

# Committee meeting schedule

February 2, 2021

Call to order 5pm

## **Planning Board Committee Agenda**

- 1) Recommendation – 205 Lefurgey Avenue – Official Plan & Zoning amendment
- 2) Recommendation – 33 Summer Street – Discretionary use

## **Technical Services Committee Agenda**

- 1) Recommendation – Greenwood Drive & Notre Dame Intersection Road Closure
- 2) Recommendation – Portion of First Street between Summer & Central Street Road Closure

## **Economic Development Committee Agenda**

- 1) Transit review

## **Police, Fire & Emergency Planning Committee**

- 1) Speeding on Darby Drive
- 2) Speed signs by Shipyard Market and upper South Drive

## **Bylaw & Policy Review Committee**

- 1) Code of Conduct Bylaw
- 2) Collection Policy
- 3) Disclosure Policy
- 4) Confidentiality Agreement



# Planning Board Committee Agenda

**February 2, 2021**

- 1) Call to Order 5pm
- 2) Approval of the Agenda
- 3) Recommendation – 205 Lefurgey Avenue – Official Plan & Zoning amendment
- 4) Recommendation – 33 Summer Street – Discretionary use
- 5) Adjournment

February 2, 2021

Department/Committee: Planning Board

Subject: 205 Lefurgey Avenue (Official Plan and Zoning Amendment)

**SUPPORTING EXPLANATION:**

*Purpose:* The purpose of the official plan and zoning amendment is to allow apartment building development. The applicant is proposing apartment building development.

**Apartment Building** means a *building* containing more than two dwelling units except a *Row House* and *Town House* as defined in this *Bylaw*.

*Background:* An application was received from PEI Housing Corporation for PID #322008 to amend the *City Official Plan* from Institutional land use to Residential land use and the *City Zoning Bylaw* from Institutional (I) zone to High Density Residential (R4) zone. A public meeting was held on January 25, 2021 and Council gave first reading on the same date.

*Report:* Under section 5.7 of the zoning bylaw when Planning Board reviews a zoning bylaw amendment, it has to consider the following general criteria, as applicable. Under Section 8.4 of the Parks and Green Space Plan, the criteria of b,c,e,g and h must be considered:

a. *Conformity with all requirements of this Bylaw.*

Staff Comment: If Council approves the zoning map amendment, from I to R4, the applicant will be permitted to construct an apartment building(s) subject to the R4 development standards as noted below.

R4 zone	Lot area	Lot Depth	Floor Area Ratio – FAR %	Lot Coverage - LC	Frontage	Front Yard	Side Yards	Rear Yard	Max Height	Flankage Yard
m	930	30	--	--	30	6	4	5	14	5
ft	10,010 .5	98.4	--	--	98.4	19.7	13.1	16.4	45.9	16.4
Floor Area Ratio	Maximum of 0.60 Main buildings, with a bonus of up to 0.25 for every enclosed parking space below the main building or within an attached garage, as long as its roof is landscaped and is accessible to residents									
Lot Coverage	Maximum of 30% Main buildings, not counting any attached garage as long as its top surface is landscaped and is accessible to building residents									
Maximum building height	May be higher than 14m (46 ft) at Council's discretion									

b. *Conformity with the Official Plan.*

Staff Comment: The rezoning conforms to the Official Plan Section 5.2.2 (Location of High Density Housing) and Section 5.8.2 (Parklands).

5.2.2 *Location of High Density Housing*

Council intentions about locating high density housing are important to residents concerned about potential location of row houses and apartment buildings into their predominantly low density neighbourhoods. To help allay these concerns, Council lays out specific policies below on where they may allow future high density housing, some of which elaborate on their foregoing policies for special planning and development areas.

LOCATION CRITERIA:

Council’s criteria for locating high density housing in the City of Summerside include:

- the desirability of infilling properties which are already partly developed for higher density housing;
- the desirability of locating high density housing close to jobs, community facilities and services, and of promoting pedestrian access;
- opportunities for maximizing the number of opportunities for scenic views through higher density and taller residential buildings (but with protection of adequate view planes);
- benefits of locating higher density housing in difficult-to-service areas so that they can help distribute expensive development costs among more users;
- opportunities for innovative mixes of higher density housing with other residential development in CDA’s;
- opportunities for recycling older (non-heritage) residential properties with higher density development;
- opportunities for apartments in residential/commercial use buildings;
- avoidance of negative economic and physical impacts on surrounding land uses, whether existing or proposed;

<i>Objective</i>	<i>To encourage high density housing in specific areas</i>	
7.1 1	<b>Policies</b>	City
<b>The following are Council’s statements of policy</b>		
	1. <i>Promote high density housing on properties already partly developed for high density housing.</i>	
	2. <i>Consider applications for high density housing in the following situations:</i>	
	3. <i>a mix of housing types in CDA ’s;</i>	
	4. <i>areas presently occupied by conforming mobile home parks (see Council Policy 5.3.2.5);</i>	
	5. <i>re-zonings in areas presently designated for medium density R3 zone residential use:</i>	
	6. <i>areas immediately north of the Downtown, (defined as: Notre Dame Street to the North, Granville Street to the East, Heather Moyses Drive to the South and Duke Street to the West) subject to no harmful impacts on local heritage housing;</i>	
	d.) <i>within residential/ commercial buildings</i>	
	7. <i>Downtown (D) zone (Urban Core Area – all districts).</i>	
	8. <i>City arterial or collector roads as referenced in Section 7.1 and Figure 7-1.</i>	
	9. <i>Consider applications for high density housing in other areas with careful consideration of Council’s ‘location criteria’ listed above.</i>	

Arterials

- Water Street East
- South Drive/Water Street
- Heather Moyses Drive

## 5.8.2 Parklands

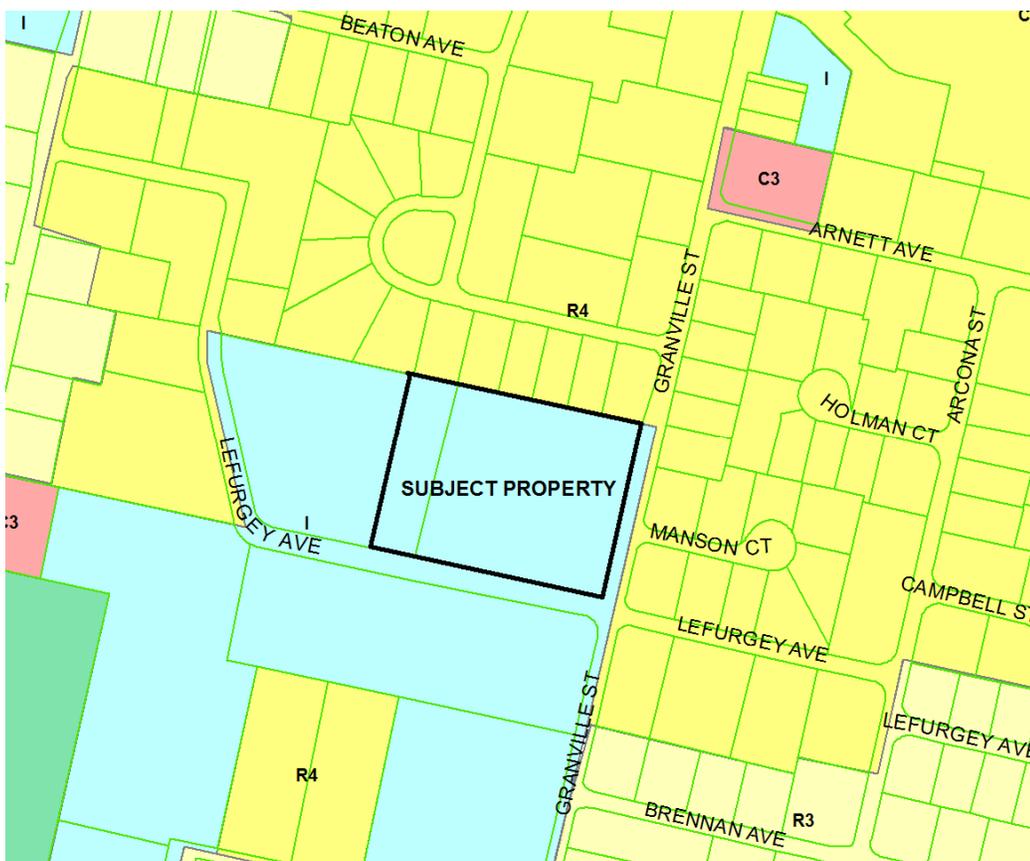
Under the zoning bylaw, public parks have their own zone (rather than be grouped with institutional uses), and existing public parks are designated for that purpose on the Future Land Use Plan (FLUP). The City of Summerside contains a variety of parks which total 172 acres, including the Confederation Trail. The largest are Queen Elizabeth Park with three lighted ballfields, tennis courts, and Leger Park.

### c. Suitability of the site for the proposed development.

Staff Comment: This 2.8 acre site is suitable for high density residential land use. Existing public street network and municipal services are available for this development.

### d. Compatibility of the proposed development with surrounding land uses, including both existing and projected uses.

Staff Comment: The subject property abuts two uses, the land use to the immediate east and north is R4. The lands to the immediate south and west are zoned Institutional. The rezoning from Institutional to R4 would be compatible with the surrounding properties. The abutting properties that are zoned Institutional have high density residential uses, commonly referred to as Seniors Housing/Apartments, as a result, the density change from the existing zoning (Institutional) to the proposed zoning (R4) would be minimal.



e. *Any comments from residents or other interested persons.*

Staff Comment: A public meeting was held on January 25<sup>th</sup>, 2021. The public meeting notice was advertised in the January 6<sup>th</sup>, edition of the Guardian. Four (4) letters were mailed to twenty-six (26) property owners. Cody Clinton (PEI Housing Corporation) provided an overview of his department's involvement in the development and noted that the housing is needed in the Community. Kevin Kennedy (Transportation Infrastructure and Energy TIE) provided an explanation of the development in regarding the development scope and timeline.

f. *Adequacy of existing water, sewer, road, storm water and electrical services, city parking and parklands for accommodating the development, and any projected infrastructure requirements.*

Staff Comment: The City water supply and sewer treatment systems are can handle the additional loading created by the change in zoning. The City's water main infrastructure for this development is a 150mm distribution main on Lefurgey Ave or a 250mm distribution main on Granville Street that can handle the additional water requirement for the zoning change. The City's sewer main infrastructure for this development is a 150mm gravity collection main on Lefuregy Avenue and a 250mm gravity collection main on Granville Street that can handle the additional sewer loading for the zoning change. The Developer is responsible for all servicing costs due to zoning changes and land development. There is adequate City storm drainage infrastructure surrounding the property on Granville and Lefurgey to accommodate the drainage from this property. Lefurgey Av and Granville St have 3 phase electrical service available for this property. If underground electrical service is chosen a site plan for the underground design must be submitted and approved by Summerside Electric. Pad-mount transformers have a lead time of 6 months. Electrical service entrance must be coordinated with Summerside Electric. There is ample existing parkland (Leger Park - 6 acres) located within 200m of the subject development and the park is accessible by street/walkway network.

g. *Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.*

Staff Comment: The proposed change in zoning from I to R4 will have a minimal impact on the amount of the traffic in the area. Lefurgey Avenue is a local street with a capacity of 5000 VPD its current VPD count is in the 500 – 900 VPD range, it will easily handle the additional vehicle traffic. There is currently a pedestrian crossing from the west side of Granville Street to the sidewalk on the east side of Granville street to accommodate pedestrian traffic.

h. *Compatibility of the development with environmental, scenic and heritage resources.*

Staff Comment: There are no compatibility issues regarding environmental, scenic or heritage resources.

i. *Impacts on City finances and budgets.*

Staff Comment: Not applicable

j. *Other matters as specified in this Bylaw.*

Staff Comment:

k. *Other matters as considered relevant.*

Staff Comment:

**STAFF REVIEW:** City Staff supports the application, from the PEI Housing Corporation to rezone from I to R4.

As per Section 5.10 (b, iii) of the Zoning Bylaw, the Planning Board shall make a recommendation to Council on this application before it is approved or denied.

The planning board recommendation whether carried or defeated will be brought forward for Council for a final decision.

**PLANNING BOARD RECOMMENDATION:** The application received from the PEI Housing Corporation for PID #322008 to amend the *City Official Plan* from Institutional land use to residential land use and the *City Zoning Bylaw* from Institutional (I) zone to High Density Residential (R4) zone be recommended to be approved by Council:

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

**Motion:**

Carried	
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For	
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Defeated	
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Against	
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February 2, 2021

Department/Committee: Planning Board

Subject: 33 Summer St – Discretionary Use

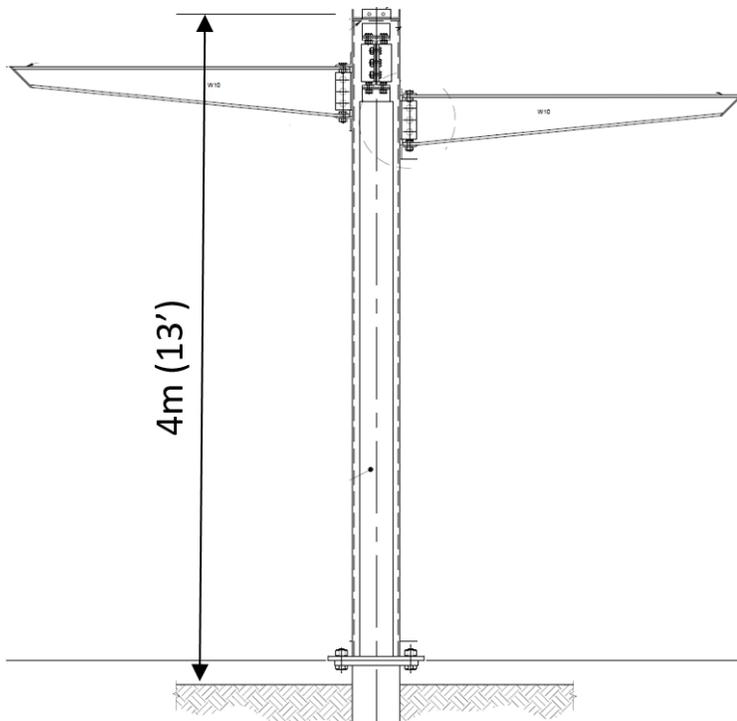
**SUPPORTING EXPLANATION:**

*Purpose:* The purpose of the (Discretionary Use) is to allow a Solar Energy Collection System on the site of the Armory Building located at 33 Summer Street. A Solar Energy Collection System requires a discretionary use approval from Council in the Institutional (I) zone.

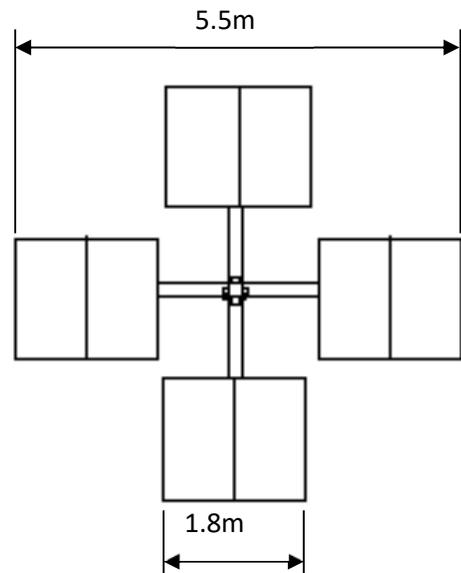
**SOLAR ENERGY COLLECTOR SYSTEM** means devices designed to collect, store and distribute solar energy collector system.

*Background:* An application was received from Lori Ellis (City of Summerside Wyatt Heritage Properties) for 33 Summer Street (PID #322438) requesting a Solar Energy Collection System as a Discretionary Use in Institutional (I) zone. The solar energy collector system being proposed, consists of two solar trees. The total span of each tree is 5.5m (18'). The tree consists of a steel trunk with four steel branches, each branch supports two solar collector panels 0.9m x 1.8m (3' x 6'), combined the panels measure 1.8m x 1.8m (6' x 6'). The branch heights are slightly offset.

**Side View of Steel Frame**



**Top View of Frame and Panels**



**Southwest Vantage Point**



**Southwest Vantage Point 2**



**Report:** Under section 5.7 of the zoning bylaw when Planning Board reviews a discretionary use, it shall consider the following general criteria, as applicable:

**a. Conformity with all requirements of this Bylaw (Zoning Bylaw).**

Staff Comment: The discretionary use conforms to the zoning bylaw subject to Council's approval. If Council approves the discretionary use for the Solar Energy Collection System, the applicant will be permitted to erect the solar trees, subject to approval of the proposed solar tree location(s).

**b. Conformity with the Official Plan.**

Staff Comment: The discretionary use conforms to the Official Plan.

**c. Suitability of the site for the proposed development.**

Staff Comment: This site is suitable for this development, the proposed site locations of the solar trees will be required to meet setbacks determined by City staff.

**d. Compatibility of the proposed development with surrounding land uses, including both existing and projected uses.**

Staff Comment: The property is zoned Institutional (I), the abutting properties to the east, north and south are zoned Institutional. The property to the west is zoned Downtown (District 4). The surrounding land use also include Medium Residential (R3) and High Density Residential (R4).



e. *Any comments from residents or other interested persons.*

A public meeting was held on January 25, 2021. The public meeting notice was advertised in the January 6<sup>th</sup>, edition of the Guardian. Twenty one (21) letters were mailed to thirty one (31) property owners. Nick Sharkey (Structural Engineer for Solar tree project) spoke providing an overview of the solar trees. Other locations on the property were considered. The roof of the building was considered but due to the existing roof design/structure, it was determined the roof could not support the load of the solar panels.

Staff Comment: No written comments were received, prior to the public meeting, regarding this application. Robert Gallant (Summerside business owner) spoke at the meeting, regarding the possibility of running underground wires from the site to the Fire Hall for future solar energy collection system on City buildings in the area.

f. *Adequacy of existing water, sewer, road, storm water and electrical services, city parking and parklands for accommodating the development, and any projected infrastructure requirements.*

Staff Comment: The solar tree will not require City water, sewer, road or storm water services. An existing overhead power line to a street light will have to be relocated to accommodate the solar tree location(s). Underground wiring from the trees to the building will be installed. Parking and parklands are not applicable to the proposed solar trees. The applicant intends to install seating under the solar trees.

g. *Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.*

Staff Comment: The proposed development does not impact on pedestrian/vehicular access and safety. The solar trees will be located so they do not impede pedestrian or vehicular traffic.

h. *Compatibility of the development with environmental, scenic and heritage resources.*

Staff Comment: The solar trees are green energy and would be considered environment friendly initiative. The solar trees are being located in the same place as two natural trees previously existed. The natural trees were uprooted during the hurricane Dorian weather event. The property is profiled as a historic property but is not a designated heritage property.

i. *Impacts on City finances and budgets.*

Staff Comment: This development does not impact City finances or budgets.

j. *Other matters as specified in this Bylaw.*

k. *Other matters as considered relevant.*

Staff Comment: These trees are the first of their kind in Summerside and possibly the first solar trees on the Island. The trees are an innovative solution to the incorporating solar collectors into the landscape, and the trees themselves become functional art. In addition to generating cost savings, they provide shade for visitors, and they help lesson our carbon footprint. The trees are a focal point to bring visitors to the Armoury and direct their attention to the work Summerside is doing in green energy (Lori Ellis comments).

**STAFF REVIEW:** City Staff supports the application, from Lori Ellis (City of Summerside Wyatt Heritage Properties), to allow a solar collector energy system as a discretionary use.

As per Section 5.10 (b, iii) of the Zoning Bylaw, the Planning Board shall make a recommendation to Council on this application before it is approved or denied.

The planning board recommendation whether carried or defeated will be brought forward for Council for a final decision.

**PLANNING BOARD RECOMMENDATION:** The application from Lori Ellis (City of Summerside Wyatt Heritage Properties) for 33 Summer Street (PID #322438) requesting a Solar Energy Collection System as a Discretionary Use in Institutional (I) zone, be recommended to be approved by Council.

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

**Motion:**

Carried	
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For	
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Defeated	
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Against	
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# Technical Services Committee Agenda

**February 2, 2021**

- 1) Call to Order
- 2) Approval of the Agenda
- 3) Recommendation –Greenwood Drive & Notre Dame Intersection Road Closure
- 4) Recommendation - Portion of First Street between Summer & Central Street Road Closure
- 5) Adjournment

February 2, 2021

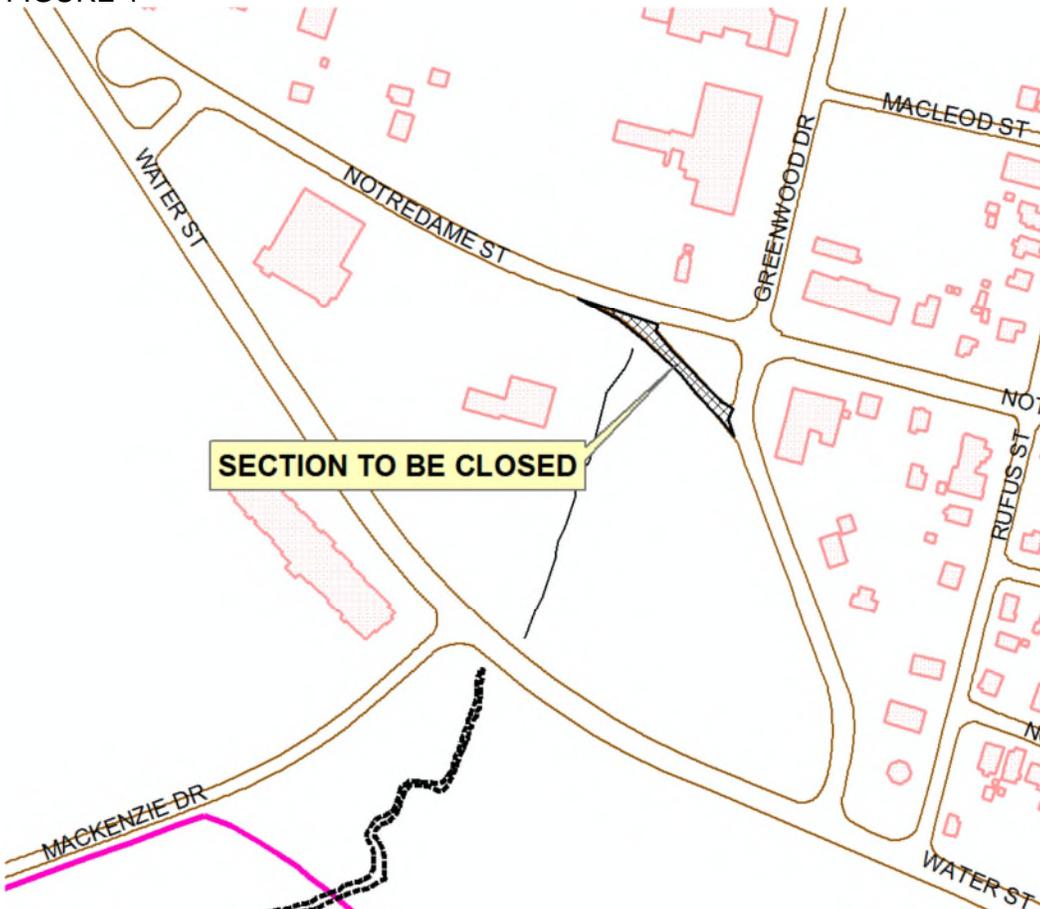
Department/Committee: Technical Services

Subject: Street Closure Bylaw – Notre Dame Street

**SUPPORTING EXPLANATION:**

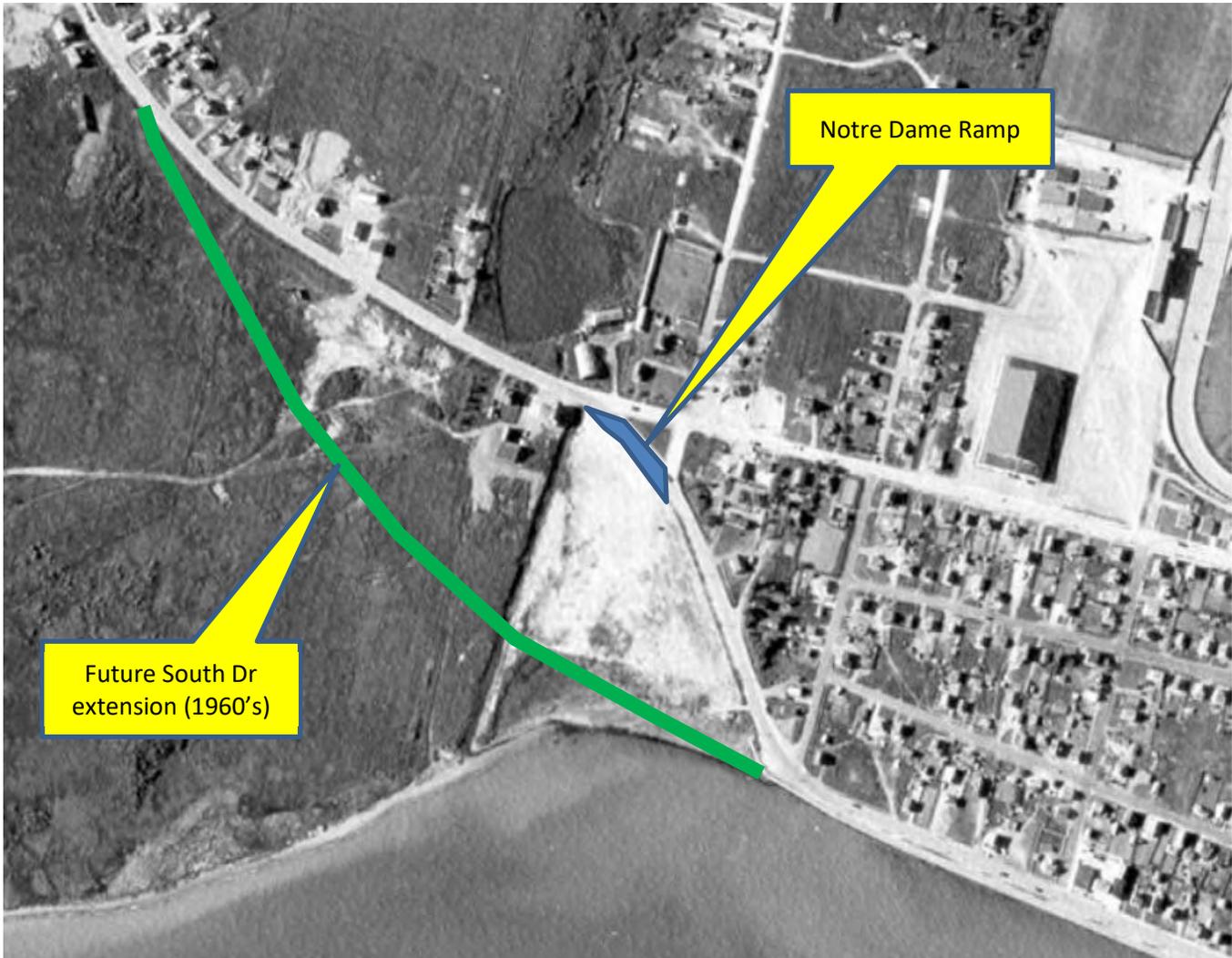
*Purpose:* The purpose of the street closure bylaw is to close a portion of Notre Dame Street between Notre Dame Street and Greenwood Drive and is referred to as the Notre Dame Street ramp, (see Figure 1). The Notre Dame Street section is proposed to be closed to improve the intersection.

FIGURE 1



*Background:* The Notre Dame Street ramp is a local street that runs between Notre Dame Street and Greenwood Drive at an oblique angle to both Notre dame Street and Greenwood Drive. Staff have identified a number of intersections throughout the City that require improvements for traffic flow and/or vehicular and pedestrian safety. Notre Dame Street ramp has been identified as one of those intersections requiring improvement. This ramp permits two-way traffic flow and was in place (pre 1960's) prior to South Drive being extended to connect to Water St. (See figure 2)

FIGURE 2 – Aerial Photo 1958



*Report:* In accordance with Section 23.1 of the City of Summerside *Traffic and Parking Bylaw CS-27*, no person shall close any street or portion thereof without the written permission of the chief of police or his/her designate” and written permission has been received”

*Hi Linda.*

*As per our conversation this morning, the following are my remarks on the proposed street closing as set out below;*

- 1. In reference to the ramp off Notre Dame, I have no issue with this closure.*
- 2. In reference to the proposed closure of a section of First St., (Closest to Summer St) I as well do not have an issue as long as the remainder of First St to Central is made into a two-way street.*

*Dave P.*

There have been a number of intersection improvements to Greenwood Drive and Notre Dame St in the past. The former south end of Greenwood Drive at Water St was realigned by the former Town of Summerside, in the early 90's in efforts to improve the intersection, as sightlines at the intersections of Greenwood, Water and Rufus (formerly West St) were restricted. (See figure 3). The Notre Dame Street ramp was not considered at this time as the ramp was under the authority of the Province of PEI (Department of Transportation), as it was located within the former Community of St Eleanors. The intersection of Notre Dame Street and South Drive

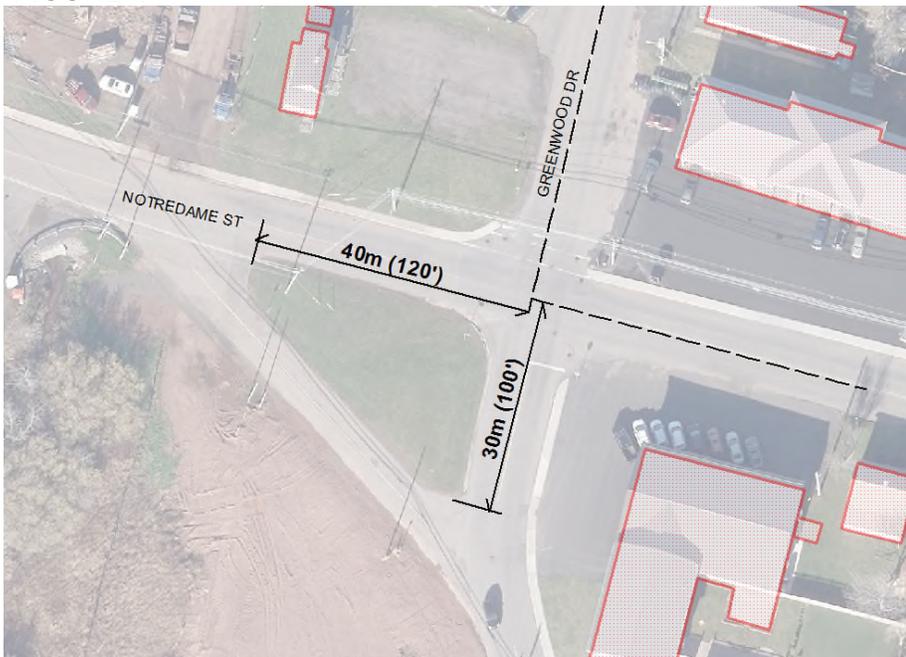
was re-structured in 2018. The intersection of Greenwood Drive and Pope Rd (left turn lanes installed) were completed in 2020.

FIGURE 3 Aerial Photo 1990

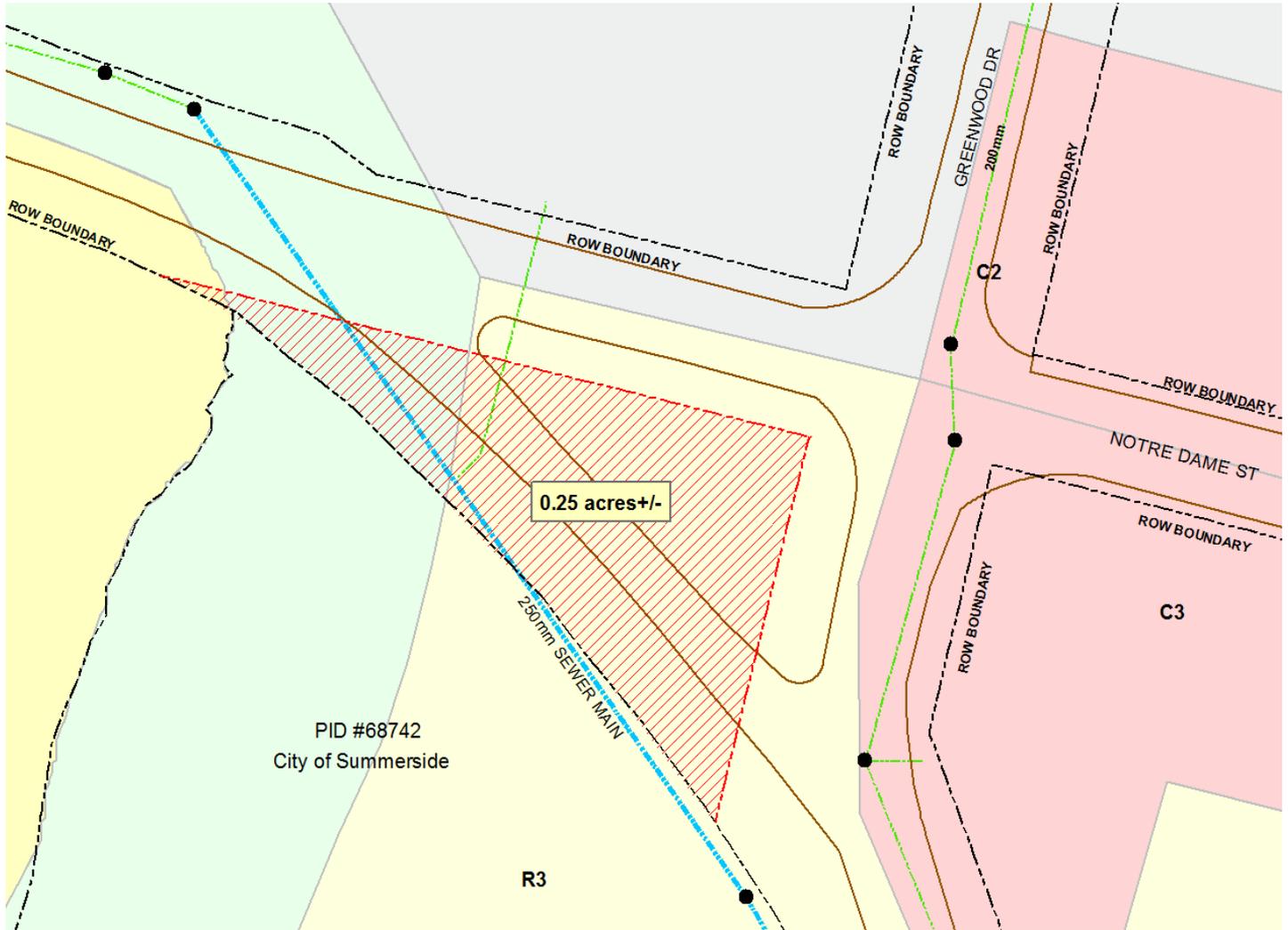


The Notre Dame Street ramp does not meet any of the recommended street offsets according to TAC (Transportation Association of Canada) Guidelines. The existing oblique angles to Greenwood and Notre Dame do not meet TAC Guidelines, regarding sightlines. (See Figure 4).

FIGURE 4



The street right-of-way varies in the area of the Notre Dame Street ramp. Should the ramp be closed, the City would have the option to leave the right-of-way as is or consolidate the surplus right-of-way (0.25 acres +/-) to the City owned parcel of land (PID #68742). Zoning boundaries follow property lines, watercourses, buffers and street centre lines. The R3 zoning boundary is the centerline of Notre Dame Street.



Streets surrounding streets include:

Notre Dame St. (1.7km approx.) - collector street, runs east/west between South Dr. and Granville St.

Water Street (5.6km approx.) - collector street, runs east/west between Route 1A (Read drive) and South Dr.

Greenwood Dr. (1.8km approx.) – local street, runs north-south between Water Street and Lexi Av.

Water Street (Read Drive to MacEwen Rd.) has a traffic volume ranging from 18,000 to 20,000 vpd (vehicles per day). 8,100 of those vpd, continue west of MacEwen Rd. towards the downtown. Water St (South/Notre Dame intersection to Queen St.) has a traffic volume of approximately 7,000 vpd. Notre Dame Street has a traffic volume of approximately 2,000 vpd. Greenwood Drive (Water St to Notre Dame) has a traffic volume of approximately 2,500 vpd. The Notre Dame Street ramp has a traffic volume of approximately 55 vpd. The existing volume of the surrounding streets - Notre Dame and Water Street (South/Notre Dame intersection to Queen St.) are only 1% and 35%, respectively, of their maximum volumes of 20,000 vpd. Greenwood Drive, north and south of Notre Dame Street is at 40% and 50%, respectively, of the maximum volumes.

Local (Residential) Street: All streets that are neither Collectors nor Arterials. Primary function is to provide direct access to abutting lands and connections to the collector and arterial systems. Because of their "neighborhood" nature, mobility on local facilities is typically incidental and involves relatively short trips at lower speeds. Local streets generally have a volume of less than 5000 vpd.

Collector Street: Provides for both movement and local access within residential, commercial, and industrial areas. Collectors distribute traffic from arterials through an area to its ultimate destinations. Conversely, they collect traffic from the local streets and channel it to the arterials. Collector streets generally have a volume of greater than 5000 vpd and up to 20,000 vpd.

Arterial Street: Arterial streets form a network to provide the highest level of mobility. The arterial streets carry most of the vehicles entering and leaving an urban area, as well as most of the through movements bypassing central areas. The arterial system accommodates traffic moving between major urban centers. Arterial streets can generally have a volume 10,000 vpd and up to 75,000 vpd depending on the number of lanes of traffic.

**STAFF REVIEW:** City Staff supports the street closure of the Notre Dame Street ramp. As a result of the proposed closure, the traffic diverted to Norte Dame Street or Greenwood Drive, will have minimal impact on the existing traffic flow on Notre Dame Street or Greenwood Drive. The intersection will be safer for both vehicular and pedestrian traffic.

February 2, 2021

Department/Committee: Technical Services

Subject: Street Closure Bylaw – First Street

**SUPPORTING EXPLANATION:**

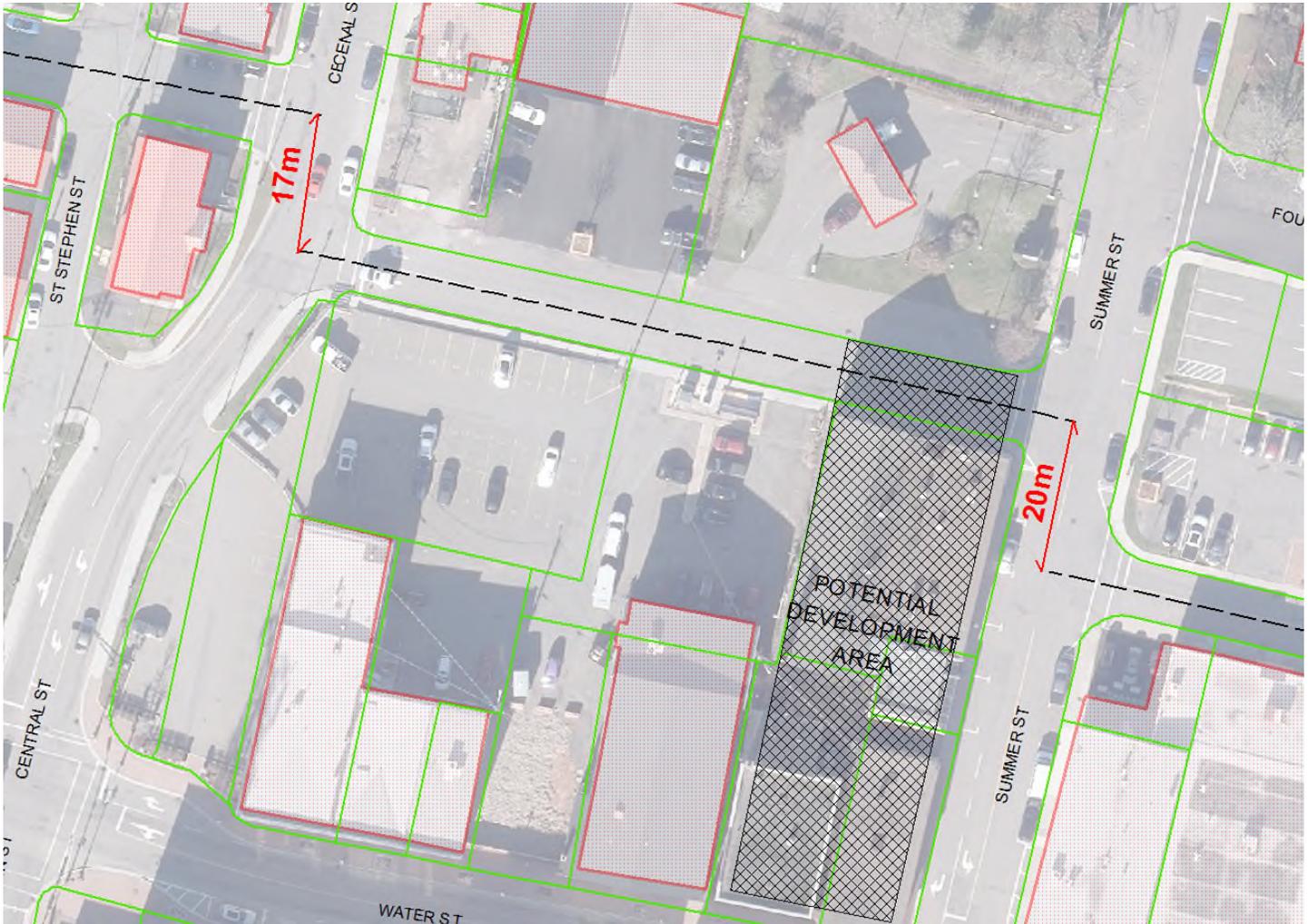
*Purpose:* The purpose of the street closure bylaw is to close a portion of First Street between Summer and Central streets to allow a pending downtown development. The development area includes a portion of First Street (see Figure 1).

FIGURE 1



*Background:* First Street is a local street. The entire length of First Street runs east/west from Granville St to Water Street, with offset intersections at both Central and Summer streets. The intersection offset at Central Street is 17m and the intersection offset at Summer Street is 20m. These offsets do not meet TAC (Transportation Association of Canada) Guidelines regarding offset intersections (see figure 2).

FIGURE 2



*Report:* In accordance with Section 23.1 of the City of Summerside *Traffic and Parking Bylaw CS-27*, no person shall close any street or portion thereof without the written permission of the chief of police or his/her designate” and written permission has been received”

Hi Linda.

As per our conversation this morning, the following are my remarks on the proposed street closing as set out below;

1. In reference to the ramp off Notre Dame, I have no issue with this closure.
2. In reference to the proposed closure of a section of First St., (Closest to Summer St) I as well do not have an issue as long as the remainder of First St to Central is made into a two-way street.

Dave P.

Written notification to surrounding properties is not required for a street closure bylaw. The City did notify the businesses (Consolidated Credit Union, Island EMS, HMS Office Solutions and Michael's Pizza) of the public meeting date, time and location. The traffic flow for the section of First Street (between Central and Summer) is approximately 750 VPD (vehicles per day) in a westerly direction, as this portion of First street is a one-way street with traffic flow permitted east to west. There are currently four major users, which access this one-way section of street, the Consolidated Credit Union, Island EMS, HMS Office Solutions and Michael's Pizza.

The section of First Street that is proposed to be closed is approximately 26 meters, the remaining portion of the street will be re-structured as a two-way street with a cul-de-sac. The traffic on the re-structured section of street would enter and exit via Central Street, (see concept figure 3). The current major users will have accesses to the re-structured section of street, with considerations for traffic flow, delivery vehicles. (shipping & receiving), etc.

FIGURE 3



Streets surrounding the site include:

Central Street (3.5km approx.) - collector street, runs north-south between Water Street. and Route 2.

Water Street (5.6km approx.) - collector street, runs east/west between Route 1A (Read drive) and South Dr.

Summer Street (0.8km approx.) - local street, runs north-south between Water Street and Green Street.

Fitzroy Street (0.5km approx.) - local street, runs east/west between Eustane St and Central St.

Water St Street, where it abuts this property has a volume of approximately 7,000 vpd. Central Street, has a volume of approximately 4000 vpd. Summer St has a volume of approximately 1000 vpd. Fitzroy Street has a

volume of approximately 2,500 vpd. The section of First Street from Central to Summer Streets has a volume of approximately 750 vpd.

Local (Residential) Street: All streets that are neither Collectors nor Arterials. Primary function is to provide direct access to abutting lands and connections to the collector and arterial systems. Because of their "neighborhood" nature, mobility on local facilities is typically incidental and involves relatively short trips at lower speeds. Local streets generally have a volume of less than 5000 vpd.

Collector Street: Provides for both movement and local access within residential, commercial, and industrial areas. Collectors distribute traffic from arterials through an area to its ultimate destinations. Conversely, they collect traffic from the local streets and channel it to the arterials. Collector streets generally have a volume of greater than 5000 vpd and up to 20,000 vpd.

Arterial Street: Arterial streets form a network to provide the highest level of mobility. The arterial streets carry most of the vehicles entering and leaving an urban area, as well as most of the through movements bypassing central areas. The arterial system accommodates traffic moving between major urban centers. Arterial streets can generally have a volume 10,000 vpd and up to 75,000 vpd depending on the number of lanes of traffic.

**STAFF REVIEW:** City Staff supports the proposed section of First Street (proposed to be closed) and the re-structuring of the remaining section of the street. As a result of the proposed closure, the traffic diverted to Fitzroy Street or Water Street, will have minimal impact on the existing traffic flow on Fitzroy Street or Water Street. The re-structured section of First Street (two-way street with cul-de-sac) will easily accommodate the existing volume of traffic on First Street.



## Economic Development Committee Agenda

**February 2, 2021**

- 1) Call to Order
- 2) Approval of the Agenda
- 3) Transit review
- 4) Adjournment



# Police, Fire & Emergency Planning

## Committee Agenda

### **February 2, 2021**

- 1) Call to Order
- 2) Approval of the Agenda
- 3) Speeding on Darby Drive
- 4) Speed signs by Shipyard Market and upper South Drive
- 5) Adjournment

## Bylaw & Policy Review Committee Agenda

**February 2, 2021**

- 1) Call to Order
- 2) Approval of the Agenda
- 3) Code of Conduct Bylaw
- 4) Collection Policy
- 5) Disclosure Policy
- 6) Confidentiality Agreement
- 7) Adjournment



# ***CORPORATION OF THE CITY OF SUMMERSIDE***

**BYLAW NAME:** CODE OF CONDUCT BYLAW

**BYLAW #:** # CS-3

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**BE IT ENACTED** by the Council of the City of Summerside as follows:

## **PART I – INTERPRETATION AND APPLICATION**

### **1. Title**

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

### **2. Purpose**

2.1. The purpose of this bylaw is to set minimum expectations for the behaviour of members of Council in carrying out their functions and making decisions that benefit the City of Summerside.

### **3. Authority**

3.1. Section 107 of the *Municipal Government Act*, RSPEI 1988, c M-12.1., provides that a Council must establish a Code of Conduct bylaw to govern the conduct of members of Council.

### **4. Application**

4.1. This bylaw applies to the Mayor and all members of Council. It operates together with, and as a supplement to, the applicable common law and the following statutes, any regulations or other delegated legislation made pursuant to them:

- (a) the *Municipal Government Act*; and
- (b) the *Criminal Code of Canada*.

4.2. This Code of Conduct is to operate in addition to other bylaws, policies and administrative directives as may be determined by Council.

### **5. Definitions**

5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in that Act.

**5.2.** In this bylaw,

- (a) “Act” means the *Municipal Government Act*, RSPEI 1988, c M-12.1;
- (b) “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under clause 86(2)(c) of the *Municipal Government Act*.
- (c) “Confidential Information” means information that could reasonably harm the interests of individuals or organizations, including the municipality if disclosed to persons who are not authorized to access the information. This type of information includes, but is not limited to, privileged information, personal information, third party information, technical, financial or scientific information and any other information collected, obtained or derived for or from municipal records that must or may be kept confidential.
- (d) "Council" means the Mayor and other members of the Council of a municipality.
- (e) “Councillor” means a member of Council other than the Mayor.
- (f) “Family Member” means in relation to a person, a spouse, parent, child, brother, sister, aunt, uncle, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of the person;
- (g) “Person Closely Connected” means in relation to a member, a family member, an agent, a business partner or an employer of the member;
- (h) "Staff" includes the Chief Administrative Officer (CAO) and all staff of the municipality, whether full-time, part-time, contract, seasonal or volunteers.

## **6. Interpretation**

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

## **7. Periodic Review**

- 7.1.** The Code of Conduct will be brought forward for review at the end of each term of Council or when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.

## **PART II – PRINCIPLES**

### **8. Guiding Principles**

- 8.1.** Members of Council are keepers of the public trust and must uphold the highest standards of ethical behaviour.
- 8.2.** Members of Council are expected to act lawfully. They are expected 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 business interests as a result of the member holding municipal office.
- 8.3.** Members of Council have a duty to make decisions based on the best interests of the municipality as a whole.
- 8.4.** Members of Council are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny.
- 8.5.** Members of Council must act responsibly within the law and within the authority of the Act. All members of Council must observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest in accordance with the conflict of interest provisions of the *Procedural Bylaw*.
- 8.6.** Members of Council must demonstrate and promote the principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in municipal government.
- 8.7.** Members of Council must conduct public business efficiently and with decorum. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in municipal government decision making.
- 8.8.** Members of Council have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered, encouraging appropriate public participation, communicating clearly and providing appropriate means for recourse and feedback.

## **PART III – CONDUCT OF COUNCIL**

### **9. General Conduct**

**9.1.** Members of Council must adhere to the following principles and provisions:

- (a) members of Council must serve, and be seen to serve, their constituents in a conscientious and diligent manner;
- (b) members of Council must be committed to performing their functions with integrity and to avoiding conflicts of interest and the improper use of the influence of their office;
- (c) members of Council must not extend, in the discharge of their official duties, preferential treatment to persons closely connected to the member or organizations and groups in which the member or persons closely connected to the member have a direct or indirect pecuniary interest;
- (d) members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
- (e) members of Council must seek to serve the public interest by upholding both the letter of the law and the spirit of applicable federal, provincial and municipal laws;
- (f) members of Council are obliged to question any request to act or make a decision that they think may be unethical or unlawful;
- (g) members of Council must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials, staff and advisory body members must avoid conduct that is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; and
- (h) members of Council will respect the role of staff in the administration of the business affairs of the municipality.

### **10. Confidential Information**

**10.1.** Members of Council must respect rules regarding confidentiality, disclosure and access to all personal information in the control of the City of Summerside.

**10.2.** No Member of Council will disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by policy or law or authorized by the Council to do so.

- 10.3.** No Member of Council will use confidential information for personal or private gain or for the gain any other person or entity.
- 10.4.** Members of Council should not access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and is not prohibited by legislation, regulations and Council policy.
- 10.5.** Council shall keep confidential information that falls into the following or similar categories:
- (a) commercial information which, if disclosed, would likely be prejudicial to the municipality or parties involved;
  - (b) information received in confidence which, if disclosed, would likely be prejudicial to the municipality or parties involved;
  - (c) personal information, other than a person's address, that is protected under the *Municipal Government Act*; and
  - (d) human resource matters.
- 10.6.** Members of Council shall be required to file a Confidentiality Agreement with the CAO within thirty (30) days of their election, or the coming into force of this section, whichever is earlier (See Appendix B).

## **11. Public Disclosure Statements**

- 11.1.** Each member of Council is required to file a Disclosure Statement with the CAO within thirty (30) days of being elected (See Appendix A).
- 11.2.** The Disclosure Statement will identify:
- (a) the name and nature of employment;
  - (b) financial interests;
  - (c) other involvement that may be seen to affect fairness in making a municipal decision.
- 11.3.** Public Disclosure Statement will not include specific details about a member of Council's personal financial matters such as salary, the value of holdings or other specific personal financial information.
- 11.4.** Each Council member is required to declare any subsequent changes to employment, financial interests or other involvements. The CAO shall make amendments to the Council member's Disclosure Statement, including a notation stating the date on which the statement is amended.

## 12. Gifts and Benefits

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

## 13. Use of Municipal Property, Equipment and Services

- 13.1.** No member of Council shall use, or request the use of, any municipal property, including surplus material or equipment for personal convenience or profit, unless the property is:
- (a) available for such use by the public generally and the member of Council is receiving no special preference in its use; or,
  - (b) made available to the member of Council in the course of carrying out council activities and duties.
- 13.2.** No Member of Council shall use, or request the use of, for personal purpose any municipal staff services, property, equipment, services, supplies or other municipally-owned materials, other than for purposes connected with the discharge of municipal duties.

- 13.3. No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of municipally-developed intellectual property.
- 13.4. No Member of Council shall use information, or attempt to use information, gained in the execution of their duties that is not available to the general public for any purposes other than carrying out their official duties.
- 13.5. No Member of Council shall obtain, or attempt to obtain, personal financial gain from the use or sale of personal property to the municipality, except in compliance with the Act and the Conflict of Interest provisions contained under the *Procedural Bylaw*.

#### **14. Reimbursable Expenses**

- 14.1. Members of Council may claim reimbursement by the municipality for the following expenses in accordance with the *Council Remuneration Bylaw*:
  - (a) expenses incurred by Members of Council for an official duty or function that are modest and represent the prudent use of public funds and do not involve the purchase of alcoholic beverages; and
  - (b) hospitality expenses incurred by Members of Council for meetings that include:
    - i. engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
    - ii. providing persons from national, international and charitable organizations with an understanding and appreciation of the municipality or the workings of its municipal government;
    - iii. honouring persons from the municipality in recognition of exceptional public service and staff appreciation events;
    - iv. recognition events for various agencies, boards and commissions of the municipality; or
    - v. other community groups or associations.

#### **15. Support for Charities**

- 15.1. Members of Council may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups; however, all

amounts raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group.

- 15.2. No Member of Council shall directly or indirectly manage or control any monies received relating to fundraising for registered charitable, not-for-profit and other community-based groups.

## **16. Election Campaigns**

- 16.1. No Member of Council shall use supplies, services, staff, municipal logo, municipal-issued phone numbers, or other resources of the municipality for any election campaign or campaign-related activities.
- 16.2. A member of Council may only utilize a municipal facility, access equipment or request corporate information in the same manner as any other candidate for an election campaign purpose.
- 16.3. All members of Council shall be respectful of the role of the CAO and municipal electoral officer (MEO) in managing the municipal election process and shall not interfere with how the CAO and MEO carries out their duties.
- 16.4. No Member of Council shall use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the municipality.

## **17. Planning or Procurement Proposals before Council**

- 17.1. No members of Council shall solicit or accept support in any form from an individual, group or corporation, with any planning or procurement proposal before Council.

## **18. Improper Use of Influence**

- 18.1. No Member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.
- 18.2. When a matter pertaining to the municipality is before any tribunal, members of Council shall not contact any tribunal members.
- 18.3. In matters relating to municipal administration, direction shall be given to the CAO by Council as a whole rather than by individual members of Council.

## **19. Business Relations**

- 19.1. No Member of Council shall allow the prospect of their future employment by a person or entity to affect the performance of their duties to the municipality.

- 19.2. No Member of Council shall borrow money from any person who regularly does business with the municipality, unless such person is an institution or company whose shares are publically traded and who is regularly in the business of lending money.
- 19.3. No Member of Council shall act as a paid agent before Council or a committee of Council or any agency, board or committee of the municipality.
- 19.4. No Member of Council shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

## **20. Conduct at Council Meetings**

- 20.1. Members of Council shall conduct themselves with decorum at Council meetings in accordance with the provisions of the *Procedural Bylaw*.

## **21. Respectful Workplace**

- 21.1. Members of Council shall encourage public respect for the municipality and its bylaws. All Members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

## **22. Interactions of Council with Staff and Service Providers**

- 22.1. Council has the responsibility to govern in accordance with the Act and regulations.
- 22.2. Council officials must act in accordance with Council's *Procedural Bylaw* and the conduct guidelines outlined in this *Code of Conduct Bylaw*.
- 22.3. Members of Council shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.
- 22.4. Members of Council must not direct or influence, or attempt to direct or influence any municipal staff in the exercise of their duties or functions.
- 22.5. Pursuant to subsection 93(6) of the MGA, members of Council are to direct any inquires to the CAO rather than access staff directly. No Council member or member of a Council committee shall publicly or privately instruct or direct an employee of the municipality except through the CAO. Members of Council are not to contact or issue instructions to any of the contractors, tenderers, consultants or other service providers to the municipality.
- 22.6. Members of Council must not make public statements attacking or reflecting negatively on the City of Summerside staff or invoke staff matters for political purposes.

## **23. Employment of Persons Closely Connect to Members of Council**

- 23.1.** No member of Council shall attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- 23.2.** No member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any person closely connected to the member.
- 23.3.** No member of Council shall attempt to use a family relationship for their personal benefit or gain.

## **PART IV – COMPLAINTS**

### **24. Breaches, Complaint Handling and Internal Resolution**

- 24.1.** Members of Council are to abide by the requirements of this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith.
- 24.2.** Before commencing the formal internal resolution procedure specified below, the member or members of Council who are a party or parties to an alleged contravention of this Code of Conduct will endeavour to resolve the matter informally in a courteous and respectful manner, recognizing that they have been elected to represent the best interests of the municipality.
- 24.3.** Alleged breaches of this Code of Conduct by a member of Council shall be submitted in a written complaint addressed to the Mayor and/or the CAO within three (3) months of the last alleged breach.
- 24.4.** In the event that the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor.
- 24.5.** If the alleged contravention cannot be informally resolved, the Mayor will facilitate discussion between the parties.
- 24.6.** If the matter is not satisfactorily resolved after mayoral facilitation, the Mayor, with the assistance of the CAO will commence the formal internal resolution process by appointing an independent third party investigator who has the necessary professional skills, knowledge and experience to carry out the role and investigate the complaint in a fair and objective manner.
- 24.7.** If the Mayor is involved in the alleged contravention of the Code of Conduct, the Deputy Mayor shall assume the role of the Mayor in the facilitation process and the appointment

of any third party investigator. All deliberations regarding alleged contraventions of the Code should be conducted in confidence.

**24.8.** If a third party investigator is appointed, the parties:

- (a) Shall provide reasonable assistance to the investigator if requested; and
- (b) Must participate in good faith in the investigation.

**24.9.** The role of the investigator is to:

- (a) Consider the alleged contravention of the Code of Conduct;
- (b) Ensure that the parties involved are given an opportunity to be heard by the arbiter;
- (c) Explore if the alleged contravention can be resolved between the parties without making any findings; and
- (d) Failing resolution between the parties, the third party investigator will provide an investigation update within ninety (90) days of their appointment to the Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent.

**24.10.** The third party investigator will provide a written, confidential report of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent. The CAO will receive and retain all reports prepared in relation to breaches of the Code of Conduct.

**24.11.** Based on the findings in the report of the third party investigator, the Council, Mayor or Deputy Mayor will determine the most appropriate action to resolve the matter.

**24.12.** Council may, in accordance with section 107(3) of the Act:

- (a) Dismiss the complaint;
- (b) Require the member of Council to remove themselves from the meeting if conduct is deemed to be inappropriate;
- (c) Reprimand the member of Council for a breach of this *Code of Conduct Bylaw*;
- (d) Suspend the remuneration paid to the member in respect of their services as a member of Council for a period of up to 90 days;
- (e) Request for an apology to Council, the complainant, or both;
- (f) Impose a fine of not more than \$500; or

- (g) Impose any other sanction that is deemed appropriate in the professional judgment of the third party investigator, where so enabled in the Act.

**24.13.** A member of Council who is the subject of an alleged contravention of this Code of Conduct

- (a) has a right to a fair hearing before an independent investigator;
- (b) must be given all relevant information in regard to the alleged contravention;
- (c) must be given an opportunity to be respond; and
- (d) has a right to legal representation or other third-party support if the member desires.

**24.14.** Any member of Council who alleges a contravention of the Code of Conduct must not be disadvantaged because of such action.

**24.15.** The Code of Conduct does not override, prevail over, or amend legislation applicable to the roles, responsibilities, and duties of members of Council.

**24.16.** Members of Council are individually responsible for seeking relevant advice from the CAO as to the application of the Code of Conduct.

## **25. Effective Date**

**25.1.** This Code of Conduct Bylaw, Bylaw # CS-3, shall be effective on the date of approval and adoption by Council.

### **First Reading:**

This Code of Conduct Bylaw, Bylaw# CS-3, was read a first time at the Council meeting held on the 7<sup>th</sup> day of August, 2018.

This Code of Conduct Bylaw, Bylaw# CS-3, was approved by a majority of Council members present at the Council meeting held on the 7<sup>th</sup> day of August, 2018.

**Second Reading:**

This Code of Conduct Bylaw, Bylaw# CS-3, was read a second time at the Council meeting held on the 20<sup>th</sup> day of August, 2018.

This Code of Conduct Bylaw, Bylaw# CS-3, was approved by a majority of Council members present at the Council meeting held on the 20<sup>th</sup> day of August, 2018.

**Approval and Adoption by Council:**

This Code of Conduct Bylaw, Bylaw# CS-3, was adopted by a majority of Council members present at the Council meeting held on the 20<sup>th</sup> day of August, 2018.

**Signatures**

\_\_\_\_\_  
**Bill Martin, Mayor**

\_\_\_\_\_  
**Gordon MacFarlane, Chief Administrative Officer  
(acting)**

This Code of Conduct Bylaw adopted by the Council of the City of Summerside on the 20<sup>th</sup> day of August, 2018, is certified to be a true copy.

\_\_\_\_\_  
**Gordon MacFarlane, Chief Administrative Officer (acting)      Date**

***CORPORATION OF THE CITY OF SUMMERSIDE***

**SCHEDULE:            APPENDIX "A"**

**BYLAW NAME:** CODE OF CONDUCT BYLAW

**BYLAW #:** # CS-3

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**DISCLOSURE STATEMENT**

**Note: A Disclosure Statement will be provided by the Minister**

## **PURPOSE**

To outline the City's policy on the collection of outstanding utilities or other amounts.

## **GENERAL STATEMENT**

The City will utilize all methods at its disposal to ensure the effective collection of the City's accounts receivable. Activities include mailed and hand-delivered correspondence, telephone call outs, and face-to-face contact. As a prime interface between the City and its residents, collection activities will be carried out in a fair but firm manner, and in accordance with this policy.

This policy will also guide any disconnections that are generated by way of the Summerside Tourism Levy bylaw, and the Rates and Schedule Policy Manual for Summerside Electric.

## **PROCEDURE**

All commercial and residential accounts will receive computer-generated notices beginning the month after the utilities are due. Initially, the message is a polite reminder for payment and escalates over the next three months to finally indicate that non-payment may result in water being cut, electricity being disconnected, or legal action commenced.

The following timeline and notifications will be adhered to prior to disconnection:

- Notice 1 is created for anyone who has a past due amount greater than 10 days. The earliest that this notice will be created is 31 days after a bill is created. The customer is given 14 days to respond to this letter by either making a payment or payment arrangements.
- Notice 2 is generated once the 14 days associated with notice 1 has expired. A customer has a further 14 days to respond by making a payment or payment arrangements.
- Notice 3 is generated and the customer is placed on a potential disconnection listing.

This disconnection list is reviewed and the following may result:

- Disconnection of service – often this decision is made as the customer has failed to keep payment arrangement(s) they made, service was disconnected on prior occasions, customer did not respond to any collection notices, etc.
- Service not disconnected – this may be due to the amount owing (i.e. part of the payment arrangement was kept), prior history of this account (first time account has appeared on listing), etc.
- Courtesy call – if the services being disconnected are in the name of the landlord, the City will call the landlord to advise that the location is on the City's disconnection list.

If an account appears on the City's disconnection list for the first time (which can be for a bill that is overdue by 38 days), the City will make an effort to contact the customer to avoid a



disruption in their service (if it is a long-standing customer with a generally positive payment history).

For accounts not serviced with water, the same steps and process will be utilized. Where feasible, accounts will be referred to a collections agency where necessary, or processed for collection through Small Claims Court and higher courts as dictated by the amounts owing.

Where the City has accounts payable to individuals or corporations who are in arrears, payment may be held and applied to the arrears, subject to review by Financial Services management.

The customer will be expected to comply with a payment arrangement, the terms of which will be established by Financial Services. Such arrangement may include an obligation to *prepay* a billed amount in advance, for anticipated service costs in the immediate future, for example 15-30 days.

Disconnection will take place if one of the following events occur:

- Failure to adhere to the agreement in a timely manner (ie. two consecutive missed payments)
- Two re-negotiated payment arrangements.

The customer will be notified that disconnection will take place due to one of these factors.

The foregoing procedures will also be followed for those hospitality operators who are in arrears on their remittance of tourism levy funds to the City. As stated in the Tourism Levy bylaw:

“Where a levy imposed by the Council is in arrears, in addition to other remedies that the Council has to enforce payment, the Council may disconnect the service of an electrical system, water system, sewage system or water and sewage system provided to the person who owes the levy to the Council.”

While the City undertakes to make every reasonable effort to deliver such notice (including registered mail), non-receipt of such notice will not cause deferral of the scheduled cut-off.

However, the City will make every effort to ensure an account is not dis-connected between the months of December to March.

The Chair of the Finance Committee shall report to Council at each Regular Monthly Meeting the total of all arrears over 90 days past due.

A member of the Financial Services Department shall provide quarterly reports to Council on the efforts to collect overdue accounts.



## **DISCLOSURE POLICY**

### **PURPOSE**

To outline the City's policy on releasing to the public and media information related to any individual or corporate entity doing business with the City, and to protect the City from liability that could arise if confidential information is discussed or disclosed publicly before being properly disseminated through official channels.

### **GENERAL STATEMENT**

The City will promote consistent disclosure practices aimed at protecting personal and private/confidential information, while promoting informative, timely, and accurate disclosure of information relevant to residents and the general public.

### **APPLICATION**

This policy applies to all Staff (including the CAO and all staff, whether full-time, part-time, contract, or seasonal) and Council.

### **GUIDELINES and PROCESS**

Consistent application of this policy will contribute to the City's credibility with residents, partners, and other levels of government. What follows is guidance to assist in understanding this policy and its processes. If you have any questions, please contact the CAO.

#### **❖ Scope of this policy**

This policy covers:

- Written disclosure in news releases, presentations, and internal communications;
- Oral statements made in group meetings and interviews with the media; and
- Information posted on the City's website and other electronic communications, including social media.

## ❖ What is “Confidential Information”

In simple terms, “Confidential Information” could include any form of information or knowledge that has been acquired by a member of Staff or Council that is not intended for public disclosure and is not generally available to the public. Confidential information could include, among other things,

- Any oral or written communications with the City’s external legal counsel;
- Any personal information about an identifiable individual or organization, including a resident, member of Staff or Council, including home address, phone number, age, sex, marital status, health, educational, financial, employment or criminal history, or anyone’s personal opinion about that individual or organization;
- Any information of a technical, financial, or scientific nature which is not generally available to the public;
- Any information of a commercial nature, the disclosure of which could be prejudicial to the City or to other parties involved;
- Any matter of a human resources or legal nature, or relating to an investigation under, or enforcement of, a Bylaw or City Policy; or
- Any matter under consideration by Council, on which the Council has not yet publicly announced a decision.

Confidential information need not be marked ‘confidential’. It is information which is understood by reasonable persons exercising sound judgment to be confidential regardless of whether or not it is marked ‘confidential’.

All members of City Staff and Council have an obligation to protect Confidential Information about the City and individuals and organizations with whom the City does business.

Efforts must be made to limit access to Confidential Information to only those who need to know the information.

## ❖ Protecting Confidential Information

To prevent the misuse or inadvertent disclosure of Confidential Information, the following procedures should be observed at all times:

- Documents and files containing “Confidential Information” should be kept in a safe place, with access restricted to individuals who “need to know” that information in the necessary course of business;

- Confidential matters should not be discussed in places where the discussion may be overheard, such as elevators, hallways, restaurants or taxis;
- Confidential documents should not be read or displayed in public places and must not be discarded where others can retrieve them;
- Individuals must ensure they maintain the confidentiality of information in their possession outside the office as well as inside the office;
- Transmission of information by means such as fax, telephone, e-mail or by other electronic means, should be made only where it is reasonable to believe that the transmission can be made and received under secure conditions;
- Unnecessary copying of confidential documents should be avoided and documents containing Confidential Information should be promptly removed from conference rooms and work areas after meetings have concluded; and
- When disclosure of Confidential Information is necessary, such information should be limited to only that which is necessary in the particular circumstances.

Communication by e-mail leaves a physical track of its passage that may be subject to disclosure under *Freedom of Information* legislation. Caution should be exercised whenever Confidential Information is to be transmitted over the Internet. Where possible, we should avoid using e-mail to transmit Confidential Information.

❖ **Before making Presentations or Speaking with the Media**

Before making presentations to the public (such as at monthly Council meetings), issuing handout materials, or speaking with the media, it is important to consider whether these materials contain or could contain Confidential Information.

❖ **If Confidential Information is Disclosed**

If Confidential Information is disclosed inadvertently, you must inform the CAO (or a member of the Communications Committee) immediately.

❖ **Communications Committee**

There shall be a Communications Committee comprised of the CAO (or their designate), and at least one member from Staff and Council, whose responsibility will be to review this policy at least once annually, and to design controls and procedures to provide reasonable assurance that Confidential Information is protected from unauthorized disclosure.



**CONFIDENTIALITY AGREEMENT**

THIS CONFIDENTIALITY AGREEMENT (“**Agreement**”) dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by and between the City of Summerside (the “**City**”), of the first part, and

\_\_\_\_\_ ,  
a Member of Staff or Council (the “**Member**”), of the second part, evidences that:

**WHEREAS** the Member will receive access to Confidential Information by virtue of its office or employment with the City;

**AND WHEREAS** it is not desirable that Confidential Information be disclosed either intentionally or inadvertently in an unauthorized manner;

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

**1. CONFIDENTIAL INFORMATION.** The Parties agree that the term “Confidential Information” shall mean any form of information or knowledge that has been acquired by a member of Staff or Council that is not intended for public disclosure and is not generally available to the public. The Parties further agree that “Confidential Information” includes, at a minimum:

- Any oral or written communications with the City’s external legal counsel;
- Any personal information about an identifiable individual or organization, including a resident, member of Staff or Council, including home address, phone number, age, sex, marital status, health, educational, financial, employment or criminal history, or anyone’s personal opinion about an individual or organization;
- Any information of a technical, financial, or scientific nature which is not generally available to the public;
- Any information of a commercial nature, the disclosure of which could be prejudicial to the City or to other parties involved;
- Any matter of a human resources or legal nature, or relating to an investigation under, or enforcement of, a Bylaw or City Policy; or
- Any matter under consideration by Council, on which the Council has not yet publicly announced a decision.

**2. NONDISCLOSURE.** The Member agrees not to disclose either orally or in any form of writing any Confidential Information to any person, entity, or organization, either within or without the City, except those persons, entities, or organizations who “need to know” the information in the necessary course of business.



- 3. CITY POLICIES and BYLAWS.** The Parties agree to abide by the City's Disclosure Policy, and any related bylaws or policies, including any Code of Conduct established for Staff or Council, as may be enacted or amended during the Member's tenure.
- 4. UNAUTHORIZED DISCLOSURE.** The Member agrees to advise the CAO or a member of the Communications Committee immediately upon the intentional or inadvertent unauthorized disclosure of any Confidential Information.
- 5. SANCTION.** The Member agrees that if they intentionally or inadvertently disclose Confidential Information, then they may be subject to sanction, which may include a written warning, reprimand, suspension (with or without pay), or dismissal.
- 6. OBLIGATION SURVIVES.** The Member understands and agrees that its obligations under this Agreement survive even after the Member ceases to be a Member.
- 7. JURISDICTION.** This Agreement shall be construed in accordance with and governed by the laws and courts of the Province of Prince Edward Island, and the Member hereby irrevocably submits and attorns to the jurisdiction of those courts.
- 8. SEVERABILITY.** If any provision of this Agreement, or the application thereof to any person or circumstances, shall be declared for any reason or to any extent invalid or unenforceable by a court of competent jurisdiction, this Agreement shall with respect to enforceable provisions shall continue in force and all rights and remedies accrued under such enforceable provisions shall survive any such declaration.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement effective as of the date first above written.

**The City:**  
  
Per (name): \_\_\_\_\_  
  
Title: Chief Administrative Officer  
  
Signature: \_\_\_\_\_

**The Member:**  
  
Per (name:): \_\_\_\_\_  
  
Title: \_\_\_\_\_  
  
Signature: \_\_\_\_\_