

MINUTES

Regular Meeting of Council
Wednesday, May 10, 2023 @ 4:00 pm
Council Chambers

Present:	P. Farwell	Mayor
	B. Ford	Deputy Mayor
	T. Pollett	Councillor
	W. Hoffe	Councillor
	S. Handcock	Councillor
	P. Woodford	Councillor

Advisory and Resource:	B. Hefford	Town Clerk
	K. Hiscock	Director of Corporate Services
	J. Blackwood	Director of Planning and Development
	H. Lowe	Director of Public Safety & Protective Services
	J. Knee	Director of Community Services
	K. White	Communications Officer

1. CALL TO ORDER

The Meeting was called to order at 4:00 p.m.

2. VISITORS/PRESENTATIONS

Huntington's Disease Awareness Month Proclamation

The Mayor proclaimed that the month of May as Huntington's Disease Awareness month in the Town of Gander.

International Day Against Homophobia and Transphobia

The Mayor proclaimed May 17th as International Day Against Homophobia and Transphobia and recognized this day as such.

Melanoma and Skin Cancer Awareness Month

The Mayor proclaimed the month of May 2023 as Melanoma and Skin Cancer Awareness Month.

3. APPROVAL OF AGENDA

Motion #23-068

Approval of Agenda

Moved by Councillor Woodford and seconded by Councillor Pollett that the Agenda for the Regular Meeting of Council on May 10, 2023 be adopted as presented.

In Favour: 6 Opposing: 0

Decision: Motion carried.

4. MINUTES FOR APPROVAL

Motion #23-069

Regular Minutes for Approval

Moved by Councillor Handcock and seconded by Deputy Mayor Ford that the Minutes from the Regular Meeting of Council on April 12, 2023 be adopted as presented.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Motion #23-070

Regular Minutes for Approval - Amendments

Moved by Deputy Mayor Ford and seconded by Councillor Pollett that the amended Minutes from the Regular Meeting of Council on February 15, 2023 be adopted as presented.

In Favour: 6 Opposing: 0

Decision: Motion carried.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

None.

6. REPORTS – STANDING COMMITTEES:

A. Community Services Committee:

The Community Services Committee report was presented by T. Pollett, Councillor/Chair.

The Community Services Committee meeting was held on April 26, 2023. The meeting was chaired by T. Pollett, Councillor. Other members present included: B. Ford, Deputy Mayor; W. Hoffe, Councillor; J. Knee, Director of Community Services; D. Chafe, CAO; and B. Hefford, Town Clerk.

The following items were discussed:

Ship Shape Skate Sharpening Contract

The Committee reviewed a request from Ship Shape Skate Sharpening to extend the current contract at the Steele Community Centre for one additional year. The Committee felt it was best to put the skate sharpening contract out for an expression of interest.

Age Friendly Grant

The Age Friendly Seniors Advisory Committee will be applying for funding under the Age Friendly Grant to host a networking day. This would be a full day session with a variety of presenters and networking opportunities with the goal to establish an action plan for their committee.

Ride for Sight Memorandum of Understanding (MOU)

The Ride for Sight MOU was reviewed, and it was agreed to approve. However, the Committee asked the Director to confirm the section on the cancellation policy for the hotels.

Jays Care Field of Dreams Program Announcement

Baseball Gander has been shortlisted for the Jays Care Field of Dreams Program. An announcement will be made on Sunday, April 30th. The Town of Gander is pleased to support Baseball Gander in the pursuit of these funding opportunities.

Councillor Pollett provided an update which confirmed a successful grant of \$86,542.30 for Baseball Gander.

Accessible Playground Equipment

The Department received correspondence from a resident asking if an accessible swing could be placed at the playground on Rowsell Boulevard. The Committee asked the Director to explore cost options for the swing.

Upcoming Events

The following events will take place in the coming months:

May 16	Canadian Hard of Hearing Seniors' Workshop
May 26	Recreation NL Conference

June 3 Gigantic Yard Sale
June 5 - 18 Clean and Green Campaign

B. Economic Development Committee:

The Economic Development Committee report was presented by Councillor Woodford.

The Economic Development Committee meeting was held on April 26, 2023. The meeting was chaired by P. Woodford, Councillor. Other members present included: P. Farwell, Mayor; S. Handcock, Councillor; T. Pollett, Councillor; D. Chafe, CAO; and B. Hefford, Town Clerk.

The following items were discussed:

Housing Needs Assessment and Action Plan

The Committee was advised that staff are finalizing the scope-of-work requirements for an independent housing needs assessment. This is an important and necessary first step in developing a plan to guide our community in meeting current and anticipated housing needs. Timing wise, our assessment plans synch with the soon-to-be-available compatible financial supports recently announced under the Canada Mortgage and Housing Corporation's Housing Accelerator Fund (HAF). The \$4B fund, which is available to communities with populations over 10,000, is intended to accelerate the supply of housing across Canada, resulting in at least 100,000 more housing units permitted than would have occurred without the program. The Fund's application window in 2023 is anticipated to be as early as June.

Management is recommending that the scope of work include the completion of all prerequisites for the HAF application and that the work be sole sourced to meet the expected application deadline. The Committee agreed and referred this item to the next meeting of the Committee of the Whole for consideration.

Public Transit

Council recently received correspondence from a resident suggesting that Council consider offering a public transit service, specifically one with Para-transit capabilities. Staff provided an overview of a recent initiative undertaken by Happy Valley Goose Bay, which demonstrated that such services would likely have to be provided on a subsidized basis. That said, affordable public transportation will be an important consideration as Council's develops its Workforce Development Strategy. Staff will continue to research public transit options and provide further updates and recommendations when available.

Mayor Farwell left the meeting.

First Quarter Building Statistics

The Committee reviewed the quarterly building statistics for the period ending March 31st. Twelve permits have been issued for work valued at \$538,000. This includes six permits for residential improvement valued at \$429,000 and four permits for \$49,000 of investment in commercial properties. Two permits for work valued at \$60,000 were issued for upgrades and improvements to government and institutional buildings. Based on inquiries and expressions of interest, staff is expecting a busy building season.

C. Public Safety and Protective Services Committee:

The Public Safety and Protective Services Committee report was presented by Councillor Handcock.

The Public Safety and Protective Services meeting was held on April 27, 2023. The meeting was chaired by S. Handcock, Councillor. Other members present included: P. Woodford, Councillor; D. Chafe, CAO; H. Lowe, Director of Public Safety & Protective Services/Fire Chief; B. Hefford, Town Clerk; and T. Byrne, Administration Human Resources Coordinator.

The following items were discussed:

530 Gander Bay Road Speed

The owner of 530 Gander Bay Road is concerned with the speed in the area and would like the speed to be reduced from 80 km/hr to 60 km/hr.

The Director of Public Safety and Protective Services has been in contact with the Department of Transportation and Infrastructure and subsequently learned that Council would be responsible for requesting a speed limit change.

The Committee accepted the Director's recommendation for deeming this a legitimate safety concern and refers this item to the Planning and Public Works Department for a technical analysis of the standards for determining speed limits and provide a recommendation whether a reduction is warranted.

Public Safety Hazard at 281 Elizabeth Drive

The Committee reviewed a letter from a resident who has concerns with the property at 281 Elizabeth Drive. The property has been in a continuing state of degradation for many years.

This item has been sent to the Planning and Public Works Department to mitigate the hazards and bring back the technical assessment of their recommendation to the next Public Safety Committee meeting. The Town Clerk's Office will also be engaged to explore options to advance the file.

Federation of Canadian Municipalities (FCM)

The Committee reviewed a letter from the Federation of Canadian Municipalities (FCM) regarding the update from the Government of Canada on the issue of retroactive RCMP costs. Municipal Governments are paying a growing share of policing costs, but they cannot run deficits and have limited revenue tools. The FCM is reiterating the need for municipalities to be actively involved in any future processes regarding contract policing.

Though this is a major issue in many parts of the country, the policing contract in NL is a provincial responsibility, and the issue does not have the same impact on municipalities in Newfoundland and Labrador.

Armstrong Blvd./Airport Blvd. Intersection

Councillor Woodford advised the Committee that he had received a complaint from a resident after getting a ticket at the Armstrong Blvd./Airport Blvd. intersection.

The Public Safety and Protective Services Committee recognizes there is a concern in this area and refers to the Planning and Public Works Committee for technical options and to mitigate the problem.

Taxi Registrations

The Public Safety and Protective Services Director informed the Committee that 10 out of 12 taxi registrations are completed. The fleet is smaller than last year. Highway Enforcement joined to assist with mechanical inspections. Although a few minor violations were found with each vehicle, and one vehicle was towed from site, operators and drivers were very cooperative with the process.

D. Planning and Development Committee:

The Planning and Development Committee report was presented by Councillor Handcock.

The Planning and Development Committee was held on May 2, 2023. The meeting was chaired by S. Handcock, Councillor. Other members present included: P. Farwell, Mayor; B. Hefford, Town Clerk and J. Blackwood, Director of Planning and Public Works.

The following items were discussed:

Composting

As a follow-up to recent inquiries regarding composting within the community, staff have reached out to the Central Newfoundland Waste Management Authority in Norris Arm. A representative from that organization indicated that a regional composting program is planned, however, it is unlikely that it will be operational soon. In the interim, Council would like to

encourage residents to participate in backyard composting, vermiculture, and other environmentally friendly means of diverting organic waste from landfills. The Town has a facility on McCurdy Drive that is available to residents for disposal of grass clippings and leaves which are composted. Not only does this diversion have a direct benefit to the environment, it also helps reduce the municipalities' waste disposal cost. If anyone would like more information on options available to residents, they can contact 709-651- 5960.

Town of Gander Wastewater Effluent Quality Report – 2023, 1st Quarter

The Committee reviewed the Town of Gander's Wastewater Effluent Quality Report for the first quarter of 2023. The report indicated all parameters tested were well within the acceptable limits with reference to the Wastewater Systems Effluent Regulations (WSER) for each parameter, including toxicity testing on freshwater trout. The Committee was pleased with the report and would like to remind residents not to dispose of any toxic material into the sewer that may have a negative effect on the system.

Proposed Amendment – Cluster Type Development

Following discussions on capacity building within the community, one option that has been used successfully in other municipalities that could be made available in Gander was Cluster Type Developments.

Motion #23-071

Proposed Amendment – Cluster Type Development

Moved by Councillor Handcock and seconded by Councillor Woodford that that the Planning and Public Works Department be given permission to proceed with an amendment process of our Municipal Plan and Development Regulations to develop a regulation which will accommodate "Cluster Type Development".

In Favour: 6 Opposing: 0

Decision: Motion carried.

Waste Disposal – Gander Goodwill Centre

The Committee reviewed correspondence from the Gander Goodwill Centre seeking assistance from Council in the disposal of donated items that are not suitable for reuse and must be sent to the landfill. It was noted that both curbside collection and the operation of the transfer station on McCurdy Drive, are done by outside entities and the only direct collection service provided by Council is the fall clean up event. It was recommended that this item be forwarded to the Corporate Services Committee for their review and consideration and to determine if there are financial assistance programs this organization could avail of.

Multi-Use Trail – 8 Lewington Place and 35 Hornell Street

Correspondence was received from the owner of 8 Lewington Place raising concerns over the trailway adjacent to that property. The homeowner indicated that the use of this trail by motorized vehicles was a safety concern and that their private property was being damaged. Similar concerns were raised with Council from the owner of 35 Hornell Street who also has property that directly abuts a trailway.

The trailway adjacent to 8 Lewington Place was one of many that had metal posts erected last year to help delineate the trail in an effort, to help protect adjacent private properties. The Committee recommends that staff review the effectiveness of the trial that was carried out, and to bring forward recommendations to address the concerns raised by these residents.

Airport/Armstrong Intersection Signage

The Committee reviewed an item that was referred from the Public Safety and Protective Services Committee regarding the no left turn at the intersection of Armstrong and Airport Boulevard. It was noted that many motorized vehicles are not using this intersection correctly and that an adjacent business owner has complained that vehicles are using their parking lot as a means of getting around the intersection which is disrupting their business.

The Committee recommends that the department reach out to the consultant working on a traffic study for the Town and ask about having this intersection added to the scope of work for review and recommendations.

Notable Dates

- Upcoming Waste Transfer Station dates are scheduled for May 13th & May 27th. The hours of operation are 8 a.m. – 4 p.m.
- Garbage collection for the Victoria Holiday on May 22nd has been rescheduled to Wednesday, May 24th.

Council would like to remind residents that details of notable dates and events can be viewed on the Town of Gander Website at www.gandercanada.com.

E. Governance & Legislative Services Committee:

The Governance & Legislative Services Committee report was presented by Deputy Mayor Ford.

The Governance & Legislative Services Committee was held on May 3, 2023. The meeting was chaired by B. Ford, Deputy Mayor. Other members present included: T. Pollett, Councillor; W. Hoffe, Councillor; B. Hefford, Town Clerk and K. Bull, Deputy Municipal Clerk.

The following items were discussed:

Second Reading – Municipal Code of Conduct Policies

On September 1, 2022 the Government of NL adopted the new *Municipal Code of Conduct Act*. The purpose of this Act is to establish standardized requirements for Municipal Councils in the Province of Newfoundland and Labrador for foundational elements such as conflict of interest, disclosure of personal interests, conflict resolution, and penalties.

It also set forth specific deadlines for Councils to undertake required action. The first milestone is prescribed in:

Section 12. (1) Within 6 months of the coming into force of this Act, a council shall establish a code of conduct that applies to all Councillors.

And;

Section 18. (2) Within 6 months of the coming into force of this Act, a council shall establish a code of conduct for municipal officials.

The Governance and Legislative Services Department undertook work to ensure those Codes were reflected within the Town of Gander's Policies around Councillor and Staff conduct. Council did have existing policies, but those were developed around the previous legislation, and were not compliant with the requirements of the *Municipal Conduct Act*.

Council introduced two new policies on March 9th, 2023 for First Reading. We did not receive any feedback from residents or stakeholders and now wish to proceed with the second reading and adoption.

Motion #23-072

Second Reading – Municipal Code of Conduct Policies

Moved by Deputy Mayor Ford and seconded by Councillor Woodford that Governance and Legislative Services Policy GL001 – Municipal Councillor Code of Conduct shall be adopted as attached hereto and shall replace existing policy P049 – Council Code of Conduct.

In Favour: 6 Opposing: 0

Decision: Motion carried.

And;

Motion #23-073

Second Reading – Municipal Code of Conduct Policies

Moved by Deputy Mayor Ford and seconded by Councillor Pollett that Governance and Legislative Services Policy GL002 - Municipal Official Code of Conduct shall be adopted as attached hereto and shall replace Personnel Policy 047 – Employee Code of Conduct.

In Favour: 6 Opposing: 0

Decision: Motion carried.

PMA Donation

The Professional Municipal Administrators will be holding their 51st annual convention in Gander from June 13-15, 2023 in Gander. The Committee is pleased to see that PMA has chosen to have the convention in Gander, as there will be over 200 delegate and exhibitors here for three days.

Motion #23-074

PMA Donation

Moved by Deputy Mayor Ford and seconded by Councillor Handcock that Council will donate \$1500 to PMA to assist with convention expenses.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Tourist Accommodation Act

On April 4, 2023, the Government of Newfoundland and Labrador proclaimed the new *Tourist Accommodations Act* and regulations, which aim to strengthen operating rules for short-term accommodations, often referred to as “Air B&B’s” in Newfoundland and Labrador.

While Air B&B’s and Short-Term Rentals are not new, the new *Tourist Accommodations Act* requires all short-term accommodations to be registered with the Department of Tourism, Culture, Arts & Recreation (TCAR). This process will provide the department with a full registry of short-term accommodations in the province, all of which will be required to comply with applicable municipal and provincial regulations, including the requirement for fire inspections and taxation.

TCAR will work with other Provincial Government departments and municipalities to support the enforcement of the *Act* and Regulations. Any accommodations currently licensed by the department will be automatically registered. All others will have to register by March 31, 2024.

The Town of Gander does not currently have a definition for Short Term Rentals in the Town Plan or Development Regulations, and no applicable Tax Category in the Schedule of Taxes and Fees. As such, Corporate Services and the Planning and Public Works Departments will need to be involved in these discussions. Due to the complex nature of this issue and the number of departments involved, our Committee is referring this item to Committee of the Whole.

By-Election

As per the *Municipal Elections Act*, Section 13 (1): The Clerk shall be the returning officer for an election held under this *Act* and, (2) A council shall, in addition to a returning officer referred to in subsection (1), appoint an alternate returning officer to perform the duties of a returning officer under this *Act* in the event that the returning officer cannot perform those duties.

Motion #23-075

By-Election – Alternate Returning Officer

Moved by Deputy Mayor Ford and seconded by Councillor Hoffe that Kelly Bull, Deputy Municipal Clerk shall be appointed as the Alternate Returning Officer for the by-election on June 13.

In Favour: 6 Opposing: 0

Decision: Motion carried.

According to the *Municipal Elections Act*, Section 14 (1): The returning officer shall designate the place for receiving nominations. (2): Candidates shall be nominated between the hours of 9:00 a.m. and 4:00 p.m. on one or more days determined by the council, excluding Saturday, Sunday and public holidays, from the twenty-eighth to the twenty-first day immediately before the election.

Motion #23-076

By-Election – Nomination Period

Moved by Deputy Mayor Ford and seconded by Councillor Handcock that the nomination period for the by-election on June 13, 2023, shall be on May 16, 17 and 18 at the Town Hall between the hours of 9:00 a.m. and 4:00 p.m.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Under section 26 (1) of the *Municipal Elections Act*, a Council may hold an advance poll not earlier than 14 days immediately preceding the day established as election day.

Motion #23-077

By-Election – Advanced Poll

Moved by Deputy Mayor Ford and seconded by Councillor Pollett that the advanced poll shall be held at the Town Hall on Saturday, June 10, 2023 from 8:00 a.m. to 8:00 p.m.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Date of First Meeting after Election

The Municipalities Act states that a newly elected Councillor must be sworn in and attend a Council meeting within fourteen days of being elected. A Special Meeting of Council will be held on June 21. Time of the meeting will be announced after the by-election.

Mandatory Municipal Councillor Training Schedule

The Department of Municipal and Provincial Affairs has introduced mandatory training for Councillors and CAOs. Town Clerks, department heads and senior staff are encouraged to attend. The training is offered online and the dates for upcoming sessions were reviewed.

Councillors Pollett and Woodford attended an in-person session with trainer Sandy Hounsell on May 1 & 2. Both Councillors were very happy with the sessions and found them to be engaging and informative. The feedback from staff and Councillors who completed the online training was not as positive. They did not find the online sessions to be engaging. The Committee is interested in obtaining a quote from Mr. Hounsell for in-person training for the remainder of Council and staff who have not yet had the opportunity to complete the sessions. In order to reduce the cost to the Town, the Committee suggests inviting Councillors and Staff from surrounding municipalities to take part with us.

Meeting Schedule

Due to scheduling conflicts, this committee will meet every fourth Wednesday at 2:00 p.m., instead of the usual 9:00 a.m.

F. Corporate Services Committee:

The Corporate Services Committee report was presented by Councillor Hoffe.

The Corporate Services Committee meeting was held on May 3, 2023. The meeting was chaired by W. Hoffe, Councillor. Other members present included: P. Woodford, Councillor; T. Pollett, Councillor; K. Hiscock, Director of Corporate Services; D. Chafe, CAO; and B. Hefford, Town Clerk.

The following items were discussed:

Property Tax Reductions

The Committee reviewed 16 applications for residential property tax reductions all meeting Council's policy based on income criteria. The total amount requested to be adjusted is \$12,621.14.

Motion #23-078

Property Tax Reductions

Moved by Councillor Hoffe and seconded by Councillor Pollett that the property tax reductions be approved as attached.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Gander Medical Clinic Tax Agreement

A request from the Gander Medical Clinic to reduce the business mil rate for Family Physicians was previously presented to the Committee of the Whole for consideration.

While Council felt that the current mil rate is at the appropriate level and in line with other comparable municipalities in the province, they recognize the impact that major unexpected tax increases can have on family physician clinics.

Considering this, Council has offered the Gander Medical Clinic a four-year graduated business tax exemption. This exemption will allow for an adjustment period while decreasing the immediate tax burden due to the substantial increase in the assessed property value from 2022 to 2023. Any changes to assessed values and/or mil rates beyond the 2023 assessment and taxation year will not be subject to this tax agreement.

The total reduction in business taxes from 2023-2026 will be \$24,678.

Motion #23-079

Gander Medical Clinic Tax Agreement

Moved by Councillor Hoffe and seconded by Councillor Woodford that the Town Clerk and Mayor be authorized to sign the tax agreement with the Gander Medical Clinic as per attached.

In Favour: 6 Opposing: 0

Decision: Motion carried.

OC23-04 – Supply of Regular Unleaded Gasoline, Marked Diesel Fuel and Furnace Oil

The results of the Open Call for Bid #OC23-04 for the supply of Regular Unleaded Gasoline, Marked Diesel Fuel and Furnace Oil were presented to the Committee for review and consideration. The lowest of the three bids that met specifications was from Melvin Parsons Ltd. The new pricing will result in an estimated savings of \$5,000 over the current contract.

Motion #23-080**OC23-04 – Supply of Regular Unleaded Gasoline, Marked Diesel Fuel and Furnace Oil**

Moved by Councillor Hoffe and seconded by Councillor Handcock that the Town of Gander award Open Call for Bid # OC23-04 be awarded to Melvin Parsons Ltd. as per attached.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Gander Goodwill Centre Request for Assistance

This item was referred from the Planning & Development Committee to determine if financial support may be available to assist the Gander Goodwill Centre due to their substantial costs of disposing of waste items not suitable for resale.

The Committee reviewed the request and while they greatly appreciate the service provided by the Gander Goodwill Centre are unable to recommend financial support as the request does not qualify for assistance based on current program funding.

G. Committee of the Whole:

The Committee of the Whole report was presented by Deputy Mayor Ford.

The Committee of the Whole meeting was held on May 8, 2023. The meeting was chaired by B. Ford, Deputy Mayor. Other members present included: P. Farwell, Mayor; W. Hoffe, Councillor; T. Pollett, Councillor; P. Woodford, Councillor; S. Handcock, Councillor; B. Hefford, Town Clerk; K. Bull, Deputy Municipal Clerk; J. Blackwood, Director of Planning and Development; H. Lowe, Director of Public Safety and Protective Services and J. Knee, Director of Community Services.

The following items were discussed:

Matthew Sargent Foundation Request

The Committee reviewed a request for assistance from the Matthew Sargent Foundation. The Foundation will be hosting Kaleb Dahlgren on June 08, 2023 at the Steele Community Centre. Kaleb is one of the 13 Humboldt Broncos Hockey Team bus crash survivors. He turned his tragedy into a survivor story from writing an Amazon bestselling book "Crossroads" to becoming a nationally sought-after motivational speaker for mental health advocacy and diabetes spokesperson.

The rental of the Steele Community Centre is \$2,200, and the incremental fees for removing boards and configuring seating total approximately \$1,500.

Motion #23-081**Matthew Sargent Foundation Request**

Moved by Deputy Mayor Ford and seconded by Councillor Pollett that the rental fee of \$2,200 for the Steele Community Centre shall be waived Matthew Sargent Foundation on June 08, 2023.

In Favour: 6 Opposing: 0

Decision: Motion carried.

The decision on the incremental fees will be deferred until after the event. Should the event prove to be profitable, fees will be charged. If the event does not turn a profit, the fees will be re-considered.

Home Based Business Application – 24A Cochran Street

The Committee reviewed a Home-Based Business application from a resident at 24A Cochran Street. The applicant, *FurEver Fresh Pet Grooming* is seeking Council's permission to operate a pet grooming salon from that property.

It is noted that home occupation is permitted as a discretionary use for the zone in which this property is located. Discretionary use notices were advertised with no objections being received by the advertised deadline.

Motion #23-082**Home Based Business Application – 24A Cochran Street**

Moved by Deputy Mayor Ford and seconded by Councillor Handcock that *FurEver Fresh Pet Grooming* be permitted to operate a grooming salon 24A Cochran Street.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Home Based Business Application – 153 Sullivan Avenue

The Committee reviewed a Home-Based Business application from a resident at 153 Sullivan Avenue. The applicant, *Ms. Melissa's Day Home* is seeking Council's permission to operate a children's day care facility from that property.

It is noted that home occupation is permitted as a discretionary use for the zone in which this property is located. Discretionary use notices were advertised with no objections being received by the advertised deadline.

Motion #23-083**Home Based Business Application – 153 Sullivan Avenue**

Moved by Deputy Mayor Ford and seconded by Councillor Pollett that *Ms. Melissa's Day Home* be permitted to operate a children's day care facility at 153 Sullivan Avenue.

In Favour: 6 Opposing: 0

Decision: Motion carried.

Home Based Business Application – 291 Magee Road

The Committee reviewed a Home-Based Business application from a resident at 291 Magee Road. The applicant, *Cathy's Sweets and Treats* is seeking Council's permission to operate a bakery from that property.

It is noted that home occupation is permitted as a discretionary use for the zone in which this property is located. Discretionary use notices were advertised with no objections being received by the advertised deadline.

Motion #23-084**Home Based Business Application – 291 Magee Road**

Moved by Deputy Mayor Ford and seconded by Councillor Hoffe that *Cathy's Sweets and Treats* be permitted to operate a bakery at 291 Magee Road subject to Provincial and Federal approval.

In Favour: 6 Opposing: 0

Decision: Motion carried.

CAO joined the meeting at 11:10 a.m.

Fireworks for Gander Day

The Director of Community Services advised that only one proposal was received in response to the RFP for providing fireworks on Gander Day. The proponent is Supernova Fireworks, with a price of \$17,000, inclusive of HST. This is \$2,000 over budget. The Director reached out to the previous contractor for a quote, and that company advised that their price has increased significantly over last year and the charge for 2023 would be \$30,000.

Motion #23-085
Fireworks for Gander Day

Moved by Deputy Mayor Ford and seconded by Councillor Pollett that the contract for providing fireworks at Cobb’s Pond Rotary Park for Gander Day, 2023 shall be awarded to Supernova Fireworks at a cost of \$17,000, inclusive of HST.

In Favour: 6 Opposing: 0

Decision: Motion carried.

H. Other Reports:

None

7. ADMINISTRATION

None

8. CORRESPONDENCE

None

9. NEW BUSINESS

None

10. ADJOURNMENT

Motion #23-086

Adjournment

There being no further business, it was moved by Councillor Woodford and seconded by Councillor Pollett that the meeting be adjourned.

In Favor: 6 Opposing: 0

Decision: Motion carried.

The meeting adjourned at 5:05 p.m.

P. Farwell, Mayor

B. Hefford, Town Clerk

Town Council of the Town of Gander Policies and Procedures

Policy Topic:	Councillor Code of Conduct	
Policy No: GL001	Motion of Council: #23-	Effective Date: 03/01/23
Issued By:	Governance and Legislative Services	

Policy Statement

The purpose of this Code of Conduct is to establish standards of conduct for councillors. Part III of the ***Municipal Conduct Act*** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of members of council, and sets out minimum requirements for the Code of Conduct.

Councillors are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility, and accountability.

This Code of Conduct applies to Councillors acting in their official capacity as Councillors, as well as a Councillor's off duty conduct that is sufficiently connected to the office of Councillor or that could reasonably discredit the reputation of the Municipality.

PART I Standards of Conduct

Standards of Professional Behaviour

Councillors must abide by the Council's Rules of Procedure.

Councillors must work in the best interest of the municipality without regard for their personal interests.

Councillors must act competently and diligently and perform at a level expected of those working in the public interest.

Councillors must be respectful of the presiding officer, their colleagues, staff, and members of the public at all times, including during council meetings and proceedings of the municipality.

Councillors must be prepared for meetings, aware of agendas, informed of issues, and contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable.

Councillors must act in a manner which supports respectful, transparent, and informed debate.

Councillors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.

Councillors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.

Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

Councillors must not grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

Use of Influence

Councillors must only use the influence of their position for the exercise of their official duties.

Councillors must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of a municipal official or in a manner which interferes with the municipal official's responsibilities.

Councillors are prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the Councillor in a conflict of interest.

Councillors must not communicate on behalf of the Municipality unless authorized by council or by virtue of a position or role the Councillor has been authorized to undertake by council.

All Councillors shall recognize the responsibility of the Mayor to accurately communicate the decisions of the Council, even if they disagree with such decisions, such that respect for the decision-making processes of Council is fostered.

Misuse of Public Assets and Fraud

Councillors must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.

Councillors must ensure that the business of the municipality is conducted efficiently and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.

Councillors must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public or except, where authorized by Council or the CAO.

Confidentiality

Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the municipality generally considered to be of a confidential nature, including, but not limited to:

- a) Any matter that falls under the exceptions to disclosure identified in the ***Access to Information and Protection of Privacy Act***, whether or not a request for access has been made.

- b) Personal information the disclosure of which would constitute an unreasonable invasion of privacy.
- c) Potential acquisitions or disposition of real property.
- d) Information which would reveal the substance of deliberation of a privileged meeting.
- e) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement.
- f) Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public.
- g) Employment and collective bargaining matters.
- h) Legal matters.
- i) Law enforcement matters.

Councillors must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.

Councillors must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.

The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the ***Access to Information and Protection of Privacy Act, 2015*** (ATIPPA, 2015).

Social Media

Councillors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.

Councillors must, where possible, conduct municipal business through official accounts on approved devices and avoid conducting council business on personal devices or through personal accounts.

Harassment and Bullying

Harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

- a) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
- b) Discriminatory harassment – harassment that is based on actual or perceived prohibited grounds of discrimination as outlined in the **Human Rights Act, 2010**, such as race, colour, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.
- c) Sexual harassment – harassment which is gender-based or of a sexual nature.
- d) Bullying – a repeated pattern of mistreatment aimed at a specific person or group.

The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.

Councillors must not engage in harassment or bullying.

All members of Council shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.

Legislative Compliance

A Councillor must reasonably comply with all obligations imposed on Councillor by legislation, regulation, and municipal policy and procedures, including but not limited to:

- a) **Municipalities Act, 1999**
- b) **Municipal Conduct Act**
- c) **Municipal Elections Act**
- d) **Public Procurement Act**
- e) **Urban and Rural Planning Act, 2000**
- f) **Access to Information and Protection of Privacy Act, 2015**
- g) **Occupational Health and Safety Act**
- h) **Human Rights Act, 2010, and,
Any accompanying regulations**

Government Relationships

Councillors recognize the importance of working constructively with other levels of government and organizations to achieve the goals of the municipality.

Councillors accept that effective governance of the municipality is critical to ensuring that decisions are made in the best interests of all stakeholders and to enable the municipality to function as a good corporate citizen.

Conflict of Interest Avoidance

Councillors are committed to making decisions impartially and in the best interest of the Municipality and recognize the importance of fully observing the requirements of sections 5 – 11 of *The Municipal Conduct Act*.

Disclosure Statements

As per Section 4 (1) of the *Municipal Conduct Act, 2021*, all Councillors shall complete annually a disclosure statement. This statement shall include the following information in relation to a Councillor and a Councillor's spouse or cohabitating partner:

- (a) ownership of real property or an interest in real property within the municipality;
- (b) corporations in which 10% or more shares are held;
- (c) partnerships and sole proprietorships in which 10% or more interest is held;
- (d) ownership of businesses located within the municipality;
- (e) corporations, associations or trade unions in which a position of director or executive officer is held;
- (f) sources of income; and
- (g) any other information the council determines necessary.

No Adverse Actions or Reprisals

Council or councillors must take no action, and must, to the best of their ability, ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

Allegations in Bad Faith

A Councillor or municipal official shall not file a complaint under this policy which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is ultimately determined to be unfounded.

Investigation

A Councillor shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the *Act* and regulations, and this Code of Conduct.

Part 2

Code of Conduct Complaint and Investigation Process

Receiving Complaint

A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer (CAO). Where the complainant is the CAO, the complaint shall be filed with the Mayor.

Where the complainant or respondent is the CAO, Council will engage an independent investigator and appoint a senior management person as CAO for the purpose of administering these procedures as outlined.

The complaint shall be in writing.

Notwithstanding section 4.1.3, a complaint may be made by other means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

A complaint shall include the following:

- The complainant's name
- The names of the person or persons the complaint is about
- A summary of the complaint, and any steps taken to resolve it
- The date that the breach of the code occurred, if known

A complainant may request to withdraw their complaint.

Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement.

A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, financial impropriety, or where it is reasonable to do so, taking into account the public interest.

Informal Resolution

Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).

ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.

Informal resolution efforts shall be concluded within 20 business days and may be extended for additional business days with consent of both parties and approval of council.

Referral to Council - Resolution or Agreement of Facts

As per sections 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall provide Council with a report.

As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the Councillor contravened the Code of Conduct.

Where the council determines that a Councillor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15.

Formal Investigation

Where the complaint is not resolved or the facts are not agreed on, the CAO shall appoint an 3rd party investigator. There shall be 60 business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the CAO, council may approve up to an additional 40 business days for the completion of an investigation.

The CAO shall provide an engagement letter clearly delineating the scope of the investigation.

The investigator will notify the respondent within 10 business days of their appointment and shall provide a copy of the complaint.

The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.

The investigator will prepare a written report for council consistent with the scope of engagement which at a minimum outline the investigative process, facts, analysis, burden of proof, test (an assessment of the facts relative to the code of conduct), findings, and conclusions. The report may include recommendations if included in the scope by the CAO.

Investigation reports shall be reviewed by Council at a privileged meeting, and Council shall within 20 business days, dismiss the complaint or find that a Councillor contravened the code at a public meeting.

If council finds a Councillor contravened the code, council may, by resolution, take an action as set out in Section 15 (Penalties) of the Municipal Conduct Act.

Town Council of the Town of Gander Policies and Procedures

Policy Topic:	Municipal Official Code of Conduct	
Policy No: GL002	Motion of Council: #23-	Effective Date: 03/01/23
Issued By:	Governance and Legislative Services	

Policy Statement

The purpose of this Code of Conduct is to establish rules of conduct for municipal officials. Part III of the ***Municipal Conduct Act, 2022*** (the *Act*), requires that municipalities establish a Code of Conduct to govern the conduct of municipal officials and sets out minimum requirements for the Code of Conduct.

Municipal officials are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility, and accountability.

Application

This Code of Conduct applies to municipal officials acting in their official capacity as municipal officials, as well as a municipal official's off-duty conduct that is sufficiently connected to their position or that could reasonably discredit the reputation of the Municipality.

For the purpose of this Code of Conduct, Municipal Official is defined to mean a chief administrative officer, an employee of a municipality, or any person acting with or without remuneration, under the direction of a municipality, including fire chiefs and fire fighters providing services for or to a municipality.

This Code of Conduct is intended to set out the expectations on municipal officials, and to be read in conjunction with any applicable employment policies or collective agreements. Nothing in this Code of Conduct is to be read in a way to limit an employer's ability to manage the workplace or discipline employees for a breach of this Code of Conduct, regardless of whether a complaint has been made, in accordance with applicable labour and/or employment law.

PART I
Standards of Conduct

Standards of Professional Behaviour

Municipal officials must adhere to the policies and procedures of the Municipality.

Municipal officials must work in the best interest of the municipality without regard for their personal interests.

Municipal officials must act competently and diligently and perform at a level expected of those working in the public interest.

Municipal officials shall respect other municipal officials, Council, Councillors, and members of the public.

Municipal officials must use language which is inclusive and respectful.

Municipal officials must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.

Municipal officials may not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, biased, prejudiced or discriminatory.

Use of Influence

Municipal officials must only use the influence of their position for the exercise of their official duties.

Municipal officials must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of any person.

Municipal officials are prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor, or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the official in a conflict of interest.

Misuse of Public Assets and Fraud

Municipal officials must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.

Municipal officials must conduct the business of the municipality in a manner that is efficient and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.

Municipal officials must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public, or except where authorized by Council or the CAO.

Confidentiality

Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business of the municipality generally considered to be of a confidential nature, including, but not limited to:

- a) Any matter that falls under the exceptions to disclosure identified in the **Access to Information and Protection of Privacy Act (ATIPPA)**, whether or not a request for access has been made;
- b) Personal information which would constitute an unreasonable invasion of privacy;
- c) Potential acquisitions or disposition of real property;
- d) Information which would reveal the substance of deliberation of a privileged meeting;
- e) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement;
- f) Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public;
- g) Employment and collective bargaining matters;
- h) Legal matters; and
- i) Law enforcement matters.

Municipal officials must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.

Municipal officials must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.

The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the **Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)**.

Social Media

Municipal officials must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.

Municipal officials must, where possible, conduct municipal business with residents through official accounts on approved devices and avoid conducting municipal business on personal devices or through personal accounts.

Harassment and Bullying

Harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcomed. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

- a) **Abuse of authority** – harassment that occurs through a use of authority serving no legitimate work purpose.
- b) **Discriminatory harassment** – harassment that is based on actual or perceived prohibited ground of discrimination as outlined in the Human Rights Act, 2010, such as race, colour, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.
- c) **Sexual harassment** – harassment which is gender-based or of a sexual nature.
- d) **Bullying** – a repeated pattern or mistreatment aimed at a specific person or group.

The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.

Municipal officials must not engage in harassment or bullying.

All municipal officials shall treat members of the public, one another, staff, Council and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.

Legislative Compliance

A municipal official must reasonably comply with all obligations imposed on the municipal official by legislation, regulation, and municipal policy and procedures, including but not limited to:

- a) ***Municipalities Act, 1999;***
- b) ***Municipal Conduct Act;***
- c) ***Municipal Elections Act;***

- d) *Public Procurement Act;*
- e) *Urban and Rural Planning Act, 2000;*
- f) *Access to Information and Protection of Privacy Act, 2015;*
- g) *Occupational Health and Safety Act;*
- h) *Human Rights Act, 2010; and*
- i) *Any accompanying regulations*

No Adverse Actions or Reprisals

Municipal officials must take no action, and must, to the best of their ability ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

Allegations in Bad Faith

A municipal official shall not file a complaint under this policy which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.

Investigation

A municipal official shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass, or fail to cooperate with a person conducting an investigation under the *Act*, regulations, and this Code of Conduct.

Part 2

Code of Conduct Complaint and Investigation Process

Process

When a complaint is submitted alleging a breach of conduct under sections 3.2 (use of influence), 3.3 (use of public resources or fraud), or 3.6 (harassment and bullying) the Chief Administrative Officer (CAO) shall follow the procedure set out here.

When a complaint is received regarding another section of the Code of Conduct, the procedure followed is subject to the discretion of the CAO.

Receiving a Complaint

A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer (CAO).

In the event that the complainant or respondent is the CAO, the complaint shall be filed with the Mayor.

Where the complainant or respondent is the CAO, complaints will be made to council. Council will engage an independent investigator and appoint a senior management person as CAO for the purpose of administering these procedures as outlined.

The complaint shall be in writing.

Notwithstanding section 4.2(4) a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

A complaint shall include the following:

- The complainant's name;
- The names of the person or persons the complaint is about;
- The date that the breach of the Code of Conduct occurred, if known;
- A summary of the complaint, and any steps taken to resolve it; and
- Supporting information

The CAO shall notify the respondent in writing within five business days of the complaint being filed. This notice will not include a copy of the complaint.

A complainant may request the withdraw their complaint in writing or by other means as per section 4.2(5). Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public's interest.

Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement.

A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where it is reasonable to do so, taking into account the public's interest.

Informal Resolution

Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).

ADR must not be used where the CAO determines that there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.

Informal resolution efforts will be concluded in 20 business days, if practicable, and may be extended for additional business days with consent of both parties and approval of council.

Where CAO determines that the ADR is not achieving results, they may refer to a formal investigation.

Resolution or Agreement of Facts

Where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall write a report and either dismiss the complaint or make a determination that an official contravened the Code of Conduct.

Where a complaint is against a department head or an employee reporting directly to Council, or where the CAO determines it is necessary and will result in recommended discipline, specifically suspension or termination, the CAO shall provide the report to council and council shall either dismiss the complaint or make a determination that an official contravened the Code of Conduct and impose suspension or termination in accordance with the *Municipalities Act, 1999*.

Corrective actions shall be in accordance with an applicable labour and/or employment law and the Town of Gander's Progressive Discipline policy.

Formal Investigation

Where the complaint is not resolved or the facts are not agreed on, the CAO will appoint an independent investigator. There shall be 60 business days to conclude an investigation from the date the informal resolution period has expired. The CAO may approve an extension for the completion of an investigation.

The CAO shall provide an engagement letter clearly delineating the scope of the investigation.

The investigator will notify the respondent of the investigation within 10 business days of their appointment and shall provide a copy of the complaint.

The respondent may provide a written response to the investigator no later than 10 business days after receipt of a copy of the complaint.

The investigator will prepare a written report consistent with the scope of engagement, which shall at a minimum outline the investigative process, facts, analysis, burden of proof, test (an assessment of the facts relative to the Code of Conduct), findings and conclusions. The report may include recommendations if included in the scope by the CAO.

Investigation reports involving the CAO, will be reviewed by Council at a privileged meeting, and Council shall, within 20 business days, dismiss the complaint or find that a municipal official contravened the Code of Conduct.

Corrective actions shall be in accordance with applicable labour and/or employment law and the Town of Gander's Progressive Discipline policy.

Conflict of Interest

A conflict of interest is defined as per section 5 of the *Act* as:

A municipal official has a conflict of interest where in the making, or involvement in the making, of a decision:

- (1)(a) the municipal official's private interests are affected; or
 - (b) the municipal official is unable to act impartially on behalf of the municipality due to the municipal official's personal relationships.
- (2) For the purposes of paragraph (1)(a)
- (a) a decision may affect, directly or indirectly, a private interest, where the decision may result in a gain or loss to the municipal official's private interests or the private interests of a relative; and

(b) a decision does not affect, directly or indirectly, a private interest where the decision affects the municipal official or a relative of a municipal official as one of a broad class of the public.

(3) For the purposes of paragraph (1)(b) a municipal official is unable to act impartially where a reasonable person may conclude that the municipal official's personal relationship would result in favoritism or prejudice to the person to whom the municipal official has a personal relationship.

Disclosure Statements

The CAO and Department Heads will file a disclosure statement in accordance with section 4(2) of the *Municipal Conduct Act*. A disclosure statement shall include the following information:

- (a) ownership of real property or an interest in real property within the municipality;
- (b) corporations in which 10% or more shares are held;
- (c) partnerships and sole proprietorships in which 10% or more interest is held;
- (d) ownership of businesses located within the municipality;
- (e) corporations, associations or trade unions in which a position of director or executive officer is held; and
- (f) sources of income; and
- (g) Any other information the council determines necessary.

As per Section 4(3) of the *Municipal Conduct Act*, a Disclosure statement must also be filed for the CAO's spouse or cohabiting partner and must include the same information as outlined in (a) to (g).

Disclosure statements shall be filed within 30 days of employment, and on or before March 1 each year.

Where there is a change in the information contained in employee disclosure statements, the official must report the change(s) to the CAO within 60 days of becoming aware of the change(s).

Determining Conflict of Interest

Where a municipal official questions whether they may be in a conflict of interest as defined by section 5 of the *Act*:

- a) If the official is the CAO or reports directly to council, the CAO or official must disclose the potential conflict of interest directly to Council, and Council shall determine, within a privileged meeting, whether the CAO or official is in a conflict of interest;

- b) All other officials, including volunteers, must disclose their potential Conflict of Interest to the CAO, and the CAO shall determine whether the official is in a conflict of interest.

Conflict of Interest Complaints

Where an individual believes a municipal official has acted in a conflict of interest, the individual may file a complaint with the CAO.

Where an individual believes a CAO has acted in a conflict of interest, the individual may file a complaint with Council.

A complaint shall be in writing and shall include the following information:

- a) The complainant's name;
- b) The nature of the conflict of interest; and
- c) the municipal official's actions in relation to the conflict of interest.

Notwithstanding section 5.3(3), a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

Conflict of Interest Investigations

For complaints relating to the CAO, a department head, or an employee reporting directly to council, the procedure below will be followed.

Where a complaint is received relating to another employee, the process followed shall be at the discretion of the CAO.

Where a complaint is made against a CAO, complaints will be made to council. Council will engage an independent investigator and appoint a senior management person as CAO for the purpose of administering these procedures as outlined.

The CAO shall send a copy of the complaint to the respondent within 10 business days after receipt of the complaint.

The respondent may provide a written response to the CAO no later than twenty business days after receipt of a copy of the complaint. The respondent shall be advised that their response will be provided to the complainant.

Where there is a written response, the CAO shall send a copy to the complainant within 5 business days after receipt of the written response.

The CAO shall review the complaint and the respondent's written response within ten business days after receipt of a written response, or where a written response is not provided, the CAO must review the complaint within ten business days after the time period to file the written response has expired, and must:

- a) prepare a written report of the complaint;
- b) refer the complaint to Council, along with a copy of the report, to consider in a privileged meeting;
- c) advise the complainant in writing, that Council is considering the complaint;
- d) within fifteen business days after receiving the report, Council may, by resolution, advise the CAO to:
- e) dismiss the complaint;
- f) make a determination that the municipal official acted in a conflict of interest; or
- g) order an independent investigation to determine whether the municipal official acted in a conflict of interest.

Where a complaint is made against a CAO, complaints will be made to council. Council will engage an independent investigator and appoint a senior management person as CAO for the purpose of administering these procedures as outlined.

Where a municipal official has been found to be in a conflict of interest, whether through their own disclosure or by complaint and investigation, the CAO and/or council shall take appropriate actions to resolve the conflict of interest. This may include removal of the municipal official from particular duties, decisions, discussions, or evaluating an affected decision. Where a complaint is against a department head or an employee reporting directly to Council, or where the CAO determines it is necessary and will result in recommended discipline, specifically suspension or termination, the CAO shall provide the report to council and council shall either dismiss the complaint or make a determination that an official contravened the Code of Conduct and impose suspension or termination in accordance with the *Municipalities Act, 1999*.

Notwithstanding section 5.4(8) and 5.4(9), and in accordance with section 18(5) of the *Act*, the CAO may provide advice to Council on a matter in which the CAO has a conflict of interest where:

- a) The CAO disclosed the conflict of interest and the nature of the conflict of interest to the council; and
- b) The council made the request for advice knowing of the CAO's conflict of interest.

Corrective actions shall be in accordance with applicable labour and/or employment law and the Town of Gander's Progressive Discipline policy.

**Property Tax Reductions
- Residential -
Year 2023**

Roll Number	2023 Property Tax	% of Reduction	Amount of Reduction	Revised 2023 Taxes
026510130000	\$1,787.28	50	\$893.64	\$893.64
058062000000	\$1,777.40	40	\$710.96	\$1,066.44
023500060000	\$1,955.24	50	\$977.62	\$977.62
042010140000	\$1,712.04	50	\$856.02	\$856.02
045510120000	\$3,481.32	50	\$1,740.66	\$1,740.66
021510160000	\$1,626.92	50	\$813.46	\$813.46
022310070000	\$3,120.32	50	\$1,560.16	\$1,560.16
042212010000	\$1,136.96	50	\$568.48	\$568.48
042202040000	\$1,954.72	40	\$778.29	\$1,176.43
058000160000	\$1,823.76	10	\$182.38	\$1,641.38
024500300000	\$2,132.32	20	\$426.46	\$1,705.86
041010120000	\$2,013.00	10	\$201.30	\$1,811.70
027500230000	\$1,810.08	50	\$905.04	\$905.04
025500770000	\$1,620.08	50	\$810.04	\$810.04
030200110000	\$1,787.28	10	\$178.73	\$1,608.55
047000110000	\$2,035.80	50	\$1,017.90	\$1,017.90

THIS AGREEMENT made this _____ day of _____, 2023.

BETWEEN:

The Gander Medical Clinic

AND

**Town Council of the Town of Gander
(a Corporation under the Municipalities Act.
Revised Statutes of Newfoundland and Labrador,
1999, Chapter M-24, as amended, hereinafter referred
to as “the Town”)**

WHEREAS the parties wish to enter into an agreement stipulating the business tax exemptions to be applied to the Gander Medical Clinic Municipal Business Taxes.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree with each other as follows:

The Town covenants:

To reduce and / or refund business taxes in each year from 2023-2027 in the following amounts:

- Tax Year 2023 exemption \$9,870
- Tax Year 2024 exemption \$7,404
- Tax Year 2025 exemption \$4,936
- Tax Year 2026 exemption \$2,468
- Tax Year 2027 and beyond exemption \$0

The Gander Medical Clinic covenants:

1. To pay the full business taxes based on the following calculation:
 - The assessed value of the property as determined by the Municipal Assessment Agency, subject to the appeals process, multiplied by the Town’s annual Schedule of Rates and Fees, less the exemption portion above.
2. To pay the annual business tax invoice prior to the Town’s Tax Payment Deadline established for each year.

THE PARTIES MUTUALLY AGREE AND COVENANT AS FOLLOWS:

1. This agreement shall be for a period of five (5) years commencing January 1, 2023, and shall expire on December 31, 2027.

IN WITNESS WHEREOF the parties hereto have set their hands and seals by their proper officers in that behalf on the day and year first above written.

THE TOWN COUNCIL OF THE GANDER

MAYOR

WITNESS

TOWN CLERK

Gander Medical Clinic

WITNESS

TOWN OF GANDER



SUMMARY

OC23-04 Supply of Regular Unleaded Gasoline, Marked Diesel Fuel and Furnace Oil

CLOSING DATE: May 1st, 2023

PREFERRED BIDDER : Melvin Parsons Ltd.

QUOTED PRICES:

REGULAR UNLEADED GASOLINE: RETAIL PRICING -11.50 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

LOW SULFUR MARKED DIESEL: RETAIL PRICING -21.20 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

FURNACE OIL: RETAIL PRICING -21.20 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

Other Bids Received

Narl Marketing LP (North Atlantic)

REGULAR UNLEADED GASOLINE: RETAIL PRICING +25.52 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

LOW SULFUR MARKED DIESEL: RETAIL PRICING -21.10 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

FURNACE OIL: RETAIL PRICING -20.10 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

Western Petroleum Limited

REGULAR UNLEADED GASOLINE: RETAIL PRICING -8 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

LOW SULFUR MARKED DIESEL: RETAIL PRICING -10 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

FURNACE OIL: RETAIL PRICING -10 cents / liter.
(indicate plus or minus and amount) Eg .20 cent reduction will be -20

Town of Gander	Tax on gasoline	21.92
Fuel Prices	Tax on diesel	18.87

Vendor	Fuel Type	Price all taxes	Discount	Price after discount	Price less taxes	Prov Tax	Carbon Tax	Price with Prov taxes	Fed Tax	hst 15%	Total Price	
PUB Zone 3	Gasoline	173.2		173.2	128.69	7.5	4.42			10	22.59	173.20
	Diesel	168.2		168.2	127.39	9.5	5.37			4	21.94	168.20
	Furnace Oil	120.47		120.47	104.76						15.71	120.47
Melvin Parsons	Gasoline	173.2	-11.5	161.70	118.69	7.5	4.42			10	21.09	161.70
	Diesel	168.2	-21.2	147.00	108.96	9.5	5.37			4	19.17	147.00
	Furnace Oil	120.47	-21.2	99.27	86.32						12.95	99.27
North Atlantic Petroleum	Gasoline	173.2	25.52	198.72	150.88	7.5	4.42			10	25.92	198.72
	Diesel	168.2	-21.1	147.10	109.04	9.5	5.37			4	19.19	147.10
	Furnace Oil	120.47	-20.1	100.37	87.28						13.09	100.37
Western Petroleum	Gasoline	173.2	-8	165.20	121.73	7.5	4.42			10	21.55	165.20
	Diesel	168.2	-10	158.20	118.70	9.5	5.37			4	20.63	158.20
	Furnace Oil	120.47	-10	110.47	96.06						14.41	110.47
CPA Zone 9	Gasoline				81.35	7.5	4.42	81.35			12.20	186.82
	Diesel				83.80			83.8		4	25.74	197.34
	Furnace Oil				74.91			74.91			22.47	172.29

Average Fuel Consumption		(prices before taxes)						TOTAL
Vendor	Gasoline	Diesel	Heating Oil	Gasoline	Diesel	Heating Oil	TOTAL	
	77,458	87,494	98,858					
Zone 3 Pricing	81.35	83.80	74.91	63,012.08	73,319.97	74,054.53	210,386.58	
Melvin Parsons	118.69	108.96	86.32	91,933.89	95,330.04	85,335.94	272,599.87	
North Atlantic Petroleum	150.88	109.04	87.28	116,868.63	95,406.12	86,281.54	298,556.29	
Western Petroleum	121.73	118.70	96.06	94,291.31	103,851.19	94,963.85	293,106.36	
Comparison to CPA				63,012.08	73,319.97	74,054.53	Total	
		Melvin Parsons		28,921.81	22,010.07	11,281.42	62,213.29	
		North Atlantic Petroleum		53,856.55	22,086.15	12,227.02	88,169.71	
		Western Petroleum		31,279.22	30,531.22	20,909.33	82,719.77	