



THE CORPORATION OF THE TOWN OF PENETANGUISHENE

BY-LAW NUMBER 2020-04

Being a By-law to Establish the Rate of Remuneration for Members of Council of the Town of Penetanguishene and to Repeal By-law 2014-17 and All Amendments to the Same (Council Remuneration By-law)

WHEREAS pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 282. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25, subject to the *Health Insurance Act*, a municipality may provide, only through contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*, (a) group life insurance for members of council or any local board of the municipality, employees or former employees of the municipality or any local board of the municipality or any class of them and their spouses and children; (b) group accident insurance or group sickness insurance for members of council or any local board of the municipality, employees or former employees of the municipality or any local board of the municipality or any class of them and their spouses and children; and (c) hospital, medical, surgical, nursing or dental services or payments for those services for members of council or any local board of the municipality, employees or former employees of the municipality or any local board of the municipality or any class of them and their spouses and children;

AND WHEREAS pursuant to section 283. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25, a municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality and of the officers and employees of the local board;

AND WHEREAS pursuant to section 283. (2) of the Municipal Act, 2001 S.O. 2001, chapter 25, a municipality may only pay the expenses of the members of its council or of a local board of the municipality and of the officers and employees of the municipality or local board if the expenses are of those persons in their capacity as members, officers or employees and if, (a) the expenses are actually incurred; or (b) the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred;

AND WHEREAS pursuant to section 283. (4) of the Municipal Act, 2001 S.O. 2001, chapter 25, no part of the remuneration of a member of a council or local board paid under this section is deemed to be for expenses incidental to his or her duties as a member and a

municipality or local board shall not provide that any part of the remuneration is for such deemed expenses;

AND WHEREAS pursuant to section 283. (5) of the Municipal Act, 2001 S.O. 2001, chapter 25, despite subsection (4), if a resolution of a municipality under subsection 255 (2) or (3) of the old Act is not revoked before January 1, 2003, the resolution shall be deemed to be a by-law of the municipality.;

AND WHEREAS pursuant to section 283. (7) of the Municipal Act, 2001 S.O. 2001, chapter 25, on or after December 1, 2003, a council shall review a by-law under subsection (5) at a public meeting at least once during the four-year period corresponding to the term of office of its members after a regular election;

AND WHEREAS a review of Council remuneration has been conducted in 2020 for the upcoming 2018-2022 Council term;

AND WHEREAS Council deems it necessary and desirable to repeal and replace the various by-laws passed by Council in relation to Council remuneration and expenses and establish a new consolidated by-law, including the recommendations from the Council Remuneration Review.

NOW THEREFORE the Council of the Town of Penetanguishene hereby enacts as follows:

1. **Council Remuneration and Expenses**

That remuneration paid to Members of Council of the Town of Penetanguishene shall include the following, subject to the provisions contained within this By-law:

- a) **Annual Remuneration** paid to members of Council;
- b) **Per Diems** for attendance not included in the Annual Remuneration;
- c) **Benefit Coverage** including Life Insurance, Accidental Death & Dismemberment and optional Extended Health and/or Dental;
- d) **Payment of Expenses** including provision of Notebook Computers by the Town and Telecommunication Devices;
- e) **Training, Conferences & Related Expenses** including Per Diems, Meals Reimbursement, Mileage & Accommodations.

2. **Annual Remuneration**

2.1 That Annual Remuneration currently paid to Members of Council shall be as follows:

2019	
Mayor	\$38,115.56
Deputy Mayor	\$27,979.85
Councillor	\$21,578.40

- 2.2 That the Annual Remuneration paid to Members of Council in Section 2.1 shall be adjusted on January 1st of each year for cost of living based on the percentage increase in the Town's Pay Grid for non-union staff.
- 2.3 Human Resources shall calculate the indexed Annual Remuneration yearly as per Sections 2.2 above and provide to the Treasurer on the form attached hereto as Schedule "A".
- 2.4 That the Annual Remuneration paid to Members of Council shall be paid in equal bi-weekly instalments by way of direct deposit through the Town's payroll system.
- 2.5 That no Member of Council shall be entitled to any form of severance pay upon ceasing to be a Member of Council prior to the completion of their elected term.
- 2.6 That the Annual Remuneration shall be deemed to include attendance at all Regular and Special Council, Section Committee, Advisory Committee, Ad Hoc Committee and Local Board meetings conducted in accordance with the Town or Local Boards Procedural By-law as well as the attendance of Members of Council at meetings of outside Boards, Committees and Working Groups as a representative of Council.
- 2.7 That the Annual Remuneration shall further be deemed to include all voluntary attendance at any Town, Local Board or other meetings for which a Member of Council has not been appointed and for attendance at all Town, Local Board or other events.

3. Per Diems

- 3.1 That, under exceptional circumstances, a member of Council may be paid a per diem of \$60.00 for half day (3.5 hours or less) and \$120 for a full day for attendance on Town business, which does not fall under Sections 2.6 and 2.7 above.
- 3.2 That the per diem of \$60.00 for half of a day (3.5 hours or less) and \$120 for a full day may not apply for more than one per diem for attendance at one or more meetings or events in any one day.
- 3.3 That the per diem, under exceptional circumstances in Section 3.1, may be approved by the CAO and Mayor.
- 3.4 That all claims for a per diem shall be submitted to the Corporate Services Executive Assistant for processing after approval by the CAO and Mayor.
- 3.5 That the per diem paid to Members of Council outline in Section 3.1 shall be adjusted annually on January 1st based on the cost of living and growth rates outlined in Sections 2.2 above.

4. Benefit Coverage

- 4.1 That all Members of Council shall be entitled to enrolment in the following group benefit plans:
- a) Canada Pension Plan (CPP), in accordance with the Federal legislation and regulations thereof, with the Town and the Member contributing equally to the cost of the premiums;
 - b) Employer Health Tax (EHT), in accordance with the Provincial legislation and regulations thereof, with the Town contributing one hundred percent (100%) to the cost of the premiums;
 - c) Life Insurance, in accordance with the contract thereof as Council may approve from time to time, with the Town contributing one hundred percent (100%) of the cost of the premiums;
 - d) Accidental Death and Dismemberment (AD&D), in accordance with the contract thereof as Council may approve from time to time, with the Town contributing one hundred percent (100%) of the cost of the premiums;
 - e) Dental, optional coverage in accordance with the contract thereof as Council may approve from time to time, with the Member contributing one hundred percent (100%) of the cost of the premiums;
 - f) Extended Health, optional coverage in accordance with the contract thereof as Council may approve from time to time, with the Member contributing one hundred (100) percent of the cost of the premiums;
- 4.2 That, where a Member elects optional coverage (Dental and/or Extended Health), the Member shall be responsible for 100% of the cost of the applicable premiums in effect payable in advance pursuant to the policies and procedures as set by the Treasurer from time to time. Non-payment will mean automatic forfeiture of the coverage.
- 4.3 That, where a Member elects optional coverage (Dental and/or Extended Health), this coverage does not extend to surviving spouses and/or family members in the event of the death of the Member.

5. Expenses

- 5.1 That Members of Council, excluding the Mayor and Deputy Mayor, shall be issued a notebook computer for use of Town business in accordance with the Town's Computer Use Policy. The laptop computer and related equipment shall remain property of the Town and shall be returned upon completion of the elected term, or upon request of the Town.

5.2 That any and all additional equipment provided by the Town to Members of Council during the Council term shall remain property of the Town and shall be returned upon completion of the elected term, or upon request of the Town.

5.3 That Members of Council who are required by the Town to use their personal vehicle on Town business outside of the boundaries of the Town shall be compensated at such a rate as prescribed by the Vehicle Use Policy, for each actual kilometre driven, subject to the completion of the prescribed forms. Said form shall be submitted to the Corporate Services Executive Assistant monthly for processing after approval by the Mayor and CAO.

6. Review of Council Remuneration

6.1 That Council Remuneration shall be reviewed each Council term during the last 12 months of the term based on the Town's comparator group based on the Town's target pay position being the adjusted average on a per capita basis.

6.2 That the report and recommendations as a result of the review, shall be presented to Council at a meeting open to the public.

6.3 That any changes as a result of the Council remuneration review shall take effect on the 1st day January and shall remain in effect until the effective date of the next review.

7. Conference and Training Attendance

7.1 That requests for training and/or conferences for Members of Council shall be processed in accordance with the Council Conference & Training Policy as outlined in Schedule "B" attached hereto and forming part of this By-law.

8. Repeal of Prior By-laws

8.1 That By-law 2014-17 and All Amendments to the same are hereby repealed in their entirety.

9. Force and Effect

9.1 That this By-law shall come into force and effect on January 1, 2020.

BY-LAW read a first, second and third time and finally passed by Council on the 22nd of January, 2020.

MAYOR, Doug Leroux

CLERK, Stacey Cooper

SCHEDULE "A" OF BY-LAW 2020-04

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ANNUAL INDEXING OF COUNCIL REMUNERATION FOR THE YEAR 202__

Current Annual Remuneration (\$)	Percentage (%) Increase for Non Union	Increase in Remuneration
Mayor \$		\$
Deputy Mayor \$		\$
Councillor \$		\$

ANNUAL INDEXING OF PER DIEM FOR THE YEAR 202__

Current Per Diem (\$)	Percentage (%) Increase	Increase in Per Diem (\$)	Adjusted Per Diem (\$)	
\$				

Based on the above calculations, the Treasurer is directed to pay to the members of Council the following Annual Remuneration for the year 202__

Mayor \$ _____

Deputy Mayor \$ _____

Councillor \$ _____

Per Diem \$ _____

Dated _____ Approved by Human Resources _____

SCHEDULE “B” OF BY-LAW 2020-04

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COUNCIL CONFERENCE & TRAINING POLICY

1. Purpose and Scope

The Town of Penetanguishene supports the provision of training and conference attendance for its members of Council.

2. Identification of Training Needs

- a) On an annual basis, training needs for the members of Council will be identified by the CAO in consultation with the Town Clerk.
- b) When reviewing and recommending training for members of Council, the CAO and Town Clerk will take into account:
 - i) whether a new member(s) requires orientation training;
 - ii) whether member(s) require computer training in order to use the Town's email and electronic agenda system;
 - iii) whether training is needed due to a change or anticipated change in the legislative duties or responsibilities of Council;
 - iv) whether there is sufficient funds available in the Council budget taking into account all anticipated and known training requests and priorities.

3. Corporate Training (Mandatory Training)

- a) Corporate Training activities may vary from short, informal on the instruction and guidance to structured programs, courses or workshops offered and/or organized by the Town. Examples of Corporate Training are:
 - i) Orientation Program;
 - ii) Accessibility related training;
 - iii) Health & Safety related training;
 - iv) Media Relations training;
 - v) IT related training associated with corporate systems;
 - vi) Workshops for Council on various topics.
- b) Participation of members of Council in Corporate Training is mandatory. Corporate Training will be held during the evening whenever possible and all costs will be borne by the Town in accordance with the annual budget for Council set training prepared by Human Resources and approved by the Finance & Corporate Services Section. No per diems would apply for attendance at Mandatory Corporate Training.

4. Corporate Training (Discretionary)

- a) The Town may from time to time provide discretionary Corporate Training that is intended to provide information or personal skills development to its Employees and/or members of Council. Examples of discretionary Corporate Training would be “lunch and learn” sessions where a guest speaker is invited or French language instruction.
- b) Attendance at discretionary Corporate Training events is optional subject to space limitations. Any costs associated with discretionary Corporate Training will be borne by the attendees. No per diems would apply for attendance at Mandatory Corporate Training.

5. Seminars and Workshops

- a) In addition to Corporate Training, the Town may approve training opportunities in the form of knowledge based one (1) day Seminars or Workshops pertaining directly to the role of Council or technical training.
- b) Priority will be given to new Councillor training or seminars and computer related training to ensure that a member of Council has the technical skills to participate fully in the Town’s email and electronic agenda system.
- c) All seminars and workshops must be held in the Province of Ontario (with the exception of webinars).
- d) All attendance at seminars and workshops by members of Council must be pre-approved by the Finance & Corporate Services Section and is subject to budgetary constraints.
- e) All training requests must be submitted to the Corporate Services Executive Assistant for preparation of the applicable Training Request Form, subject to the review and recommendation of the CAO. The Corporate Service Executive Assistant may pre-register participants when space is limited, a seminar or workshop is in high demand and/or the seminar or workshop is at no/low cost. Whenever possible, a member of Council shall be registered to attend a training event at the closest location.
- f) Training requests that have been pre-approved as part of the Annual Training Plan by Finance & Corporate Services Section are exempt from further Section approval and require Town Clerk and CAO approval only.
- g) Upon approval of the seminar or workshop, the Town will pay:
 - i) the registration fee, and;
 - ii) per diem, and;
 - iii) in the event that meals are not provided, reasonable out of pocket costs with original receipts (debit or credit card slip only will not be accepted) together with the Expense Claim form provided by the Corporate Services Executive Assistant. A member of Council may not claim for alcohol and

may not claim for meals when meals are provided as part of the seminar or workshop registration.

- h) A member of Council may use a Town vehicle to travel to and from a seminar or workshop subject to the Town's Vehicle Use Policy. In the event that a personal vehicle is used, a member of Council will be paid mileage in accordance with Town policy for use of a personal vehicle.

6. Conferences

- a) A conference is an annual conference or special session on a topical matter hosted by a municipal association or related group over a period of two (2) or more days.
- b) Conference attendance is subject to budgetary constraints and attendance is limited to two (2) conferences per year for the Mayor and one (1) conference per year for the Deputy Mayor and Councillors.
- c) The CAO will identify conference opportunities for the members of Council as part of the Annual Conference Plan. Members of Council will be given the opportunity to select the conference of their choice at the time of the budget review and/or via email when information regarding an upcoming conference is received by the Corporate Services Executive Assistant.
- d) Upon receipt of a conference request, the Corporate Services Executive Assistant will complete the Conference Request form for submission to the Finance & Corporate Services Section. The CAO is responsible for reviewing all Conference Requests and making a recommendation to Section regarding the relevancy of the conference to Council, whether budget funds are available and the costs, which are to be reimbursed by the Town.
- e) Upon approval, the Corporate Services Executive Assistant will process the registration and pay registration fees and deposits for accommodation. Any balance of the costs associated with accommodations will be reimbursed upon submission of original receipts (debit and visa only not accepted) together with the Expense Claim form provided by the Corporate Services Executive Assistant (room changes require an original receipt to be attached to the accommodation bill).
- f) Members of Council will be booked at hotels offering special conference rates and/or the most cost effective location. In the event that a member of Council wishes to stay at accommodations other than the conference venue or the most cost effective, the Town's contribution will be capped at an amount equal to the lowest cost option for the conference venue. The exception to this would be if the hotel(s) offering special rates are full and accommodations need to be obtained at another location. Any additional costs incurred by the Town will be deducted from the Expense Claim form prior to payment.
- g) Members of Council are encouraged to share a room with another known person attending the conference. In the event that a Council member shares a room with another person who is not from the Town of Penetanguishene, the cost to the

Town shall be prorated in the event that there is additional cost for double occupancy.

- h) In the event that meals are not provided as part of the conference registration, reasonable out of pocket costs will be reimbursed by the Town upon submission of original receipts (debit or visa only will not be accepted) on the Expense Claim form provided by the Corporate Services Executive Assistant.
- i) A member of Council may not claim for alcohol, expenses for any other individuals or for meals when meals are provided as part of the conference registration. In the event that a member of Council chooses not to participate in a meal plan, the Town's contribution will be capped at the amount equal to the cost of the meal plan. Any ineligible costs will be deducted prior to payment of the Expense Claim form.
- j) Mileage shall be paid in accordance with Town policy for use of a personal vehicle travelling to and from a conference. Out of pocket costs for parking will be reimbursed upon submission of original receipts (debit or visa only will not be accepted) together with the Expense Claim form provided by the Corporate Services Executive Assistant.
- k) Members of Council will be paid a per diem of \$60.00 for half day (3.5 hours or less) and \$120 for a full day for attendance at a conference. In the event that a member chooses not to attend any conference related activities on a particular day, no per diem will be paid. Claims for per diems should be included on the Expense Claim form provided by the Corporate Services Executive Assistant.
- l) Attendance by a member of Council at conferences not approved by the CAO will be at the member's own expense and the Town will not pay or reimburse any costs.

7. Executive Positions – Provincial or Special Appointments

- a) Members of Council may serve as an Executive, Committee or Board member for a Municipal Association or related Group at the Provincial level only with the approval of Council. Prior to granting approval, Council shall consider whether there would be an impact on quorum for Council, Committee or Board meetings.
- b) All Association work, including attendance at meetings, teleconferences and approved events, and any associated costs shall be at the expense of the member, unless otherwise approved by Council.