be discussed and it is his belief that the CAO and Mayor favoured other businesses in Town over the business of [redacted]
Allegation #3
- He denies threatening criminal charges but states that he was concerned about the Town's ability to issue gaming permits for the type of event that was being held and his comments were simply an attempt to advise Council and the CAO of the consequences of issuing a permit if they were not permitted to do so.

Allegation #4
- He maintains that the quote stated by Ms. Hartling in her complaint is not reflective of what he said.
- He simply stated that the request by Crimestoppers was worded in a way that suggests only the event organizers would receive the benefit of the discount.
- He maintains that he did not know that Ms. Hartling was a member of the Crimestoppers Committee at the time the comment was made.

Allegation #5
- He acknowledges that he was mistaken and agrees that it was Council (of which he was a member at that time) that made the decision to reduce the hours.
- He maintains that it remains his belief that it was the CAO that made the decision as to how the hours would be reduced without input from Council.
- He did offer an apology once it was proven that Ms. Hartling was not the Acting CAO or CAO at the time the decision was made.

Allegation #6
- Councillor Dunnill states that prior to hiring a person he has an obligation to determine if the candidate for the position is appropriate.
- He states that he spoke to a Council Member from Terrace Bay about Ms. Hartling's performance while employed for the Township of Terrace Bay and that individual had [redacted] (who was previously supervised by Ms. Hartling) contact him.
- He was justified in accepting unsolicited information
- Despite having this information prior to Ms. Hartling being appointed as the CAO he did not disclose that information to the Mayor or other members of Council as he did not want to prejudice their opinions of Ms. Hartling
- Councillor Dunnill believes that Ms. Hartling always tries to undermine what he does
  - He believes that Ms. Hartling dislikes him ever since he requested a recorded vote for the decision to appoint her as CAO
- He states that it was appropriate to include this email in the court documents as it is relevant to the issues in that proceeding
- When questioned further about the email correspondence, Councillor Dunnill indicated that he was not prepared to answer any further questions as it is part of an ongoing court case

**Allegation #7**

- He maintains the comments made in Ms. Hartling’s performance evaluations
- He was willing to remove items 2(a) and (b) from the 2016 evaluation but Ms. Hartling told him not to
- His allegation that Ms. Hartling has harassed other employees relates to the 
  - He never witnessed the above and the only source of this information is from
- His allegation that Ms. Hartling has received negative feedback from residents relates to the 
  - who is unhappy with the way in which Ms. Hartling handled a request in relation to his water bill
- His allegation that the Town’s high staff turnover is due to Ms. Hartling is simply based on his gut feeling
• He has not spoken with anyone as to why they have left

• His allegation about Ms. Hartling’s professional ethics relates to her failure to disclose to him the necessary budget information for the Town and/or the fact that she provides it at the last minute
  o He believes that is being done intentionally to prevent him from having sufficient knowledge that would allow him to question things and raise issues and concerns

• His allegation that Ms. Hartling has questionable motives relates to the appointment of the new Librarian/CEO
  o While it is the Library Board that appoints this position it his belief that Ms. Hartling has colluded with her husband who is on the Library Board to ensure that her candidate was placed in the position
  o He has no supporting information in relation to the above this is simply based on his belief

Allegation #8
• Ms. Hartling made comments to Council between a closed and open session of Council on October 23, 2017 about confidentiality of closed sessions and a reminder that Council members were not to contact Ministry officials
• Councillor Dunnill believed these comments were directed at him
• He felt threatened and intimidated by Ms. Hartling due to the aggressive manner in which she made the comments
• He advised that she threatened that if confidentiality was further breached she would bring the appropriate individual to justice
• He decided not to attend further closed sessions so that he could not be blamed for further breaches of confidentiality
• He only missed one closed session (started re-attending)
• He advised that his request for an apology prior to her performance evaluation was simply a matter of timing
• He maintains that it was his intention to evaluate her performance poorly if an apology was not provided
D. Position of the Complainant— (Ed Dunnill)

Councillor Dunnill has alleged that:

- Ms. Hartling made comments to Council between a closed and open session of Council on October 23, 2017 about confidentiality of closed sessions and a reminder that Council members were not to contact Ministry officials
- Councillor Dunnill believed these comments were directed at him
- He felt threatened and intimidated by Ms. Hartling due to the aggressive manner in which she made the comments
- She made these statements against the advice of the Mayor who had directed her not to say anything
- He advised that she threatened that if confidentiality was further breached she would bring the appropriate individual to justice
- He decided not to attend further closed sessions so that he could not be blamed for further breaches of confidentiality
- He only missed one closed session (started re-attending closed sessions)

E. Position of the Respondent — (Margaret Hartling)

Mr. Hartling's response to the allegations are as follows:

- Prior to the October 23, 2017 Council Meeting, Ms. Hartling became aware that discussions that had taken place during a closed session were disclosed to a third party by Councillor Dunnill
- Ms. Hartling spoke to the Mayor about this matter and they agreed that at the next Council meeting she would provide a reminder to all Council Members about the confidentiality of closed sessions
- At the October 23, 2017 Council meeting between a closed and open session Ms. Hartling reminded all Council Members that
  - They were not to breach the confidentiality of closed sessions
  - if further breaches occurred she would be bringing same to the attention of Council to deal with
  - Council Members should not be independently contacting Ministries about issues involving the Town
- She did not single out Councillor Dunnill or direct the comment at him
• It was a general reminder to Mayor and Council
• She does not recall making the above statements in an aggressive or threatening manner

F. Credibility

• Credibility was assessed during the in-person interviews that were conducted on March 8, 2018
• Both Ms. Hartling and Councillor Dunnill appeared forthright in their answers to the questions posed to them
• Where there were disparities between the information being provided by the complainant and respondent the investigator used information from documentation provided or independent witnesses to resolve those disparities and make the necessary findings of fact

G. Findings of Fact

Upon review and analysis of the evidence, I make the following findings of fact:

General Facts

• Ms. Hartling commenced employment with the Township of Manitouwadge as an Accounts Payable Clerk in 1987
• She was promoted and when she left her employment in 2003 she was employed as the Treasurer
• In 2003 Ms. Hartling went to work for the Township of Terrace Bay as the Treasurer/Deputy Clerk
• She returned to the Town in 2010 as the Treasurer/Deputy Clerk
• In October 2015, the CAO of the Town, Cecile Kerster resigned and Ms. Hartling was appointed as the Acting CAO in addition to her other duties
• Ms. Hartling was appointed to the CAO position in December 2015
• Councillor Dunnill was not in favour of her appointment to the position of CAO and remains of the view that she is not the right person for the position
• The current Mayor and Council was appointed in December 2014 and is comprised of the following:
  o Mayor Andy Major
  o Councillor Sheldon Plummer
  o Councillor Peter Ruel
  o Councillor Ed Dunnill
  o Councillor Ray Lelievre

• Prior to her departure from the Town in 2003 Ms. Hartling was accused of yelling at Councillor Dunnill (he was not a Council member at that time) and he complained to her manager over a water bill issue
  o She was told to apologize
  o She had no further involvement with Councillor Dunnill until he came onto Council
  o Councillor Dunnill expressed that he has a dislike for Ms. Hartling which stems from this incident

• During Councillor Dunnill’s time on Council he and Ms. Hartling have had limited contact other than through email correspondence and during Council meetings

• Councillor Dunnill has a poor relationship with the Mayor and the other members of Council

Allegation #1

• Councillor Dunnill advised Nigel Bellchamber (Integrity Commissioner) during a Council training session that “the books were a mess”
• Councillor Dunnill had no information to support this statement
• The auditors have never raised an issue during this Council’s current term of any issues with the Town’s book or records
• Councillor Dunnill has provided an apology to Ms. Hartling for making this statement and acknowledges that it was made without any supporting information
Allegation #2

- The Dimestore Fisherman (a TV fishing show that highlights the community) contacted Ms. Hartling about coming to Manitouwadge
- She then placed it on the Agenda for the May 11, 2016 Regular Council Meeting to be discussed
- The Agenda for that meeting was provided the Friday before the meeting as per the standard process
- There was no obligation on Ms. Hartling to have provided notice about this event to Mayor and Council prior to the Agenda being provided
- Councillor Dunnill did not express any concerns about the information provided or the amount of notice at the Council meeting at which this event was discussed
- Council passed a resolution supporting the event if they came during the annual ATV rally and on the basis that an application would be made to the Economic Development Committee (the "EDC") for funding
- [Redacted]
- After Council passed its resolution Ms. Hartling made the necessary arrangements including accommodation at the local hotel for the cast and crew of the show
- She did not look into other accommodation options as she believed the hotel to be the best option given the number of people coming and the location of the event
- [Redacted] sent email correspondence to Mr. Dunnill wherein he was concerned that he was not given an opportunity to house the cast and crew of the show at his business
- Prior to responding to that email, Councillor Dunnill did not take any steps to speak to Ms. Hartling about the concerns raised by [Redacted] or to find out further information
- Councillor Dunnill responded to [Redacted] implying that Ms. Hartling, the Mayor and other members of Council are not transparent with ratepayers
Councillor Dunnill had no factual basis for this statement other than his own personal belief (see email -TAB 1)

Allegation #3

- Certain employees of the Town have the ability to issue gaming licences for certain events
- The Hospital was looking to host a Texas Hold’em fundraising event
- When this was discussed at a Council Meeting, Councillor Dunnill informed Council and the CAO that such a gaming licence would have to be issued by OLG, not the Town
- Ms. Hartling stated that Councillor Dunnill stated during an open session of Council that staff were in violation of the Criminal Code in relation to this licence
- Councillor Dunnill stated that he did not state the above
  - He simply advised Mayor and Council that if such a licence were issued the Town could be fined under the Criminal Code as these types of licences have to be issued by OLG, not the Town
- At the time of this Council Meeting the Town had not received an application for a gaming licence from the Hospital
- The Town never received an application for a gaming licence from the Hospital for the Texas Hold’em event
- While the possible consequences of issuing such a licence were discussed by Councillor Dunnill, I do not find that any improper threats of criminal charges against Ms. Hartling or other staff members were made during the Council Meeting on July 13, 2016 by Councillor Dunnill

Allegation #4

- Councillor Dunnill did make a comment during an open session of Council wherein he suggested that the members of the Crimestoppers Committee were looking to benefit personally from the discount request on green fees
- Councillor Dunnill did not know that Ms. Hartling was a member of the Crimestoppers Committee
- The statement made by Councillor Dunnill was not directed at Ms. Hartling
Allegation #5

- Council decided to reduce the number of hours that the Township office would be open in 2015
- At the time this decision was made the CAO for the Town was Cecile Kerster and Ms. Hartling was employed as the Treasurer
- After the decision was made by Council to reduce the hours, Cecile Kerster recommended to Council that the new hours be 10am to 2pm
- Council agreed to these recommendations and instituted the new hours
- Ms. Hartling was not the CAO or Acting CAO at the time either decision was made
- Councillor Dunnill was a member of Council at the time these decisions were made
- Councillor Dunnill at an open meeting with the local MPP and members of the community in August 2017 stated that Ms. Hartling had unilaterally made the decision to change the Town’s office hours
- Ms. Hartling was not present at the meeting
- Councillor Plummer was present at the meeting and sent email correspondence to Councillor Dunnill following the meeting correcting him about the decision to change the office hours
- Despite being provided with information from Councillor Plummer that this was not true, Councillor Dunnill maintained his position until further information was provided at which time he did provide an apology to Ms. Hartling (TAB 2 – see email)
- Councillor Dunnill did provide an apology after several emails were sent reminding him of the above process

Allegation #6

- Ms. Hartling worked for the Township of Terrace Bay between 2003 and 2010
- [Redacted] worked as an [Redacted] in Terrace Bay and reported to Ms. Hartling
- [Redacted] and Ms. Hartling had a poor working relationship and a harassment complaint was filed against Ms. Hartling
o It was ultimately found that she had not engaged in harassment

- left her employment prior to Ms. Hartling returning to the Town in 2010
- Prior to Ms. Hartling's appointment as CAO, Councillor Dunnill was of the opinion that she was not the right person for the job
  o He did not think she had the necessary people skills or skill set for running matters in line with the Municipal Ad
- He spoke to Council members in Terrace Bay where Ms. Hartling had previously worked as Treasurer about her performance and was told that they were not happy with her performance during her period of employment
- The Council member that he spoke to had contact him
- sent email correspondence to Councillor Dunnill that stated:
  o She was told that the current Clerk/CAO was on stress leave because of Ms. Hartling
  o While Ms. Hartling was Treasurer in Terrace Bay she ruined three staff relationships
  o Ms. Hartling attempted to get rid of all staff that knew that she could not do her job
  o She offered to provide further information to Councillor Dunnill
- Councillor Dunnill replied to that email correspondence and stated that:
  o "It is disturbing that one person can destroy so many peoples lives and manage to run away without consequences"
  o He cannot provide any comment about the CAO as a lawyer has been retained and then states that "I believe that you can interpret my response without any further comment"
  o He requests further information so he can provide same to Mayor and Council and "stop her from her tyranny" (TAB 3 — see email)
- The basis for the comments made by Councillor Dunnill in the email were
  - Information that had been provided to him by the former [redacted] about behavior that Ms. Hartling had exhibited towards her
  - His own gut feeling about Ms. Hartling based on his past personal experiences with her

- The former CAO was not off on stress leave at any time

- Other than the information above Councillor Dunnill had no other information to substantiate the comments he made to [redacted]

- Councillor Dunnill did not take any steps to confirm the information he received from [redacted]

- Councillor Dunnill did not take any steps to correct the information provided by [redacted] and instead led her to believe that Ms. Hartling was somehow responsible for the departure of the former CAO, Ms. Kerster (which is not supported by the facts) which Councillor Dunnill knew to be untrue

- Councillor Dunnill did not speak to Ms. Hartling about the statements made by [redacted] or other information that he obtained and he did not give her an opportunity to respond to those allegations

- Despite having the above information prior to Ms. Hartling’s appointment as CAO he did not provide this information to Council

- He included the email exchange with [redacted] in the materials he filed in the litigation that he has commenced against the Town

- The background of the litigation is as follows:
  - Librarian/CEO of Library Board is a position that is appointed by the Library Board
  - Ms. Hartling and/or Mayor and Council have no role in the hiring, discipline or management of that position
  - When Council was appointed in December 2014 they decided to cut the library budget
The Library Board decided that they were going to terminate the former Librarian/CEO and had a termination letter prepared by lawyer and was to be delivered by the Board

Immediately prior to this happening three members of the Library Board resigned so that there was no longer a quorum and the former Librarian/CEO went off on sick leave

Another individual came forward and the Library Board appointed her as the new Librarian/CEO

- After the appointment, Councillor Dunnill went over to the library and began demanding documents pertaining to the library’s finances
- The new Librarian/CEO felt threatened and harassed by Councillor Dunnill
- The Chair of the Library Board wrote a letter to Council and an investigation was done by the Integrity Commissioner re: Code of Conduct and sanctions were imposed against Councillor Dunnill as a result of his actions
- He was penalized 30 days without pay and a further 30 days without pay if he did not apologize
- He did not apologize

Councillor Dunnill then launched his own investigation into the library’s finances without the support of the Library Board, the Mayor or Council

He has also commenced litigation against the Town seeking to be made whole again with respect to the sanctions that were imposed against him
• When he was asked as to why the email correspondence was included in the court materials he refused to answer as he did not want to discuss ongoing litigation with the Town

• Based on the information received about the nature of the court proceeding and without further information from Councillor Dunnill as to why the emails were included in the court documents the emails between him and [REDACTED] do not appear to be relevant to the litigation

• Councillor Dunnill knew that the Mayor and other members of Council would see the email correspondence between he and [REDACTED] it was included in the court materials

Allegation #7

• The reviews of Ms. Hartling's performance in 2016 and 2017 by Councillor Dunnill are significantly lower than the reviews of the Mayor and other members of Council

• The performance review is done in an open forum with the Mayor and each member of Council (save and expect for Ms. Hartling's husband, Councillor Ray Lelievre) verbally stating their rating of Ms. Hartling and any associated comments in the presence of Ms. Hartling

• The Mayor and other members of Council do not agree with the comments and ratings given to Ms. Hartling as part of her performance reviews in 2016 and 2017 by Councillor Dunnill

• 2016 Performance Review (TAB 4 – performance review by Councillor Dunnill)

  • The comment that she was harassing staff was based solely on information that Councillor Dunnill received from [REDACTED] and Councillor Dunnill took no steps to confirm if those allegations could be substantiated before using that information to poorly rate Ms. Hartling's performance
The comment that she has received negative feedback from ratepayers is based only on a complaint by [redacted] that wanted his water bill written off and was unhappy when Ms. Hartling refused to do so

- Mayor Major looked into this issue and spoke to all parties involved and came to the conclusion that Ms. Hartling was justified in the manner in which she dealt with this individual
- Councillor Dunnill took no steps to investigate the matter further prior to having the information influence his performance rating of Ms. Hartling

The comment that she is responsible for the high turn over of staff is not based on any actual information that Councillor Dunnill has obtained from former staff

- It is based on his own gut feeling based on his relationship with Ms. Hartling
- He did not do any investigation into this allegation prior to using it to affect Ms. Hartling's performance review

The comment that she lacks professional ethics in relation to her lack of transparency with the budget information is again unfounded

- A decision was made by Council at the suggestion of the auditor that the budget information presented at Council Meetings be condensed so that certain line items (i.e. individual's salaries) are not disclosed
- A further decision was made by Council at the suggestion of the auditor that the budget Information be provided at the meeting and collected at the end so that copies cannot be made should changes/amendments need to be made to the documents
- Ms. Hartling has not unilaterally made these changes in an attempt to hide information from Councillor Dunnill
- Councillor Dunnill was part of the decision making process with respect to the above and was aware of the changes
  - The comment that she has questionable motives is in relation to Councillor Dunnill's belief that Ms. Hartling had something to do with the hiring of the new Librarian/CEO whom Councillor Dunnill does not like
    - Ms. Hartling has no role in the hiring for the Librarian/CEO position (hired by the Library Board)
    - Councillor Dunnill has no supporting information or documentation to establish that Ms. Hartling had anything to do with the hiring process
    - He has stated that she has colluded with her husband who is on the Library Board
    - He has no evidence of this allegation other than his own personal belief
  - Councillor Dunnill has simply made these statements without any supporting proof and used same to poorly rate Ms. Hartling's performance
- 2017 Performance Review (TAB 5)
  - The concerns raised and the corresponding deduction in rating given by Councillor Dunnill are not proportional or appropriate in the circumstances given the issues raised
  - Several of the issues raised were issues that occurred in 2016 and were used in the 2016 performance review to poorly rate Ms. Hartling's performance
- Mr. Dunnill's personal dislike for Ms. Hartling has affected his ability to objectively evaluate her job performance
Allegation #8

- Prior to the October 23, 2017 Council Meeting, Ms. Hartling became aware that Councillor Dunnill had discussed issues discussed during a closed session of Council with other individuals and thereby breached the confidentiality of those closed sessions.

- The breach of confidentiality that was disclosed to Ms. Hartling was not in relation to the Landfill Bank Swallows issue that had previously been discussed during a closed session and is referenced in Councillor Dunnill's materials.

- Prior to the October 23, 2017, meeting Ms. Hartling raised this concern with Mayor Major and it was agreed that she would provide a reminder to all Council Members at the upcoming meeting about maintaining the confidentiality of closed sessions.

- Just after the closed session during the October 23, 2017 meeting and prior to re-entering the open session Ms. Hartling reminded all Councillors to maintain the confidentiality of closed sessions and stated that if further breaches were discovered she would bring same to the attention of Council to be dealt with.

  o She also advised Mayor and Council that they were not to individually contacted Ministries.

- Ms. Hartling did not direct those statements to Councillor Dunnill.

- Ms. Hartling made the statements in a stern but professional manner.

- On November 24, 2017, Councillor Dunnill sent email correspondence advising that he was no longer going to be attending closed sessions due to the behavior of Ms. Hartling at the October 23, 2017 meeting.

- In that email he also demanded an apology from Ms. Hartling prior to her upcoming performance evaluation (TAB 6–see email).

- It was reasonable for Ms. Hartling to perceive this demand for an apology as a threat of a negative performance evaluation if an apology was not provided.
- Councillor Dunnill only missed one closed session of Council following his notice on November 24, 2017

**Concluding Findings of Fact**

- Councillor Dunnill did not want to hire Ms. Hartling as the CAO
- Councillor Dunnill has used his position to try to undermine the credibility and reputation of Ms. Hartling and the work that she does for the Town in an attempt to either have her terminated or to force her to leave her employment with the Town
- Councillor Dunnill personally dislikes Ms. Hartling
- The relationship between Ms. Hartling and Councillor Dunnill is toxic and is affecting Ms. Hartling's ability to perform the duties of her job

**H. Applicable Law and Policies**

- Workplace Violence/Harassment Prevention Policy for the Corporation of the Township of Manitouwadge
- Policy No. CORP2013-01: Code of Conduct for Council Members, Local Boards and Committees
- *Human Rights Code, R.S.O. 1990, c. H. 19*
- *Occupational Health and Safety Act, R.S.O. 1990, c. O. 1*
- *Municipal Act S.O. 2001, c. 25*

1. **Did the Behaviour Constitute Harassment?**

With respect to the allegations in both complaints there is no evidence that the allegations amount to a breach of the Ontario *Human Rights Code*. More specifically, there is no evidence to support the fact that the harassment alleged by either Ms. Hartling and Councillor Dunnill are based on one of the enumerated grounds in the Code.
THE HARTLING COMPLAINT

In determining whether the behaviour alleged by Ms. Hartling constitutes harassment the analysis will be focused on the Town's Workplace Violence/Harassment Prevention Policy (the "Policy"), the Code of Conduct for Council Members, Local Boards and Charities (the "Code of Conduct") and the relevant provisions of the Occupational Health and Safety Act (the "OHSA")

The Code of Conduct states that its intent and purpose is to "establish high standards of conduct for members of Council". It also states that Members shall treat Township employees with dignity, understanding and respect. The Code of Conduct goes on to state that:

• Members should be committed to performing their functions with integrity and to avoid the improper use of influence of their office and conflicts of interest, both perceived and real
• Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation
• All Members shall ensure that the work environment is free from discrimination and of personal and sexual harassment
• All Members are expected to abide by the provisions of the Human Rights Code, as amended, and by the workplace violence and harassment provisions of the Occupational Health and Safety Act, as amended and the Township's Workplace Violence/Harassment Prevention Policy

As such, further to the Code of Conduct, Councillor Dunnill is bound by the provisions of the above noted legislation and the Policy.

In order to find that the behaviours alleged constitute harassment with respect to the Policy and the OHSA it must be established that Councillor Dunnill engaged in a course of vexatious comment against a worker in a workplace and said comment is known or ought to reasonably be known to be unwelcome. Vexatious comments are actions or words that provoke, irritate, threaten, annoy, or demean, or result in some other form of discomfort. With respect to the unwelcome part of the analysis this can be established by finding that it has been made clear either
through, words, written communication or body language that the conduct is unwelcome. It can also be established by finding that a reasonable person would have recognized that his or her behavior would be unwelcome to that individual under the circumstances. As an elected official and representative of the Town, Councillor Dunnill is to be held to a high standard of conduct as per the Code of Conduct and the Municipal Act, one that is higher than the reasonable person test as outlined above.

With respect to allegations #3 and #4, based on my findings of fact, I find that the allegations did not constitute harassment for the following reasons:

- I was unable to find on a balance of probabilities that a vexatious comment was made towards Ms. Hartling
  - Based on the information gathered the exact statement by Councillor Dunnill could not be confirmed through the parties or the independent witnesses
  - There was no evidence, other than Ms. Hartling's own perception that the alleged comments were directed at her

With respect to allegations #1, #2 and #5, based on my findings of fact, I find that these behaviours when considered as a whole constitute harassment for the following reasons:

- In each of the above allegations Councillor Dunnill made vexatious comments to third parties about Ms. Hartling in relation to her ability to perform her job, her integrity and her ability or willingness to abide by the municipal procedures and policies under which she is bound
- The comments were vexatious because:
  - They were based on solely on Councillor Dunnill's own personal beliefs and views of Ms. Hartling
  - The statements were made without any attempt by Councillor Dunnill to gather further information to determine if the statements were accurate
• The comments insulted Ms. Hartling and demeaned her with respect to her role as the CAO of the Town with third parties
  o It is the conclusion of this investigator that Councillor Dunnill does not want Ms. Hartling in her current position with the Town and these types of comments made by Councillor Dunnill are an attempt to negatively affect Ms. Hartling's reputation to further his own personal agenda to have Ms. Hartling removed as the CAO or to force her to resign from her employment
• Councillor Dunnill knew or should have known that these statements were unwelcome as they could affect Ms. Hartling's ability to perform her duties for the Town along with her reputation with ratepayers and Mayor and Council
  o Furthermore, Councillor Dunnill was told by Mayor Major on October 4, 2016 via email correspondence that these types of comments were unwelcome (TAB 7 – see email)

With respect to allegation #6, based on my findings of fact, I find that the behaviours alleged constitute harassment for the following reasons:
• Councillor Dunnill made vexatious comments to a third party about Ms. Hartling in an email dated November 25, 2015 (TAB 3)
• The comments were vexatious because:
  o They were based solely on Councillor Dunnill's own personal beliefs and views of Ms. Hartling
  o The statements were made without any attempt by Councillor Dunnill to gather further information to determine if the statement was accurate
  o Councillor Dunnill did not consider the source of the information before believing that it was true (a former disgruntled employee that was previously supervised by Ms. Hartling at another place of employment)
- The comments insulted Ms. Hartling and demeaned her with respect to her role as the CAO of the Town with third parties
- Councillor Dunnill included this email correspondence in the court documents that he filed with respect to litigation he has commenced against the Town and he knew that by doing so the Mayor and other members of Council would see this email correspondence
- It is the conclusion of this investigator that Councillor Dunnill does not want Ms. Hartling in her current position with the Town and these types of comments made by Councillor Dunnill are an attempt to negatively affect Ms. Hartling's reputation to further his own personal agenda to have Ms. Hartling removed as the CAO or to force her to resign from her employment

- Councillor Dunnill knew or should have known that these statements were unwelcome for the following reasons:
  - Any personnel issues are confidential and cannot be disclosed to third parties and, as such, if there were any issues with Ms. Hartling's performance he cannot disclose that to a third party
  - Furthermore, Councillor Dunnill substantiated the serious allegations being made against Ms. Hartling despite knowing that the allegations were untrue
  - Given his role as a member of Council, and the Code of Conduct that he is bound to abide by these actions are not consistent with the Code and Conduct and his obligation to treat Ms. Hartling with dignity and respect
    - A reasonable person would view such comments as unwelcome based on the objective test
With respect to allegation #7 based on my findings of fact, I find that the behaviour constitutes harassment for the following reasons:

- Councillor Dunnill made vexatious comments about Ms. Hartling during her 2016 and 2017 performance reviews

- The comments were vexatious because:
  - The comments are made in an open forum in the presence of Ms. Hartling and her other supervisors/managers
  - They were based on solely on Councillor Dunnill's own personal beliefs and views of Ms. Hartling
  - The statements were made without any attempt by Councillor Dunnill to gather further information to determine if the statements are accurate
  - The comments insulted Ms. Hartling and demeaned her with respect to her role as the CAO of the Town with Mayor and Council
  - It is the conclusion of this investigator that Councillor Dunnill does not want Ms. Hartling in her current position with the Town and these types of comments made by Councillor Dunnill are an attempt to negatively affect Ms. Hartling's reputation to further his own personal agenda to have Ms. Hartling removed as the CAO or to force her to resign from her employment
  - Due to Councillor Dunnill's personal dislike for Ms. Hartling he is unable to objectively evaluate her performance as the CAO/Deputy Clerk-Treasurer of the Town
    - This is evidenced by the fact that his rating of Ms. Hartling is significantly lower than the Mayor and the other members of Council
  - Councillor Dunnill knew or should have known that these statements were unwelcome as they could affect Ms. Hartling's ability to perform her duties for the Town along with her reputation with Mayor and Council
- Personally attacking the character of an employee and making unfounded and unsubstantiated allegations of fact about an employee during a performance evaluation in an effort to reduce her performance rating and influence the others who are rating the employee's performance is inconsistent with the conduct expected of a Council Member as per the Code of Conduct and would be viewed by a reasonable person as unwelcome conduct as per the objective test.

With respect to allegation #8 based on my findings of fact, I find that the behaviour constitutes harassment for the following reasons:

- Councillor Dunnill's email on November 24, 2017 to Ms. Hartling demands an apology from her for statements that she made during the October 23, 2017 Council Meeting and goes on to state that he insists that he receives the apology at least two days prior to her performance evaluation.

- The comment is vexatious because:
  
  o The investigator has concluded that the statement was made in an attempt to intimidate and threaten Ms. Hartling into apologizing to Councillor Dunnill.
  
  o Councillor Dunnill improperly used his influence and power to demand an apology from Ms. Hartling.

- Councillor Dunnill knew or should have known that the statement was unwelcome for the following reasons:

  o As a member of of Council and further to the Code of Conduct (that establishes a high standard of conduct on Councillor Dunnill) an attempt to threaten and intimidate an employee is improper and is clearly unwelcome as it caused Ms. Hartling to fear for her job if she did not comply with his demands.

Based on the foregoing, Councillor Dunnill has harassed Ms. Hartling. The relationship between Councillor Dunnill and Ms. Hartling is toxic and appears to be driven by Councillor Dunnill's personal dislike for Ms. Hartling (his express statement to the
investigator that he does not like her). It is the conclusion of this investigator that Councillor Dunnill has engaged in this course of conduct against Ms. Hartling in an attempt to have her negatively perceived by Mayor and Council, ratepayers and other third parties with a goal of having her removed from her position or forcing her to resign.

THE DUNNILL COMPLAINT

In determining whether the behaviour alleged by Ms. Hartling constitutes harassment the analysis will be focused on the Town's Workplace Violence/Harassment Prevention Policy (the "Policy"), the Code of Conduct for Employees (the "Employee Code") and the relevant provisions of the OHSA.

In order to find that the behaviours alleged constitute harassment with respect to the Policy, the Employee Code and/or the OHSA it must be established that Ms. Hartling engaged in a course of vexatious comment against a worker in a workplace and said comment is known or ought to reasonably be known to be unwelcome. Vexatious comments are actions or words that provoke, irritate, threaten, annoy, insult or demean, or result in some other form of discomfort. With respect to the unwelcome part of the analysis this can be established by finding that it has been made clear either through, words, written communication or body language that the conduct is unwelcome. It can also be established by finding that a reasonable person would have recognized that his or her behavior would be unwelcome to that individual under the circumstances.

With respect to the allegation made by Councillor Dunnill I find that the behaviour does not constitute harassment for the following reasons:

- I was unable to find on a balance of probabilities that a vexatious comment was made towards Councillor Dunnill as alleged
  - The evidence of the independent witnesses who were present when the statements were made confirmed that:
    - Ms. Hartling made the statements in a stem but professional manner
    - The statements were not directed at one particular individual and it was unclear given the manner in which the statement was made who it was directed at
• No one else perceived the statement to be an attempt by Ms. Hartling to threaten or intimidate anyone but was simply an attempt to address a very serious issue was also unable to find that the statement was unwelcome for the following reasons:

○ The statement was made to address a serious breach that should not have occurred in an attempt to protect the Town and ensure that further breaches would not occur which is consistent with Ms. Hartling’s job description

○ While Councillor Dunnill perceived the comment as unwelcome I find that no one else who was present and to which the statement was directed perceived it in that manner

    • As such a reasonable person would not view the statement as unwelcome

○ Furthermore, Councillor Dunnill stated that due to the way in which the statement made him feel and or avoid further accusations he was going to no longer attend closed sessions for the rest of his term.

    • In fact, he only missed one closed session which leads me to find that he was not threatened/intimidated by the actions of Ms. Hartling.

J. Recommendations:

I recommend the following:

• That Councillor Dunnill attend an anti-harassment training session funded by the Town

• That Councillor Dunnill provide a written apology to Ms. Hartling for the behaviours referenced above (if an apology has not already been provided)

• That Councillor Dunnill have no role in Ms. Hartling’s annual performance evaluation until the above training is completed

• That Councillor Dunnill and Ms. Hartling have no direct contact until the above training is completed save and except for the following:

    ○ Distribution of materials to Councillor Dunnill for Regular and Special Council Meetings

    ○ During Regular and Special Council Meetings, as necessary
• With respect to all other contact (whether in person or in writing) between Ms. Hartling and Councillor Dunnill it should be through an intermediary as designated by the Town until the above training is completed

• Amendments to the Town's Workplace Violence/Harassment Prevention Policy as follows
  o The Policy refers to consequences for employees that violate the Policy
  o Council Members as per the Code of Conduct are also bound by the Policy however, there are no possible consequences for Council Members or other elected officials that may violate the Policy
  o Since the consequences for an employee and an elected official may differ, amendments to the Policy should be considered to provide for consequences for elected officials who may violate the Policy

• That a copy of this report be provided to the Integrity Commissioner for a further investigation as per the Code of Conduct

• That the Town contact their insurer to obtain further information about the following:
  o Whether there will be coverage for Mayor and Council should Ms. Hartling commence litigation against the Town and/or Councillor Dunnill in relation to the above allegations or other related matters
  o Whether there will be coverage for Councillor Dunnill should Ms. Hartling commence litigation against the Town and/or Councillor Dunnill in relation to the above allegations or other related matters

[Signature]
Date

[Signature]
Investigator
NOTICE OF MOTION FORM

Member of Council: Raymond Lelièvre (please print)

Hereby files a Notice of Motion to be included on the Agenda for the Regular meeting of Council, which is scheduled to be held on:

April 25, 2018, under the following Agenda Heading:

Subject:

2018 Capital Project

And,

Which Notice of Motion reads as follows:

To re-visit the proposed purchase of a LED sign discussed during the recent budget talks

Member of Council: Raymond Lelièvre (signature)

Date: April 17, 2018

CLERK'S USE ONLY:

Date Received: April 17, 2018

Time Received: 1:15

Notice of Motion Given, April 17, 2018