



CLEARVIEW

Creemore Business Improvement Area SPECIAL MEETING MINUTES

March 23, 2021

7:00 p.m.

[Webinar](#)

Members Present: Laurie Severn (President), Sara Hershoff (Treasurer), Jennifer Yaeck, Councillor Doug McKechnie, Otta Zapotocky, and Linda DeWinter.

Guests Present: Jeff Abrams and Janice Atwood-Petkovski of Principals Integrity

Staff Present: Cayla Reimer, Committee Coordinator.

1. Welcome

Chair, Laurie Severn welcomed members and called the meeting to order at 7:05 p.m.

2. Approval of [Agenda](#)

The Membership discussed moving the presentation to the top of the meeting and adding a council update under New Business 7.1 Council update.

Resolution:

Moved by Councillor Doug McKechnie, seconded by Jen Yaeck, Be It Resolved that the Creemore Business Improvement Area Board hereby approve the Membership Special Meeting Agenda dated March 23, 2021 as amended.

Motion Carried.

3. Disclosure of disqualifying interest and the nature thereof

No pecuniary interest was declared.

4. Approval of the Minutes – [February 09, 2021](#) and [AGM March 09, 2021](#)

Resolution:

Moved by Councillor Doug McKechnie, seconded by Jen Yaeck, Be It Resolved that the Creemore Business Improvement Area Membership hereby approve the Meeting Minutes dated February 09, 2021 and the AGM Minutes dated March 09, 2021 as presented.

Motion Carried.

5. Integrity Commissioner Presentation

Jeff Abrams and Janice Atwood-Petkovski introduced themselves and provided a presentation to the Membership (attached).

6. Approval of 2021 Budget

The Membership discussed the Draft 2021 Budget as presented at the Annual General Meeting on March 09, 2021 and noted that no comments have been received by the Membership. The Board discussed presenting the 2021 Budget to Council at the next Council meeting scheduled for April 12, 2021.

Resolution:

Moved by Councillor Doug McKechnie, seconded by Jen Yaeck, Be It Resolved that the Creemore Business Improvement Membership hereby approve the 2021 Budget as presented and direct Chair, Laurie Severn and Treasurer, Sara Hershoff to present to Council on April 12, 2021.

Motion Carried.

7. New Business

7.1. Council Update

Councillor Doug McKechnie informed the membership that Council put forth a motion to designate Clearview Township as a Tourism destination to allow businesses to open during statutory holidays at their discretion. Councillor McKechnie informed the Membership that a public meeting will be held prior to passing a By-law which will be held on April 12, 2021 in hopes of passing a by-law at the April 26, 2021 Council Meeting to allow the opportunity for the May 24 long weekend.

Resolution:

Moved by Sara Hershoff, seconded by Jen Yaeck, Be It Resolved that the Creemore Business Improvement Area Membership hereby support the proposed by-law to allow Retail Establishments opportunity to open on Statutory Holidays.

Motion Carried.

8. Next Meeting – April 13, 2021 at 7:00 p.m.

9. Adjournment

Resolution:

Moved by Jen Yaeck, Be It Resolved that the Creemore Business Improvement Area Membership hereby adjourn the meeting at 9:03 p.m.

Motion Carried.

Date Minutes approved: April 13, 2021.

Laurie Severn, Chair

Cayla Reimer, Committee Coordinator



Clearview Township

Code of Conduct Training

Creemore Business Improvement Area

March 23, 2021

Principles *Integrity*

Jeffrey A. Abrams & Janice Atwood-Petkovski

What we intend to cover today...

- A. Introduction
- B. Code of Conduct Refresher (follow up to April 25, 2019 session)
- C. Avoidance of Conflicts of Interest
 - The ground rules, especially in light of the Judicial Inquiry
 - The embedded principles
 - The 'interest in common' exception
- D. Q & A

Part A

Introduction



Jeffrey A. Abrams, B.A., LL.B

Principles *Integrity*

Co-Principals



Janice Atwood-Petkovski, LL.B

Municipal Experts

Solutions Oriented to Support the Public Interest

Independent - Impartial - Collaborative

Credible - Respected

Experienced in governance, law, procedure, and ethics

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

Part B Refresher

Municipal Act

Requires Code of Conduct for Local Boards

Requires Integrity Commissioner

Members of Local Boards have access to advice from Integrity Commissioner

Advice from Integrity Commissioner

Binding Advice

In exercising his or her discretion...the judge may consider, among other matters, whether the member or former member..

disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice ...and acted in accordance with the advice, if any, provided to the member by the Integrity Commissioner.

Duty of Confidentiality

Information disclosed to Integrity Commissioner, whether for advice or during investigation, is confidential

Integrity Commissioner - Independent:

Performing in an **independent** manner:

A consideration of procedural fairness

Structural Conditions within which decisions are made that support impartial decision-making

Such as: Freedom to set own process

- Absence of arbitrary controls
- Absence of reporting
- Security of tenure
- Access to all relevant information
- Sufficiency of funding

Code of Conduct

Local Boards

Adjudicative = decides rights

Non-adjudicative = advisory

Clearview has a blended Code

Role of Advisory Committee

- Primacy of Council
- Role of committees: special expertise, wider view, balance of inputs, information gathering
- Committees provide recommendations,
- Some local boards oversee management (BIA)
- Council debates, decides
- Seek guidance from staff, not Council

Code of Conduct for Local Boards

Adjudicative (typically lower-tier):

- Committee of Adjustment
- Heritage Advisory Committee
- Property Standards Committee
- Election Campaign Finance Committee
- Appeal Tribunals (Licensing, etc.)

Role of Adjudicative Body

- Hear, consider all relevant information
- May have special expertise
- Make reasoned decisions based on facts
- No role for Council
- Seek guidance from staff, not members of Council

Role of a Management Board

- Hear, consider all relevant information
- May have special expertise
- Make reasoned decisions based on facts
- Council engagement on some issues
- Council representative may provide guidance
- Fiduciary interest, duties of Board members
- Be 'alive' to potential for conflicts of interest

Civility, Decorum, Respect

- Practice the “Golden Rule”
- Chair ~ Procedure By-law
- Take advice from Clerk
- Accommodation
- Polite & firm
- Recess
- Respect the institution

Guiding Principles embedded in MCIA

1. Members shall serve the public and their constituents in a conscientious and diligent manner.
2. Members should be committed to performing their functions with integrity impartiality and transparency.
3. Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

General Code of Conduct Obligations

Fulfill mandate

Respect due process and role of Chair

Demonstrate respect for Members, Council, staff and public

Due diligence preparing

General Code of Conduct Obligations

Professionalism, transparency, accountability

Adhere to by-laws, policies, procedures

Contribute constructively

General Code of Conduct Obligations

Avoid bias, perception of preferential treatment

Avoid real or apparent conflict of interest

Avoid appearance of improper influence

Acting on Advice of Integrity Commissioner

Written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner

- in any subsequent consideration in the same matter,
- as long as all the relevant facts were disclosed to the Integrity Commissioner,
- and the Member adhered to the advice given.

If in doubt, ask Integrity Commissioner

Local Boards Code of Conduct

February 11, 2019

General Introduction, Framework and Interpretation	Guiding Principles
Rule 1: Avoidance of Conflicts	Rule 2: Gifts, Benefits & Hospitality
Rule 3: [Left Blank]	Rule 4: Confidential Information
Rule 5: Use of Township Resources	Rule 6: Election Campaigns
Rule 7: Improper Use of Influence	Rule 8: Business Relations
Rule 9: Member Conduct	Rule 10: Media Communications
Rule 11: Respect for By-laws & Policies	Rule 12: Respectful Workplace
Rule 13: Conduct Respecting Staff	Rule 14: [Left Blank]
Rule 15: Undermining Council Decisions	Rule 16: Reprisals and Obstructing
Rule 17: Acting on IC Advice	Rule 18: Implementation

Local Boards Code of Conduct

Key Concepts, Typical Text,	
Complaint Protocol	
Consequences of Failure to Adhere	
Reference – Code of Conduct for Members of Council:	https://www.clearview.ca/sites/default/files/uploads/by-laws/by-law_18-69_code_of_conduct.pdf



Part C

Avoidance of Conflicts of Interest

Conflicts of Interest – Statute & Common law

Municipal Conflict of Interest Act (MCIA)

- Pecuniary
- Direct
- Indirect
- Deemed

Code requirement to avoid conflicts of interest (common law concept) [“Key principle: Members shall avoid all conflicts of interest”]

Municipal Conflict of Interest Act

Key Elements:

Applies to Pecuniary Interests

Direct: Member's own personal financial interest

Deemed: Direct or Indirect Interest of Parent, Child or Spouse, if known

Indirect:

- Shareholder, director or senior officer of non-public corporation
- Controlling interest, director or senior officer of public corporation
- Member of a Body that has a Pecuniary Interest
- Partner, or employee of person or body with interest

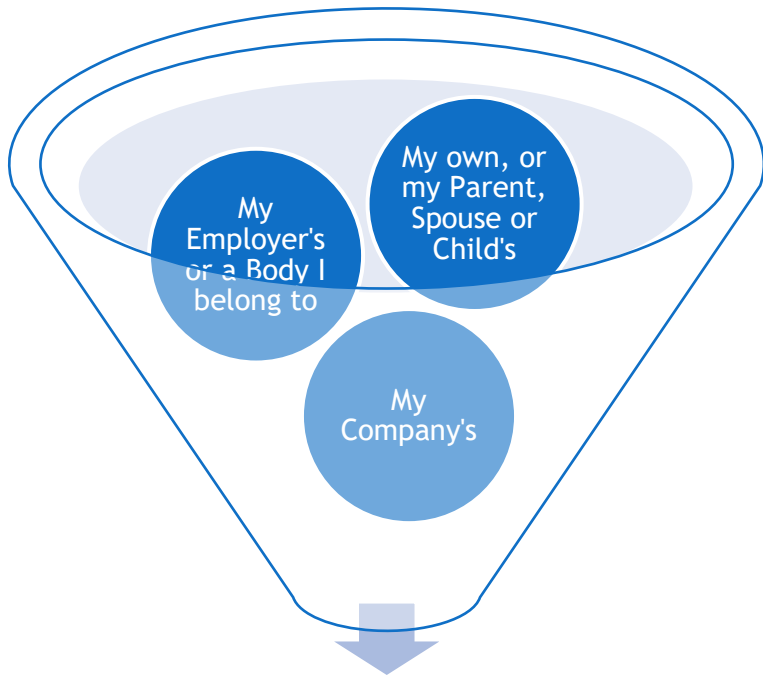
Avoidance of Conflicts of Interest

Conflict of Interest under Municipal Conflict of Interest Act

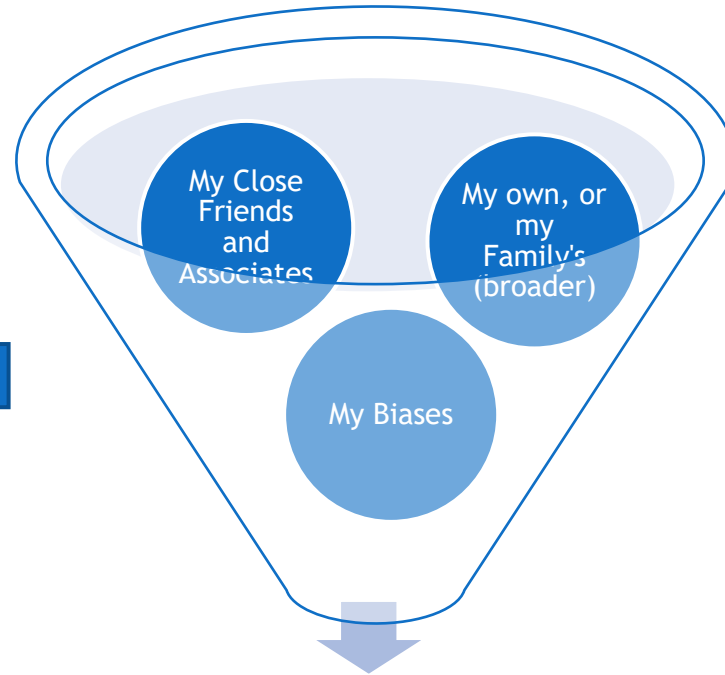
Conflict of Interest under Code of Conduct (common law concept)

= “disqualifying interest”

Disqualifying Interests



Direct, Deemed or Indirect Pecuniary Interest under MCI A



Common Law, Reasonable Person, Apparent or Perceived Interests

Avoidance of Conflicts of Interest

May not participate when you have a disqualifying interest

Recognizing and Dealing with Conflicts of Interest

- Declare nature of interest (disqualifying interest) and step away
- Do not participate, attempt to influence, vote
- If in doubt, seek advice

Collingwood Judicial Inquiry

“It was apparent that all Council members were aware of the *Municipal Conflict of Interest Act*. It was also apparent that it is far too easy to misconstrue the *Municipal Conflict of Interest Act* as addressing all the kinds of conflict of interest that Council members must confront. Despite its name, the *Municipal Conflict of Interest Act* does not provide a complete conflict of interest code for municipal actors. It addresses the pecuniary interests of a narrowly defined group of family members related to a Council member which are by virtue of the *Act* deemed to be pecuniary interests of the Council member. Council members are obligated to avoid all forms of conflicts of interest or, where that is not possible, to appropriately disclose and otherwise address those conflicts. ▶”

Collingwood Judicial Inquiry

12. The Province of Ontario should amend the *Municipal Conflict of Interest Act* to broaden its scope beyond deemed pecuniary interest to encompass any real, apparent, and potential conflict of interest.

Collingwood Judicial Inquiry

13. The Province of Ontario should amend the Municipal Conflict of Interest Act to include an expanded group of family members. At a minimum, this should include:

- a) spouse, common-law partner, or any person with whom the person is living with as a spouse outside marriage;
- b) parent, including stepparent, and legal guardian;
- c) child, including stepchild;
- d) grandchild;
- e) siblings;
- f) aunt, uncle, nephew, niece, first cousins; and
- g) in-laws, including mother- and father-in-law, sister- and brother-in-law, and daughter- and son-in-law.

Collingwood Judicial Inquiry

14. The Province of Ontario should amend the *Municipal Conflict of Interest Act* to state that the real and apparent conflicts of interest of the expanded group of family members are also deemed to be the conflicted interest of the Council member.

Interest in Common Exception

Guiding Principles embedded in MCIA

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity impartiality and transparency.
3. Members of Council shall preform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Interest in Common Exception

The MCI A provides specific exceptions which allow members to participate in a discussion, and to vote, in circumstances where their pecuniary interest in the matter might otherwise disqualify them:

4. Sections 5 and 5.2 do not apply to a pecuniary interest in any matter that a member may have,
 - (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally

Interest in Common Exception

Applicability:

- An interest shared with everyone in the community, or a sufficiently large segment of the community that can be considered its own class
- Differences in degree of the interest are acceptable, but not differences in kind
- General Examples
- BIA Examples

Part D

Questions and Answers

Contacting the Integrity Commissioner

- Requests for Advice to be in writing [subsection 223.3 (2.1)]
- Integrity Commissioner's Advice to be in writing [subsection 223.3 (2.2)]
- Assistance in Formulating the Request for Advice:
 - Email postoffice@principlesintegrity.org with your question or to set up a telephone conversation
 - Telephone (and conference facility): 647-259-8697
- Review Agendas for potential interests; request advice early

Direct Contact:

jeff@principlesintegrity.org

Telephone Option #2

janice@principlesintegrity.org

Telephone Option #3