



## REPORT

To: Mayor and Council  
From: Chief Administrative Officer  
Subject: For Your Decision: Service Delivery Review - Clerk's Office  
Date: January 15, 2024

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### Issue

Service Delivery Review - Clerk's Office

### Facts

- According to the 2020 Asset Management Plan, the Municipality currently has an annual funding gap of \$5.6 million between what should be spent to maintain assets and what is spent. This is the equivalent of \$2,156 per household, or more than double the current annual average levy on each house. The number is considered on the lower end of reality as it does not include all asset classes. Furthermore, inflation has increased significantly since the plan was developed, especially for Municipal infrastructure.
- By July 2025, Asset Management Planning legislation requires municipalities to determine current and future levels of service, the costs associated with that level of service and a plan to fund it. The legislation will, in essence, require municipalities to "live within their own means" by setting levels that are affordable and attainable long term. Not being compliant with this requirement will affect Municipal transfer funding.
- Grant funding programs have been shifting to take into account a Municipality's strategy in closing the asset gap and current state of funding their assets (i.e. the more the Municipality is addressing the deficit, the more likely a funding is to be approved. The less a Municipality is working to close the gap, the less likely they are to be approved for funding)
- Council directed staff to undertake Service Delivery Reviews (SDR) on all Municipal services. This is an evaluation process in which a specific municipal service is systematically reviewed to determine the most appropriate way to

provide it. The SDR process focuses on setting priorities and, where possible, reducing the cost of delivery (to the Municipality) while maintaining or improving services and service levels. At times, service levels may have to be cut.

- A part of SDR process is to consider how to enhance services through greater efficiency or process changes without added costs to the Municipality. In many cases however, Council will either need to reduce costs or increase revenues (fees & charges or levy) significantly to address the infrastructure gap and plan for the future. While doing so, the increased complexity of operating services needs to be taken into account. Therefore, it is only possible to reduce costs to the level required by reducing services and/or assets that Greenstone maintains.

## **Analysis**

Please see the attached Clerk's Office Service Delivery Review Report.

## **How does this tie to the Strategic Plan?**

### **1.0 Build Financial Capacity**

To create the financial capacity to invest in capital infrastructure and equipment to meet service level expectations and statutory requirements, and to allow flexibility to enhance existing and future service delivery options.

1.1 Service Delivery Review (SDR): Council has approved the commencement of a service delivery review. The SDR will look at current and future levels of service for program delivery and asset maintenance. With the completion of each SDR, develop business plans to ensure that the services meet the strategic service level objectives of Council in a fiscally prudent manner.

## **Recommendation**

**THAT** Council of the Municipality of Greenstone approve the following:

1. **THAT** once the vacant Executive Secretary position is filled and realigned within the Clerk's Office that Council direct a By-law be brought forward to appoint the person as Deputy Clerk.
2. **THAT** Staff research an implementation plan to consider how we can manage our records moving forward with recommendations arising from the Information Technology Master Plan, and revise and update the existing Records Retention Policy to align with the implementation plan.
3. **THAT** Council approve the draft Frivolous, Vexatious, Harassing or Unreasonable Requests, Complaints and Communications Policy as presented and direct the Clerk to bring a By-law to Council for final approval and enactment.

4. **THAT** Council direct Administration to review the Procedure By-law and bring a revised draft Procedure By-law to Council for their further consideration by September 2024.
5. **THAT** the AODA Working Group engage and consult with persons with disabilities for the purpose of completing the 2024 – 2028 Multi-Year Accessibility Plan and review the Integrated Accessibility Standards Regulation Policy 17-43.
6. **THAT** Council approve the new draft Flag Protocol as presented and direct the Clerk to bring a By-law to Council for final approval and enactment.

<b>DATE</b>	<b>MONDAY, JANUARY 15, 2024</b>
<b>SUBJECT</b>	<b>SERVICE DELIVERY REVIEW – CLERK’S OFFICE</b>
<b>REPORT NO.</b>	<b>SDR-13</b>

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6. **THAT** Council approve the new draft Flag Protocol as presented and direct the Clerk to bring a By-law to Council for final approval and enactment.

**SERVICE SUMMARY**

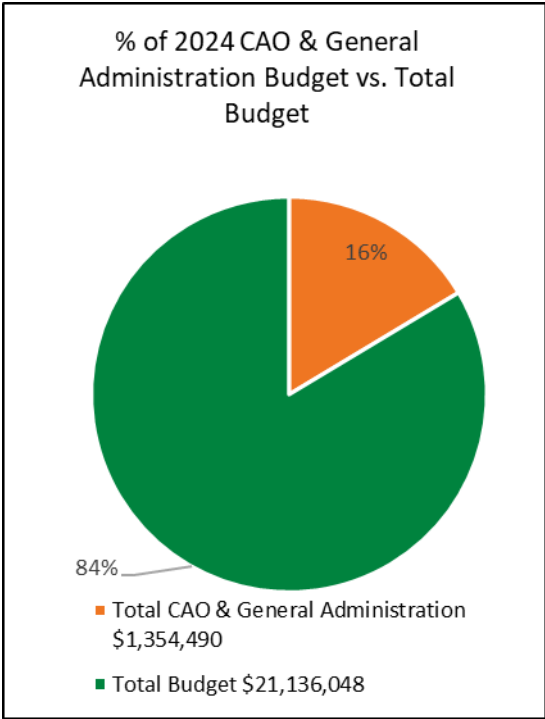
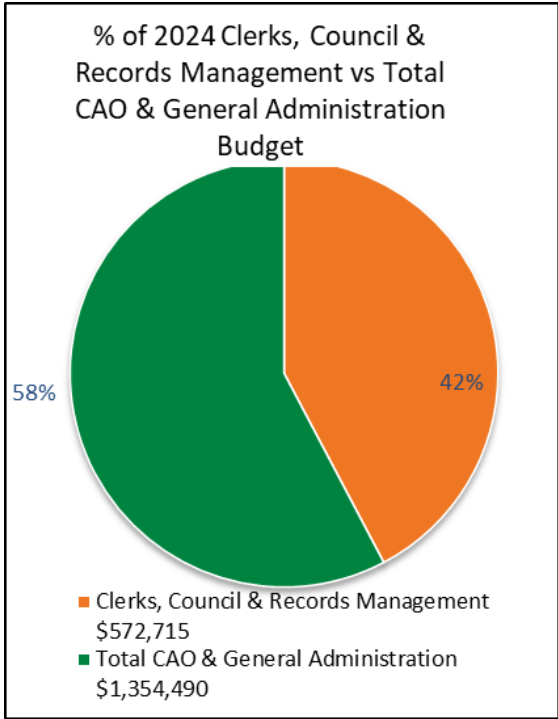
<b>SERVICE</b>	<b>LEGISLATIVE SERVICES – CLERK &amp; COUNCIL</b>
<b>DEPARTMENT</b>	<b>ADMINISTRATION – LEGISLATIVE SERVICES</b>

<b>SUMMARY</b>	<p>The Clerk is a statutory position with municipal government and performs the statutory duties as required under the <i>Municipal Act, 2001</i> and other relevant duties under any other Act. The Clerk is responsible for creating, managing, and preserving corporate records. The Clerk attends all official meetings of Council to record all the proceedings of the meetings, offering legislative support and is the holder of the Corporate Seal. The Clerk acts as a liaison and is a central point of contact for municipal business. The Clerk's Office provides information and services to the public, Council, municipal departments and employees, legal representatives, outside agencies, and consultants. The Clerk is directly involved in the administration of:</p> <ul style="list-style-type: none"> <li>• Statutory duties as outlined in the <i>Municipal Act</i> and other Acts</li> <li>• Corporate Records Management</li> <li>• Municipal Elections</li> <li>• Municipal Freedom of Information and Protection of Privacy (MFIPPA)</li> <li>• Division Registrar for Deaths and Marriages</li> <li>• Accessibility</li> <li>• Marriage Licences</li> <li>• Lottery Licences</li> <li>• Flag Protocol</li> <li>• Advising on Procedure</li> <li>• Commissioner of Oaths</li> <li>• Scholarships and Bursaries</li> <li>• Other Human Resource related policies including Expressions of Sympathy, Retirement and Service Awards</li> </ul>
<b>MANDATORY</b>	<p>Within legislation there are many provisions, some that <i>shall</i> be done and are non-negotiable, and some that <i>may</i> be done. The <i>shall</i> items are the legislated requirements. Within this SDR, there are items noted that are mandatory, and some that are discretionary.</p> <p>Clerk's Duties - Yes  Council Records - Yes  Records Management -Yes  Municipal Elections – Yes  Municipal Freedom of Information and Protection of Privacy (MFIPPA) – Yes  Division Registrar for Deaths and Marriages - Yes  Accessibility - Yes  Lottery Licences – Yes (at discretion)  Commissioner of Oaths – Yes, for Municipal Purposes, at discretion for general public  Scholarships and Bursaries - No  Expressions of Sympathy - No  Retirements and Service Awards - No</p>
<b>LEGISLATION</b>	<p>Municipal Act, 2001  Municipal Freedom of Information and Protection of Privacy Act,</p>

	<p>1990          Planning Act, 1990          Accessibility for Ontarians with Disabilities Act, 2005          O. Reg. 191/11          Marriage Act, 1990          O. Reg 285/04          Funeral, Burial and Cremation Services Act, 2002          Vital Statistics Act, 1990          Municipal Elections Act, 1996          Commissioners for Taking Affidavits Act, 1990          Fire Protection and Prevention Act, 1997          Municipal Conflict of Interest Act, 1990          Order in Council 1413/08 Lottery Licencing Framework          and many more.</p>
<b>BY-LAWS</b>	<p>By-law 23-84 Secretary Treasurer of Municipality of Greenstone          Committee of Adjustment          By-law 22-21 Appoint a Clerk          By-law 22-35 Use of Corporate Resources in an Election          By-law 21-21 Municipal Significant Event Policy          By-law 19-36 Procedure By-law          By-law 18-37 Commissioner for Taking Oath and Affidavit Policy          By-law 17-43 Multi-Year Accessibility Plan and Integrated          Accessibility Standard Regulation Policy          By-law 17-24 Delegation of Authority</p> <ul style="list-style-type: none"> <li>• Designated as head of Municipality for MFIPPA purposes</li> <li>• Community Festival Designations</li> <li>• Chief Lottery Licencing Officer (in place of Executive Secretary)</li> </ul> <p>By-law 11-25 Records Retention</p>
<b>FEES/CHARGES</b>	<p>Commissioning – As per By-law 23-86          Marriage Licences – As per By-law 23-86          Lottery Licences – 3% of prize board          MFIPPA Requests – As legislated by R.R.O. 1990, Reg. 823          which includes a \$5.00 application fee and \$7.50/15 minutes of          employee search and preparation time.</p>

**2024 BUDGET SUMMARY**

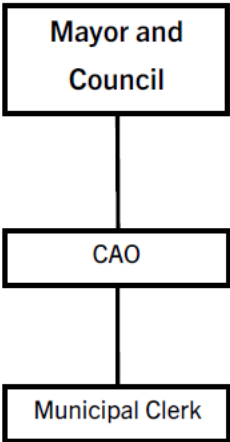
**2024 Expenditures:** \$575,715  
**2024 Revenues:** -\$500  
**Net Budget:** \$575,215



**STAFFING**

	Positions	Hours Worked per Year
Full Time Positions	1	1820
Contract Positions	0	0
Student	0	0
Full Time Equivalent	1	

**ORGANIZATIONAL CHART**



## SERVICE BACKGROUND

### STATUTORY DUTIES

As per Section 228 of the *Municipal Act, 2001*.  
A municipality shall appoint a clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality.

The Clerk's main statutory duties are outlined in the *Municipal Act*, however the Clerk is also listed with duties in many other pieces of legislation such as the *Planning Act*, *Drainage Act*, *Municipal Elections Act*, *Vital Statistics Act*, *Marriages Act*, or *Fire Prevention and Protection Act* for example.

The Clerk's Office is the hub of the Municipality and the gateway to Council. All information passing from Staff to Council for a Council meeting passes through the Clerk's Office where it is compiled into Agendas. The process involves building each report into the agenda in the proper section, drafting the by-laws, ensuring there is no personal information included that would infringe on protection of privacy laws, redacting information as needed, watermarking documents and printing all the meeting related materials such as motions, by-laws, and agenda copies. For every meeting of Council at least 20 hours of the Clerk's time in the prior week is solely dedicated to preparation. After each meeting is complete all the documents are signed and sealed as required, and another 7-10 hours is spent ensuring all the information has been captured and minutes completed in preparation for the next meeting for adoption, information is distributed to relevant departments, correspondence or motions of support are sent as directed, By-laws and approved Minutes are uploaded into the Document Centre on the Council portal, and the records are filed physically and digitally as Corporate records.

### CORPORATE RECORDS MANAGEMENT

Recording and preserving the official decisions of Council is the Clerk's first and main responsibility. These are the historical records of the Municipality and are the confirmation of the decisions of Council. The Clerk and the Tax Collector are the oldest public servant professions.

Records of the Municipality are varied, some are transitory, and some are permanent. Records are created by all departments of the Corporation. Examples of a transitory record would include items that only have temporary value, items not of significant value in documenting the business transactions of the Municipality, unrelated to Municipal business, not an integral part of a Municipal record, or copies of Municipal



records. Examples of a permanent record include Council records such as By-laws and Minutes, Assessment and Tax Collector Records, Annual Financial Statements, Records pertaining to Cemetery, Legal, Ministry of Environment, Building, Construction, Engineering, Property, Official Plan and Zoning, Incident and Accident, Provincial Offences or Tax Registration. While the Clerk's Office works to preserve and maintain the records, the whole Corporation must be diligent and work cohesively to ensure records are being maintained, preserved, or destroyed within the approved framework. The *Municipal Act* Section 253 states in subsection (1) that subject to the *Municipal Freedom of Information and Protection of Privacy Act*, any person may, at all reasonable times, inspect any of the records under the control of the clerk, including,

- (a) by-laws and resolutions of the municipality and of its local boards;
- (b) minutes and proceedings of regular, special or committee meetings of the council or local board, whether the minutes and proceedings have been adopted or not;
- (c) records considered at a meeting, except those records considered during that part of a meeting that was closed to the public;
- (d) the records of the council;
- (e) statements of remuneration and expenses prepared under section 284.

Section 254 speaks to the retention of records, and the fact that a municipality shall retain and preserve the records of the municipality in a secure and accessible manner. Section 255 permits a municipality to develop policies regarding retention periods for corporate records that allow records to be destroyed in accordance with the approved schedule. Keeping all corporate records and not adhering to a determined retention schedule is a risky situation as if the record is available, it is subject to inspection upon request.

Records of the Municipality and Local Boards are not limited to official decisions of Council and include items like tenders, emails, financials, recordings and correspondence to name just a few. It is important to note that many of these records also exist electronically. The Act states that records need to be secured, maintained, and preserved in an accessible manner. In the case of a Freedom of Information request, the Clerk must ensure the information is readily available to meet deadlines. In the Revised Regulations of Ontario 1990, Regulation 823 provides in section 3(3) that every head shall ensure that reasonable measures to protect the records in his or her institution from inadvertent destruction or damage are defined, documented, and put in place, taking into account the nature of the records to be protected.

## **MUNICIPAL ELECTIONS**

The next Municipal Election will be held on October 23, 2026. Municipal Elections are governed by the *Municipal Elections Act* (MEA) along with other supporting legislation. Section 11 of the MEA states that the Clerk is responsible for conducting transparent elections within that Municipality. Responsibilities include preparing and conducting the election, conducting a recount in the election, maintaining peace and order in connection with the election, providing for accessibility, notices, forms, and training among many other duties. The Clerk also has the power under Section 12 of the MEA to

provide for any matter or procedure that is not otherwise provided for in an Act or regulation and in the Clerk's opinion is necessary or desirable for the election. Notable for the 2026 Election is the change of the preparation of the Preliminary List of Electors moving from MPAC to Elections Ontario.

The Clerk would also be responsible for any By-Election that may be triggered by Council in the event that there is a vacancy and Council determines to fill the vacancy by a by-election rather than an appointment.

## **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

Municipal governments are bound by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). There is a balance between establishing a culture of privacy and ensuring freedom of information. The public has the right of access to information held under custody and control of the municipality and exemptions from the right to access records are limited and specific. The Municipality needs to protect personal privacy and follow rules when collecting, using, or disclosing personal or third-party information. The Clerk is delegated authority through By-law 17-24 to act as head of the municipality for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* and includes all powers and duties granted or vested in the head. The head processes Freedom of Information requests, manages privacy breaches, access requests and appeals, and establishes a culture of privacy within the organization. receives requests regarding municipal records, and discloses records in accordance with MFIPPA. This head reports to the Information and Privacy Commissioner annually on items and requests related to Freedom of Information and Protection of Privacy.

If a request for information is informal and limited to information that would be routinely disclosed, the public can simply request information from the Clerk. This would include regular council minutes, agendas, by-laws or a service delivery review report for example. This information is open and available to the public at anytime, and generally hosted on our website or portal.

If the requestor is requesting information that is not routinely disclosed, an official Freedom of Information (FOI) request would need to be delivered along with the required fee. The head will review the request for information and determine if the records requested meet any exemptions under MFIPPA which can be referenced in Sections 6 -16, including but not limited to draft-by-laws, advice or recommendations, law enforcement, relations with governments including relations with Indigenous communities, third-party information, personal information, information protected by solicitor-client privilege, or information that will soon be published. Noted, there may be an exemption but the head may disclose a partial record as requested.

A party wishing to make a FOI request shall make the request in writing, including specifying the record or the records pertaining to the event they are requesting under the Act, and pay the \$5.00 fee which is specified in O. Reg 172/16. Once a request is received and the fee is paid, the head must start reviewing the request. The head would identify what the request is, and who may have records pertaining to the request. The Regulation also specifies the price per paper copy at 20 cents per page, CD-ROMs at \$10, and manually searching records at \$7.50 per each 15 minutes spent by any

person. These rates alone show how old this Act is and there is lobbying to the province being completed by AMCTO among others to have the Act reviewed. It should be noted that the search time should be reasonable and poor records management is not a reasonable explanation to charge additional time. If a substantial search is identified or a cost of more than \$100 is anticipated, the head may notify the requestor what the estimated fee to provide and compile the records will be and request prepayment before proceeding with the search. If the FOI request proceeds, the head would notify the department that must review their files for any information pertaining to the request and request it be forward to the head for review. This may include all departments, and potentially Council members. While search time is set at \$7.50 per fifteen minutes as recoupable costs this does not cover the cost of the employee wages or any overhead costs. If a non-unionized member is required to assist in the search the average cost to the Municipality, including overhead, would be \$18.89 per 15 minutes.

Legislation stipulates that the municipality provide information to the requester within 30 days of a request, however an extension to this deadline is available should more time be needed and the extension is reasonably required. The importance of accessible records management is critical to MFIPPA requests. The head has the authority to refuse an application that is determined as frivolous or vexatious, but must still provide the reason for the refusal in writing.

A record under MFIPPA is defined as *“any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,*

*(a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and*

*(b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution; (“document”)<sup>1</sup>*

In the past six years, Greenstone has only received three official Freedom of Information requests. It should be cautioned that these requests could monopolize weeks of employee time from searching, reviewing, redacting, and releasing findings. Other municipalities have estimated time for a simple request to take 2-4 hours from start to finish. Requests for information retaining to building permits or simple planning matters may take around 10 hours as the search may start to include more third party information, and if a large FOI request is received it totally depends on what the ask is. Several Clerks have noted dozens of hours could be dedicated to fulfilling the request. This does not include the time to process any appeals, or reports made to the IPC.

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<sup>1</sup> *Municipal Freedom of Information and Protection of Privacy Act, 1990 , definitions*

## **DIVISION REGISTRAR FOR DEATHS AND MARRIAGES**

The Clerk is the Division Registrar for registering deaths and marriages with the Registrar General. The Clerk, with the approval of the Registrar General, has appointed and oversees the Deputy Division Registrar who works out of the Greenstone Administration Office as the Accounts Payable Clerk. Some of the duties of the Division Registrar and/or Deputy include issuing Burial Permits, reviewing Statements of Death and Medical Certificates of Death or other forms for completeness and accuracy prior to signing off and taking custody, maintaining an accurate and numbered record of each death, and registering the deaths and transferring the required forms to the Registrar General. All forms are maintained in a secure method with confidentiality maintained.

In addition, the Division Registrar is also responsible for issuing marriage licences in the Municipality. The Longlac Ward Office Clerk is also deputized for the purpose of receiving applications and issuing marriage licences.

Ontario Regulation 738 made under the *Marriage Act*, 1990 provides the Clerk of a local municipality the authority to solemnize marriages under the authority of a licence. Currently, civil marriage ceremonies by the Municipality are not available in Greenstone. In order to offer civil marriage solemnization, training would have to be undertaken and a licence obtained. Currently, there are officiants in Greenstone that will offer marriage solemnization under authority that has been obtained through their religious organization. Additionally, there are Officiants from outside Greenstone that have travelled to the area to perform civil ceremonies. Should Council determine that marriage solemnization services should be considered, there will be additional information and research required. This would include licencing, training, fees, and development of policies.

In 2023, Greenstone registered 70 deaths and processed 14 marriage licences. On average it takes approximately a half hour to process each registration or licence.

## **ACCESSIBILITY**

The *Accessibility for Ontarians with Disabilities Act*, 2005 (AODA) and Ontario Regulation 191/11 *Integrated Accessibility Standards* identifies mandatory accessibility standards to identify, remove and prevent barriers for persons with disabilities. Designated public sector organizations are required to have a multi-year accessibility plan in place which documents the organization's strategy to prevent and remove accessibility barriers. The Multi-Year Accessibility Plan is consistent with the principles of integration, independence, dignity and equal opportunity for all persons in the community. The Multi-Year Accessibility Plan was current until the end of 2023. The objectives of the Multi-Year Accessibility Plan have been met and have been noted in 2023 status report. Moving forward we will continue to work to improve on the strides we have made since implementing the plan in 2017. Plans must be updated every five years and a status report must be completed on an annual basis. Greenstone is committed to creating an inclusive environment for persons of all ages and abilities by providing services and facilities that are accessible to everyone. A new plan will be developed in 2024.

## **LOTTERY LICENCING**

The Municipality is authorized by Provincial Order-in-Council 1413/08 to issue lottery licences in compliance with the Alcohol and Gaming Commission of Ontario (AGCO). Some lotteries will be required to apply directly to the AGCO for the licence as it is above our lottery capped limits or a lottery that is still regulated by the AGCO. The Executive Secretary (Vacant Position) is designated as the Chief Lottery Licencing Officer responsible for issuing lottery licences in the Geraldton Ward and overseeing the Lottery Licencing Officers in the Nakina, Beardmore and Longlac Ward Offices. In the interim the Clerk has been acting as Chief Lottery Licencing Officer.

The Municipality can issue licences for bingo events with prize boards of up to \$5,500, raffles up to \$50k, Break Open Tickets, Bazaars, and Media Bingos. Local Charities rely on the Municipality to issue them lottery licences. If the Municipality does not issue them a lottery licence, they are not able to apply directly to the AGCO or another municipality for their licence. If licencing is to happen in Greenstone boundaries, then Greenstone needs to issue the licence, unless the desired licence type is still one that is only issued by the Province (e.g. progressive bingo) or the prize board is for an amount higher than municipalities are authorized to licence. If the Municipality were to refuse to issue lottery licences to eligible charities, we would be restricting access for these charities to raise funds on their own. This could result in the charity asking the Municipality directly for funds, or potentially dissolving the charitable organization as there are limited means for them to raise other funds.

Only established charitable and religious organizations are eligible to receive lottery licences. The primary purpose of the organization shall match one of the charitable object classifications such as the relief of poverty, the advancement of education, or any other charitable purpose beneficial to the community not falling under one of the other classifications. The Municipality is not responsible for educating the public on lotteries or gaming, or illegal lottery schemes. The Municipality is responsible for enforcing the terms and conditions of the Licences issued, and for ensuring Lottery Clerks are provided the tools and education needed to ensure lottery licences are being issued and reporting completed in compliance with the AGCO.

## **LEGISLATIVE SUPPORT**

The Clerk is generally responsible for drafting By-laws for Council approval. In 2023, 88 By-laws were prepared for Council approval. This process includes building accessibility features into each document for AODA compliance. More technical By-laws, such as the Official Plans, Zoning By-laws, or Disposition of Lands By-laws are often prepared by Lawyers or Planners to ensure that they are enforceable and consistent with applicable legislation.

The *Municipal Act* section 238 provides that every municipality shall pass a Procedure By-Law for governing the calling, place and proceedings of meetings, as well as requiring public notice of meetings. Greenstone has enacted By-laws 19-36 and 21-20 which include all the requirements of the *Municipal Act*.

The Clerk is well-versed in the Municipal governing by-laws and policies, and the *Municipal Act* and *Municipal Elections Act*. The CAO and other Directors, with support

from Lawyers or Planners, help interpret other legislation that applies to municipal operations such as the *Planning Act*, *Building Code*, *Fire Protection and Prevention Act*, or *Highway Traffic Act*. Legislation, especially the *Planning Act*, is constantly evolving and the most current version should always be reviewed on [eLaws](#) to ensure accuracy.

## COMMISSIONING

The process of commissioning involves the declarant or deponent bringing a document that requires the signature of a Commissioner of Oaths for Taking Affidavits (Commissioner) and signing the otherwise completed document in front of the Commissioner. The Commissioner will ensure the individual signing the document has read and understands the document they are prepared to sign and does not seem like they are being coerced into signing. The Commissioner will not assist the individual with completing the form or provide any advice. Once the individual signs the document, the Commissioner will review the signature and confirm the identity of the individual against the identification provided and will administer an oath or declaration to the individual. Once satisfied, the Commissioner will stamp, sign and date the document and payment for the service will be obtained.

Ontario Regulations 386/12 made under the *Commissioners for Taking Affidavits Act*, 1990 identifies Clerks, Treasurers, and their deputies as Commissioners for taking affidavits in Ontario by virtue of their office. In addition, the Regulation also notes that the Head of Council could also be a Commissioner by nature of their office. The Clerk, and Deputy Treasurer have stamps to act as Commissioners on behalf of the Municipality of Greenstone. Additionally, the Clerk has obtained appointments from the Attorney General for 3 additional staff. The Mayor is not assigned a stamp as the service is included in our Fees and Charges. In the future, should the Mayor wish to commission documents, the Municipality would have to ensure appropriate training and develop a system to recover the fees, or remove the fees for the service from the established fees and charges. When a new Commissioner is appointed, they are trained and shadow an experienced Commissioner until the point they are comfortable with the process and the Clerk is satisfied they understand the duty.

It should be noted that commissioning is not a legislated service, and does not need to be offered to the public. Additionally, the Municipality reserves the right to refuse to sign any document.

As per By-law 18-37 Greenstone Commissioners will not sign:

- Wills and living wills;
- Powers of Attorney;
- Divorce, separation or custody Agreements; or
- Documents requiring the Signature of a Notary Public.

These documents have a higher probability of escalation to legal matters. By refusing to sign these types of documents, we reduce the risk of being subpoenaed to Court regarding our involvement in commissioning the documents. The probability of being subpoenaed to Court is low for any document, as we are witnessing a signature only and not the contents of the document. We do retain a record for services performed limited to name, date and document type. The contents or copies of the document are not retained.

A total of 44 public documents were commissioned in 2023. Council approved an increase to the commissioning fee through the 2024 Fees and Charges By-law that brought the rate similar to comparator Municipalities. The general time for a commissioning appointment is generally less than ten minutes, and then payment is obtained which would take a few additional minutes. It is believed the service results in full cost recovery in most cases. Appointments are not necessary but are encouraged to ensure there is a Commissioner available. Commissioners for Taking Oath and Affidavit are not Notary Publics. Notary Publics are governed by the *Notaries Act* and would be licenced paralegals or lawyers. In addition to the same duties as a Commissioner, they can attest to the genuineness of documents including signatures and markings and certify and attest to the execution of a document.

## **OTHER DUTIES**

Aside from the statutory duties of the Clerk, the Office of the Clerk administers many other policies for the Municipality, including but not limited to Scholarship Awards, Expressions of Sympathy, Retirement Awards, Service Awards, Student Councillor and Flag Protocol. The Clerk also has duties related to policies on Complaints, Declaration of Municipal Significant Events, Council Remuneration and Travel and Expense Reimbursement for Members of Council, Officers and Employees of the Municipality.

## **KEY PERFORMANCE INDICATORS**

### **Freedom of Information Requests**

The Municipality encourages the public to contact the Clerk's Office for records of general information without submitting a formal Freedom of Information Request. If personal or third-party information is requested then a FOI request is required. This allows us to show our Document Centre within the Council Portal to the client explaining how our Records are stored for public review. This could include minutes, agendas, reports, or by-laws that have been published. Over the past year, the Clerk obtained one informal request for general records that was satisfied within a minimal time frame – less than one hour. There were no formal requests received.

Including Staff and Council, 2023 Statistics inside the Council Portal include:

- 17,475 unique visits exploring at least one specific area or more.
- Over 23,000 visits on the main page without navigating any further.
- 1678 - 2023 Council Agendas viewed
- 624 By-laws were viewed.
- 357 Meeting Minutes were viewed.

### **Records Retention**

Through developing our Document Centre on the Council Portal we are creating an accessible database– 2023 Statistics include:

- 2423 records were added to Document Centre of the Council Portal
- 41 Records of Destruction were processed in accordance with Policy 11-25
- 88 By-laws
- 468 Resolutions
- 34 Agendas Published
- 25 Conflict of Interest Disclosures

- 33 Regular Minutes Published

### **Accessibility**

The development of a new multi-year strategic plan is expected to create new key performance indicators for Accessibility. The new 2024 – 2028 Multi-Year Accessibility Plan will be completed in 2024 which will include engaging with persons with disabilities.

### **Reconciliation Action Plan**

The Reconciliation Action Plan has identified increasing the representation and role of Indigenous People on Municipal council, committees, and tribunals by reducing barriers in the appointment process and actively recruiting Indigenous Peoples. Council has supported a change to the Oath of Office, and as policies and procedures are developed, we will identify and work to break-down additional barriers that may exist to create safe spaces for Indigenous Peoples.

The Reconciliation Action Plan also identified expanding inclusion of Indigenous ceremonies, practices and protocols into official Municipal event. When significant Municipal events are planned, such as the Inaugural meetings or other important ceremonies, we will work to coordinate the incorporation of Indigenous ceremonies into the programs of these events.

Updating the Flag Protocol Policy as recommended to recognize the diversity of Greenstone and include the Every Child Matters flag to fly annually for the National Day for Truth and Reconciliation will also acknowledge Indigenous Peoples.

## **ASSET USE**

The Clerk's Office works out of the Greenstone Administration Office. General office space and office furniture along with information technology resources are used including the IT network, printers, laptop and phone. Additional IT resources are used in the Council Chambers to broadcast and record the proceedings of meetings of Council and share information with the public and Council including additional computers and hardware, sound and video technology and projection equipment. Council members are also provided with a laptop for use during the term.

Total asset value allocation is approximately \$100,000. General IT replacements are required to complete all functions.



## ANALYSIS

### Options:

#### Improving In-House Process and Performance:

### STATUTORY DUTIES

The Clerk is a statutory position as per Section 228 of the *Municipal Act* and every municipality in Ontario needs to appoint a Clerk by By-law. The Clerk's duties include attending all meetings of Council to perform the prescribed duties under Section 228, such as:

- (1)(a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
  - (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
  - (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
  - (d) to perform the other duties required under this Act or under any other Act; and
  - (e) to perform such other duties as are assigned by the municipality.
- (2) A municipality may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act. <sup>2</sup>

The Clerk is also mentioned in several other pieces of legislation as identified earlier. The *Act* further provides that Clerk can delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties under the *Municipal Act*, and other Act<sup>3</sup>. The Clerk has delegated to others in the past the duties of the Clerk, including identifying the individual as Acting Clerk during a planned absence. The Clerk is not required to be an employee of the municipality and a outside individual may be appointed the duty. The Clerk's additional responsibilities include preparing the Agenda for the Council meeting, as presenting notice of what will be talked about at a meeting is a requirement. The Procedure By-law includes deadlines for Agenda Items, as well as specifies when an agenda shall be posted in advance of a meeting.

- Staff Reports – Complete including revisions the Tuesday prior to the meeting
- Correspondence, Deputations, Petitions, Discussion Items – At noon on the Tuesday prior to the meeting
- Final Agenda Published – Thursday prior to the meeting

Maintaining the first two item timelines is imperative in ensuring that a completely reviewed agenda can be posted by Thursday. Depending on the size of the agenda, by-laws required, and items to be appended to existing reports, the agenda build process can take up to 14 hours. In order to ensure appropriate time for research, development

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<sup>2</sup> *Municipal Act*, 2001 s.228

<sup>3</sup> *Municipal Act*, 2001 s.228 (4)

and review of a Report, as well as to ensure other priorities or directives by Council are met, it is important that Reports are requested well ahead of when they are expected to be presented to Council. As noted previously, internally the process for the development of the Reports will change over the next year as we near the end of the SDR's so that Agenda's are reviewed internally by the Senior Team several weeks ahead of the Council meeting. Therefore, it should be expected that, unless there is a time critical or urgent Report required, requests for Reports should be made several months ahead of time.

Presently, there is no one trained in preparation of an Agenda as the back up was previously the Executive Secretary. In the Clerk's absence, someone still needs to prepare for the meeting, including building and publishing the agenda, and preparing the by-laws and resolutions. In the event of an unplanned absence, there needs to be an individual trained and prepared for the task, to ensure continued business of the Municipality is moving forward with confidentiality being maintained. As referenced in SDR-07 CAO and General Administration, there is a need for additional support in the Clerk's Office and other departments that do not have administrative support. Specifically in the Clerk's Office, support will include the need for confidential and sensitive information to be handled which could include records, complaints, Freedom of Information requests, or in camera reports for example. Through an internal realignment of the Executive Secretary position, the Clerk would work with the individual, and the other departments requiring support to train a well-rounded administrative support person capable of performing the Clerk's duties in the event of an absence.

**Recommendation: THAT** once the vacant Executive Secretary position is filled and realigned within the Clerk's Office that Council direct a By-law be brought forward to appoint the person as Deputy Clerk.

## **CORPORATE RECORDS MANAGEMENT**

Greenstone has custody of records dating back to the early 1900s. Historical records from the Vital Statistics Act, Councils of previous towns and townships, financial, tax and planning records fill the vault and two storage rooms at the Greenstone Administration Office. Additionally, there are several other locations located across Greenstone that still hold archival records including attics, storage rooms, closets, vaults or in some cases recreation centres. Greenstone needs to complete a review of our current print records to see what we are working with and where we can reduce the current records, where applicable, in order to be able to effectively maintain the Corporate records moving forward. Additionally, holding onto these records past their retention period could result in other issues. If a record is in our possession, we may have the responsibility to release the record. This can result in historical issues resurfacing and could end up creating significant expenses or repayments if certain items may be identified. Once a record is destroyed, the only record left is the record of destruction.

Record Information Management systems are available and are more complex than just a Document Centre or storage room storing records. By creating a completely new system to manage our records, retentions could be assigned to folders that identify when records can be destroyed, and an indexing system could be identified. We

currently use a manual tracking process to determine when records are destroyed.

Our Records Retention Policy meets current legislative requirements but doesn't specify how a record should be retained. A revised Records Retention Policy would enable some Corporate files to be moved to a digital only record retention requirement. For example, each agenda package is currently maintained in print, and maintained electronically. Having an electronic version would be sufficient as this is a static document and not evolving like a dynamic or living document would. Once published, unless addendums are issued there are no changes. Many of our records are physically printed and stored where an original is not required to be maintained by legislation. For example, many municipalities are moving away from printed resolution sheets. As motions are made and disposed of, the resolution become a part of the minutes, and the minutes are preserved indefinitely as the decisions of Council. Currently, Greenstone is not prepared to move forward with this change as our Council Chambers are not technologically well enough advanced. If there was a screen that showed each motion or amendment on the table, we could ensure we are capturing the right question as proposed. Having the amendments printed on paper ensures the Clerk is capturing the true motion that was presented, at this time requiring this to still be completed on paper. Given the changes in Information Technology and systems available, revising and enforcing a new records retention policy would reduce the burden of stale files that would need to be incorporated into a searchable database. Additionally, unless change is considered, Greenstone will be in the place of requiring additional corporate storage of files. Files such as by-laws and minutes are permanent signed and sealed records, and the original will need to be stored indefinitely. The current storage should account for these permanent documents for the foreseeable future.

We need to look at the security of our files. There is room for improvement in our Records Storage and Council will need to consider the issue for additional security including flood or fire control options for these permanent records.

The Municipality is in the process of having an Information Technology Master Plan developed, which is expected to provide recommendations for improvements on records management. A starting point is to review these recommendations from the Information Technology Master Plan and research an implementation plan to consider our options for optimizing our processes which is expected to include revisions to the Records Retention Policy to specify how our records will be stored, including which records will be retained in original state and which will be retained in digital format only as well as an education portion to train staff on the new processes so we are consistent across the Corporation. It is anticipated that the Information Technology Master Plan will identify the need for a more robust Record Management system.

Council may need to consider funding in the future to implement a Record Information Management (RIM) system. The Association of Managers, Clerks, Treasurers of Ontario (AMCTO) assisted in the development of one system known as The Ontario Municipal Records Management System (TOMRMS). TOMRMS specifically includes a classification and indexing system, a retention schedule compatible with current legislation, policies and procedures for records management. These tools bring the corporation into one system of filing for all records which helps enable the access of records across various departments as needed. It also supports employees moving from one department to another to understand the filing process allowing for more seamless

transitions throughout an employee lifecycle. Support would be required through this extensive transition as each department tends to file items the way that makes sense to them. RIM systems may also be capable of assigning retention periods to documents or permanently preserving documents against accidental or purposeful deletion. While it is not imperative to implement a whole system immediately, a classification system could be developed that mimics the full program. As time allows, Staff would have to review each and every file of the municipality and determine if it is eligible for destruction. Once these files are removed from records, the remaining items would all be scanned into the new filing system. At this time, when this is completed, the municipality could potentially look at implementing the full TOMRMS system, or another similar RIM. It is estimated, that if every file within our possession was reviewed, disposed of, or scanned into the system, it would take one employee at least one full year with no other responsibilities to complete the task.

**Recommendation: THAT** Staff research an implementation plan to consider how we can manage our records moving forward with recommendations arising from the Information Technology Master Plan, and revise and update the existing Records Retention Policy to align with the implementation plan.

## **MUNICIPAL ELECTIONS**

Elections are a mandatory and a critical service and are managed by the Clerk, who is known as the Returning Officer in the case of an election, with Deputy Returning Officers (DRO) and Election Officials (EO) assisting. Currently, a Deputy Returning Officer is assigned at each polling station who can assist with most elements of an election specific to that polling station, but not all aspects of the election. The Returning Officer coordinates the entire election including the results and financial reporting requirements and works with the Elections Auditor to ensure a transparent process is being followed. Some Municipalities appoint an Election Coordinator to work under the Returning Officer to help plan and ensure the Election runs smoothly. Preplanning involves but is not limited to creating forms, creating training materials and hosting training sessions for Election Staff, setting up polling stations, coordination and set up of IT needs, creating a Candidates Guide, receiving nominations and explaining the Candidates Guide and requirements to nominees, hosting Candidate Information Sessions, editing the Preliminary List of Electors (PLE) in preparation for the Voters List, ensuring all legislation is being followed, drafting the Elections Manuals and an Accessibility Plan and posting notices in accordance with the *Municipal Elections Act* among many other duties including post-election day. The Election must happen regardless of the Clerk being capable of working. A second person prepared and knowledgeable of all requirements and processes is ideal to ensure that the Election can proceed as planned regardless of circumstance. Relying on one individual to be the sole point person is not a recommended option. Planning an Election takes significant time and resources in the 18-months leading up to voting day and continues for approximately six months after the results have been determined.

New for the 2026 Elections, the responsibility for the provision of the preliminary list of electors (PLE) has been transferred to Elections Ontario from the Municipal Property Assessment Corporation (MPAC) effective January 1, 2024. Moving to Elections Ontario is expected to improve the initial PLE by having a single register for all elections combining municipal and provincial data and having a dedicated portal, team and

targeted registration advertising. By combining with the Provincial system, data will be integrated from MPAC, the Ministry of Health, Teranet, Canada Revenue Agency, the Ministry of Transportation, and Elections Canada. This will improve the initial PLE and reduce valuable staff time required to comb through the PLE identifying errors or anomalies and is also expected improve accuracy in first edition of the PLE since the information is recent from multiple sources. Since provincial and federal elections will precede the next municipal election, the quality of data we are expecting in our first PLE is expected to be excellent, with only more recent changes requiring additional attention. The Clerk has already completed the Elections Ontario initiation and training and is confident this will help contribute to a successful election.

**Recommendation: THAT** a Deputy-Clerk be appointed; who will train, plan, and assist in all aspects of the 2026 Election and act as the Deputy Returning Officer.

## **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

Freedom of Information and Protection of Privacy is legislated and is highly regulated. Failure to abide under the legislation may result in privacy complaints and disclosure decisions being investigated by the Information and Privacy Commissioner of Ontario (IPC). The IPC has the authority to conduct investigations, issue orders, enforce fines and review disclosure decisions. It is important that all employees understand the importance of confidentiality surrounding the protection of privacy. An employee awareness campaign, which includes training and advice should be developed so Staff understand what their positions are, and how we can and cannot share information or data within the Municipality's possession. For example, if the address has been provided for a baseball registration, it has been collected for that purpose. It is not information that the tax department would have access to. Delineating the lines between why information was collected and ensure staff know how to protect that information from both inside and outside sources is important to ensure privacy breaches are not inadvertently happening.

The *Municipal Freedom of Information and Protection of Privacy Act* also speaks to frivolous or vexatious inquiries. In the recent few years, the amount of frivolous or vexatious complaints, comments, inappropriate behaviours and correspondence has increased. Being exposed to these items can reduce morale, potentially leading to a high rate of turnover, affects recruitment, are burdensome when unnecessary causing lost staff time, and could potentially lead to a lawsuit if we are neglecting to protect our employees from harassment. While there are policies in place directly related to harassment in the workplace, many municipalities across Ontario have implemented an additional tool to aid in the protection of frivolous or unreasonable requests, complaints and communications. When information is presented to Staff and Council it should always be presented in a respectful manner. A Frivolous or Unreasonable Requests, Complaints and Communications Policy should be adopted to help inform the public that the Municipality is committed to providing exceptional customer service to members of the public while ensuring that municipal resources are used in an effective, efficient and timely manner.

**Recommendation: THAT** Council approve the draft Frivolous, Vexatious, Harassing or Unreasonable Requests, Complaints and Communications Policy as presented and direct the Clerk to bring a By-law to Council for final approval and enactment.

## **DIVISION REGISTRAR FOR DEATHS AND MARRIAGES**

This service level is prescribed by Legislation. The Clerk is developing detailed procedures for the full process of issuing marriage licences and death certificates. There is a pilot program that the Registrar has launched for marriage licences to specific municipalities. Kenora is participating in the Pilot and has reported that it is proving to reduce errors in both applications and licences and they are excited about the program. When the program is rolled out to additional municipalities we will look at being included in the rollout.

Death registrations are sent in on paper to the Registrar General and the municipality only keeps the vital statistics in a paper ledger. Most municipalities in Ontario have moved to a computer program and Greenstone will be required to move also as the ledgers are no longer available. This is a capability of the Stone Orchard Software that is a part of the 2024 Capital Budget.

## **ACCESSIBILITY**

The service levels are prescribed by legislation. Once the development of the new 2024-2028 Multi-Year Accessibility Plan is completed, target requirements will be identified and Staff can develop a progress report to track key initiatives and their development. In our review at the end of 2023 we were compliant with legislation, but we will need to develop a new Multi-Year Accessibility Plan in 2024 to remain compliant.

## **LOTTERY LICENSING**

The position of Chief Lottery Licencing Officer was delegated to the Executive Secretary. When this position is replaced, the duties will revert to the realigned position. Since there are not many licences issued within some of the wards in Greenstone, an individual who is active in licensing and the processes is necessary to assist and oversee the other officers as needed. The Lottery Licensing Manual is a large document, but the eligibility requirements are quite detailed. Once a Chief Lottery Licencing Officer is identified in the filling of the Executive Secretary position, the individual will require training to ensure they are comfortable with the process. Support from the Clerk will continue until the replacement is confident in the role.

In 2023, there were 9 lottery licences issued. Prior to COVID, there were more active eligible charity groups in full operation running various lottery schemes on a regular basis. Moving into 2024 we anticipate seeing more applications for lottery licences as this is a way that charities can raise funds. Training has been nonexistent during the COVID years through the AGCO or AMCTO, but the Beardmore Lottery Licencing Officer was able to finally attend a training in the fall of 2023. AMCTO noted that the session that was offered on Lottery Licencing filled up immediately and they are looking at adding more dates in the future. We have access to a Senior Eligibility Officer at the AGCO who has been very helpful over the years in answering all our questions and helping interpret the AGCO policies.

## **LEGISLATIVE SUPPORT**

The current Procedure By-law was adopted in 2019. There have been some legislative changes since the passing which should be updated, but the Clerk has also been keeping a listing of items that have been identified as requiring clarification, amendments, removal, or addition. It is standard practice to update the Procedure By-law to ensure that it remains consistent with legislation and is meeting the needs of the municipality.

**Recommendation:** **THAT** Council direct Administration to review the Procedure By-law and bring a revised draft Procedure By-law to Council for their further consideration by September 2024.

## **COMMISSIONING**

Commissioning municipal documents will always be required. Commissioning public documents is not required. Commissioner of Oath Services have been offered by Greenstone in the past as a convenience. Commissioning services are also offered locally at the Kinne-Awaya Legal Clinic by appointment in the Geraldton Ward, and limited items can be commissioned at the Service Ontario office. It is the recommendation of the Clerk to continue offering Commissioning Services at the same level of service, as it is not labour intensive, is estimated to be very close to cost neutral, and is convenient for our residents. The fees will be reviewed again prior to bringing the 2025 Fees and Charges to Council for consideration to ensure we are still similar to comparator municipalities.

## **FLAG PROTOCOL**

The Office of the Clerk administers the Flag Protocol Policy. Through the Reconciliation Action Plan, the Flag Protocol was identified as a policy that needed updating. There are different avenues the municipality can take when considering a new Flag Protocol Policy. The current Flag Protocol identifies four flags which shall be displayed depending on the availability of poles: the Canadian Flag, the Provincial Flag, the Municipal Flag and the Franco-Ontarian Flag. There are rules that govern how a flag shall be flown in Canada, such as placement and order of flags, and flying more than one flag on a flagpole. The Canadian Flag shall always be the sole flag on its own pole in the place of honour. Depending on the amount of poles present, the place of honour will vary. When two poles are present, the place of honour is on the leftmost pole of the viewer, when three flags are flown, the position of honour is the centre, with the Provincial flag located to the left and the Municipal flag to the right of the viewer. When more than three flags are flown, the position of honour is the leftmost of the viewer. Generally, it is proper protocol for each additional flag to also have its own pole. Past practice is to not share poles with the Canadian or Provincial flag and only allow special community flags to be flown beneath the Municipal flag. Our current policy identifies the Franco-Ontarian flag to fly beneath the Municipal flag. The current policy also allows for additional requests for other flags to be flown upon approval.

The Reconciliation Action Plan identifies celebrating and acknowledging National Truth and Reconciliation Day on September 30 including flying the Every Child Matters Flag.

The Corporate Strategic Plan identifies Indigenous Community Engagements and Partnerships as a goal and in objective 6.3. Council commits to recognizing, acknowledging, and increasing public awareness of truth and reconciliation and the impacts to Indigenous peoples. By flying the Franco-Ontarian Day throughout the year, we are recognizing one demographic on a year-round basis which may be considered as not acknowledging other demographics, including Indigenous peoples. There are other days of the year where the Franco-Ontarian flag may not be the most appropriate choice such as National Day for Truth and Reconciliation or Indigenous Day. Council is committed to Reconciliation as part of its Strategic Plan, and reserving and flying one additional and identified flag below the municipal flag year-round is not keeping with reconciliation. The Reconciliation Action Plan identified flying the Every Child Matters flag in September. Since Franco-Ontarian Day is also in September, this is where the need for a new Flag Protocol Policy was identified. Greenstone is diverse and shall reserve room to accept special requests from other interest groups or demographics in accordance with municipal policy, or to fly other flags specified at the direction of Mayor and Council. Since proper protocol is to only fly one flag per pole, flying two year round isn't entirely proper, and recommended only on a temporary basis, or not at all.

The Municipality has many flagpoles as follows:

- Beardmore – 1 Beardmore Ward Office
- Longlac – 3 at the Tourist Information Centre and 1 at the Longlac Ward Office
- Geraldton – 3 at the Greenstone Administration Office, 2 at the Renald Y. Beaulieu Greenstone Regional Airport and 3 inactive poles at the Interpretive Centre awaiting removal
- Nakina – 0 (the flagpole at the Nakina Ward Office was removed after damage and requires replacement)
- There are also four flag podiums in Council Chambers.

It is anticipated that when removal is coordinated at the Interpretive Centre, one of the poles may be used to replace the pole that was located at the Nakina Ward Office. If this coordination is not possible, a replacement pole should be ordered for the Nakina Ward Office. Flagpoles are very costly and require special equipment to install or remove, including heavy machinery to lift or lower the pole, concrete pilings, and proper ground preparation. Failure to properly prepare and install the pole may result in premature failure, or a safety hazard. The cost of replacing one pole is estimated between \$10,000 and \$20,000 depending on the pole selected and installation requirements necessary. One option is to install additional poles at locations across Greenstone that allow more than the four flags currently identified in the policy to be flown, each on a separate pole.

Another option is to adopt a new flag protocol policy, of which a draft recommended option is attached. Currently, the present policy identifies the Franco-Ontarian flag to fly year-round. Greenstone recognizes the diversity of our region. Since there are three poles available at the Greenstone Administration Office, it is proposed that additional flags including the Every Child Matters flag, the Franco-Ontarian flag or special request flags are only flown at this central location below the municipal flag. The special flags would be flown for up to five days, or until such a time as Staff can accommodate removal during regular business hours. For the remainder of the year, the Canadian, Provincial and Municipal flags would be the sole flags flying on each pole which aligns with the Department of Canadian Heritage, and reduces stress on the pole. This would



result in additional flags not being accommodated at other wards unless by direction of Council and would also result in the Franco-Ontarian flag not being flown on a year-round basis. The draft policy identifies the occasions where the flag would be flown at half-mast which is reduced from the current policy. The half-masting of a flag is identified by the Department of Canadian Heritage as a well-established practice that bestows an honour and expresses a collective sense of sorrow. It is noted it should be used in limited circumstances to preserve the importance of the event, by specifying a list of the circumstances we will lower our flags to the half-mast position, we are reserving this as a symbol of true honour. When a flag is placed at half-mast, a communication will be created on the website identifying the reason of the half-mast flag. Staff time to raise and lower flags across Greenstone should be considered. The Parks and Recreation staff are responsible for the raising and lowering of flags, and this is not their primary focus, and should not be taking significant time away from their regular duties.

**Recommendation: THAT** Council approve the new draft Flag Protocol as presented and direct the Clerk to bring a By-law to Council for final approval and enactment

## **OTHER DUTIES**

Aside from the statutory duties of the Clerk, the Office of the Clerk administers many other policies including the Flag Protocol as mentioned above, Service Awards, Retirement Awards, Scholarship Awards, and Expressions of Sympathy. Since these policies are dated, they all require a full review. The first Policy under review is the Flag Protocol. A draft policy is attached for review.

## **Cost Avoidance: Operating Costs and Capital Investments:**

There is not a lot of area for cost avoidance in the Clerk's Office. Most items are statutory or required.

## **Enhancing and Expanding Service Levels:**

It is recommended that the service levels remain at the same levels as currently offered in all areas. The Municipality maintains a very informative website including news and notices, social media feeds and an active communications program. Resident to Councillor engagement could be further strengthened by encouraging sharing municipal media posts, referring residents to the website and encouraging subscriptions to the Council portal and the Municipal website.

## **Alternative Service Delivery Including Shared Services or Contracting Out:**

As noted earlier, the Clerk is a statutory position and has many associated duties. The Clerk however does not need to be a municipal employee as per Section 228 (3) of the *Municipal Act*. Contracting out the position would require one identified individual to be appointed by by-law, which would in effect just remove the employee to a contract employee. It is assumed it would leave the municipality in a bind as there would be no continuity or support within the organization from an individual who is well versed in aspects of the Corporation. Therefore, this is not a recommended option.

### **Service Structure and Staffing Realignment:**

As noted above, the Clerk needs administrative support, and the role of the Clerk also needs an active succession plan. It is critical that the municipality determine and appoint a Deputy-Clerk to ensure the continuity of services should the Clerk not be able to act in the Clerk's Office to perform the statutory duties. The day-to-day operations, administrative functions, records keeping, and other support services that the Clerk's Office offers take focus away from other statutory duties. The Executive Secretary to the CAO/Council is currently a vacant position. By realigning the position to work under the Clerk as Executive Secretary/Deputy Clerk, administrative support would not only be provided to the Clerk, but also to other departments heads that require administrative support, such as the CAO, Fire Chief, Chief Building Official or Human Resources Manager. The Deputy Clerk would be able to carry out the duties of the Clerk during an absence, in accordance with Municipal policies and the *Municipal Act*, *Municipal Elections Act* and other relevant legislation. The position would also recover the duties of the Chief Lottery Licencing Officer as done previously.

### **Discontinuing the Service (if applicable):**

Discontinuing the services of the Clerk is not an option due to legislative requirements.

## **FINANCIAL IMPACT**

### **Records Management**

Although there are no direct costs at this time to complete an implementation plan and review of the policy, there is an expectation that costs will be incurred in 2025 and beyond to complete the project. This will include costs to digitize existing paper records and to obtain software to save all the electronic records and manage the retention period of documents.

### **Flag Policy**

Passage of the policy as drafted by staff will ensure cost avoidance in the future. Should the policy not be approved, additional poles would be required to ensure compliance with best practices and alignment with the Department of Canadian Heritage. Typically, new flag poles cost between \$7,000-\$9,000 plus the cost of installation.



MUNICIPALITY OF  
**GREENSTONE**

**Municipality of Greenstone Policy Manual**

<b>Subject:</b> Flag Protocol	
<b>Number:</b>	<b>Section:</b> Administration
<b>Original Effective Date:</b>	<b>Last Revised/Approved Date:</b>
<b>Approval Authority:</b> Council	

**Purpose:**

The purpose of this policy is to ensure that all flags flown at municipal facilities are flown in a consistent and respectable manner, and to provide direction to Administration on displaying additional flags on municipal flag poles besides Federal, Provincial or Municipal flags.

The policy will establish a framework to govern flag raising requests received from community groups which shall foster a sense of community, and enhance public awareness of activities such as national holidays or multicultural events which may or may not occur with a ceremonial event.

The policy will determine occasions when the flags will be flown at half mast.

**Application:**

- The policy is applicable to all municipally owned flagpoles, and will govern the raising and half-masting of flags.

**Policy Statement/s:**

- 3.1 The Corporation of the Municipality of Greenstone recognizes the importance of flags to groups of people, agencies, organizations and community groups, as well as expressing a collective sense of sorrow and respect, recognized by lowering flags to half-mast. All flags shall be flown in accordance with the manner outlined by the [Department of Canadian Heritage](#).

**Definitions:**

- “National Flag” or “Canadian Flag” means the flag approved by the Parliament of Canada as a national symbol of Canada.
- “Provincial Flag” means the flag approved by the Legislative Assembly of Ontario as a provincial symbol of Ontario.
- “Municipal Flag” means the flag adopted by the Municipality of Greenstone Council as a symbol of the Municipality.
- “Community” or “Special Flag” means a flag representing another agency or organization
- “Every Child Matters Flag” means the flag that honours the children who never returned home and Survivors of residential schools, as well as their families and communities.
- “Franco-Ontarian Flag” means the flag recognized as the emblem of the Ontario French-speaking community.

### **Policy:**

The Canadian Flag, the Provincial Flag, or the Municipal Flag shall be the only permanent flags flown on Municipal flagpoles.

- Where there is only one pole, either the Canadian or Municipal flag may be the sole flag flown. At no time will both flags be flown together on the same pole.
- Where there are two poles present, the Canadian and Municipal flag shall be the sole flags flown. The Canadian flag shall take the position of honour to the left of the observer.
- Where three poles are present, the Canadian, Provincial and Municipal flags shall be the sole flags flown with the exception of the Greenstone Administration Office. From the view of the observer, the position of honour on the centre pole shall be reserved for the Canadian flag, the leftmost pole shall be the Provincial flag, and the rightmost pole shall fly the Municipal flag. At the Greenstone Administration Office, the flagpole flying the Municipal Flag shall be designated as the community flag raising pole for the Municipality of Greenstone and will accommodate any additional flag flown beneath the municipal flag, on a temporary basis, by approved special request in accordance with this Policy, or as directed by Council for up to 5 business days, or until such a time as the flag can be removed during regular business hours.

### **Community or Special Requests**

Flag raising requests from an Agency or Organization wishing to raise their flag at the Greenstone Administration Office to mark an event will be received by the Clerk.

Community flag raisings, Every Child Matters flag, and the Franco-Ontario flag will only be accommodated at the Greenstone Administration Office building during regular business hours. The additional identified flag, as approved through a Special Request or otherwise directed by Council, will fly below the Municipal flag on a temporary basis only.

The special request shall be submitted 4 weeks in advance of the required date in writing and shall include:

- Name of the requesting organization
- Contact information including phone and email
- Requested event or occasion
- Date or time period of the event or occasion
- Description of the applicant organization including local affiliation, brief history, and any other relevant information.

The criteria for approving or denying a request to have a community flag displayed will be:

- Submission on behalf of a local agency or organization;
- Requests for Flags of charitable organizations and public awareness campaigns that align with the Human Rights Code;
- Requests in honour of national or independence days important to the residents of the Municipality;
- Requests in support of fund-raising drives important to the residents of the Municipality;
- Requests to celebrate multi-cultural and civic events important to residents of the Municipality.

At no time will the Municipality fly a special flag for:

- Political parties
- Religious groups
- Supporting fundraising drives that are political or religious in nature
- In support of groups or organizations or events that promote beliefs contrary to Municipal By-laws or Policies

The Clerk will review the request for compliance and present to the CAO for final decision. If approved, the applicant will be required to provide the flag (36"x72" or smaller with attached metal grommets) to the municipality in advance of the event. The Applicant will also be responsible for retrieving the flag following the removal. Special request flags from organizations shall only be flown once per calendar year. Requests will be processed on a first come, first served basis. For requests for flag raisings outside of normal business hours, the applicant may be responsible for staff overtime charges involved.

Community flags shall fly for up to five days, or until such a time as the flag can be removed during regular business hours.

The Clerk will be responsible for providing advice, as necessary, on the applicability of any of the above criteria to any application received for a community flag raising.

The Municipality reserves the right to determine which flags shall fly on Municipal flagpoles.

### **Every Child Matters Flag and Franco-Ontarian Flag**

The Franco-Ontarian flag will accompany the Municipal flag for a period of up to five days which shall include September 25th annually in recognition of Franco-Ontarian Day.

The Every Child Matters flag will accompany the Municipal flag for a period of five days including September 30th annually in recognition of National Day for Truth and Reconciliation.

### **Lowering of Flags to Half-Mast**

The half-masting of flags will be used in limited circumstances and will be reserved as an act of honour expressing a collective sense of sorrow, marking a time of official mourning or commemoration.

Flags shall be lowered to half-mast position, where it is feasible to do so, upon notice of the death of the following persons:

- The Sovereign;
- The Governor General of Canada, or a former Governor General;
- A past or present Canadian Prime Minister or Premier of Ontario;
- A present sitting area MP, MPP or Member of Council for the Municipality of Greenstone;
- Past Mayor of Greenstone and previous amalgamated towns and townships;
- Present day employees of the Municipality;
- As directed by Proclamation from the Governor General of Canada or Lieutenant Governor of Ontario;
- As directed by Mayor and Council or the Chief Administrative Officer.

Timing: Flags shall be lowered after notification of death, up to and including the date of the funeral or to a maximum of one week unless otherwise specified, unless protocol or a proclamation determines otherwise.

Flags flown at municipal buildings and facilities shall also be lowered to a half-mast position to observe:

- Workers' Day of Mourning on April 28
- Remembrance Day on November 11

The Clerk, in consultation with the Chief Administrative Officer or designate, shall direct staff in the raising/lowering of the flags. Flags will only be raised and lowered as soon as reasonably possible or during regular business hours. Special requests outside these hours may result in staff overtime charges. When a flag is flown at half-mast a notice will be posted on the website specifying the event.

### **National Flag**

- The National Flag of Canada shall be displayed only in a manner befitting the national emblem.
- It shall not be subjected to indignity or displayed in a position inferior to any other flag or ensign.
- The Canadian Flag always takes precedence over all other national flags when flown in Canada. The only flags which take precedence are the personal standards of members of the Royal Family and the current Reigning British Monarchy's representatives in Canada.
- No other flag shall accompany the Canadian Flag on a single pole.
- The Canadian Flag shall always be flown aloft and free.

- When the Canadian flag becomes tattered and is no longer in a suitable condition for use, it should be destroyed in a dignified way as outlined by [National Flag of Canada Etiquette](#).

### **Municipality of Greenstone Flag**

- The Municipal flag will be flown at ward offices and other municipal buildings where there are flagpoles to do so.
- Where there is only one flag pole, either the Municipal or Canadian Flag shall be flown.
- At locations with three flag poles, the following will be displayed:
  - Canadian Flag
  - Province of Ontario Flag
  - Municipal Flag (The Greenstone Administration Office Municipal Flag may be accompanied by a community flag flown immediately below)
- The Municipal Flag shall be flown or displayed properly and treated with dignity and respect.
- The Municipal Flag shall not be used for commercial purposes by any organization.
- The Municipality of Greenstone reserves the right to refuse, deny or restrict the use of the Municipal Flag with respect to where or how it will be flown or displayed.
- The Municipality of Greenstone will allow the use of the Municipal flags to celebrate Greenstone's diversity, and honour those who have contributed to the life of the amalgamated municipality, upon approval to be determined by the Mayor or CAO
- The flying of flags at any municipal facility will not be contrary to the principles of this or any other Greenstone policy.

### **Protocol**

1. Flags will be flown and displayed in accordance to the manner outlined by the Department of Canadian Heritage ([www.pch.gc.ca](http://www.pch.gc.ca)).
2. Where the Municipality of Greenstone Flag is flown or displayed with the Canadian Flag, the Canadian Flag will take the place of honour, which is to the left of the observer of the flags and the Municipality of Greenstone Flag on the right (two flagpoles).
3. Where the Municipality of Greenstone Flag is flown or displayed with the Canadian Flag and Province of Ontario Flag, the Canadian Flag will occupy the centre position to the observer of the flag, the Province of Ontario to the left and the Municipality of Greenstone Flag to the right.
4. Where multiple flags are to be raised and lowered, and where it is not possible to perform this task at the same time, the flags will be raised and lowered in accordance to rank, with the Canadian Flag first, followed by the Provincial Flag, the Municipal Flag, and other community flag.
5. Where an official representative of a Canadian province or another country is visiting the Municipality of Greenstone, that province/country flag may be flown if directed by Mayor and Council or the CAO.

### **Flag Handling**

The Parks and Recreation department will be responsible for the half-masting and replacement of flags. When a flag becomes tattered and is no longer in a suitable condition for use, it will be destroyed in a dignified manner.

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MUNICIPALITY OF  
**GREENSTONE**

**Municipality of Greenstone Policy Manual**

**Subject:** Frivolous, Vexatious or Unreasonable Requests, Complaints and Communications Policy

**Number:** 24-XX

**Section:** Administration

**Original Effective Date:**

**Last Revised/Approved Date:**

**Approval Authority:**

**Purpose:**

The purpose of this policy is to guide in the identification of criteria and situations in which requests, complaints and other communications of the public are frivolous, vexatious, harassing, unreasonable, repetitive, and/or persistent, in consideration of the circumstances. Further, this policy establishes the actions and procedures that may be taken when such requests, complaints or other communications are found to be unreasonable, frivolous, vexatious and/or harassing.

This policy is meant to contribute to the Municipality's continued provision of service and use of municipal resources in a timely and effective manner while maintaining a safe and healthy workspace for councillors, employees and agents.

**Application:**

This policy applies to all councillors, employees and agents of the Municipality and to all members of the public, as the context requires; it applies to all forms of communication, including written, printed, electronic, online, verbal, telephone, and in person communications, including participation at public meetings; and it applies in all Municipality buildings, lands and all other locations referenced in this Policy.

It is intended to be supplementary to all applicable legislation, including the Municipal Freedom of Information and Protection of Privacy Act, the Occupiers' Liability Act and the Occupational Health and Safety Act and all policies that have been adopted under such legislation. It is also intended to be supplementary to any incidents that occur that require police intervention.

**Policy Statement/s:**

The Corporation of the Municipality of Greenstone (the “Municipality”) is committed to providing exceptional service to members of the public while ensuring that municipal resources are used in an effective, efficient and timely manner. This policy is consistent with these values by addressing and outlining the procedure for dealing with frivolous, vexatious, harassing and unreasonable requests, complaints and other communications from members of the public that consume a disproportionate and unreasonable amount of time.

### **Definitions:**

“**Chief Administrative Officer**” means the Chief Administrative Officer of the Municipality or his or her designate;

“**Clerk**” means the Clerk of the Municipality or his or her designate;

“**Council**” means the Council of The Corporation of the Municipality of Greenstone;

“**Council Member**” means an individual member of Council, including the Mayor;

“**employee**” means all full-time, part-time, temporary, and seasonal employees of the Municipality and includes staff hired on a contract basis for a defined period of time, volunteers and students;

“**frivolous**” includes a complaint or request, or a series of complaints or requests, from a Requestor, individually or collectively with others, that: has no serious purpose or value; is trivial or meritless on its face and the investigation of it would be disproportionate in terms of time and cost; is without probable cause; is without merit or substance; constitutes part of a pattern of conduct that amounts to an abuse of the right of access; interferes with the operations of the Municipality; and/or is made in bad faith for a purpose other than to obtain access;

“**harassment/harass**” means engaging in a course of behaviour, or making a comment or behaving in a manner that is or ought reasonably to be known to be unwanted; it includes but is not limited to any behaviour, conduct or comment that is directed at or is offensive to another person:

- on the grounds of citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment), as well as any other grounds under the provisions of the Human Rights Code; or
- which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient;

**“Requestor”** includes a member of the public who makes any request or complaint to the Municipality or otherwise communicates in any way with any employee or member of Council of the Municipality;

**“staff”** means one or more employees of the Municipality;

**“unreasonable”** includes a complaint, request or other type of communication from a Requestor, acting individually or collectively with others, that is likely to cause distress or disruption to the Municipality, its councillors, employees and/or agents without any proper or justified cause and includes frequent and/or repeated behaviour that, because of the nature or frequency of a Requestor’s contact with the Municipality, negatively affects the ability to deal with the complaint, request or other communication, or those of others, or interferes with the operation of the Municipality;

**“vexatious”** includes a complaint or request that is without merit; that is pursued in a manner that is malicious; that is intended to inconvenience, embarrass or harass the recipient; or is part of a pattern of conduct by the Requestor, acting individually or collectively with others, that amounts to the misuse of the municipal resources, processes and/or procedures.

## **Policy:**

### **1.0 EXAMPLES OF FRIVOLOUS, VEXATIOUS, HARASSING AND UNREASONABLE REQUESTS, COMPLAINTS AND OTHER COMMUNICATIONS**

Examples of what might be considered frivolous, vexatious, harassing or unreasonable requests, complaints or other communications are provided below. The list is not exhaustive, nor does a singular action set out below necessitate the application of this policy:

- requests, complaints or other communications concerning an issue that has already been investigated by the Municipality or that is substantially similar to an issue that the Municipality has already investigated;
- unreasonable conduct that is abusive of the process for responding to requests, complaints or other communications, including, but not limited to:
  - harassing, verbally abusing or otherwise seeking to intimidate staff dealing with a complaint, request or other communication;
  - excessive or multiple lines of enquiry regarding the same issue while a request, complaint or other communication is in the process of being investigated;

- repeatedly challenging the findings of an investigation, complaining about the outcome and/or denying that an adequate response has been given; and
  - refusing to accept that an issue falls outside the scope of the Municipality's jurisdiction;
- making unreasonable demands to the Municipality, for example, by:
  - pressuring councillors, employees or agents of the Municipality to respond to requests, complaints or other communications within an unreasonable timeframe;
  - making statements or providing representations that the subject person knows or ought to know are incorrect or persuading others to do so;
  - demanding special treatment from employees by, for example, not following the normal chain of command and immediately demanding to speak to a manager or supervisor;
  - using new requests, complaints or other communications to resurrect issues which were investigated and completed previously;
  - changing the basis of the request, complaint or other communication as the investigation progresses and/or denying statements made at an earlier stage;
  - refusing to co-operate with the investigation process while still wanting the issue to be resolved;
  - failing to clearly identify the precise issues of the request, complaint or other communication despite reasonable efforts of staff to obtain clarification of the concerns; or
  - providing false or misleading information;
- behaving in an abusive, aggressive, threatening, disrespectful or intimidating manner, through written or verbal communication; engaging in discriminatory conduct, harassment or bullying, whether verbal, written or physical; using profanity, rude, inappropriate, coarse or offensive language; name calling; and/or yelling and/or shouting while accessing a Municipality program, service, event or facility;
- inappropriate physical behaviour or any act that gives rise to concern for public safety, including loitering; causing a disturbance; acting under the influence of alcohol and/or drugs while attending Municipality Premises; approaching an individual in an aggressive or intimidating fashion; throwing objects in a

deliberate or aggressive manner; spitting; unwelcome touching; and/or striking or assaulting anyone;

- engaging in illegal activity, including theft, possession of weapons, and vandalism on Municipality premises;
- attending, without having been invited, the private residence or private property of councillors, employees or agents of the Municipality for purposes connected to municipal government;
- posting libelous statements or private information about councillors, employees or agents of the Municipality in a public or private forum, or posting abusive or disrespectful comments about councillors, employees or agents of the Municipality;
- unreasonably fixating on a councillor, employee or agent of the Municipality or filing complaints about councillors, employees or agents of the Municipality that are frivolous, vexatious, harassing or unreasonable in nature;
- making unjustified complaints or derogatory comments about staff who are trying to manage an issue and seeking to have them replaced;
- making excessive demands on the time and resources of the Municipality, so as to create a high volume or frequency of correspondence, or mingling requests with accusations and complaints;
- any intentional or repeated act that violates municipal permits, policies, or by-laws;
- knowingly making or using falsified documents;
- submitting requests, complaints or other communications that are intended to cause maximum inconvenience, disruption, or annoyance;
- making excessive demands on the time and resources of councillors, employees or agents of the Municipality with lengthy or excessive phone calls, emails, voicemails, visits, or letters, or expecting immediate responses;
- recording meetings or conversations without authorization;
- emailing or otherwise circulating information or photos of a councillor, employee or agent of the Municipality in a disrespectful way; and/or
- submitting requests that lack any serious purpose or value, particularly when combined with one or more of the listed factors in this policy.

## **2.0 RESPONSIBILITIES**

### **2.1 Employees**

Employees are to have knowledge and understanding of the purpose of receiving requests, complaints and other communications, the process through which requests, complaints and other communications are to be made and the service standards that apply to them. They are to be aware of this policy and any accompanying guidelines and protocols.

### **2.2 Directors, Managers, Supervisors**

Directors, managers and supervisors are responsible for ensuring that relevant employees are aware of and trained on this policy and any accompanying guidelines and protocols.

### **2.3 Chief Administrative Officer and Municipal Clerk**

The Municipality CAO and Clerk are responsible for consulting with directors, managers, supervisors and employees; ensuring this policy is applied organization-wide and adhered to by all employees; and clarifying and updating this policy as needed.

### **2.4 Members of Council and Committees**

Members of Council and Committees will consult with the CAO and the Integrity Commissioner, if necessary or advisable, regarding cases of unreasonable behaviour and/or frivolous, vexatious or harassing action that the member wishes to address, as described in this policy.

### **2.5 Members of the Public**

Members of the Public are asked to recognize that the Municipality must consider the needs of the whole community. They are to provide respectful communication with a goal to improving services and ensuring the efficient operation of the Municipality.

## **3.0 PROCEDURE/STEPS IN ADDRESSING THE CONDUCT/BEHAVIOUR**

### **3.1 Identifying the Conduct or Behaviour and/or Classifying Requests**

A decision to deny a Requestor's request or complaint, or a decision to not respond to a communication of a Requestor, because such request, complaint or other communication is frivolous, vexatious, harassing or unreasonable could have negative consequences for that person, including restricting access to information, or to Municipal services, facilities and councillors, employees and agents of the Municipality. One must reasonably take into account the circumstances of the behaviour and conduct of the person making the request, complaint or other communication when exercising discretion under this policy.

It may be established that a request, complaint or other communication is frivolous, vexatious, harassing or unreasonable through a record of documented written communications, notes indicating the conduct or behaviour, letters, or other documented information in existence.

The decision may be as a result of a pattern of conduct when, on several occasions, a person, acting alone or with others, engages in one or more behaviours or actions identified as unreasonable, frivolous, vexatious or harassing or it may be a single significant incident that requires the invocation of this policy.

### **3.2 Employee Review**

If an employee believes that a request, complaint or other communication is frivolous, vexatious, harassing or unreasonable, the employee should consult with his or her manager or direct supervisor, provide any supporting materials and advise the manager or direct supervisor of any steps that have been taken thus far to resolve the issue.

Supporting information may include the following:

- copies/records or notes respecting the communications;
- dates/times of the communications;
- correspondence that has been exchanged with the Requestor;
- the number of requests, complaints or other communications that the Requestor has brought and the status of each;
- the nature of the Requestor conduct or behaviour; and
- a list of other branches/departments and employees the Requestor has also contacted.

### 3.3 **Manager or Supervisor Review**

Managers and supervisors shall review the information provided by the employee and act in a timely manner to determine whether the request, complaint or other communication has been dealt with properly and in line with the relevant procedures or whether the Requestor's conduct warrants the application of any restrictions in accordance with this policy and work with employees to determine the appropriate restrictions or to modify or discontinue the restrictions.

### 3.4 **Notice**

When a decision has been made to classify the Requestor's conduct as frivolous, vexatious, harassing or unreasonable, the employees shall provide the Requestor with written notice, which may be delivered via email, in person, by fax or by registered or regular mail; such notice should include:

- the reasons for the decision;
- the restrictions to be applied; and
- the review date.

### 3.5 **Restrictions**

Actions available under this policy may include, but are not limited to:

- limiting the Requestor's correspondence with staff to a particular format (e.g. email only with a particular email address), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may last no longer than ten minutes);
- limiting the Requestor to a particular point of contact at the Municipality;
- limiting the Requestor's interactions through social media with the Municipality;
- requiring any face-to-face interactions between the Requestor and any councillor, employee or agent of the Municipality to take place in the presence of an appropriate witness;



- requiring that the Requestor produce full disclosure of documentation or information before staff will further investigate a request, complaint or other communication;
- not responding to further correspondence from the Requestor regarding the request, complaint or other communication, or a substantially similar issue;
- not investigating any request, complaint or other communication regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated;
- reducing or completely ceasing to respond to further requests, complaints or other communications from the Requestor, whether acting individually or collectively with others;
- closing the matter;
- limiting or regulating the Requestor's use of municipal services, including community centres, and access to technology systems;
- refusing the Requestor's access to any municipal buildings except by appointment;
- informing the Requestor that further contact on the matter of the request, complaint or other communication will not be acknowledged or replied to;
- pursuing legal action;
- blocking emails being received by the Municipality, its councillors, employees or agents; and/or
- other actions as deemed appropriate.

### **3.6 Review of Restrictions**

When any restrictions are put in place, a review date will be set and provided in the notice letter in accordance with section 3.4 of this policy. The review date will be based on the circumstances of the case depending on the severity of the situation. The status of the restrictions will be reviewed by the relevant manager (or designate) on or before the review date. The Requestor (where possible) will be informed of the outcome of the review.

The restrictions may extend beyond the review date where appropriate. The Requestor shall be notified of the extension and be given another date for review.

- 3.7 **Appeals** –Appeals can be to the CAO. Should the decision have been made by the CAO, an appeal can be made to the Mayor.

#### **4.0 MAINTAINING DETAILED RECORDS**

Employees shall maintain records of their interactions (emails, notes of telephone conversations, and notes of in-person discussions) to justify any action being taken to restrict the Requestor's access to the Municipality. Records will be retained in accordance with the Municipality's Records Retention Policy.

#### **5.0 MONITORING AND EVALUATION**

This policy shall be reviewed by the Municipality Clerk at least every three years to ensure its effectiveness and compliance with legislation and practices of the Municipality.