

**RURAL MUNICIPALITY OF VICTORIA
REGULAR COUNCIL MEETING
MONDAY NOVEMBER 13, 2023
6:30PM – OLD SCHOOL
730 VICTORIA RD., VICTORIA**

MINUTES

Attendance

Full in-person attendance of Council: Mayor Martin Ruben, Deputy Mayor Jan McCardle, Councillors Tom Wright, Shelley Trainor, Eric Gilbert, Ben Smith, Linda Gilbert.

Staff: CAO Anna Keenan

1. Call to Order

Mayor Ruben called the meeting to order at 6:30pm, and acknowledged the attendance of a full council, as well as members of the public attending in person and online.

Mayor Ruben thanked the Victoria Historical Association for the event they hosted on the weekend, for Remembrance Day. He noted the impressive hosting by Marianna Burda, and that the event was well done.

Mayor Ruben welcomed Deputy Mayor Jean McCardle back from her trip walking the Camino de Santiago. They noted the Island Walk project and book.

The public participation method for this meeting was established - item number 5, as well as after committee reports, after the CAO reports, and prior to moving to the closed portion of the meeting.

2. Approval of agenda

*Motion moved by Councillor Trainor to accept the agenda, seconded by Councillor Wright.
Motion carried unanimously (6/0).*

3. Declarations of conflict of interest

None.

4. Adoption of Minutes

- a. Minutes of the public portion of the October regular Council meeting.**

*Motion moved by Councillor Trainor to accept the public portion of the minutes of the October 18 2023 council meeting, seconded by Deputy Mayor McCardle.
Motion carried unanimously (6/0).*

5. Public Presentations/Petitions/Delegations & public comments questions

(Item 5b was handled first due to the timing of arrival of guests)

- b. Brief period for questions & answers from the public to Council (for matters not addressed elsewhere on the agenda - 10 mins)**

None.

- a. Presentation from Danny Jenkins & Marly Kingston from Municipal Affairs, on how municipalities can expand their boundaries. (20 mins + questions from Councillors)**

Slideshow presented will be made available to the public [under Studies, Reports & Presentations on the municipal website](#).

Questions from Councillors:

- **How best to communicate with residents in unincorporated areas?**
 - Communicate directly with them
- **What size is typical for amalgamations?**
 - Most of the restructurings that occur are of smaller acquisitions
- **What is a Resort Municipality?**
 - We have one, the Cavendish-Stanley Bridge Resort Municipality. The Act does not allow for the creation of more Resort Municipalities. The fundamental difference between the Resort Municipality and the Rural Municipality is that non-resident business owners are able to vote.
- **How much assistance might the province provide, in preparing a proposal for**
 - In terms of the tax information, there is a slight obstacle: the real property assessment act provides the total taxation value for each municipality and fire district, but it is currently forbidden for provincial civil servants to share that information (though we are working on changes to this regulation in the coming weeks). Municipal affairs don't have similar restrictions.
 - Municipal Affairs can work with other departments (via GIS in forestry) to support mapping requests, though these should be focused, to avoid overwhelming the request.
 - We may be able to help with basic financial projections, and can be a sounding board for other ideas that may be generated.
 - West River, North Shore, and others... these restructuring processes are available on the IRAC website: the applications, the public input, mediators reports, hearing reports are all nicely chronicled.
- **Final comments?**
 - Danny Jenkins noted that the province may shortly have some funding available - Municipal Affairs has submitted a proposal to allocate budget for this purpose - for some funds for public engagement, for example to float ideas, to determine what ideas might be reflected in a local government, to present projections and concepts.

- One of the big challenges in small communities is that it can pit neighbour against neighbour - fear or misinformation can get in the way, or factors like taxation, so having a third-party facilitator can diffuse some of this, to allow a more free and open conversation and public debate, without Council leaders being seen as biased.
- **Will you make us aware of any other proposals that may come forward?**
 - Yes.
- **I've heard that all the island requires building permits now. Is this an incentive for shifting?**
 - It's likely opened some eyes, in terms of the need for municipal expertise.
 - Most municipalities have delegated their building permit authority back to the province (except Charlottetown, Summerside, Stratford) - the 'how' a structure can be built, according to the Building Code of Canada/PEI.
 - This is separate to the question of issuing development permits (governing the use and setbacks of the parcel of land) - the 'what' can be built on any parcel of land. This is what Victoria has authority for, and is working on under our Official Plan.
 - The province is working on a province-wide land-use plan: the shape of how this might be structured and administered is as yet unclear.
- **Is the developer required to share their building permit with the municipality?**
 - Not by law, but it can be (and typically is) a requirement of a development permit issued by the municipality.
 - If someone went ahead and built in non-conformance to the municipal development permit, this would be enforceable through a court order.
 - Please reach out to Municipal Affairs for more information on this if desired - it is out of focus for this agenda item, and most of the responsibility rests with the Dept of Planning.

6. Business arising from Minutes

- a. **Discussion on Municipal Sustainability** - considering progress on the recommendations of the 2022 Sustainability Study, and the attempted formation of a Working Group on Sustainability.
 - At the last meeting, a motion was passed to attempt to form a working group, however all invited former Mayors declined the invitation to join.
 - For this meeting, the CAO prepared a progress report on the Sustainability Study (see meeting package document, agenda item 9a)

Comments and questions from Councillors:

- It would be good to have a Working Group formed by interested members of the community.
- Believes that many people are interested, but are put off by the idea of working on a committee/working group.

- Rather than bringing a consultant on board at first, it may be better to come up with a proposal as a community.
- Including some members of Council - 2 or 3 - would be ideal, in addition to any community members.
- A year ago when we started our term, we identified our main goals as being the EMO plan and the Official Plan and Bylaws. We need to focus on these things requirements of the MGA, and getting them done rather than focusing on these other things. Restructuring our municipality is a huge, long process, and it will take all of our admin's time.
- The Sustainability Study was a process started by our previous Council: the information has been out there for the residents. It is important for this Council to be able to share with the residents that we are responding to the concerns raised, and that we are focused on ensuring the long-term success. The longer you wait, the more difficult achieving sustainability becomes.
- It is disappointing that previous Mayors don't want to contribute to adding more structure to the recommendations of the report, but I'm not sure if general residents, without the experience of being on Council, are going to be able to provide informed decisions and recommendations.
- If expanding boundaries, you will need to expand your official plan to cover the boundaries [Point of information, this is not necessarily the case].
- Would like Council to have a proposal to bring forward, a direction or a vision, before asking for community feedback on that vision.
- Can we ask for a group that is fair representation from the community, to bring forward ideas for us to consider?

CAO noted:

- Expressions of interest were informally invited and none were received. A survey might be an alternative mechanism for gathering
- If Councillors are involved, it is not a working body, but is rather a Committee, requiring administrative support, minutes, transparency.
- Official Plan covering less than the total area - doesn't happen immediately, but you have to make a plan to expand Official Plan to cover the municipality.
 - A proposal may come to the legislature shortly to propose that Rural Municipalities that aren't currently doing planning may not have the obligation to do

Councillor comments:

- Given that including Council members makes it a committee, this is a non-starter.
- Shelving the idea of striking a committee.
- **Action** - In the next newsletter, include CAO Keenan's assessment of the progress made on the Sustainability Study.
- Find funding to pay for public engagement, facilitation of determining options?.

- FPEIM is “banging the same drum” - every other province takes their land taxes in and gives at least 50% to municipalities, but in PEI the level is only 30%. Every year John Dewey makes the same structural request.
- b. **Motion #2023-58: Engaging MRSB (under the funding allocated in this year’s capital budget), to create a detailed comparison of options to achieve municipal sustainability.**

Motion moved by Deputy Mayor McCardle, seconded by Councillor Wright, as follows:

WHEREAS the Municipal Growth Management Sustainability Study (available [on the ‘Studies’ page of the municipal website](#)) was completed in mid-2022, and included many recommendations for sustainability, including options for Municipal Restructuring;

WHEREAS the MRSB contract for the Municipal Sustainability Study, and the FY2023-24 Capital budget, included \$5,500 for a Municipal Sustainability Implementation Plan;

WHEREAS the Borden-Kinkora (Electoral District 19) option presented in the Sustainability Study, at which Victoria would be at the eastern end, did not receive positive feedback, with most Victoria residents feeling a closer affinity with South Shore communities;

BE IT RESOLVED that Council direct the CAO to contact MRSB and ask for completion of the final stage in the Sustainability Study project – the Implementation plan – with that plan focusing on drafting estimated sample budgets for 4 Municipal Restructuring options and identifying likely staff structures under each model, so that the implications of each of these options can be better understood and considered by Council.

BE IT FURTHER RESOLVED that the 4 Municipal Restructuring options to be considered should be as follows, and that each would have a multi-rated property tax structure:

1. **South Shore #1**, as defined in the Sustainability Study, including Victoria, Crapaud, and unincorporated areas extending from the boundary of West River on the east to the boundary of Borden-Carleton on the west and approximately one mile north of the Trans-Canada highway
2. **South Shore #2 - not being option noted in the Sustainability Study:** an expansion of Victoria’s municipal borders from Augustine Cove to the Argyle shore, and approximately one mile north of the Trans-Canada highway, and not including any other existing municipalities (ie, not including Crapaud) nor the areas to their north.
3. **South Shore Victoria and Crapaud Fire Districts** (an option presented in the Sustainability Study)

4. **Consolidation of Victoria and Crapaud**, as defined in the Sustainability Study, including only the existing incorporated areas of Victoria and Crapaud and not including annexation of any unincorporated areas.

Discussion:

- Councillor Linda Gilbert proposed an amendment.

Motion moved by Councillor Linda Gilbert to add a scenario 5) an option to achieve financial sustainability without any municipal restructuring, assuming the adoption of recommendations from the Sustainability Study. Seconded by Eric Gilbert.

- Comment from Councillor Smith: I was 20 years on Council. We never had a budget that was in the red, it was against the law. The new MGA gave us enough rope to hang ourselves: we had to bring our budget to the community, and every line had to be voted upon. We were never in the red, and we sustained ourselves quite respectably.

Amendment carried (5/1), with Councillor McCardle opposed.

Comments on the motion as amended:

- Concerns that bringing in MRSB at this point is premature.
- I think we've spent \$55,000 on the report, I don't think any of the recommendations made by MRSB get to the root of the sustainability problem. Should not spend another \$5500.
- \$5500 was allocated in the **capital budget**, specifically for this project. CAO would have to research if contract with MRSB can be considered complete without this portion done. If project can't be marked complete, funds spent to date could be required to be returned.
- Action - reach out to MRSB to discuss final portion of project.

The motion as amended is carried (4/2) with Councillors Linda Gilbert and Eric Gilbert opposed.

- c. **Motion #2023-59: Scheduling a Committee of the Whole meeting for further consideration of the Fire Services Bylaw**, with the Provincial Fire Marshall, and representatives from Crapaud, as guests.

Mayor Ruben pointed out that a motion to schedule a Committee of the Whole meeting was not able to be brought forward at the Fire Services Committee of the Whole meeting held in October.

Motion moved by Councillor Trainor, seconded by Councillor Wright, as follows:

WHEREAS the Discussion that occurred in place of the Committee of the Whole meeting on October 17, with the CAO and Fire Chief of Kensington presenting, followed by a public discussion with the CAO and Fire Chief of Victoria, was very fruitful and reviewed positively by all who attended.

WHEREAS the provincial Fire Marshall and the CAO and Fire Chief of the Municipality of Crapaud are also willing to share their knowledge and experience with Victoria, if their input is so desired.

BE IT RESOLVED that the CAO schedule a Committee of the Whole meeting during January to hear representations from the Mayor & Fire Chief of Crapaud, and the Provincial Fire Marshall, at a time that they are mutually available, to inform amendments to Fire Services Bylaw, and to inform the creation of other potential bylaws and reserve funds.

Discussion:

- Not sure why inviting Crapaud is necessary.
- The Fire Department themselves have 2-3 amendments they would like to make and that's it, I don't think we need it, it is unnecessary. We can vote on it with the Victoria Fire Department's feedback at our next meeting.
- What is the purpose of the meeting and how would it help us?
 - Because they are so closely located, and there is a mutual agreement for certain services, it could be beneficial to hear how they operate.
- It doesn't have to be a formal meeting - it could happen Fire Chief to Fire Chief, or as a discussion between the CAO and the Mayor.
- Amendments have not been received - they can be presented 5 days before any Council meeting.
- **Action** - CAO to supply the fire department a date for submission of amendments to the Fire Services Bylaw, to be set for a date prior to the next council meeting.

The motion was defeated unanimously (0/6).

- d. **Motion #2023-60: For authorization to proceed with a winning bid on the Wharf Sewer Infrastructure Replacement project.** *[This item will likely require some discussion in closed session, before decision, as per s. 119(e) of the MGA.]*

Moved by Councillor Ben Smith (Chair of W&S Corporation Board), Seconded by Councillor Linda Gilbert (Vice-Chair of W&S Corporation Board).

CAO Keenan explained the discussion from the W&S Corporation that resulted in the following motion. Details can be found in W&S meeting minutes of November 13, 2023.

- Clarification between the roles of Stantec (design engineers) and Island Coastal (contractors awarded the work) was discussed.
- Extra funding is required to complete all portions of the bid (lift station & pipe replacement), bridge funding to be considered.

BE IT RESOLVED THAT if the following two conditions are both met, then Council instructs the CAO to accept, without delay, Island Coastal's bid for the Lift Station Replacement items alone, while proceeding to investigate bridge-funding possibilities that would enable us to also proceed with the provisional items in the bid (pipe replacement). Conditions:

1. That it is legally and contractually possible to separate the bid on the Lift Station items from the bid on the provisional items (pipe replacement) without jeopardising the possibility of accepting the bid on the provisional items at a later date.
2. That the CAO is satisfied, after researching legal interpretations on the Liquidated Damages provisions and after speaking with insurance representatives, that the clauses for Liquidated Damages provide the municipality & the Water & Sewer Corporation with adequate protection from financial risk.

BE IT FURTHER RESOLVED that if the above conditions are unable to be met by November 20, 2023, and if no special meeting takes place by that date to approve bridge financing that would enable the provisional items to be simultaneously accepted, then Council instructs the CAO to accept the bid on the Lift Station items alone.

Motion carried unanimously (6/0).

7. Reading of Correspondence

None this month

8. Reports from Standing and ad hoc Committees

a. Water & Sewer Corporation

Councillor Smith gave a verbal report:

- A productive water & sewer meeting was held on the afternoon of November 13.
Points of interest:
 - The wharf lift station should have been brought up to standard at the time the municipal sewer system was approved.
 - Now is the time to accept the only bid and to get the lift station work done.
 - There were some concerns about liability if the causeway pipe fails in the coming years. Must try to get it replaced, as discussed previously.

b. Planning Board

Councillor Eric Gilbert gave a verbal report:

- It was noted that Councillor E. Gilbert did not attend the last Planning Board meeting, held on October 24.
- The next meeting is scheduled for December 5.

CAO Keenan noted that she's had two sessions with SJ Murphy and provided an update on the process to come.

- Updated draft documents to be circulated to council by November 25.
- Open regular meeting to occur on December 5.

- At that meeting the Planning Board will decide if the drafts are ready to be presented for comment and discussion at a public meeting, to be held on January 16, 2024.
- If accepted, first reading will occur at the January 16 meeting, second reading will take place in February.

Questions from council:

- Is it Uplands or MRSB who are assisting with the draft documents?
 - Neither, Samantha Murphy of SJ Murphy Planning & Consulting has been hired. Uplands is no longer involved.

9. Report from CAO - summarized by the CAO and is included as part of the meeting package.

- Activities report
- Actions list
- Development permits report
- Financial update
- Water test results transparency

Points of interest:

- Income statement in an updated format for the municipality (W&S still in old format for now). New format provides an end of year forecast - currently showing an estimated deficit of ~\$6k.
- Indicates that the municipality must continue to keep a tight budget.
- CAO may consider taking a week off without pay to help keep the budget in line, but must consider required tasks before committing to that.
- May use West River year end budget report as a guide for presenting RMV budget information, eliminating smaller line items of no consequence.
- Summary of responses to MRSB report and monthly Fire Department report also included in meeting package.

10. Inquiries by members of Council

Questions from Council:

- Is it ok to have a \$6k deficit?
 - A deficit can occur, but can't be planned for in the annual budget process. The deficit amount gets carried forward to the next year, and that budget must be balanced or show a surplus.
 - Some budget items will be impacted by long term purchases made this year, such as garbage bins and hand dryers for the public washrooms at the Wharf.
 - Biggest overspend was at the Victoria Park washrooms due to the toilets plugging. Pipe issues were fixed and next year shouldn't require as big of an expense.
- Does the total expenses of \$10,996 for Victoria include the grant and donations received?

- Income is captured separately. Victoria Park received \$3k in donations towards lawn mowing and a portion of the \$5k beach grant received was used there as well. The rest of the beach grant was used at the Wharf/Central washrooms.
- Concern was noted about the value of opening the Victoria Park washrooms.
- It was clarified that the Parcel B land transfer item showing on the Planning Decisions calendar was referring to Mr. Larry Peck exercising his option to buy back the water lot portion of Parcel B, as agreed to with the municipality at the time of the Seawall and Boardwalk improvements.
- The Fire Department would like the municipality to acquire a strip of land behind the fire hall to allow for building expansion that would accommodate longer fire trucks. CAO Keenan explained that the province owns that strip and doesn't want to give it up due to drainage infrastructure located underground.
 - An alternative option is to change the zoning of the fire hall to Public Services and Institutional, and adjust setbacks allowed for that zoning.
 - For discussion at the Planning Board meeting December 5.

No questions from the public.

- Has there been a response from the Department of Transportation regarding the Victoria Park lease?
 - No, no capacity to follow up due to the prioritizing of the Official Plan and Development Bylaw.
 - It was felt that the status of the park should be a priority of the CAO's time.
 - CAO Keenan confirmed that there are too many tasks that are considered a priority.

11. Introduction and Reading of Bylaws

Notes on bylaws expected at future meetings:

- *Fire Services Bylaw passed first reading in May 2023 and awaits amendment and second reading*
- *a Grease Traps Cleanout Schedule bylaw is expected before restaurants open in Spring of 2023*

a. Motion #2023-61: First Reading of Dangerous and Unsightly Property Bylaw

Deferred from last meeting. Has been amended from the previous meeting.

Motion moved by Councillor Trainor that the Dangerous and Unsightly Property Bylaw receives first reading and be approved.

Motion seconded by Deputy Mayor McCardle.

Questions from council:

- Doesn't the province have jurisdiction for this?
 - This takes it a little bit further to ensure the safety of our community.

- Recommended by Danny Jenkins of Municipal Affairs to create a municipal bylaw so that the community can have set standards for properties. The municipality could then apply its own standards.
 - Provincial capacity is 1 person who is overwhelmed.
- It was felt the municipality doesn't have the capacity or the finances to manage this bylaw.
- Right now the CAO has no capacity to deal with problem locations, there is no ability at the municipal level.
- Is residency or occupancy a basis for reporting?
 - Applies to all properties in general. Definitions of "building" and "litter" discussed.
 - Clarity around "unsightly properties" and "dangerous and hazardous buildings" offered.
 - Criteria to define a hazardous building is written in the bylaw.
 - Summerside's bylaw was used as a template.
- It was questioned if the newspaper ad for hiring a CAO would have to be redone, to include the inspection of buildings?
 - No, bylaw implementation is included in CAO general roles and responsibilities.
- The intent of the bylaw is to protect the public, not to impose infractions upon residents, such as the lack of handrail on a set of stairs. The dilapidated building on the boardwalk was used as an example of the need for the CAO to have the authority to address such issues.
- It was felt that the subjective criteria of the bylaw could result in issues with IRAC.
 - As this is only first reading, amendments can be made.

1. Name

This by-law shall be referred to as "The Dangerous, Hazardous and Unsightly Premises By-law".

2. Scope

This By-law shall apply to all Property in the Rural Municipality of Victoria.

3. Definitions

In this By-law:

"building" includes any structure or erection used or intended to be used for supporting or sheltering and use or occupancy;

"dangerous or hazardous building" includes:

- (a) a building where the walls or other vertical structural members list, lean or buckle to such an extent that it presents a danger to the occupants or other persons or property;
- (b) a building which shows clear damage or deterioration of the foundation supporting member or members;
- (c) a building which has improperly distributed loads upon the floor or roofs or structural supporting members or in which the same are overloaded, or which has insufficient strength to be reasonably safe for the intended use or occupation;

(d) a building which has

- (i) become dangerous to life, safety, or the health and welfare of the occupants, neighbouring properties, or the general public, or
- (ii) deteriorated so as to substantially depreciate the value of the property in the vicinity, or
- (iii) become a detriment to the general appearance of the Municipality.

"inspector" means the Chief Administrative Officer or their designates, who is to carry out the duties assigned by Chief Administrative Officer pursuant to this by-law;

"litter" includes

- (a) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof; and
- (b) any article, product, machinery or other manufactured goods which are dumped, discarded, abandoned, or otherwise disposed of.

"municipality" means the Rural Municipality of Victoria

"municipal council" means the duly elected council of the Municipality;

"owner" means the registered owner, occupant of, or person in charge of the lands and premises;

"person" includes any individual, association, corporation, contractor, commission, public utility, firm, partnership, or organization of any kind, and includes both principal and agent in an agency situation;

"premises" means any grounds, yards or vacant lots;

"property" includes all or any part of lands, buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments;

"unsightly property" includes any property or part thereof upon which there is litter or any dangerous or hazardous building;

"vacant building" means any building which is unoccupied.

4. Administration

This by-law shall be administered and enforced by Inspectors.

5. Property Standards

5.1 No owner of any property shall permit the property or any building thereon to be or become:

- (a) an unsightly property; or
- (b) otherwise hazardous, dangerous, a fire hazard or unsightly.

5.2 Every building and every part thereof shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any normal load to which it may be subject.

5.3 Grass on any property, except for that property or any part thereof being used for agricultural purposes, natural parklands, trails or ditches, shall be maintained at a height of 20 centimetres or less.

5.4 All property shall be kept clean and free of:

- (a) objects or conditions that may create fire, health or accident hazards;
- (b) litter; or
- (c) heavy undergrowth, with the exception of any land being used for agricultural purposes.

5.5 Property on which a vacant building is located shall be secured to prevent unauthorized access to the vacant building by:

- (a) having the doors and windows or other openings replaced or repaired and locked; or
- (b) by covering the doors and window or other openings with a solid wooden material; and
- (c) securing the land on which the vacant building is located by a fence at least 1.5 meters in height; or
- (d) a combination of all or any of the above if prior written approval is obtained from the Inspector.

5.6 All material used to secure a property shall be properly maintained.

5.7 Where a property or building has been secured pursuant to section 5.5(b) or (c), for more than six (6) months, it may be referred to Council and Council may order it to be repaired or demolished in accordance with Part 6 of this by-law.

6. Standards for Repair, Vacation or Demolition

6.1 The following are the standards to be applied by the Inspector in ordering repairs, the vacation of, or demolition of the property;

- (a) any property that is in a condition that makes it dangerous to the health, safety or general welfare of its occupants or is a dangerous or hazardous building may be ordered vacated;
- (b) any property that can reasonably be brought into compliance with the requirements of this by-law may be ordered repaired;
- (c) any property that cannot reasonably be repaired or that has been ordered repaired but repairs have not been completed by the deadline set out in the Notice pursuant to section 7.3(c) herein or any extensions granted pursuant to section 7.6 may be ordered demolished.

6.2 In addition to any Notice which may be issued pursuant to section 7, the Inspector shall place the following "Dangerous or Hazardous Building Notice" on any Dangerous or Hazardous Building:

"This Building has been found to be a Dangerous or Hazardous Building by the Inspector pursuant to the Rural Municipality of Victoria's Dangerous, Hazardous and Unsightly Premises By-law. Pursuant to the by-law, this Notice is to remain on this building until it is vacated, repaired, or demolished in accordance with the Notice which has been given to the owner of this building. It is unlawful to remove this Notice until such Notice is complied with."

7. Enforcement Standards

7.1 The Inspector or his Designate may inspect any property where, in the Inspector's opinion such property violates any of the provisions of this by-law.

7.2 Where, in the opinion of the Inspector or his Designate, any property does not meet the requirements of this by-law, the Inspector or his Designate shall issue a Notice pursuant to section 7.3.

7.3 The Notice shall be issued to the owner and shall:

- (a) be in writing;
- (b) state in which respect(s) the property does not meet the requirements of this by-law and what must be done to the property to bring it into compliance with the requirements of this by-law; and
- (c) state the date which the property shall be brought into compliance with the requirements of this by-law, which date is not to exceed thirty (30) days from the date the Notice is deemed to be served pursuant to section 7.5.

7.4 The Notice shall be served:

- (a) by personal delivery of the Notice to the owner; or
- (b) by depositing the Notice in the mail by certified letter to the address of the owner; or
- (c) by posting the Notice in a conspicuous place on the property.

7.5 The date of service of the Notice is deemed to be:

(a) in section 7.4(a), the date of delivery of the Notice to the owner;

(b) in section 7.4(b), the date stated on an acknowledgment card received from Canada Post for a certified letter which indicates the date the card is receipted;

(c) in section 7.4(c), the date the Notice is posted on the property.

7.6 The Inspector may extend the time for compliance with any Notice issued pursuant to this part, provided there is evidence of intent to comply with any such Notice and reasonable cause exists to prevent immediate compliance.

8. Non-Compliance

8.1 Where the owner of the property upon whom a Notice pursuant to section 7 has been served, does not comply with the requirements of such Notice, the Inspector shall immediately notify Council who may authorize an Inspector by Resolution, to enter the property without written warrant, or other legal process and thereupon carry out any and all works as stated in the Notice in order to bring the property into compliance with the requirements of this by-law.

8.2 A Resolution passed by Municipal Council under section 8.1 shall be in effect for twelve (12) months from the date of passing and enables the Inspector to re-enter the property at any time to remedy a recurring condition.

8.3 The Inspector or his Designate shall cause the costs of such vacation, repair or demolition or other work done to be charged to the owner, and failing receipt of payment within thirty (30) days therefrom from the owner, such costs shall be charged against the property as a municipal lien or to be recorded in a law suit against the owner.

9. Severability

It is the intention of Council that each separate provision of this by-law shall be deemed independent from all other provisions of this by-law, such that if any provision of this by-law is declared invalid, all other provisions of this by-law shall remain valid and enforceable.

10. Offences for Disregarding Notices

10.1 Any owner who fails to comply with all terms of any "Dangerous and Hazardous Building Notice" issued pursuant to section 6.2 of this by-law shall be guilty of an offence and liable on summary conviction to a fine in the amount set out in the Regulations hereto.

10.2 Any owner who fails to comply with all terms of any Notice issued under this by-law other than a "Dangerous and Hazardous Building Notice" issued pursuant to section 6.2 of this by-law shall be guilty of any offence and liable on summary conviction to a fine in an amount not exceeding \$1,000. For each offence and where an offence under this by-law is committed or continued to be committed for more than one week, the person who committed the offence is liable to be convicted for a separate offence for each week the offence is committed or continued.

11. Regulations

Council may, by simple resolution, make such regulations to this by-law as are necessary for the carrying out of the purposes of this by-law.

12. Effective Date

The effective date of this by-law is 1 February 2024.

Motion carried (4/3), with Mayor Ruben casting the deciding vote.

Votes For: Wright, Trainor, McCardle, Mayor Ruben.

Votes Against: Smith, E. Gilbert, L. Gilbert.

b. Motion #2023-62: First Reading of Code of Conduct Bylaw

Motion moved by Councillor E. Gilbert that the Code of Conduct Bylaw receives first reading and be approved.

Motion seconded by Deputy Mayor McCardle.

No discussion.

BE IT ENACTED by the Council of the Rural Municipality of Victoria as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

- 1.1. This bylaw shall be known and cited as the “Code of Conduct Bylaw.”

2. Purpose

- 2.1. The purpose of this bylaw is to set minimum expectations for the behaviour of members of Council and Council Committees in carrying out their functions and making decisions that benefit the Rural Municipality of Victoria.

3. Authority

- 3.1. Section 107 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires that a Council must establish a Code of Conduct bylaw to govern the conduct of members of Council.

4. Application

- 4.1. This bylaw applies to the Mayor and all members of Council. It operates together with, and as a supplement to, the applicable common law and the following statutes, any regulations or other delegated legislation made pursuant to them:
- (a) the *Municipal Government Act* and *Code of Conduct Regulations*
 - (b) the *Occupational Health and Safety Act Workplace Harassment Regulations*
 - (c) the *Criminal Code of Canada*
- 4.2. The bylaw, pursuant to Section 3 of the Regulations applies, as nearly as practicable, to Council Committee members and Directors of controlled corporations established by Council.

5. Definitions

- 5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in the Act.
- 5.2. In this bylaw,
- (a) “Act” means the *Municipal Government Act*.
 - (b) “Chief Administrative Officer” or “CAO” means the administrative head of the municipality.
 - (c) “Confidential Information” means information that could reasonably harm the interests of individuals or organizations, including the municipality if disclosed to persons who are not authorized to access the information.
 - (d) “Council” means the Mayor and other members of the Council of the municipality.
 - (e) “Councillor” means a member of Council other than the mayor.
 - (f) “Family Member” means in relation to a person, a spouse, parent, child, brother, sister, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of the person.
 - (g) “Municipality” means the Rural Municipality of Victoria
 - (h) “Person Closely Connected” means, in relation to a member of Council, a family member, an agent, a business partner or an employer of the member.
 - (i) “Regulations” means the Code of Conduct Regulations enacted pursuant to the Act.
 - (j) “Staff” means the Chief Administrative Officer (CAO) and all staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

6. Interpretation

- 6.1. This bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation and the definitions set out.

7. Periodic Review

- 7.1. Council shall, in accordance with Section 6 of the Regulations, review and update this bylaw at least once every five years from the effective date of this bylaw.

8. Training

- 8.1. In accordance with Section 4 of the Regulations:
- (a) the CAO shall arrange for training on the Code of Conduct for a council member elected, re-elected, or appointed to Council; and
 - (b) the member shall complete the training; and
 - (c) the CAO shall report to Council if a member fails or refuses to complete the training.
- 8.2. The training provided shall consist of the training course specified by the Regulations.
- 8.3. A member of Council who fails or refuses to complete the Code of Conduct training within the time specified shall not:
- (a) carry out a power, duty, or function as a member of Council;
 - (b) receive any remuneration; and
 - (c) be considered present at a meeting even if the member is physically present.

PART II – PRINCIPLES

2. Guiding Principles and Expectations

- 2.1. Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.
- 2.2. Members of Council have a duty to make decisions based on the best interests of the municipality.
- 2.3. Members of Council are expected to act lawfully and be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends, or business interests as a result of the member holding municipal office.
- 2.4. Members of Council must demonstrate and promote the principles of the Code of Conduct through their decisions, actions, and behaviour. Behaviour must build and inspire the public's trust and confidence in municipal government.
- 2.5. Members of Council must conduct public business efficiently and with decorum. They must always treat each other and others with respect.
- 2.6. Members of Council have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered, encouraging appropriate public participation, communicating clearly, and providing appropriate means for recourse and feedback.
- 2.7. Members of Council must adhere to the following principles and provisions: Members of Council must serve, and be seen to serve, their constituents in a conscientious and diligent manner;
- (a) Members of Council must be committed to performing their functions with integrity and to avoid and/or disclose conflicts of interest, and the improper use of the influence of their office;
 - (b) Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence;
 - (c) Members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful; and
 - (d) Members of Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council members must avoid conduct that is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse including derogatory language, or the adverse treatment of others.

3. Confidential Information

- 3.1. Members of Council must respect rules regarding confidentiality, disclosure, and access to all personal information in the control of the Rural Municipality of Victoria pursuant to the [Protection of Personal Information] Bylaw.
- 3.2. No member of Council will:
 - (a) disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by policy or law or authorized by the Council to do so.
 - (b) use confidential information for personal or for the gain of any person closely connected as defined in the Act.
 - (c) access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and is not prohibited by legislation, regulations, and Council policy.

4. Public Disclosure Statements

- 4.1. Pursuant to clause 107(2)(d) of the Act, all members of Council are required to file a Council Member Disclosure Statement with the CAO within thirty (30) days of being elected or appointed and update the Disclosure Statement annually by in accordance with clause 107(2)(e) of the Act.
- 4.2. The CAO shall post all Disclosure Statements on the municipality's website within 30 days of receipt from each member. The Disclosure Statement shall remain on the site until such time as an updated Disclosure Statement is filed or the individual is no longer a member of Council.
- 4.3. A Public Disclosure Statement shall not include specific details about a member of Council's personal financial matters such as salary, the value of holdings or other specific personal financial information.

5. Gifts and Benefits

- 5.1. No member of Council shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of their duties of office, except for the following:
 - (a) compensation authorized under the [Council Remuneration and Compensation] Bylaw;
 - (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) a suitable memento of a function honouring the member of Council;
 - (d) food, lodging, transportation, and entertainment provided by another government or by a conference, seminar, or event organizer where the member of Council is either speaking or attending in an official capacity at an official event;
 - (e) food and beverages consumed at banquets, receptions, or similar events;
 - (f) communication to the offices of a member of Council, including subscriptions to newspapers, and periodicals; and
 - (g) sponsorships and donations for community events organized or run by a member of Council or by a third party on behalf of a member of Council.
- 5.2. No member of Council shall accept the use of property or facilities at less than fair market value.
- 5.3. No member of Council shall provide property, goods, and services to the municipality at higher than fair market value.

6. Use of Municipal Property, Equipment and Services

- 6.1. No member of Council shall use, or request the use of, municipal staff services, municipal equipment, services, supplies or other municipally owned materials or any municipal property unless item or service is:
 - (a) available for such use by the public generally and the member of Council is receiving no special preference in its use; or,
 - (b) made available to the member of Council in the course of carrying out council activities and duties.
- 6.2. No member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally developed intellectual property.

- 6.3. No member of Council shall use information, or attempt to use information, gained in the execution of their duties that is not available to the public for any purposes other than carrying out their official duties.
- 6.4. No member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of personal property to the municipality, except in compliance with the Act and the Conflict of Interest Bylaw.

7. Improper Use of Influence

- 7.1. No member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.
- 7.2. When a matter pertaining to the municipality is before any tribunal, members of Council shall not contact any tribunal members.

8. Respectful Workplace

- 8.1. All members of Council have a duty to treat other Council members, municipal employees, and the public appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.
- 8.2. All members of Council shall encourage public respect for the municipality and its bylaws.
- 8.3. All members of Council must respect the decision(s) of Council when a decision has been made.
- 8.4. While respecting the right to have contradictory positions and opinions, all members of Council shall avoid any words or actions that are unduly critical or derogatory to other members of Council, staff, or the municipality's official position on any topic.

9. Interactions of Council with Staff and Service Providers

- 9.1. No member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- 9.2. Members of Council 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.
- 9.3. Members of Council must not direct or influence, or attempt to direct or influence any municipal staff, except the CAO, in the exercise of their duties or functions.
- 9.4. Pursuant to subsection 93(7) of the Act, members of Council or a Council Committee may communicate directly with an employee to obtain or provide information.
- 9.5. Members of Council must not make public statements attacking or reflecting negatively on the Rural Municipality of Victoria staff or invoke staff matters for political purposes.

PART III – COMPLAINTS

10. Breaches, Complaint Handling, and Internal Resolution

- 10.1. Any person who is, in the opinion of the CAO, an affected person may file a complaint concerning an alleged breach of the Code of Conduct bylaw.
- 10.2. Members of Council are to abide by the requirements of this Code of Conduct bylaw and shall endeavour to resolve disputes in good faith.
- 10.3. Alleged breaches of this Code of Conduct bylaw by a member of Council shall be submitted in a written complaint addressed to the Mayor and/or the CAO within three (3) months of the complainant becoming aware of the last alleged breach.
- 10.4. The written complaint shall be delivered to the CAO using Schedule A, who, upon receiving the complaint, will report to the Mayor.
- 10.5. If the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor and CAO.
- 10.6. In the event both the Mayor and Deputy Mayor are the subject of, or are implicated in a complaint, or a majority of Council is the subject of or implicated in the complaint, Council shall commence the formal resolution process.

- 10.7. In the event both a member of Council and the CAO are the subject of, or are implicated in a complaint, Council shall commence the formal resolution process.
- 10.8. In the following cases, the CAO shall report to Council and the Council shall commence the formal resolution process:
- (a) If, in the opinion of the CAO, the nature of the complaint makes it unsuitable for the informal resolution process,
 - (b) The CAO is unable to determine the validity of the complaint,
 - (c) The CAO is unable to determine if an individual could be considered an affected person.
- 10.9. Before commencing the formal internal resolution procedure specified below, the member(s) of Council who allegedly breached this Code of Conduct bylaw will endeavour to resolve the matter informally in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the municipality.
- 10.10. If the alleged breach cannot be informally resolved, the Mayor will facilitate discussion between the parties.
- 10.11. If the matter is not satisfactorily resolved after mayoral facilitation, Council will commence the formal internal resolution process by having Council appoint an independent third-party investigator who has the necessary professional skills, knowledge, and experience to carry out the role and investigate the complaint in a fair and objective manner.
- 10.12. If the Mayor is involved in the alleged breach of the Code of Conduct bylaw, the Deputy Mayor shall assume the role of the Mayor in the facilitation process and the appointment of any third-party investigator.
- 10.13. All deliberations regarding alleged breaches of the Code of Conduct bylaw shall be conducted in confidence.

11. Investigations

- 11.1. If a third-party investigator is appointed, the parties:
- (a) Shall provide reasonable assistance to the investigator if requested; and
 - (b) Must participate in good faith in the investigation.
- 11.2. The role of the investigator is to:
- (a) Consider the alleged breach of the Code of Conduct and any accompanying evidence;
 - (b) Determine whether the complaint is frivolous or vexatious and dismiss the complaint on that basis;
 - (c) Ensure that the parties involved are given an opportunity to be heard by the investigator;
 - (d) Explore if the alleged breach can be resolved between the parties without making any findings; and
 - (e) Failing resolution between the parties, the third-party investigator will provide an investigation update within ninety (90) days of their appointment to Council, and to the complainant and the respondent.
- 11.3. The third-party investigator will provide a written, confidential report of the findings of the investigation, including whether there has been a breach of this Code of Conduct bylaw, to the Council, the complainant, and the respondent. The CAO will receive and retain all reports prepared in relation to breaches of the Code of Conduct.
- 11.4. Upon receipt of the investigation report, Council will, in accordance with the Regulations do the following at its next meeting of Council:
- (a) Close the meeting to the public and review the report;
 - (b) When the review is finished, re-open the meeting to the public and hold a vote for the following purposes:
 - i. To determine if the member breached the code of conduct, and if no breach has occurred, to dismiss the complaint by resolution; or
 - ii. To determine the appropriate sanction if any.

12. Sanctions

- 12.1. The principles of natural justice must be observed during the independent investigation. The member of Council who is the subject of an alleged breach must be given all relevant information regarding the allegation and an opportunity to respond and be supported if the member so desires.

- 12.2. Any member of Council who alleges a breach of the Code of Conduct must not be disadvantaged because of such action.
- 12.3. Council shall consider the following when deciding whether to impose a sanction for a breach of the Code of Conduct bylaw:
- (a) Whether the breach was intentional or inadvertent;
 - (b) The nature of the breach, including the number of occasions the breach occurred and the length of time the activity or conduct that constituted the breach lasted;
 - (c) Whether the member took any steps to remedy the breach or mitigate the consequences of the breach;
 - (d) Whether the member previously breached the Code and the circumstances of that breach;
 - (e) Whether the member has previously refused to comply with a sanction for a breach of the Code of Conduct bylaw; and
 - (f) The recommendation(s) of the investigator.
- 12.4. Council may, in accordance with subsections 107(3) and (4) of the Act and Section 5 of the Regulations:
- (a) Reprimand the member of Council for a breach of this Code of Conduct Bylaw;
 - (b) Suspend the member in respect of their services as a member of Council for a period not to exceed:
 - i. Six months, or
 - ii. the expiry of the member's term of office,whichever occurs first.
 - (c) Request a written apology to Council, the complainant, or both;
 - (d) A requirement that the council member attend training as recommended by Council;
 - (e) Impose a fine of not more than \$500;
 - (f) Reduce or suspend the Council member's compensation as provided for under subsection 82(2) of the Act;
 - (g) Impose any other sanction that is recommended by the third-party investigator, other than sanctions prohibited by the Act;
 - (h) Any other sanction that may be provided for in the Regulations as they are amended from time to time.
- 12.5. In accordance with subsection 2(6) of the Regulations, a majority of members present and voting at the meeting must affirm a resolution to sanction the member.
- 12.6. A member who is sanctioned by Council for a breach of the Code of Conduct bylaw shall comply with the terms of the sanction within the time specified by Council.
- 12.7. All sanctions by Council shall be made by resolution at a public meeting of Council.
- 12.8. The CAO shall, where a member has been sanctioned by Council under clause 2.1.a of the Regulations, post notice of the sanction on the municipality's website within seven (7) days of the sanction being announced and ensure the notice remains on the website for the term of the sanction or thirty (30) days, whichever is greater.
- 12.9. In accordance with subsection 5(4) of the Regulations, a Council member suspended pursuant to 26(1)(d) shall not, during the period of the suspension:
- (a) Sit on Council, a Council Committee or the Board of Directors of a controlled corporation or other entity established by the municipality; or
 - (b) Receive any remuneration, allowance or other sum from the municipality or controlled corporation or other entity referred to in clause 9(a).
- 12.10. A member or members of Council who are the subject of the complaint shall not take retaliatory actions or attempt to influence others to act against the complainant.

13. Repeal of Existing Bylaw

- 13.1. On adoption, this bylaw replaces Code of Conduct Bylaw #2018-07 and all amendments heretofore.

14. Effective Date

- 14.1. This Code of Conduct Bylaw, Bylaw# 20XX-XX, shall be effective on the date of approval and adoption below.
[Alternately, could set a future date if desired.]

Schedule A – Code of Conduct Complaint Form

This form shall be filed within **3 months** of the complainant becoming aware of the alleged breach.
Complainants are encouraged to report incidents as soon as possible.

If an informal resolution was not attempted as you feel it is inappropriate for your complaint, please be sure to indicate this below.

Alleged violations should be reported in good faith, where the person making the complaint reasonably believes they have information that can show a violation has been committed.

The following sections must be completed to enable review:

- **Complainant Information**
- **Incident Report**
- **Informal Resolution Report** (may not be appropriate for all complaints)

If additional information needs to be included under any section of this form, this information can be completed on a separate document and attached to the form.

This document, once completed, must be submitted to the Chief Administrative Officer (CAO). The CAO will process all complaints and may recommend dismissal, informal resolution process, mayoral mediation, or formal resolution process.

This document, once completed, must be stored in such a manner to protect the confidential nature of the contents.

| COMPLAINANT INFORMATION (Required Section) | |
|---|---|
| Full Name: | <div><div></div><div></div></div> <div>Last NameFirst Name</div> |
| Position (if any): | <div></div> |
| Phone Number: | <div></div> |
| Address: | <div></div> <div>Address</div> |
| | <div><div></div><div></div></div> <div>CommunityPostal Code</div> |
| Email (Optional) | <div></div> |
| Signature: | <div></div> |

INCIDENT REPORT
(Required Section)

Who Committed the Alleged Violation?

Full Name:

Last Name

First Name

Position:

(Mayor/Deputy Mayor/Council/Council Member/Committee Member)

Witness Information

Include the names, position titles, and contact information, if applicable/available, for anyone who may have observed or have information regarding the alleged violation.

Details of the Alleged Violation

Provide as much detail as possible regarding the facts of the situation.

Description of the violation (section of municipal by-law violated, what was observed, who was involved, what was said or happened), including any background/context:

When and where did this situation happen (dates, times, and locations)?

Date of Violation:

**Additional
Details:**

Identify any evidence, if applicable, such as documentation, emails, and photos (please attach copies of any evidence):

| DISCLOSURE DETAILS (Optional Section) |
|--|
| What was happening before the situation occurred? |
| |
| Did anyone respond or react to the situation (who responded, what did they say or do)? |
| |

| INFORMAL RESOLUTION REPORT (Required Section) |
|--|
| <p><i>An informal resolution attempt includes a conversation between the individuals involved in the complaint, and, if necessary, the Mayor.</i></p> <p><i>If your complaint is unsuitable for an informal resolution attempt, please indicate that here.</i></p> |
| Describe the steps taken to resolve the conflict: |
| |
| How did the respondent react? |
| |
| Identify any evidence, if applicable, such as documentation, emails, and photos (please attach copies of any evidence): |
| |

Motion carried unanimously (6/0).

12. Appointments to Committees

(None this month)

13. Introduction of New Business

a. Establishing a regular schedule of Council meetings for 2024.

Comments from Council:

- Councillor E. Gilbert proposed that an amendment to the current bylaw be made. The bylaw currently indicates meetings are held the second Monday of each month, he proposed amending to 10 times per year. MGA indicates 6 meetings a year are required.
 - **Action** - Councillor E. Gilbert and CAO Keenan to work together on drafting an amendment to the council meeting requirements as stated in the current municipal bylaw.

Motion moved by Councillor Trainor to adopt the 2024 schedule of Council meetings as presented.

Motion seconded Councillor L. Gilbert.

Motion carried unanimously (6/0).

Motion moved by Councillor Wright to close the meeting to the public.

Motion seconded by Councillor Trainor.

Motion carried unanimously (6/0).

14. Items to be considered in a closed session:

- a. Approval of minutes of closed session, August 21 2023**
- b. Approval of minutes of closed session, Oct 18, 2023**
- c. Creation of a CAO search committee (hiring working group)**
- d. Discussion of Code of Conduct training process under the new regulations.**
- e. *[Without staff present]* Finalizing quarterly CAO performance review.**

15. Adjournment

With no further business, Mayor Ruben declared the meeting adjourned at 9:14pm.

Submitted by CAO Anna Keenan

Approved by Mayor Ruben