



CITY OF CORNER BROOK

Dear Sir\Madam:

I have been directed by His Worship the Mayor to summon you to a Regular Meeting of the Corner Brook City Council, to be held on **October 17, 2022** at **7:00 p.m.** **Council Chambers, City Hall.**

CITY CLERK

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**MINUTES OF A REGULAR MEETING OF
THE COUNCIL OF THE CITY OF CORNER BROOK
COUNCIL CHAMBERS, CITY HALL
TUESDAY, 20 SEPTEMBER, 2022 AT 7:00 PM**

PRESENT:		
Mayor	J. Parsons	R. Cumby, City Manager
Councillors:	V. Granter B. Griffin P. Keeping C. Pender	D. Charters, Director Community Engineering Development and Planning S. Maistry, Director of Finance and Administration M. Redmond, City Clerk J. Alexander, Seargent-At-Arms <i>Director of Public Works Water and Wastewater- vacant</i>
<i>Absent with Regrets: Deputy Mayor L. Chaisson, Councillor P. Gill and T. Flynn, Director of Protective Services</i>		

CALL MEETING TO ORDER: The meeting was called to order at 7:00 p.m.

22-141 Approval of Agenda

On motion by Councillor V. Granter, seconded by Councillor C. Pender, it is **RESOLVED** to approve the agenda as circulated. **MOTION CARRIED.**

22-142 Approval of Minutes [Regular Meeting August 15, 2022]

On motion by Councillor C. Pender, seconded by Councillor V. Granter, it is **RESOLVED** to approve the Minutes of the Regular Council Meeting of August 15, 2022. **MOTION CARRIED.**

22-143 Confirmation of Minutes

In accordance with section 41 (3) of the City of Corner Brook Act, "*Where a decision is made by the councilors at a privileged meeting, the decision, in order to be valid, shall be ratified at a public meeting of the council.*", it is

RESOLVED to ratify minute CC22-024. [Granter/Griffin]

RESOLVED to ratify minute CC22-025. [Granter/Pender]

RESOLVED to ratify minute CC22-026. [Granter/Griffin]

MOTION CARRIED on all minutes.

22-144 Business Arising From Minutes

No items were brought forward.

22-145 Proclamations and Events

The Mayor announced that the following proclamations were recognized this month:

September is declared as Arthritis Awareness Month

- September is declared as Fetal Alcohol Spectrum Disorder Awareness Month
- September 4, 2022 is declared as National Polycystic Kidney Disease Awareness Day
- Sept is declared Prostate Awareness Month

22-146 Discretionary Use - Home Based Business - 35 Country Road

On motion by Councillor C. Pender, seconded by Councillor V. Granter, it is **RESOLVED** to approve the application to operate a home based business from the dwelling located at 35 Country Road in accordance with Regulation 11 - Discretionary Powers of Authority subject to an extra parking space being constructed prior to the home based business commencing operation. **MOTION CARRIED.**

22-147 Discretionary Use - Home Child Care - 2 Spencer Street

On motion by Councillor C. Pender, seconded by Councillor V. Granter, it is **RESOLVED** to approve the application to operate a home child care from the dwelling located at 2 Spencer Street in accordance with Regulations 11 - Discretionary Powers of Authority. **MOTION CARRIED.**

22-148 Discretionary Use SPA Business at 26 Union Street)

On motion by Councillor C. Pender, seconded by Councillor V. Granter, it is **RESOLVED** to approve the application for the proposed Spa Business at 26 Union Street. **MOTION CARRIED.**

22-149 Confirmation of Order - Pratt Street Subdivision

Councillor V. Granter disclosed that he lives across the street from property on Pratt Street subject to the Stop Work Order and requested Council make a determination if he is in a Conflict of Interest.

On motion by Councillor B. Griffin, seconded by Councillor C. Pender it is **RESOLVED** that Councillor Granter is not in a Conflict of Interest. **MOTION CARRIED.**

On motion by Councillor P. Keeping, seconded by Councillor C. Pender, it is **RESOLVED** to confirm Order #2022-04 in accordance with section 109(4) of the Urban and Rural Planning Act. **MOTION CARRIED.**

22-150 Supply of Phosphates for Corrosion Control 2022-28

On motion by Councillor V. Granter, seconded by Councillor C. Pender, it is **RESOLVED** to award the tender for the Supply of Phosphates for Corrosion Control 2022-28 to Shannon Chemical Corporation for the tender amount of \$100,440.00 US. **MOTION CARRIED.**

22-151 Supply of Water Treatment Chemicals - Polyaluminum Chloride Coagulant - 2022-26

On motion by Councillor V. Granter, seconded by Councillor C. Pender, it is **RESOLVED** to award the contract for the supply of water treatment chemicals - polyaluminum chloride coagulant - contract \$2022-26 to Kemira Water Solutions Canada Inc. at the tender price of \$763,427.50 (HST included) per year for a 2 year standing offer. **MOTION CARRIED.**

22-152 Supply of Water Treatment Chemicals - Soda Ash 2022-25

On motion by Councillor V. Granter, seconded by Councillor C. Pender, it is **RESOLVED** to award the contract for the supply of water treatment chemicals - soda ash - 2022-25 to Quadra Chemicals at the tender price of \$167,900.00 (HST included) per year for a 2 year standing offer. **MOTION CARRIED.**

22-153 Civic Center Snow Clearing 2022-27

On motion by Councillor B. Griffin, seconded by Councillor C. Pender, it is **RESOLVED** to award the tender for the Civic Center Snow Clearing Contract (2022-27) to Ron Flynn Transport Ltd. for the annual amount of \$63,995.20 (HST included) for a three year term. **MOTION CARRIED.**

22-154 Supply of Winter Sand

On motion by Councillor B. Griffin, seconded by Councillor V. Granter, it is **RESOLVED** to accept the bid of \$76,755.00 (HST included) by Humber Arm Contracting for 2023 winter sand. **MOTION CARRIED.**

22-155 Citadel Drive PRV Rehabilitation - Change Order No. 1

On motion by Deputy Mayor L. Chaisson, seconded by Councillor C. Pender, it is **RESOLVED** to approve Change Order no. 1 for ECO Contracting for an increase of \$84,000.00 for the Citadel Drive PRV Rehabilitation Contract No. 2022-08. **MOTION CARRIED.**

22-156 Smart Card System Approval Letter 17-PT-23-00001

On motion by Councillor B. Griffin, seconded by Councillor C. Pender, it is **RESOLVED** to accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 26 August, 2022. Project number 17-PT-23-00001 – Smart Card System with a total project value of \$136,965. This Council agrees to provide the Ultimate Recipient share value of \$33,126 in funding for this project.

It is **FURTHER RESOLVED** to authorize the Mayor and the City Manager to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the City of Corner Brook. **MOTION CARRIED.**

22-157 Atrium Artwork Project - Execution of Agreement

On motion by Councillor P. Keeping, seconded by Councillor V. Granter, it is **RESOLVED** to approve execution of the agreement with Urge Manuel to install the Local Habitat artworks at a cost of \$49,944.50 (HST inc). **MOTION CARRIED.**

22-158 Update on Transit Route at Long Term Care Centre

Councillor B. Griffin provided an update on the modified transit route for the Long Term Care Centre. Staff have worked on a program that includes utilizing a subsidized taxi service between stops.

22-159 National Day for Truth and Reconciliation, September 30, 2022

On motion by Councillor P. Keeping, seconded by Councillor C. Pender, it is **RESOLVED** to approve the request for September 30, 2022 - The National Day for Truth and Reconciliation to be a holiday for City employees and grant City of Corner Brook staff the day to reflect and commemorate the tragic history of residential schools in Canada. **MOTION CARRIED.**

22-160 Public Budget Consultation

On motion by Councillor C. Pender, seconded by Councillor B. Griffin, it is **RESOLVED** to approve the pre-budget public consultation process as presented. **MOTION CARRIED.**

ADJOURNMENT

The meeting adjourned at 7:54 p.m.

City Clerk

Mayor



Request for Decision (RFD)

Subject: Ratification of Decisions

To: Rodney Cumby
Meeting: Regular Meeting - 17 Oct 2022
Department: City Manager
Staff Contact: Jessica Smith, Legislative Assistant
Topic Overview:

BACKGROUND INFORMATION:

In accordance with section 41 (3) of the City of Corner Brook Act, "*Where a decision is made by the councilors at a privileged meeting, the decision, in order to be valid, shall be ratified at a public meeting of the council.*", the following minutes are being brought forward for ratification:

Council in Committee Meeting - September 20, 2022

CC22-027 - Approval of Agenda - It is **RESOLVED** to approve the agenda as circulated.

CC22-029 - Purchase of Private Land Behind Sunnyslope Drive & Cossitt Place - It is **RESOLVED** to approve execution of the purchase and sale agreement between the City of Corner Brook and the owners of the privately owned land located behind Sunnyslope Drive and Cossitt Place for land located behind Sunnyslope Drive and Cossitt Place.

PROPOSED RESOLUTION:

It is **RESOLVED** to ratify minute CC22-027 (Approval of Agenda)

It is **RESOLVED** to ratify minute CC22-029 (Purchase of private land behind Sunnyslope Drive & Cossitt Place)

GOVERNANCE IMPLICATIONS:

Legislation
 City of Corner Brook Act
 41(3)

City Clerk
 Office Assistant 111

Approved - 11 Oct 2022
 Approved - 11 Oct 2022

City Manager



Information Report (IR)

Subject: Proclamations and Events

To: Rodney Cumby
Meeting: Regular Meeting - 17 Oct 2022
Department: City Manager
Staff Contact: Jessica Smith, Legislative Assistant
Topic Overview: The following is a listing of proclamations which are being brought forward for recognition.
Attachments: [Prostate Cancer Proclamation signed](#)
[World Breastfeeding Week 2022 FINAL Redacted](#)
[2022 Proclamation Child Abuse Prevention](#)
[SBW proclamation 2022 Corner Brook](#)

BACKGROUND INFORMATION:

The City of Corner Brook would like to recognize the following proclamation and events:

- **September 2022** was declared as **Prostate Cancer Awareness Month**;
- **October 1-7, 2022** was declared as **World Breastfeeding Week**;
- **October 2022** was declared as **Child Abuse Prevention Month**;
- **October 16-22, 2022** was declared as **Small Business Week**;

in the City of Corner Brook.

City Clerk
Office Assistant 111

Approved - 11 Oct 2022
Approved - 11 Oct 2022

City Manager



PROCLAMATION
Prostate Cancer Awareness Month
September 2022

WHEREAS, Prostate Cancer is the most common cancer among Canadian men; and

WHEREAS, 1 in 9 men in Newfoundland & Labrador will be diagnosed with the disease; and

WHEREAS, the survival rate for Prostate Cancer is nearly 100% when detected early, but 3 of 4 men will die when found late; and

WHEREAS, those with a family history of the disease are at a greater risk; and

WHEREAS, awareness and conversations about Prostate Cancer can lead to screening and early Detection; and

WHEREAS, the City of **Corner Brook** supports everyone committed to raising awareness about Prostate Cancer;

THEREFORE, I, Mayor **Jim Parsons**, on behalf of the **City of Corner Brook Council**, do hereby proclaim **September, 2022** as **Prostate Cancer Awareness Month** in the City of **Corner Brook**

Signature

Name: Jim Parsons

Mayor of Corner Brook

World Breastfeeding Week 2022

"Step Up For Breastfeeding: Educate and Support"



WABA | WORLD BREASTFEEDING WEEK 2022

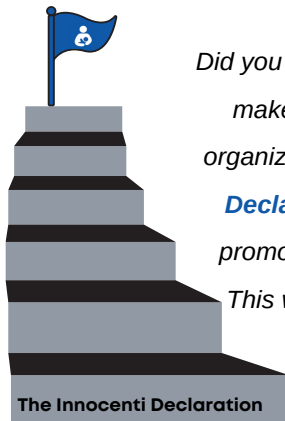
Baby-Friendly
Newfoundland & Labrador

Overview

- World Breastfeeding Week is celebrated in Canada from October 1-7.
- Each year a global theme is developed by the World Alliance for Breastfeeding Action (WABA). This year's theme is "Step Up For Breastfeeding: Educate and Support" to raise awareness of the value of breastfeeding and elevate it to the level of a public health obligation by encouraging organizations and countries to develop measures to safeguard breastfeeding.

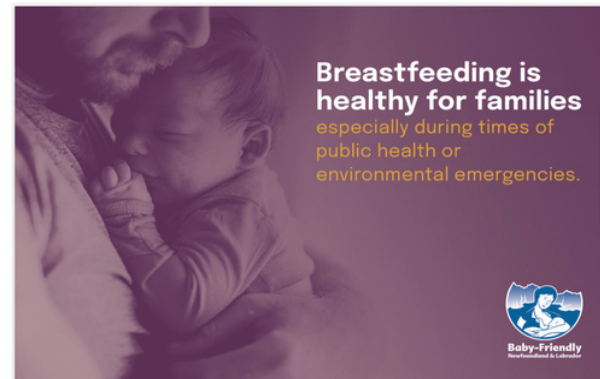
Baby-Friendly NL

- Baby-Friendly NL's mission is to protect, promote and support breastfeeding in Newfoundland and Labrador through the implementation of the Baby-Friendly Initiative. To learn more about our organization's work click [here](#).



Did you know in 1990, government policy makers, WHO, UNICEF, and other organizations signed the **The Innocenti Declaration**? This aimed to protect, promote, and support breastfeeding. This was the **first "step"** in breastfeeding education and is the concrete foundational step.

Step up to the challenge



- The COVID-19 pandemic left many families vulnerable. Limitations to the health care system's capacity made the work to protect, promote and support breastfeeding more challenging than ever.
- The reduction in breastfeeding support widened and deepened inequalities, exposing more families to food insecurity. In addition, the targeted marketing of the infant formula industry continues to negatively influence the decisions parents' make about infant feeding.
- The influx of natural disasters (fires, flooding) in our province reminds us that the protection of breastfeeding is vital as a means of emergency preparedness.

www.babyfriendlynl.ca / @babyfriendlynl



World Breastfeeding Week 2022

"Step Up For Breastfeeding: Educate and Support"



WABA | WORLD BREASTFEEDING WEEK 2022

Baby-Friendly
Newfoundland & Labrador

Breastfeeding during emergencies

Breastmilk is a free, safe, nutritious and accessible food source for infants and young children, ensuring food security during a pandemic, emergency or natural disaster.

An environmental emergency such as an extreme snow storm or hurricane may result in disruptions to basic services such as power or clean water. A breastfeeding mother requires no equipment to feed her baby and food is readily available anytime, anywhere.

Breastmilk contains hormones that lower stress levels in both the mother and the infant, providing comfort and relief during uncertain times.

Supporting mother-baby togetherness allows unlimited breastfeeding and skin-to-skin contact, which ensures that all needs are met during an emergency.

In every emergency, it is necessary to assess and act to protect and support the nutritional needs and care of both breastfed and non-breastfed infants and young children.

Other resources by the Baby-Friendly Council of NL are located at www.babyfriendlynl.ca

- Now more than ever we have to **step up for breastfeeding!** We all have a role to play in the education and transformation of existing systems. Through creating and implementing evidence-based policies, we can build breastfeeding-friendly health facilities, supportive communities, and workplaces.

How you can "Step Up"

Share our content

- We have developed content for you to share on your social media channels ([click here](#)).

Create your own content

- To help you can use the WABA social media kit that can be found [here](#).
- Add these hashtags to enhance your message: **#BabyFriendlyNL #WBW2022 #WABA #breastfeeding #WarmChain #worldbreastfeedingweek2022 #stepupforbreastfeeding #educateandsupport**



Attend our virtual event with children's book author Linnie Von Sky

- A great opportunity for virtual mother to mother support! Keep an eye on our social media channels for more information!

Host or take part in a Breastfeeding Challenge

- Register with the Quintessence Foundation, advertise your event, and encourage others to join. For more information click [here](#).

Follow our #AskUsAnything Event

- We are hosting a 24 hour Ask us Anything event on our social media channels on October 3rd. Prepare your questions in advance. Responses from our panel of experts will be posted 48 hours later.

www.babyfriendlynl.ca / @babyfriendlynl



World Breastfeeding Week 2022



Health Units can STEP UP!

- The Baby-Friendly Initiative (BFI) - a program that promotes best practices in maternal child health has been listed as a priority in Health Accord NL (click [here](#)). Several birthing facilities and community health departments in our province are on a journey to becoming Baby-Friendly designated. The Breastfeeding Committee for Canada, the National body for the BFI in Canada has a Coach Mentorship Program designed to support that journey. Read more [here](#).



Attend a Free Webinar

- The Breastfeeding Committee for Canada is hosting a webinar on the topic of *breastfeeding inequities across health systems and finding solutions through empowering patient voices*.
- This free session is for primary care, perinatal care providers, parents, and interested stakeholders. You can register [here](#).

Step up with the Warm Chain Campaign



- This campaign places the parent and child at the very centre of care. It works to identify key players and link them together creating a "warm chain", increasing the likelihood that the parent feels supported and will meet their infant feeding goals. To learn more click [here](#).



www.babyfriendlynl.ca / @babyfriendlynl



World Breastfeeding Week 2022

Communities Can Step Up!



Proclamations are a great way to show support. Why not Proclaim World Breastfeeding Week in your Community? Contact your municipal office to arrange a virtual or in person gathering. A copy of the proclamation for 2022 can be found at the end of this package. Municipalities can also use their social media channels to create and share their own content.



Sometimes it takes a village.



Breastfeeding Support
Newfoundland & Labrador



To Find Support:
babyfriendlynl.ca

Make Space For Everyone

Become a Baby-Friendly community! Space for Everyone: Communities Supporting Breastfeeding is a tool kit that helps municipalities create environments where breastfeeding is promoted and supported as the normal way to feed infants and young children.

Businesses in your community (restaurants, cafes, retail shops) are key players in making sure families feel comfortable and supported in their community. To learn more, submit a request through our website, select the contact us tab or click [here](#).



Follow Us

- Baby-Friendly NL will be sharing social media messages throughout the week of Oct 1-7. Please follow/like Baby-Friendly NL on Facebook, Twitter, Instagram, and LinkedIn, share our content and use our materials on your own social media channels.
- Interested in learning more about us? Visit our website and read our plans for 2020-2025 [here](#).



Baby-Friendly
Newfoundland & Labrador

www.babyfriendlynl.ca / @babyfriendlynl



World Breastfeeding Week 2022

Proclamation



WABA | WORLD BREASTFEEDING WEEK 2022

Baby-Friendly
Newfoundland & Labrador

World Breastfeeding Week

October 1-7, 2022

Whereas

Breastfeeding is recommended for optimal nutrition and healthy growth and development in the early months and years of life, and is fundamental to the well-being and prosperity of communities; and

Whereas

Breastfeeding has an impact on lifelong health, with exclusive breastfeeding for the first six months, and continued breastfeeding for two years and beyond, ensuring that mothers and children receive maximum health benefits; and

Whereas

Breastfeeding is one of the most cost-effective prevention strategies for many infections and chronic and acute diseases; and

Whereas

Infant feeding is one of the most important decisions that a new family makes; and

Whereas

Parents need the support of family, friends, regional health authorities, peer-to-peer support groups, municipalities, community groups and organizations, businesses and employers; and

Whereas

World Breastfeeding Week provides an opportunity for people to celebrate and to raise public awareness about the importance of breastfeeding and the role everyone can play in normalizing breastfeeding; and

Whereas

The theme for World Breastfeeding Week 2022 in Newfoundland and Labrador is "Step Up For Breastfeeding: Educate and Support". It focuses on raising awareness of the value of breastfeeding and elevate it to the level of a public health obligation by encouraging organizations and countries to develop measures to safeguard breastfeeding.

Therefore

I, Jim Parsons, Mayor of Corner Brook proclaim October 1 to 7, 2022 "World Breastfeeding Week" in Newfoundland and Labrador.

Signed: _____

Dated: Sept. 26, 2022

www.babyfriendlynl.ca / @babyfriendlynl





Whereas: Children are the foundation for a prosperous and innovative society, and the foundation for a child's growth and development is established when the community takes responsibility for creating healthy environments where our children can thrive;

Whereas: All children deserve to have a safe, stable, nurturing home and community to foster their healthy growth and development;

Whereas: Child abuse and neglect is an important societal concern that may affect the long-term health and well being of not only children, but also the adults they become;

Whereas: Child abuse and neglect impacts our entire society and our society's future;

Whereas: Child abuse prevention is a shared responsibility and finding solutions requires the involvement and collaboration of citizens, organizations and government entities;

Whereas: this month, we emphasize the importance of understanding the devastating problem of child abuse and neglect, and commit to learn more about the behavioural and physical signs of possible abuse.

Therefore: I _____ do hereby proclaim the month of October 2022 to be Child Abuse Prevention Month in _____ and urge all citizens to work together to help reduce child abuse and neglect significantly in years to come.



WHEREAS, Small Business Week is a significant moment in the year to salute our small businesses for their countless contributions to our community; and

WHEREAS, small businesses are at the heart of every city, preserving traditional values while providing new ideas, new jobs and increased sustainability; and

WHEREAS, small businesses represent a tradition of hard-working, dedicated individuals, striving to provide for their families, create job opportunities for their neighbors and make invaluable contributions to their community; and

WHEREAS, small businesses are a vibrant and vital segment of our economy and an influential economic force; and

WHEREAS, the City of Corner Brook, the Greater Corner Brook Board of Trade, and the Business Development Bank of Canada (BDC) recognize and value of small businesses within our community and their priceless contributions.

NOW, THEREFORE, we, and our fellow members of the Corner Brook business community, do hereby proclaim the week of October 16 - 22, 2022 as **Small Business Week**.


Jim Parsons
Mayor, City of Corner Brook

Renee Wheeler
BDC

Keith Goulding
GCBBT

As valued business owners,
in celebration of Small Business Week, we will continue to strive to:

- ✓ Recognize the importance of the customer service experience offered.
- ✓ Maintain a productive, positive and safe employee environment.
- ✓ Prepare for growth and changes in a developing marketplace.
- ✓ Understand our products/services to remain relevant to consumers.
- ✓ Market our products/services through innovative and effective ways.

	<p align="center">City of Corner Brook Information Report (IR)</p>
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Subject Matter: Code of Conduct Policy	
Report Information	
Attachments: Code of Conduct Policy and new draft Code of Conduct Policy	
Presented By: Councillor B. Griffin	Council Meeting Date: October 17, 2022

Background: This item has been placed on the agenda by Councillor Griffin. Councillor Griffin would like to address the existing Code of Conduct Policy along with the new Code of Conduct Act and Regulations. In accordance with the Act Council will be required to establish new policy for Councillors along with a Code of Conduct policy for municipal officials.



CITY OF CORNER BROOK

Policy Statement

Index	Council and Administration		Section	Procedure		
Title	Code of Conduct for Mayor and Councillors		Policy Number	13-02-06	Authority	Council
Approval Date	10 May 2021	Effective Date	10 May 2021	Revision Date		

Purpose and Application:

The purpose of this policy is to establish standards for the ethical conduct of Councillors relating to their roles and obligations as the elected representatives of their community and a procedure for the investigation and enforcement of those standards.

Definitions

The following words when used in this Policy shall have the following meaning unless otherwise indicated:

1. The "City" shall mean the City of Corner Brook as incorporated & continued under the *City of Corner Brook Act RSNL 1990 Ch. C-15*;
2. "Council" shall mean the Corner Brook City Council as incorporated and continued under the *City of Corner Brook Act RSNL 1990 Ch. C-15*; and
3. "Councillor(s)" shall include the Mayor and Deputy Mayor unless the context indicates otherwise.

Representing their Constituents

Councillors shall:

- a) Act honestly and, in good faith, serve the greater good of their community;
- b) Perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;

- c) Conduct themselves in a professional manner and refrain from any conduct that may be considered to be irregular, improper or improvident conduct of a municipal councilor; and
- d) Not be derelict in their duties and make every effort to participate in the meetings of Council, committees of Council and other bodies to which they are appointed by Council.

Communicating on Behalf of the City

A Councillor must not claim to speak on behalf of the Council or the City unless authorized to do so.

Unless Council otherwise authorizes, the Mayor is the official spokesperson for the City and Council and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official position of the City or Council on an issue shall be referred to the official spokesperson unless otherwise referred to the City manager or other staffperson in accordance the City's Media Relations-News Media Policy.

A Councillor who is authorized to act as official spokesperson must ensure that their comments accurately reflect the official position and will of the City and/or Council, even if the Councillor personally disagrees with and/or voted against the official position. However, nothing herein prevents a Councillor from indicating that they voted against the official position of the City and/or Council and their reasons why.

No Councillor shall make a statement as official spokesperson when they know the statement is false.

No Councillor shall make a statement as official spokesperson with the intent to mislead Council or members of the public.

Respecting the Decision-Making Process

Decision making authority lies with Council, and not with any individual Councillor.

No Councillor shall, unless authorized by Council, make any promise or offer any favour on behalf of the City, attempt to bind the City, or give direction to employees, agents, contractors, consultants or other service providers or prospective vendors to the City.

Adherence to Policies, Procedures and Bylaws

In the course of fulfilling their duties as an elected official, Councillors shall abide by all applicable laws, including those established by the Government of Canada, the Government of Newfoundland and Labrador and the Regulations of the City of Corner Brook including but not limited to the following & any similar or successor legislation:

1. *City of Corner Brook Act, RSNL 1990 ch. C-15*, including those provisions respecting conflicts of interest, dereliction of duties & tax arrears;

2. *Criminal Code of Canada, RSC 1985 c. C-46*, including those provisions respecting influence peddling, hate propaganda, harassment, defamatory libel, sedition, and uttering threats;
3. *Municipal Affairs Act, 1995 Ch. M-20.1*, including those provisions restricting councilors from acting in an irregular, improvident, or improper manner;
4. *The Constitution Act 1982* (the Canadian Charter of Rights & Freedoms);
5. *Human Rights Act, 2010 SNL 2010 Ch. H-13.1*; and
6. *Access to Information and Protection of Privacy Act, 2015 SNL 2015 Ch. A-1.2*

A councilor must not encourage disobedience of any Regulations of the City in responding to a members of the public, as this undermines public confidence in the City and in the rule of law.

Respectful Interaction with Council Councillors, Staff, the Public and Others

Councillors shall treat one another in a respectful and professional manner befitting of a municipal Councillor.

In interaction with employees and contractors of the City, Councillors shall comply with all contracts/collective bargaining agreements that are in place between the City and its employees/contractors, and shall comply with all policies of the City, including but not limited to those policies & contract/collective bargaining provisions that provide for respectful workplaces that are free from harassment and bullying.

No Councillor shall act in the course of their duties in a manner that is discriminatory to any individual based on the persons's race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, mental or physical disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.

Councillors must not:

- a) Involved themselves in matters of Administration, which fall within the jurisdiction of the City Manager;
- b) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the City with the intent of interfering in the employee's duties;
or
- c) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the City.

Confidential Information

Councillors must keep in confidence matters disclosed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public or once the matter is communicated by City staff to the public via media release or social media post.

Councillors shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so.

No Councillor shall use confidential information for personal benefit or for the benefit of any other individual or any other organization.

Confidential information includes information in the possession of, or received in confidence by, the City that the City is prohibited from disclosing pursuant to legislation, court order or by contract or is required to refuse to disclose under Access to Information and Protection of Privacy Act or any other legislation, or any other information that pertains to the business of the City, and is generally considered to be of a confidential nature, including but not limited to information concerning:

- a) The security of the property of the City;
- b) A proposal or pending acquisition or disposition of land or other property;
- c) A tender that has or will be issued but has not been awarded;
- d) Contract negotiations;
- e) Employment and labour relations;
- f) Draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- g) Law enforcement matters;
- h) Litigation or potential litigations, including matters before administrative tribunals; and
- i) Advice that is subject to solicitor-client privilege.

Conflicts of Interest

Councillor shall comply with the statutory duties prescribed in sections 22-26 of the City of Corner Brook Act regarding Conflict of Interest.

Councillors are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.

Councillors shall approach decision-making with an open mind that is capable of persuasion and free from considerations that would result in a judicial finding of influence peddling and/or abuse of power.

Improper Use of Influence

No Councillor shall use the influence of the Councillor's office for any purpose other than for the exercise of the Councillor's official duties.

Use of Municipal Assets and Services

Councillors shall use municipal property, equipment, services, supplies and staff resources only for the performances of their duties as a Councillor, subject to the following limited exceptions:

- a) Municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Councillor for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
- b) Electronic communication devices, including but not limited to desktop computers, laptops tablets and smartphones, which are supplied by the City to a Councillor, may be used by the Councillor for personal use, provided that the use is not for personal gain, offensive or inappropriate.

Orientation and Other Training Attendance

Every Councillor must attend the orientation training offered by the City within 90 days after the Councillor takes the oath of office.

Unless excused by the Council, every Councillor must attend any other training organized at the direction of Council for the benefit of Councillors throughout the Council term.

Remuneration and Expenses

Councillors shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal regulations, policies and procedures regarding claims for remuneration and expenses.

Gifts and Hospitality

Councillors shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

Councillors may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligations, provided that the value of the hospitality, gift or benefit does not exceed \$100.

Gifts received by a Councillor on behalf of the City as a matter of official protocol which have significance or historical value for the City shall be left with the City when the Councillor ceases to hold office.

Election Campaigns

No Councilor shall use any facilities, equipment, supplies, services, municipal logo or other resources of the City for any election campaign or campaign-related activity.

Informal Complaint Process

Any Councillor who has identified or witnessed conduct by a Councillor that the person reasonably believes, in good faith, is in contravention of this policy may address the prohibited conduct by:

- a) Advising the Councillor that the conduct violates this policy and encouraging the Councillor to stop;
- b) Requesting the Mayor to assist in informal discussion of the alleged complaint with the Councilor in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this policy. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

Formal Complaint Process

Any Councillor who has identified or witnessed conduct by a Councillor that the person reasonably believes, in good faith, is in contravention of this policy may file a formal complaint in accordance with the following procedure:

- a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
- b) All complaints shall be addressed to the City Manager;
- c) The complaint must set out reasonable and probable grounds for the allegation that the Councillor (the Respondent) has contravened this policy, including a detailed description of the facts, as they are known, giving rise to the allegation;

- d) If the facts, as reported, include the name of one or more Councillors who are alleged to be responsible for the breach of this policy, the Councillor or Councillors concerned shall receive a copy of the complaint submitted to the City Manager;
- e) The City Manager shall engage an independent Investigator, who will be required to...
 - i. review the complaint and this policy;
 - ii. in collaboration with the City Manager, identify and interview appropriate witnesses;
 - iii. determine whether the Respondent has contravened this policy; and
 - iv. provide the Council and the Respondent, the results of their investigation.
- f) Subject to any requirement to release documents and information under the Access to Information and Protection of Privacy Act and any similar or successor legislation or requirement of law, all proceedings of the Investigator regarding the investigation shall be confidential;
- g) The Respondent shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council
- h) The Respondent is entitled to be represented by legal counsel, at the Councillor's sole expense.
- i) Council, excluding the Complainant and Respondent, shall deliberate and make a ruling on whether a breach of this policy has occurred.

Upon a finding that a Councillor has breached this policy Council shall issue a letter of reprimand addressed to the Councillor and Council may take such other corrective measures as may be available through the provisions of the City of Corner Brook Act, Municipal Affairs Act, or such other legislation or legal remedies as may be applicable to the matter, including but not limited to:

- a) reporting the matter to Municipal Affairs;
- b) requesting the Councillor to submit a written apology regarding the breach to Council and/or the Complainant;
- c) censuring the Councillor who committed the breach;
- d) suspending or removing the Councillor from Council committees and bodies to which Council has the right to appoint members; and
- e) withdrawing any recommendations Council has made for appointment of the Councillor to external bodies.

Compliance and Enforcement

Councillor shall uphold the letter and the spirit and intent of this policy.

Councillors are expected to co-operate in every way possible in securing compliance with the application and enforcement of this policy.

No Councillor shall:

- a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person; or
- b) obstruct Council, or any other person, in carrying out the objectives or requirement of this policy.

Reference:

Approved: Minute COW-084 (May 10, 2021)

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.



MAYOR

CITY CLERK

CODE OF CONDUCT TEMPLATE - COUNCILLORS

This is a sample template and intended for use by municipalities to develop a Code of Conduct. The contents of this template may be adopted entirely or modified by a municipality, provided the Code of Conduct satisfies the requirements of the **Municipal Conduct Act and Regulations**.

“Councillor” includes Mayor, Deputy Mayor, and Councillor.

City/Town of _____

1. Introduction

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

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

2. Application

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

Interpretation: For the purpose of this policy, Chief Administrative Officer or CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

3. Standards of Conduct:

Standards of Professional Behaviour

- 3.1.1.** Councillors must abide by the Council's Rules of Procedure.
- 3.1.2.** Councillors must work in the best interest of the municipality without regard for their personal interests.
- 3.1.3.** Councillors must act competently and diligently and perform at a level expected of those working in the public interest.
- 3.1.4.** Councillors must be respectful of the presiding officer, their colleagues, staff, and members of the public at all times, including during council meetings and proceedings of the municipality.
- 3.1.5.** Councillors must be prepared for meetings, aware of agendas, informed of issues, and contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable.
- 3.1.6.** Councillors must act in a manner which supports respectful, transparent, and informed debate.
- 3.1.7.** Councillors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 3.1.8.** Councillors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.
- 3.1.9.** Councillors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

3.2. Use of Influence

- 3.2.1.** Councillors must only use the influence of their position for the exercise of their official duties.
- 3.2.2.** Councillors must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of a municipal official or in a manner which interferes with the municipal official's responsibilities.

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

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

3.3. Misuse of Public Assets and Fraud

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

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

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

3.4. Confidentiality

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

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

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

3.4.4. Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the

municipality generally considered to be of a confidential nature, including, but not limited to:

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

3.5. Social Media

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

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

3.6. Harassment and bullying

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

3.6.2. Councillors must not engage in harassment or bullying.

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

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

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

3.7. Legislative Compliance

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

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

3.8. No Adverse Actions or Reprisals

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

3.9. Allegations in Bad Faith

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

3.10. Investigation

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

Part 2

Code of Conduct Complaint and Investigation Process

Receiving a Complaint

1. A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer (CAO).
2. Where the complainant is the CAO, the complaint shall be filed with the Mayor. Where the Mayor is the respondent, the complaint shall be filed with the Deputy Mayor. Where the CAO reasonably believes that neither the Mayor nor Deputy Mayor could act impartially and fairly, the CAO may consult with the Department of Municipal and Provincial Affairs (The Department).
3. Where the complainant is the CAO, the following process will still apply, but the Mayor or Deputy Mayor will act as CAO for the purpose of administering the complaint.
4. The complaint shall be in writing.
5. Notwithstanding section 2, a complaint may be made by other means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.
6. A complaint shall include the following:
 - The complainant's name
 - The names of the person or persons the complaint is about
 - A summary of the complaint, and any steps taken to resolve it
 - The date that the breach of the code occurred, if known
 - A description of how the complaint can be resolved, if applicable
7. Notwithstanding section 4, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.
8. A complainant may withdraw their complaint in writing or by other means as per section 5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
9. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall

immediately contact law enforcement, and notify the Department through the Minister's Office.

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

Informal Resolution

11. Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).
12. ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.
13. Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

Referral to Council - Resolution or Agreement of Facts

14. As per sections 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall provide Council with a report.
15. As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the councillor contravened the Code of Conduct.
16. Where the council determines that a councillor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15.

Formal Investigation

17. Where the complaint is not resolved or the facts are not agreed on, the CAO may investigate or appoint an investigator. There shall be 40 business days to conclude an investigation from the date the informal resolution period has expired. Upon

request of the CAO, council may approve up to an additional 40 business days for the completion of an investigation.

18. The investigator will notify the respondent within five business days of the failure of informal resolution and provide a copy of the complaint.
19. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.
20. The investigator will prepare a written report for council.
21. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion, and recommendations. The following format is flexible but may be of assistance.
 - Introduction
 - Investigative Process
 - Background
 - Events before the incident
 - The incident(s)
 - Events after the incident
 - Evidence
 - Analysis
 - Decision
 - Recommendation(s)
22. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a councillor contravened the code at a public meeting.
23. If council finds a councillor contravened the code, council may, by resolution, take an action as set out in Section 15 (Penalties) of the **Municipal Conduct Act**.

Code of Conduct Template – Municipal Officials

This is a sample template and intended for use by municipalities to develop a Code of Conduct. The contents of this template may be adopted entirely or modified by a municipality, provided the Code of Conduct satisfies the requirements of the **Municipal Conduct Act and Regulations**.

City/Town of _____

1. Introduction

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

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

2. Application

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

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

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

Interpretation: For the purpose of this policy, Chief Administrative Officer of CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

PART I

Standards of Conduct

3. Standard of Conduct:

3.1. Standards of Professional Behaviour

- 3.1.1.** Municipal officials must adhere to the policies and procedures of the Municipality.
- 3.1.2.** Municipal officials must work in the best interest of the municipality without regard for their personal interests.
- 3.1.3.** Municipal officials must act competently and diligently and perform at a level expected of those working in the public interest.
- 3.1.4.** Municipal officials shall respect other municipal officials, Council, councillors, and members of the public.
- 3.1.5.** Municipal officials must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 3.1.6.** Municipal officials must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.
- 3.1.7.** Municipal officials may not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

3.2. Use of Influence

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

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

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

3.3. Misuse of Public Assets and Fraud

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

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

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

3.4. Confidentiality

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

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

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

3.4.4. Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business of the

municipality generally considered to be of a confidential nature, including, but not limited to:

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

3.5. Social Media

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

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

3.6. Harassment and bullying

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

3.6.2. Municipal officials must not engage in harassment or bullying.

3.6.3. All municipal officials shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and

to ensure that their work environment is free from discrimination, bullying and harassment.

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

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

3.7. Legislative Compliance

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

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

3.8. No Adverse Actions or Reprisals

3.8.1. Municipal officials must take no action, and must to the best of their ability ensure no action is taken, which would be reasonably perceived as a reprisal

against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

3.9. Allegations in Bad Faith

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

3.10. Investigation

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

4. Conduct Complaint and Investigation Procedure

4.1. Process

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

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

4.2. Receiving a Complaint

4.2.1. A complaint filed under this Code of Conduct shall be filed with the CAO.

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

4.2.3. Where the complainant or respondent is the CAO, the following process will still apply, but the Mayor will act as the CAO for the purpose of administering the complaint.

4.2.4. The complaint shall be in writing.

4.2.5. Notwithstanding section 4.2.4 a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

4.2.6. A complaint shall include the following:

- a) The complainant's name;
- b) The names of the person or persons the complaint is about;
- c) A summary of the complaint, and any steps taken to resolve it;
- d) The date that the breach of the Code of Conduct occurred, if known; and
- e) A description of how the complaint can be resolved, if applicable.

4.2.7. Notwithstanding section 4.2.6, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.

4.2.8. A complainant may withdraw their complaint in writing or by other means as per section 4.2.5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

4.2.9. Where a complaint is received alleging criminal behaviour, or at any point it becomes apparent that criminal behaviour may have occurred, the CAO shall immediately contact law enforcement, and notify the Department of Municipal and Provincial Affairs through the Minister's Office.

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

4.3. Informal Resolution

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

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

not consent, or where other circumstances would prevent the success of ADR.

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

4.4. Resolution or Agreement of Facts

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

- 4.4.2.** Where a complaint is against a department head or an employee reporting directly to Council, or where the CAO determines it is necessary, the CAO shall provide the report to council and council shall either dismiss the complaint or make a determination that an official contravened the Code of Conduct.

- 4.4.3.** The CAO or Council may decide upon appropriate penalties in accordance with applicable labour and/or employment law.

4.5. Formal Investigation

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

- 4.5.2.** The investigator will notify the respondent within five business days of the failure of informal resolution and provide copy of the complaint.

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

- 4.5.4.** The investigator will prepare a written report for council.

- 4.5.5.** The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion. The report may include recommendations.

4.5.6. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a municipal official contravened the Code of Conduct.

4.5.7. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labour law.

5. Conflict of Interest

5.1. Disclosure Statements

5.1.1. A conflict of interest is defined as per section 5 of the Act.

5.1.2. The CAO will file a disclosure statement in accordance with section 4(2) of the Act.

5.1.3. Department heads and those reporting directly to Council shall file disclosure statements with the CAO, in the form set out in subsection 4(3) of the Act. However, disclosure statements from spouses of these municipal officials are not required.

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

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

5.2. Suspicion of Conflict of interest

5.2.1. Where a municipal official suspects they may be in a conflict of interest as defined by section 5 of the Act:

- a) If the official is the CAO or reports directly to council, the CAO or official must disclose the suspected conflict of interest directly to Council and Council shall determine, within a privileged meeting, whether the CAO or official is in a conflict of interest;
- b) All other officials, including volunteers, must disclose their suspicion to the CAO, and the CAO shall determine whether the official is in a conflict of interest.

5.3. Conflict of Interest Complaints

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

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

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

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

5.3.4. Notwithstanding section 5.3.3., a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

5.4. Conflict of Interest Investigations

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

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

5.4.3. Where the complaint relates the CAO, Council shall fill the role of the CAO in the procedure outlined below.

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

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

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

5.4.7. The CAO shall review the complaint and the respondent's written response within ten business days after receipt of a written response, or where a written response is not provided, the CAO must review the complaint within ten

business days after the time period to file the written response has expired, and must:

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

5.4.8. Where a complaint is made against a CAO, complaints will be made to council. Council will investigate the complaint in the manner described above.

5.4.9. Where a municipal official has been found to be in a conflict of interest, whether through their own disclosure or by complaint and investigation, the CAO and/or council shall take appropriate actions to resolve the conflict of interest. This may include removal of the municipal official from particular duties, decisions, or discussions, or evaluating an affected decision.

5.4.10. Notwithstanding section 5.4.8. and 5.4.9, and in accordance with section 18(5) of the Act, the CAO may provide advice to Council on a matter in which the CAO has a conflict of interest where:

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

5.4.11. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labour and/or employment law.



Request for Decision (RFD)

Subject: Consultant Fee Request - O'Connell Drive Pedestrian Crossing Improvements

To: Darren Charters

Meeting: Regular Meeting - 17 Oct 2022

Department: Engineering

Staff Contact: Melody Roberts,

Topic Overview:

Attachments: [Englobe - P2208205 O'Connell Drive Pedestrian Crossing Improvements - Consultant Fee Proposal Redacted](#)

BACKGROUND INFORMATION:

This RFD is intended to address the selection of a Prime Consultant related to the O'Connell Drive Pedestrian Crossing Improvements. This project is funded under the 2017-2020 Multi-Year Capital Works Program and consists of infrastructure for the signalized pedestrian crossing at O'Connell Drive/Crestview Avenue and will include bringing the crossing up to current accessibility standards. The City of Corner Brook requested proposals to select a Prime Consultant for the project.

PROPOSED RESOLUTION:

Be it resolved that the Council of the City of Corner Brook accept the proposal submitted by Englobe Corp., for the O'Connell Drive Pedestrian Crossing Improvements in the amount of \$31,818.61 HST Included.

FINANCIAL IMPACT:

Estimated Prime Consultant \$25,875.00 (HST Inc.)

Estimated Construction \$178,250.00 (HST Inc.)

Total Budget \$204,125.00

Budget Code: 17-MYCW-23-00109

Finance Type: Funding

Director of Community, Engineering, Development & Planning Approved - 26 Sep 2022

Office Assistant 111 Approved - 11 Oct 2022

City Manager

ENGLOBE



Consultant Fee Request - O'Connell Drive Pedestrian Crossing Improvements

City of Corner Brook

Englobe Project Number: P2208205

DTI Project Number: 17-MYCW-23-00109

September 22, 2022



September 22, 2022

City of Corner Brook

5 Park Street
 Corner Brook, NL A2H 6E1
 Attention: Erik Nelson, Assistant Manager of Engineering Services

Subject: **Consultant Fee Request - O'Connell Drive Pedestrian Crossing Improvements**
 Englobe reference: P2208205.000
 DTI reference: 17-MYCW-23-00109

Dear Mr. Nelson,

Englobe Corp. (Englobe) is pleased to submit its proposal for the above-captioned project. As requested in the Consultant Fee Request documents, enclosed is one (1) electronic PDF including our Consultant Fee Proposal along with our resource allocation matrix showing financial information regarding professional fees including hours used to calculate fees, travel time and expenses.

We confirm that we have read and understand the requirements outlined in the documents, and ensure we have the necessary qualifications, expertise, and resources to complete this assignment in the required timelines.

We trust the enclosed is to your satisfaction. Should you require any additional information, please do not hesitate to contact the undersigned at your convenience.

Yours very truly,

Englobe Corp.



Mark Keel, PMP
 Senior Project Manager

Encl.

Englobe's Consultant Fee Proposal
 Englobe's Resource Allocation Matrix
 Englobe's Resident Site Inspector CV
 Englobe's Professional and Commercial Liability Insurance Certificates

T 709.765.5749 – mark.keel@englobecorp.com
 39 Sagona Avenue – Mount Pearl, NL – Canada A1N 1P9
englobecorp.com

1 of 1

CONSULTANT FEE PROPOSAL

Project Name	O'Connell Drive Pedestrian Crossing Improvements
Project Representative	Erik Neilson
Firm	Englobe Corp
Date Submitted	9/22/2022

Consultant Fee Proposal

	Fee
<u>Project Scope of Work</u>	
Preliminary Engineering	\$4,330.00
Design and Contract Documents	\$4,910.00
Tendering and Contracts Award	\$1,205.00
Contract Administration	\$3,630.00
Project Completion Phase and Record Drawings	\$1,770.00
<u>Other Additional Services (at cost) - List Additional Required Services as required:</u>	
Service: Resident Inspection During Construction	\$6,000.00
Service: Project Expenses for Professional Services	\$823.35
Total Basic and Other Services Fees (excluding HST)	\$22,668.35
Additional Reimbursable Allowances per PCA	
Surveying.	\$2,500.00
Material Testing, Compaction, etc.	\$2,500.00
Sub – Total (excluding HST)	\$27,668.35
HST	\$4,150.25
Total (including HST)	\$31,818.60



Request for Decision (RFD)

Subject: Regional Recreation Center - Change Order No. 10

To: Darren Charters

Meeting: Regular Meeting - 17 Oct 2022

Department: Engineering

Staff Contact: Melody Roberts,

Topic Overview:

Attachments: [Regional Rec Center - Pomerleau - Change Order No. 10 - Unsigned](#)

BACKGROUND INFORMATION:

Due to the exterior envelope upgrades approved as part of Change Order No. 1, it was advised that modifications/upgrades to the existing Dectron Unit would be required to mitigate the increased risk of condensation. Scope of work includes upgrading the supply duct and diffusers coming off the Dectron unit to supply as much air to the glass as possible. Pomerleau presented two (2) options to help mitigate the risk which were presented to SNC Limited and were discussed with the City of Corner Brook. It was instructed in RFI #PRE-35 to proceed with Option #1. The estimated amount of \$100,000.00 HST included was approved by council in the meeting of May 9th, 2022 Minute 22-065. The cost as per Change Order No.10 is \$108,836.78 HST included.

PROPOSED RESOLUTION:

Be it resolved that the City of Corner Brook Council approve Change Order No. 10 between the City of Corner Brook and Pomerleau Inc. for an increase of \$108,836.78 HST Included for the Corner Brook Regional Recreation Center.

FINANCIAL IMPACT:

Project Budget - \$24,700,000.00

Original Contract Amount - \$22,091,500.00

New Contract Amount - \$22,792,839.51

Budget Code: 17-CCR-21-00005

Finance Type: Funding

Director of Community, Engineering, Development & Planning

Office Assistant 111

Approved - 11 Oct 2022

Approved - 11 Oct 2022

City Manager

**Division of Municipal Infrastructure
Form 5 – Contract Change Order Notice**

Page 1 of 3

March 2022

PROJECT NAME: Corner Brook Regional Recreation Centre **DATE:** 2022-09-29
MI PROJECT NO: 17-CCR-21-0005 **CHANGE ORDER NUMBER:** 010
CONTRACTOR: Pomerleau Inc.

.1 NOTICE

A change to the Contract is contemplated as indicated herein.

.2 PROCEDURE

The Contractor shall stipulate the effect of the contemplated change of the contract amount in Item 4 below. Where the change increases the amount of the contract, a complete cost breakdown will be returned with each copy of the document. The Contractor shall return three signed copies of this document to the Engineer for approval. Should it be decided to proceed with the work, an approved copy will be returned to the Contractor. Work shall not proceed until the written authorization is received.

.3 DESCRIPTION OF CHANGE

Due to exterior envelope upgrades approved as part of Change Order No. 001, it was advised that modifications/upgrades to the existing Dectron Unit would be required to mitigate the increased risk of condensation. Scope of work includes upgrading the supply duct and diffusers coming off the Dectron unit to supply as much air to the glass as possible. Pomerleau presented two (2) options to help mitigate this risk which was presented to SNCL and was discussed with the Owner. It was instructed in RFI #PRE-35 to proceed with Option #1.

.4 EFFECT OF CHANGE ON CONTRACT

This change order WILL or WILL NOT (circle one) affect the approved completion date.

If the completion date will be affected, the requested increase in time to the approved completion date is:

WORKING DAYS: _____ REVISED COMPLETION DATE: _____

The change described in Item 3 above will affect the current contract amount as follows:

☐ No Change

☒ Addition to Contract including HST payable by the Owner \$ 108,836.78

☐ Deduction from Contract including HST payable by the Owner \$ _____

Contractor: 
 (Signature)

Transportation and Infrastructure

**Division of Municipal Infrastructure
Form 5 – Contract Change Order Notice**

Page 2 of 3


March 2022

Authorized Contract Amount (A)	\$	22,091,500.00
Change Order Limit (greater of 10% or \$15,000)	\$	2,209,150.00
Previous Change Orders (B)	\$	592,502.73
This Change Order (C)	\$	108,836.78
New Approved Contract Amount (A+B+C)	\$	22,792,839.51

Enter Motion # approving CO (required) _____
OR, Delegation of Authority (attached) _____

.5 AUTHORIZATION TO PROCEED

The Contractor is authorized to proceed with the changes for the amounts stated in Item 4 above.

DATE: 2022-09-29 Consultant: 
DATE: _____ Municipality /Owner: _____
DATE: _____ Regional Engineer: _____
(Regional Engineer's signature is assumed to be approval based on the available project funds only – no new funds are contemplated)

.6 CANCELLATION OF CONTEMPLATED CHANGE

It has been decided not to proceed with this change which is hereby cancelled.

DATE: _____ Consultant: _____

.7 NOTIFICATION TO BONDING AND INSURANCE COMPANIES

The Bonding Company and Insurance Company shall each be immediately notified by the Contractor of this change to the contract by being issued copies of the Change Order.

.8 ENCLOSED DOCUMENTS

Please attach all back up as supplied by the Contractor for the value of this change order. List below the attachments provided:

A copy of this document signed by the Owner and Consultant, Contractor change order cost and supporting emails.

Transportation and Infrastructure

**Division of Municipal Infrastructure
Form 5 – Contract Change Order Notice**

Page 3 of 3

March 2022

Note: Upon Regional Engineer approval, the document will be forwarded to Project Representative for processing in MSIS at which time a copy of the documents containing the Regional Engineer's signature will be returned to the Consultant for distribution to all applicable parties.

Transportation and Infrastructure



SNC-LAVALIN

CHANGE ORDER

Owner:	<u>City of Corner Brook</u>	Change Order No.:	<u>010</u>
Project:	<u>Corner Brook Regional Recreation Centre</u>	SNCL Project No.:	<u>677762</u>
Project No.:	<u>CB2021-10</u>	Phase:	<u>N/A</u>
Contractor:	<u>Pomerleau Inc.</u>	Date:	<u>2022-09-21</u>

SCOPE:

Due to exterior envelope upgrades approved as part of Change Order No. 001, it was advised that modifications/upgrades to the existing Dectron Unit would be required to mitigate the increased risk of condensation. Scope of work includes upgrading the supply duct and diffusers coming off the Dectron unit to supply as much air to the glass as possible.

Pomerleau presented two (2) options to mitigate this risk which was presented to SNCL and was discussed with the Owner. It was instructed in RFI #PRE-35 to proceed with Option #1.

SCHEDULE:

No change in schedule.

COMMENTS:

<u>ORIGINAL CONTRACT VALUE.....</u>	\$ 19,210,000.00
<u>CURRENT CHANGE ORDER VALUE.....</u>	\$ 94,640.68
<u>CUMULATIVE CHANGE ORDER VALUE.....</u>	\$ 609,860.44
<u>REVISED CONTRACT VALUE.....</u>	\$ 19,819,860.44

*** All amounts identified above exclude HST*

Signatures below confirm review and recommendation for the related change order.

APPROVED BY OWNER'S ADVISOR:
SNC-Lavalin Inc.

Recommended By: Steven Greeley, P.Eng.
 Title: Project Manager

Date: September 21, 2022

677762-0001-POM-C-CHO-000-0010_ 0



Request for Decision (RFD)

Subject: Transit Smart Card System - Payment in Motion

To: Darren Charters
Meeting: Regular Meeting - 17 Oct 2022
Department: Engineering
Staff Contact: Melody Roberts,
Topic Overview:
Attachments: [Smart Card System Estimate Sept 2022](#)

BACKGROUND INFORMATION:

Council approval is required to move forward with the Transit Smart Card System project. The City of Corner Brook recently accepted funding for the Smart Card System through the Investing in Canada Infrastructure (ICIP) program. Working with the City of St. John's, staff has requested a quote for the supply and installation of equipment from Payment in Motion Inc., who both supply the equipment and developed the back-end platform required to operate the system for Metro Bus. Since the City of Corner Brook will be availing of the backend platform created for Metro Bus, there was not a tender process undertaken for this project, and as a result, this will be a single source award for the following reasons:

- 1). A standalone back-end platform (created specifically for Corner Brook Transit) would at least double the cost to implement the service.
- 2). Alternative equipment (card readers and validation equipment) will not work with the system that Metro Bus already has in place.
- 3). System can be implemented on a much shorter timeline (target of January 1, 2023)
- 4). Smart Card users in Corner Brook can use the Metro Bus system and vice versa.

PROPOSED RESOLUTION:

Be it resolved that the Council of Corner Brook award the supply and installation of the smart card system at a cost of \$123,855.00 (HST Included)

FINANCIAL IMPACT:

ICIP Funding \$136,965.00 (HST Included)

Budget Code: 17-PT-23-00001

Finance Type: Funding

Director of Community, Engineering, Development & Planning Approved - 11 Oct 2022
 Office Assistant 111 Approved - 11 Oct 2022

City Manager

Payment In Motion Inc.

85 Concession 4 Rd
 Sunderland ON L0C1H0
 416-949-4258
 sales@paymentinmotion.com
 GST/HST Registration No.: 799974688



Estimate

ADDRESS

City of Corner Brook
 5 Park Street P. O. Box 1080
 Corner Brook NL A2H 6E1

ESTIMATE # 1124**DATE** 22/09/2022**EXPIRATION DATE** 30/11/2022

DESCRIPTION	QTY	RATE	AMOUNT
Smart Card Validator F3B	3	4,800.00	14,400.00
Driver Console	3	1,950.00	5,850.00
AAVM - BlueBird	3	1,800.00	5,400.00
Desk Stop Reader	3	850.00	2,550.00
Project Management, Training, Installation and 2 weeks of onsite support.	1	37,000.00	37,000.00
Smartcards, Printed 4 Color	5,000	2.45	12,250.00
Engineering Services	1	9,000.00	9,000.00
Disposable Tickets Printer	1	4,800.00	4,800.00
Thermal Tickets -	5,000	0.20	1,000.00
Contingencies	1	15,450.00	15,450.00

- Minimum Quantities for Smartcards is 5,000 and for Thermal Tickets
 5,000

SUBTOTAL 107,700.00
GST/HST @ 15% 16,155.00
TOTAL

CAD 123,855.00

Accepted By

Accepted Date



Request for Decision (RFD)

Subject: 71 Philip Drive (Discretionary Use / Proposed Apartment Building).

To: Deon Rumbolt
Meeting: Regular Meeting - 17 Oct 2022
Department: Development and Planning
Staff Contact: Darryl Skinner, Development Skinner
Topic Overview: The City of Corner Brook has received an application requesting permission to convert the existing building at 71 Phillip Drive, Corner Brook, NL. into an apartment building. The property is the former location of the Seventh Day Adventist Church. The building is located in a Residential Medium Zone where the proposed use, (Apartment Building) is considered a "Discretionary Use" of the City of Corner Brook's Development Regulations.

Attachments: [Attachment #1](#)
[Attachment #2](#)
[71 Philip Drive \(memo\)](#)

BACKGROUND INFORMATION:

The application was advertised via the West Coast Wire, City of Corner Brook Web Site and Notice to Occupant letters to residents in the neighborhood. The city was contacted by neighbors living in the vicinity of the proposed apartment building with (4) four supporting and (4) four against the proposed development. A summary of the concerns are outlined in the attached memo.

PROPOSED RESOLUTION:

Be it resolved that Council of the City of Corner Brook in its Authority approve the application for the proposed apartment building at 71 Philip Drive, Corner Brook, NL.

GOVERNANCE IMPLICATIONS:

Bylaw/Regulations
 City of Corner Brook Development Regulations
 Section 128

RECOMMENDATION:

After reviewing the application staff feels the proposed apartment building at 71 Philip Drive is a good development for the City and will not have a negative impact on the neighborhood. Therefore, it is recommended that Council approve the application for the proposed use "Apartment Building" at 71 Philip Drive, Corner Brook, NL.

ALTERNATIVE IMPLICATIONS:

1. That the Council of the City of Corner Brook approve the application for the proposed Apartment Building at 71 Philip Drive as recommended.

2. That the Council of the City of Corner Brook not approve the application for the proposed Apartment Building at 71 Philip Drive.
3. That the Council of the City of Corner Brook to give other direction to Staff.

	Approved - 06 Oct 2022
Director of Community, Engineering, Development & Planning	Approved - 11 Oct 2022
Office Assistant 111	Approved - 11 Oct 2022

City Manager

Attachment #1

71 Philip Drive
Proposed Apartment Building



71 Philip Drive

Proposed Apartment Building



Community Services Department

Memo

To: Deon Rumbolt, Manager of Development and Planning

From: Darryl Skinner, Development Inspector III

Date: October 12, 2022

Re: Discretionary Use (Apartment Building) / 71 Philip Drive

The City of Corner Brook has received an application requesting permission to convert the existing building at 71 Phillip Drive, Corner Brook, NL. into an apartment building. The property is the former location of the Seventh Day Adventist Church. The building is located in a Residential Medium Zone where the proposed use, (Apartment Building) is considered a **“Discretionary Use”** of the City of Corner Brook’s Development Regulations.

The applicant as indicated the following:

1. The building height and size will not change.
2. Estimated to have approximately 14 units.
3. Tenants will be considered mature living.


The application was advertised to the public by means of the Western Star, City of Corner Brook’s Website and (37) thirty seven “Notice to Occupant” letters was sent to residents in the neighborhood.

The city did receive (4) four notices of support and (4) four against from the public regarding the proposed development. Below is a list of the concerns received,

1. Development will create more traffic in the area.
2. Reduced property value.
3. Concerned who may be living in the building.

After reviewing the proposed application staff does not feel an apartment building at this location would have a negative impact on the neighborhood. Therefore it is recommended that Council approve the application for the proposed use, “Apartment Building” at 71 Philip Drive, Corner Brook, NL.

Sincerely,


Darryl Skinner
Development Inspector III

Attachments: 1. Attachment #1 (Picture of building)
2. Attachment #2 (Photo of area)
3. Attachment #3 (RFD)

71 Philip Drive

Proposed Apartment Building



Request for Decision (RFD)

Subject: Commercial Vehicle Permit - 19 Carmen Avenue

To: Deon Rumbolt
Meeting: Regular Meeting - 17 Oct 2022
Department: Development and Planning
Staff Contact: James King,
Topic Overview:
Attachments: [Memo to Deon - Commercial Vehicle Permit - 19 Carmen Avenue](#)
[Application - 19 Carmen Avenue - Commercial Vehicle Permit](#)

BACKGROUND INFORMATION:

The City of Corner Brook has received an application to park a commercial vehicle on the property located at 19 Carmen Avenue which is located in a Residential Medium Density Zone. A notice was delivered to residents in the immediate area of 19 Carmen Avenue and as a result of this notice, 1 email, 1 telephone message and 3 phone calls were received. One of these phone calls involved three people expressing their concerns and one of these three also forwarded the aforementioned email summarizing their concerns in writing. Of the correspondence, all six people were opposed to the issuance of a commercial parking permit for this location. The residents indicated that on street parking of the vehicle as well as traffic congestion may occur. Safety/sight distance issues, possible increased property taxes, and noise were also issues that the residents expressed.

PROPOSED RESOLUTION:

Be it RESOLVED that the Council of the City of Corner Brook refuse the application to park a commercial vehicle in a residential zone on the property located at 19 Carmen Avenue.

RECOMMENDATION:

Staff recommends option 2.

ALTERNATIVE IMPLICATIONS:

1. That Council approve the application to park a commercial vehicle in a residential zone on the property located at 19 Carmen Avenue.
2. That Council not approve the application to park a commercial vehicle in a residential zone on the property located at 19 Carmen Avenue.
3. That the Council of the City of Corner Brook provides other direction to staff.

Director of Community, Engineering, Development & Planning
 Approved - 12 Oct 2022
 Approved - 13 Oct 2022

City Clerk

Approved - 13 Oct 2022

City Manager

MEMO

To: Manager of Development & Planning

Fr: Development Inspector I

Subject: **19 Carmen Avenue – Commercial Vehicle Permit Application**

Date: October 12, 2022

The City of Corner Brook has received an application to park a commercial vehicle on the property located at 19 Carmen Avenue which is located in a Residential Medium Density Zone.

A commercial vehicle permit is required to be obtained by a residential property owner to park a commercial vehicle in a residential area. A notice was delivered to the residents in the immediate area of 19 Carmen Avenue indicating the above mentioned request. As a result of this notice, 1 email, 1 telephone message and 3 phone calls were received. One of these phone calls involved three people expressing their concerns and one of these three also forwarded the aforementioned email summarizing their concerns in writing. Of the correspondence, all six people were opposed to the issuance of a commercial parking permit for this location. The residents indicated that on street parking of the vehicle as well as traffic congestion may occur. Safety/sight distance issues, possible increased property taxes, and noise were also issues that the residents expressed.

A site inspection by City staff has revealed that there is sufficient parking at this location for the existing single dwelling use with subsidiary apartment and the proposed commercial vehicle.

After review of the application and the results to the notice to occupants, it is recommended that the Council of the City of Corner Brook refuse this application.

Should you require further information, please contact me at your convenience.

Signed: _____
James King, CET, CPT

From: ONLINE PERMIT SUBMISSION <noreply@cornerbrook.com>
Sent: September 28, 2022 12:04 PM
To: Barker, Shelley
Subject: Online Permit Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Date

09/28/2022

Owner Name

[REDACTED]

Phone Number

[REDACTED]

Email

[REDACTED]

Owner / Applicant Address

[REDACTED]
[REDACTED]
[REDACTED]

[Map It](#)

Property Address

[REDACTED]
[REDACTED]
[REDACTED]

[Map It](#)

Builder Address

Newfoundland and Labrador
Canada
[Map It](#)

Development Type (Please check appropriate box)

- ☒ OTHER

Description of Work

Looking for parking permit for small commercial vehicle.

Estimated Construction Value (MATERIALS & LABOUR)

\$ 0.00 CAD

DECLARATION

☒ I agree to terms in the declaration



Request for Decision (RFD)

Subject: Discretionary Use - 19 Carmen Avenue - Home Based Business Office

To: Deon Rumbolt

Meeting: Regular Meeting - 17 Oct 2022

Department: Development and Planning

Staff Contact: James King,

Topic Overview:

Attachments: [Memo - Home Based Business Office 19 Carmen Avenue](#)
[Application - 19 Carmen Avenue - Home Based Business Office](#)

BACKGROUND INFORMATION:

The City of Corner Brook has received an application to operate a home based business office from the dwelling located at 19 Carmen Avenue which is located in a Residential Medium Density Zone. A notice was delivered to residents in the immediate area of 19 Carmen Avenue and as a result of this notice, 1 email, 1 telephone message and 3 phone calls were received. One of these phone calls involved three people expressing their concerns and one of these three also forwarded the aforementioned email summarizing their concerns in writing. Of the correspondence, three people had no objection to the home based business office as proposed while the remaining three did oppose the business citing a worker for the business parking on the side of the road as an issue. Those opposed also indicated that by allowing the business may also promote the parking of a commercial vehicle on or near the premises even if no City approval is granted for the commercial vehicle. It is not proposed to have anybody visit the property.

PROPOSED RESOLUTION:

Be it RESOLVED that the Council of the City of Corner Brook approve the application to operate a home based business office from the dwelling located at 19 Carmen Avenue in accordance with Regulation 11 - Discretionary Powers of Authority.

GOVERNANCE IMPLICATIONS:

Bylaw/Regulations

City of Corner Brook Development Regulations

11

RECOMMENDATION:

Staff recommends option 1.

ALTERNATIVE IMPLICATIONS:

1. That Council approve the application to operate a home based business office from the dwelling located at 19 Carmen Avenue in accordance with Regulation 11 - Discretionary Powers of Authority.

2. That Council not approve the application to operate a home based business office from the dwelling located at 19 Carmen Avenue in accordance with Regulation 11 - Discretionary Powers of Authority.
3. That the Council of the City of Corner Brook provides other direction to staff.

	Approved - 12 Oct 2022
Director of Community, Engineering, Development & Planning	Approved - 12 Oct 2022
City Clerk	Approved - 13 Oct 2022

City Manager

MEMO

To: Manager of Development & Planning
Fr: Development Inspector I
Subject: 19 Carmen Avenue – Home Based Business Office
Date: October 12, 2022

The City of Corner Brook has received an application to operate a home based business office from the dwelling located at 19 Carmen Avenue which is located in a Residential Medium Density Zone.

A home based business office is a “Discretionary Use” of the City of Corner Brook Development Regulations for this zone. A notice was delivered to the residents in the immediate area of 19 Carmen Avenue indicating the above mentioned request. As a result of this notice, 1 email, 1 telephone message and 3 phone calls were received. One of these phone calls involved three people expressing their concerns and one of these three also forwarded the aforementioned email summarizing their concerns in writing. Of the correspondence, three people had no objection to the home based business office as proposed while the remaining three did oppose the business citing a worker for the business parking on the side of the road as an issue. Those opposed also indicated that by allowing the business may also promote the parking of a commercial vehicle on or near the premises even if no City approval is granted for the commercial vehicle. It is not proposed to have anybody visit the property.

A site inspection by City staff has revealed that there is sufficient parking at this location for the existing single dwelling use with subsidiary apartment and the proposed home based business office.

After review of the application and the results to the notice to occupants, it is recommended that the Council of the City of Corner Brook approve this application.

Should you require further information, please contact me at your convenience.

Signed: _____
 James King, CET, CPT

From: ONLINE PERMIT SUBMISSION <noreply@cornerbrook.com>
Sent: September 28, 2022 12:01 PM
To: Barker, Shelley
Subject: Online Permit Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Date

09/28/2022

Owner Name

[REDACTED]

Phone Number

[REDACTED]

Email

[REDACTED]

Owner / Applicant Address

[REDACTED]

[Map It](#)

Property Address

[REDACTED]

[Map It](#)

Builder Address

Newfoundland and Labrador
Canada

[Map It](#)

Development Type (Please check appropriate box)

- ☒ HOME BASED BUSINESS

Description of Work

We are looking for approval to run our home based business.

Estimated Construction Value (MATERIALS & LABOUR)

\$ 0.00 CAD

DECLARATION

☒ I agree to terms in the declaration



Request for Decision (RFD)

Subject: Confirmation of Order - 61 Valley Road

To: Deon Rumbolt
Meeting: Regular Meeting - 17 Oct 2022
Department: Development and Planning
Staff Contact: James King,
Topic Overview:
Attachments: [Order - 61 Valley Road -](#)

BACKGROUND INFORMATION:

Since the previous meeting of Council the following Order was issued by the Department of Community, Engineering, Development & Planning and therefore must be confirmed by Council pursuant to Section 109(4) of the Urban and Rural Planning Act:

Order #	Date of Issue	Civic Address/Location	Violation/Section	Order
2022-05	October 11, 2022	61 Valley Road	Section 5 of the Occupancy and Maintenance Regulations	Order

Section 109(4) of the Urban and Rural Planning Act 2000 requires that all orders issued by the Authority be confirmed by a majority of Council at the next meeting of the Council after the order is made. If the order is not confirmed by Council in this manner, it shall be considered to be cancelled.

PROPOSED RESOLUTION:

In accordance with Section 109(4) of the Urban and Rural Planning Act the following Order is hereby confirmed by Council, Order #2022-05.

GOVERNANCE IMPLICATIONS:

Bylaw/Regulations
 Urban and Rural Planning Act

RECOMMENDATION:

Staff is recommending that this Order be confirmed by the Council of the City of Corner Brook.

ALTERNATIVE IMPLICATIONS:

1. That the Council of the City of Corner Brook confirm Order #2022-05 pursuant to Section 109(4) of the Urban and Rural Planning Act.
2. That the Council of the City of Corner Brook not confirm Order #2022-05 pursuant to Section 109(4) of the Urban and Rural Planning Act.
3. That the Council of the City of Corner Brook give other direction to Staff.

	Approved - 13 Oct 2022
Director of Community, Engineering, Development & Planning	Approved - 14 Oct 2022
City Clerk	Approved - 14 Oct 2022

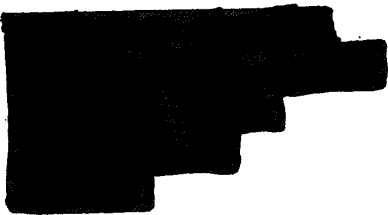
City Manager

2022-05



ORDER

To:



WHEREAS you are identified as the owner of the property located at 61 Valley Road, Corner Brook, NL; (hereinafter called "the Property")

AND WHEREAS contrary to Section 5 of the Occupancy and Maintenance Regulations under the Urban and Rural Planning Act (hereinafter called "the Regulations") which states that *"All properties in the areas listed in the Schedule (which includes the City of Corner Brook) including land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances shall be maintained in a state of good condition and repair in accordance with the standards set out in these regulations and as otherwise ordered by the enforcement authority."*, the building on "the property" has fallen into a dilapidated condition;

YOU ARE HEREBY DIRECTED under Section 41(1) of "the Regulations" to either undertake work to make "the Property" conform to the standards of s. 5 of "the Regulations", or demolish the building located on "the Property" and dispose of the remains to an approved waste disposal site on or before November 17, 2022. Please be advised that a building/development permit will be required to comply with the options for remediation set out in this order, failure to obtain a permit may result in further legal action from the City of Corner Brook.

An inspection of "the Property" will be carried out by the City of Corner Brook on November 18, 2022 to determine if you have complied with this order.

Under Section 106 of the Urban and Rural Planning Act, 2000 any person who contravenes an order made under the act is liable, upon summary conviction, to a fine of not less than \$500 and not more than \$1000 for the first offence and in default of payment to a period of imprisonment not exceeding three months, or to both the fine and imprisonment. In addition to the penalty, the court could order demolition of the building.

You have the right to appeal this Order within fourteen (14) days of its receipt by completing and submitting the attached appeal form, the appeal fee of \$230 (\$200+HST) and supporting documentation to:

West Newfoundland Regional Appeal Board
4th Floor (West Block)
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

Dated at the City of Corner Brook, this 11th day of October, 2022 A.D.



City Clerk
City of Corner Brook



Request for Decision (RFD)

Subject: Request to purchase City land off Mayfair Avenue

To: Sievendra Maistry
Meeting: Regular Meeting - 17 Oct 2022
Department: Finance and Administration
Staff Contact: Brandon Duffy, Land Management Supervisor
Topic Overview: To execute a purchase and sale agreement with the Bay of Islands Radio Inc.
Attachments: [BOIR MAYFAIR LETTER](#)
[CKVB NEW TX LAYOUT](#)
[Purchase and Sale BOIR off Mayfair](#)
[Location of Land off Mayfair ave](#)

BACKGROUND INFORMATION:

Land Management was approached by the Bay of Islands Radio Inc (BOIR) and they requested to purchase City land located off Mayfair Avenue for the purpose of installing a new transmitter site to improve their coverage. The BOIR is a non-profit community radio station broadcasting to Corner Brook and the Bay of Islands area. The BOIR has been planning to strengthen its FM broadcast signal allowing its signal to better penetrate buildings and reach further out the Bay of Islands and into the Humber Valley. Part of upgrading the signal will involve relocating their existing transmitter site, currently housed at the City's building located on Premier Drive. Through research and coverage mapping conducted by the BOIR, it was determined that the hill off Mayfair Avenue in Corner Brook was the best location to relocate their transmitter. This location was previously used as a transmitter site for another radio station and after the demolition of that site, the road and power infrastructure remained which along with its location, makes this a natural site for the BOIR's new transmitter site.

The parcel in question is apart of a larger parcel that the City obtained in 1977 and has been vacant and covered with natural vegetation since purchased. The parcel has an approximate size of 100m².

If approved, the some conditions of the sale would include:

1. If a survey is needed to complete the sale, then its the responsibility of the Buyer
2. the use shall remain as an transmitter site for 10 years

PROPOSED RESOLUTION:

It is RESOLVED to approve the execution of the purchase and sale agreement between the City of Corner Brook and the Bay of Islands Radio Inc for City land located off Mayfair Avenue .

FINANCIAL IMPACT:

The Bay of Islands Radio Inc is requesting the City sell the parcel for \$1.00.

GOVERNANCE IMPLICATIONS:

Policy
Other
City of Corner Brook Policy
07-08-05

Legal Review: No

RECOMMENDATION:

Staff recommends Council approve the sale of City land to the Bay of Islands Radio Inc for land located off Mayfair Avenue.

ALTERNATIVE IMPLICATIONS:

1. Sell the Land
 - Advantage: Land will be maintained and improved BOIR coverage
 - Disadvantage: City will lose control of the land and loss of potential revenue
2. Don't sell the land
 - Advantage: City will maintain control of the land for other possible developments in the future
 - Disadvantage: Land will not be developed

Director of Finance and
Administration
City Clerk

Approved - 13 Oct 2022

Approved - 14 Oct 2022

City Manager



40 Brook Street
PO Box 930
Corner Brook, NL
A2H 6J2
(709) 637-0183

City of Corner Brook
5 Park Street
P.O. Box 1080
Corner Brook, NL
A2H 6E1

Dear Corner Brook City Council,

As you may already know, Bay of Islands Radio (BOIR) is a non-profit community radio station broadcasting to Corner Brook and the Bay of Islands on 100.1 FM, in addition to our online platforms. The station's volunteers produce a significant amount of local programming including local news, weather updates, entertainment, events coverage, local music and more.

Since losing both its commercial radio stations in March 2022, combined with the loss of other media outlets in years prior, the region's media sector is in desperate need of revitalization. Thankfully in recent months, the importance of community-based media, such as BOIR, has come to the forefront, and the station has stepped up to help fill the gap left behind by other outlets. In the past six months, we have launched several new features, including a local weekday morning show, newscasts, and regular weather updates. On top of that, the station dramatically increased its presence over the summer and broadcasted live from nearly every festival and event in the Bay of Islands.

Seeing the need for not only more local content, but content that is accessible to more people, BOIR has started planning to strengthen its FM broadcast signal, allowing its signal to better penetrate buildings and reach further out the Bay of Islands and into the Humber Valley. Part of upgrading our signal will involve relocating our transmitter site, currently housed at the City's building on Premier Drive. While this location is suitable for our current low-power signal, increasing our power will require the construction of a new transmitter site at a location with higher elevation and line-of-sight with most of the area.

Through research and coverage mapping, BOIR has identified a potential location for a new transmitter site, located on a hill off Mayfair Avenue in Corner Brook. This location was previously used as a transmitter site for another radio station until approximately 2013, when the tower and building were demolished. However, the road and power infrastructure remain at this location to date, which, along with its location, makes this a natural choice for BOIR's new transmitter site.

BOIR is requesting the use of this parcel of land, located near Mayfair Avenue, for the purpose of constructing a new transmitter site, which will comprise of a small building and pole to mount several antennas. There will also be some work required by Newfoundland Power to extend the power infrastructure by approximately 250 ft.

Should the City of Corner Brook permit Bay of Islands Radio to utilize this land, an application would then be made to the Canadian Radio-television and Telecommunications Commission (CRTC) and Innovation, Science and Economic Development Canada (ISED) to move the transmitter site to this location.

Bay of Islands Radio thanks the City of Corner Brook for their continued support and consideration of this proposal.

A site plan has been attached to this document.

Sincerely,



Kody Gardner
Station Manager

**BAY OF ISLANDS RADIO
NEW TRANSMITTER SITE, MAYFAIR AVE - PROPOSED LAYOUT**



TO FORMER NTV SITE

D.O.T. DRIVE
↔

TO MAYFAIR AVENUE

AGREEMENT OF PURCHASE AND SALE

THIS AGREEMENT made in duplicate at the City of Corner Brook in the Province of Newfoundland and Labrador this _____ day of October, 2022.

BETWEEN

CITY OF CORNER BROOK, a body corporate duly continued pursuant to the *City of Corner Brook Act, RSNL 1990, c. C-15*, as amended (hereinafter referred to as "the Seller")

AND

BAY OF ISLANDS RADIO INC., a body corporate duly incorporated under the laws of Canada and extra provincially registered to carry on business in the province of Newfoundland and Labrador (hereinafter referred to as "the Buyer")

WHEREAS the Seller owns property located near Mayfair Avenue in the City of Corner Brook, Province of Newfoundland and Labrador, more particularly described in Schedule "A" annexed hereto (hereinafter referred to as "The Property");

AND WHEREAS the Seller desires to sell The Property and the Buyer wishes to purchase the property;

NOW THEREFORE IN CONSIDERATION of the sum of \$1.00 and other valuable consideration (the receipt and sufficiency of is hereby acknowledged by both parties hereto) now paid by each party to the other, the parties hereby agree as follows:

PROPERTY AND PURCHASE PRICE

1. The Seller hereby agrees to sell and the Buyer agrees to purchase the Property located near Mayfair Avenue in the City of Corner Brook, Province Newfoundland & Labrador, more particularly described in Schedule "A" annexed hereto (hereinafter referred to as "The Property") at a purchase price of One Dollars (\$1.00) plus taxes in accordance with paragraph 6(a) and paragraph 6(b) regarding HST (hereinafter referred to as "the Purchase Price").

CLOSING

2. This agreement shall be completed on or before the 2nd day of December, 2022 (hereinafter called the "closing" or "closing date").

TITLE SEARCH

3. The Seller are to furnish the Buyer with a sketch of The Property which is the subject of this agreement within 5 days of signing this agreement, after receipt whereof the Buyer is allowed 30 days to investigate the title to The Property, which the Buyer shall do at its own expense. If within that time any valid objection to title is made in writing, to the Seller, which the Seller are unable or unwilling to remove, and which the Buyer will not waive, this agreement shall be null and void and the deposit herein shall be returned to the Buyer, without interest and without liability by the Buyer for any expenses incurred or damages sustained by the Seller.

CONVEYANCE

4. The conveyance of The Property which is the subject of this agreement shall be by warranty deed, drawn at the expense of the Seller, to be delivered on payment of the Purchase Price to the Buyer's lawyer on the closing date. The Property is to be conveyed subject to any existing right of ways or easements located on and under The Property which shall include but not be limited to waterlines, sanitary and storm sewer systems. The Buyer agrees to register the Deed with the Registry of Deeds for Newfoundland and Labrador forthwith after closing and to pay any costs of registration. In the event that the Buyer does not retain a lawyer to represent the Buyer on this purchase the Buyer agrees that

the cost of registration of the Deed will be added to the Purchase Price payable by the Buyer to the Seller on closing and the Seller will arrange registration of the original Deed which would then be delivered to the Buyer immediately upon the Seller having received the Registered Deed from the Registry of Deeds.

ADJUSTMENTS AND HST

5.
 - a) All interest, rentals, taxes and rates on the premises, and assessments are to be adjusted to the date of closing. For further clarity, while The Seller do not pay municipal taxes, The Buyer will pay municipal tax in the year of Closing based on the amount of municipal taxes that would have been levied against the property and business if The Buyer had owned the property on January 1st of the year of Closing. That sum would then be adjusted to the date of closing such that The Buyer would pay taxes prorated from the date of closing to the end of the year of Closing. The cost of municipal improvements, (including, but without limiting the generality of the phrase "municipal improvements", betterment charges and capital charges for utility or municipal services) completed as of the date of this agreement, are to be paid by the Seller on or before the closing date unless otherwise stated.
 - b) Except as otherwise provided in this agreement, if this transaction is subject to the harmonized sales tax, hereinafter referred to as HST, such HST shall be added to the Purchase Price and will be remitted in accordance with the applicable legislation.

SURVEY

6. The Seller shall only supply the Buyer with the survey and legal description of The Property which it has in its possession and should a new survey and legal description be required to complete the transaction, it shall be at the expense of the Buyer.

DEVELOPMENT

7. The Buyer shall develop the Property as a Transmitter Site for better broadcasting coverage within one (1) year of the Closing Date
8. The use shall remain as an Transmitter Site for ten (10) years

EASEMENTS/RIGHT OF WAYS

9. That the Property contain or may contain in the future various infrastructure, including storm sewers, waterlines, sanitary sewers, lift stations, back-up generators, fiber optic cables, power-lines and poles (hereinafter collectively referred to as "Infrastructure"), which Infrastructure shall remain and run with the Property

TENDER

10. Any tender of documents to be delivered or money payable hereunder may be made upon the Seller or the Buyer or any party acting on their behalf. Money paid, shall be lawful money of Canada and paid by solicitors trust cheque, or certified cheque (or their equivalent) drawn on a Chartered Canadian Bank, Trust Company or Credit Union.

AS IS WHERE IS/BUYER ACCEPT LIABILITY

11. The Buyer hereby agrees to accept The Property "as is" along with any contaminants therein or thereon and the Buyer agree to indemnify and hold the Seller harmless in relation to any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the Seller or the Property, whether foreseeable or not whatsoever arising from contaminants in or upon or originating from the Property, including but not limited to claims for

loss, damage or injury (including injury resulting in death) to any person or property and any Orders or directives issued against the Seller(s) by the Government of Canada and/or Government of Newfoundland and Labrador and/or any requirements imposed on the Seller(s) by the Government of Canada and/or Government of Newfoundland and Labrador with respect to contamination on or in the Property.

- a) The Buyer acknowledges and agrees that the Property is being sold and The Buyer are purchasing The Property on an "as is" basis, and The Seller shall have no liability or obligation with respect to the value, state or condition of The Property and any deficiencies in the Property or repairs, replacements or other work required with respect to the Property, environmental or otherwise.
- b) The Buyer acknowledges and agrees that the Seller make no representations or warranties of any kind express or implied that the present use or the future intended use by The Buyer are or will be lawful or permitted or as to the suitability of The Property for development.

SURVIVE CLOSING

12.

- c) The termination of this Agreement shall not affect the liability of either party to this Agreement to the other with respect to any obligation under this indenture which has accrued but not been properly satisfied or discharged. The Buyer acknowledge and agree that the provisions in this agreement for indemnifying and saving harmless the Seller from liability shall survive the Closing or other termination of this agreement.
- d) All warranties, representations, indemnities, and "save harmless" provisions contained in this agreement shall survive closing unless otherwise stated in this agreement.

OVERDUE PAYMENTS

- 13. In the event that the Buyer does not pay any amounts owing to the Seller under the provisions of this Agreement within thirty (30) days of the Seller having provided notice to the Buyer that the amount is due and owing, including but not limited to any amounts due and owing under any indemnity and save harmless provisions of this agreement, the Seller may commence legal action to collect the sums owing and the Buyer shall pay any and all costs and expenses the Seller incur, including but not limited to the cost of the Seller' legal representation on a solicitor-client basis and compound interest on any amounts due and owing at a rate of 5% per annum commencing on the date the Seller first provide notice to the Buyer in accordance with this provision.

BINDING

- 14. This agreement shall enure to the benefit of and be binding upon the parties hereto, its heirs, executors, administrators, successors and assigns.

NON-WAIVER

- 15. No condonation, excusing or overlooking by the Seller of any default, breach or non-observance of any of the Buyer's obligations under this Agreement at any time shall affect the Seller' remedies or rights with respect to any subsequent (even if by way of continuation) default, breach or non-observance.

CUMULATIVE RIGHTS

- 16. All rights and remedies of the parties under this Agreement shall be cumulative and not alternative.

NO COLLATERAL AGREEMENTS

17. There are no covenants, representations, warranties, agreements or conditions expressed or implied, collateral or otherwise forming part of or in any way affecting or relating to this agreement other than as set out in this agreement, which constitutes the entire agreement between the parties, concerning the Property and which may be modified only by further written agreement under seal.

PAYMENTS

18. All Payments under this Agreement to be made to the Seller shall be to the attention of the City Solicitor:

City Hall
5 Park St, Suite 3130
P.O. Box 1080
Corner Brook, NL
A2H 6E1

SEVERABILITY

19. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision and any invalid provision will be severable.

JURISDICTION

20. This Agreement shall be construed and enforced in accordance with, and the rights of the Parties shall be governed by, the laws in effect in the Province of Newfoundland and Labrador, and the laws of Canada, as applicable. In the event any matter under this contract requires court action, the parties agree to attorn to the jurisdiction of the Supreme Court in the City of Corner Brook.

NOTICE

21. Any notice pursuant to any of the provisions of this Agreement shall be deemed to have been properly given if delivered in person, or mailed by prepaid registered post addressed:

- e) In the case of notice to the Seller to:

City Solicitor
City of Corner Brook
5 Park St., Suite 3130
P.O. Box 1080
Corner Brook NL
A2H 6E1

- f) In the case of notice to the Buyer to:

Bay of Islands Radio
40 Brook Street
PO Box 930 STN MAIN
Corner Brook
NL Canada
A2H 6J2

- g) Or to such other address and/or addressee as either party may notify the other of, and in the case of mailing as aforesaid, such notice shall be deemed to have been received by the addressee, in the absence of a major interruption in postal services affecting the handling or delivery thereof, on the fifth (5th) business day, excluding Saturdays, next following the date of

mailing.

DOCUMENTS

22. The Buyer will, at any time, and from time to time execute and deliver to the other any document or documents that the other reasonably requires to give effect to the terms of this Agreement

GENDER/NUMBERS

23. This agreement is to be read with all changes of gender or number required of the context.

HEADINGS

24. The headings contained in this Agreement are for convenience only and do not affect the meaning of any of the provisions of this Agreement.

DATED AT _____ this ____ day of _____, 2022.

SIGNED, SEALED & DELIVERED
in the presence of:

IN WITNESS WHEREOF I have
hereunto set my hand and seal

Witness

Mayor or Deputy Mayor

Witness

City Clerk or City Manager

DATED AT _____ this ____ day of _____, 2022.

SIGNED, SEALED & DELIVERED
in the presence of:

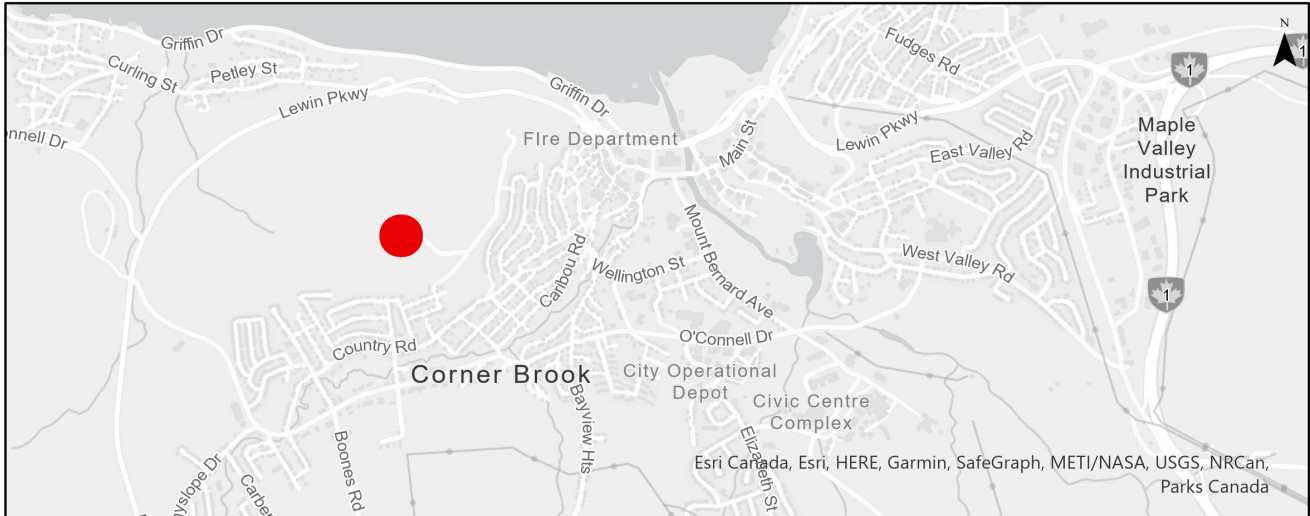
IN WITNESS WHEREOF I have
hereunto set my hand and seal

Witness

Bay of Islands Radio

Schedule "A"

Location of Land off Mayfair Avenue



1:36,000



1:350

Legend

- Location of Land
- Cadastral

Notes:

1. All dimensions are in meters unless otherwise noted.
2. This map is a working copy and is not to be used as an official document. It is available for references purposes only and not to be reproduced without written approval from the City of Corner Brook.
3. 7.5cm orthoimage acquired in 2019.
4. Size and shape of parcel is approximate as no survey is available.

Drawn By: Robyn Snook
 Approved by: BDUFFY
 Projection: NAD83 MTM3
 October 13, 2022





Information Report (IR)

Subject: Election of Deputy Mayor

To: Rodney Cumby
Meeting: Regular Meeting - 17 Oct 2022
Department: Council
Staff Contact: Marina Redmond, City Clerk
Topic Overview:

BACKGROUND INFORMATION:

In accordance with section 28 of the City of Corner Brook Act, Council is required to conduct an annual election for the position of Deputy Mayor. As presiding officer of Council, the Mayor conducts the nomination in accordance with the process outlined below:

Nomination Process

- Mayor calls for nomination three times;
- If there is only one nomination, the nominated Councillor is declared Deputy Mayor by acclamation;
- If there is more than one nomination once the nomination period closes, Council members are asked to fill out a ballot indicating the name of one Councillor whom he/she desires to be selected as Deputy Mayor;
- If a Councillor receives a majority in this manner, the Councillor is declared elected Deputy Mayor;
- If no majority is received, a second ballot is then taken which will see the Councillor with the lowest number of votes dropped from the ballot.

GOVERNANCE IMPLICATIONS:

Legislation
 City of Corner Brook Act
 28

City Clerk
 Office Assistant 111

Approved - 11 Oct 2022
 Approved - 11 Oct 2022

City Manager