



Regional Municipality of Durham COUNCIL INFORMATION PACKAGE

September 8, 2023

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There are no Advisory/Other Committee Minutes

Members of Council – Please advise the Regional Clerk at clerks@durham.ca, if you wish to pull an item from this CIP and include on the next regular agenda of the appropriate Standing Committee. Items will be added to the agenda if the Regional Clerk is advised not later than noon the day prior to the meeting, otherwise the item will be included on the agenda for the next regularly scheduled meeting of the applicable Committee.

Notice regarding collection, use and disclosure of personal information: Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.



The Regional Municipality of Durham Information Report

From: Commissioner of Corporate Services
Report: #2023-INFO-76
Date: September 8, 2023

Subject:

Public Code of Conduct Policy

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 The purpose of this report is to advise Regional Council of the approval of a Public Code of Conduct Policy for the Regional Municipality of Durham.
- 1.2 The policy's intent is to foster a safe and inclusive environment for staff and members of the public at Regional facilities and in the delivery of Regional services, and to provide staff with policy tools to respond to inappropriate conduct arising from interactions with members of the public.

2. Background

- 2.1 The Region of Durham is committed to providing excellent customer service to all members of the public while promoting a respectful, tolerant, and harassment-free environment for the public and employees of the Region.
- 2.2 Regional staff currently respond to instances of inappropriate conduct using division-level policies and protocols. Prior to the adoption of this policy, the Region did not have a consistent corporation-wide policy governing public conduct when engaging with Regional staff and services.
- 2.3 In recent years there has been an observed increase in difficult customer service interactions at the Region and across the broader public sector. The increasing frequency of these events has necessitated the establishment of a consistent, transparent, and fair resolution framework.

2.4 The Chief Administrative Officer approved this operational policy to be effective as of September 5, 2023. The policy was reviewed extensively by the Region's Senior Leadership Team and representatives from Legal Services, the CAO's office, Diversity, Equity & Inclusion, and the Human Resources Policy Advisory Group. Additionally, targeted review was conducted with departments where enforcement of the policy may be challenging, including Durham Region Transit, Paramedic Services, and Long-Term Care portfolios, among others.

3. Legislative Background

3.1 In the development of this policy, a review of comparable municipal examples and relevant legal decisions in Ontario was performed.

3.2 It is a best practice for Ontario municipalities to establish a public code of conduct policy; notable examples include the City of Ottawa and more locally the City of Oshawa, Town of Whitby, City of Pickering, and the Town of Ajax.

3.3 Previous court decisions have affirmed the following best practices for municipalities and public sector entities:

- a. Restrictions applied to an individual's right to access services or property must be minimally impairing, rationally connected to the objective being pursued, and proportional to the inappropriate conduct that occurred.
- b. Municipalities must uphold the Charter rights of individuals (in particular, the right to freedom of expression), and municipalities also have a responsibility to maintain order at public meetings and in public spaces, including the right to remove individuals who are disruptive to the conduct of a meeting or the safe enjoyment and use of public spaces.
- c. If an individual's access to municipal services or property is to be restricted, a policy should be established to govern the application of such restrictions.

3.4 For further reading, visit:

- a. Gammie v. Town of South Bruce Peninsula, 2014 on CanLII.org
- b. Bracken v. Fort Erie, 2017 on CanLII.org
- c. Bracken v. Niagara Parks Police, 2018 on CanLII.org

4. Operation

- 4.1 The policy defines what is considered inappropriate behaviour (section 6) and provides a range of potential restrictions that can be applied in response (section 7). For example:
- a. Limiting an individual's communications to certain formats.
 - b. Requiring in-person interactions to be in the presence of specific staff (managers, security, etc.).
 - c. Directing an individual's communications to an assigned individual.
 - d. Closing active complaints (for example, if they are frivolous or vexatious).
 - e. Refusing to accept new complaints on a specific subject matter, and/or:
 - f. If necessary, restricting an individual's ability to enter onto specific Regional properties or physically attend public meetings for a period of time.
- 4.2 The policy assigns authority to issue restrictions to defined management staff. An escalation framework ensures that the response is appropriate. For example, Managers and Directors may apply restrictions that limit how a member of the public interacts with staff, whereas only Commissioners and the Chief Administrative Officer may prohibit attendance at specific Regional properties or physical attendance at public meetings.
- 4.3 The policy grants procedural appeal rights to members of the public to ensure fairness and transparency. Individuals may request a review of the applied restrictions in order to foster dialogue and consider ending restrictions early.
- 4.4 Certain Regional services are provided directly in the community (for example, paramedic services, public transit, health inspections, etc.). The policy is written to be flexible and allow those service areas to make use of its provisions where it is practical to do so.

5. Prohibiting attendance at Regional Properties and Public Meetings

- 5.1 For actions that represent a risk to the safe and effective conduct of Regional operations and public meetings, individuals may be prohibited from attending Regional properties and public meetings of Council, Standing Committees, or meetings of the Region's local boards and special purpose bodies. Only Commissioners may recommend applying these restrictions after consulting with the Chief Administrative Officer.

- 5.2 Where such restrictions are recommended, a Review Panel is convened to assess the circumstances and determine if the restriction is warranted. The panel is comprised of the following individuals or their designates:
- a. Director of Human Resources
 - b. Regional Solicitor
 - c. Director of Service Durham
 - d. Director of Legislative Services
 - e. Security Supervisor (Facilities)
- 5.3 In deciding on the matter, the panel shall have regard for whether the inappropriate behaviour:
- a. Disrupted the conduct of Regional operations or a Public Meeting.
 - b. Caused or threatened violence, or otherwise created an unsafe environment.
 - c. Harmed the right or ability of other members of the public to participate fully.
 - d. Is likely to continue or be repeated.
- 5.4 Under s. 240(2) of the Municipal Act, the head of council or other presiding officer may expel any person for improper conduct at a public meeting. The Regional Chair shall be consulted by the panel prior to issuing any restrictions on attendance at public meetings. Individuals prohibited from attending a public meeting may also request a review from the panel to discuss the matter and determine if the restrictions may be rescinded prior to the specified end date.
- 5.5 To ensure such restrictions are minimally impairing, individuals prohibited from attending a public meeting shall be guaranteed other means of participating, including retaining the right to submit written correspondence or participating virtually if appropriate. It is anticipated that the application of these types of restrictions will be rare.

6. Benefits

- 6.1 There are numerous benefits to instituting a corporation-wide Public Code of Conduct Policy. The policy clearly communicates the Region's expectations for public conduct when engaging with Regional employees and services.
- 6.2 The policy also promotes the safe use of Regional services and facilities for all users. It creates a consistent organizational response to inappropriate conduct and provides staff with tools to resolve disruptions to Regional business.
- 6.3 The policy also ensures that the Region's actions are defensible if challenged and limits the Region's liability when it is required to take action.

7. Training

- 7.1 Training will be provided to management staff to inform them of the policy and ensure its proper application. A training module will be developed to support new managers in the implementation of this policy.

8. Communication

- 8.1 The policy will be posted on the Region's website and made available at Regional facilities for review by members of the public and staff.
- 8.2 Additionally, signage may be posted at Regional facilities to advise the public of the existence of the policy.

9. Relationship to Strategic Plan

- 9.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 5: Service Excellence. Objective: To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.
- 5.1 Demonstrate commitment to continuous quality improvement and communicating results

10. Conclusion

- 10.1 To limit the negative impact of inappropriate conduct directed towards Regional employees and other patrons, it is sometimes necessary to restrict an individual's interactions with Regional staff and services. However, as a public sector organization, any restrictions on individuals should be limited, specific, and responsive to the inappropriate conduct that has occurred.
- 10.2 The policy provides a consistent and defensible approach to responding to inappropriate conduct that occurs on Regional property or when delivering Regional services. It treats all parties fairly and affords procedural rights to members of the public.

11. Attachments

Attachment #1: Public Code of Conduct Policy

Prepared by: Alexander Harras, Director of Legislative Services & Regional Clerk, at 905-668-7711, extension 2100.

Respectfully submitted,

Original signed by

Barb Goodwin, MPA, CPA/CGA,
B.Comm, CPM, CMMIII
Commissioner of Corporate Services



Regional Municipality of Durham

Durham Region Policy and Procedures Manual

| | |
|--|-------------------------|
| Title: Public Code of Conduct | |
| Approved by: Chief Administrative Officer | Page #: 1 (of 9) |
| Issued: September 5, 2023 | Revised: |
| Responsibility: Corporate Services | Section: General |

1. Policy

- 1.01 The Region of Durham (the “Region”) is committed to providing excellent customer service by ensuring a respectful, equitable and harassment-free workplace and space for employees and customers.

2. Purpose

- 2.01 The purpose of this policy is to establish expectations for appropriate behaviour by members of the public interacting with Regional Employees, Members of Regional Council, Appointed Members of Regional Boards or Committees, and other users of Regional facilities and services.
- 2.02 Under this policy, Inappropriate Behaviour may result in the application of restrictions against members of the public. Any restrictions applied shall be reasonable, consistent, and appropriate to address the Inappropriate Behaviour, and communicated in a manner that is clear and understandable.

3. Application

- 3.01 This policy applies to the conduct of members of the public with respect to all interactions with Regional Employees, Members of Regional Council, Appointed Members of Regional Boards or Committees, other representatives of the Region, and users of Regional facilities, services, and property, including in-person interactions and written, telephone, and all forms of electronic or virtual communication.
- 3.02 This policy applies to the conduct of members of the public at Public Meetings held by the Region, including meetings of Regional Council, its Standing Committees, local boards, special purpose bodies, and advisory committees.
- 3.03 Nothing within this policy restricts or otherwise limits the Region’s authority to pursue legal action against a member of the public as deemed appropriate by the Regional Solicitor.
- 3.04 Certain enforcement provisions of this policy may not be applicable to each Department, Regional Property, or Regional Service. Accordingly, each Department Head may exercise discretion in determining how this policy will be applied within their Department.
- 3.05 Nothing within this policy restricts or otherwise limits the ability or obligation of the Region to comply with any requirements established by provincial or federal legislation, the Canadian Charter of Rights and Freedoms, or other Regional policies that may apply.

- 3.06 Nothing within this policy restricts or otherwise limits the right of Regional Employees to refuse unsafe work under the *Occupational Health and Safety Act* or restricts or otherwise limits the rights and obligations of Regional Employees under the Region's Workplace Violence Prevention Policy.
- 3.07 This policy does not apply to Durham Regional Police Service, municipal corporations owned by the Region, or other independent entities established by the Region. However, such bodies may adopt this policy for their purposes at their discretion.
- 3.08 Nothing within this policy restricts the ability of members of the public to request access to emergency services, and such service requests shall always be accepted.
- 3.09 Notice of this policy and its requirements may be posted at any Regional Property, on the Region's website, and the Region's Self Service Customer Portal.

4. Definitions

- 4.01 The following definitions and abbreviations apply within the meaning of this policy:

| Term | Definition |
|---|---|
| Adult | Means an individual who is of the age of majority, being eighteen years of age or over. |
| Appointed Member of a Regional Board or Committee | Means an individual appointed by the Region of Durham to sit as a member of an advisory committee, local board, special purpose body or other committee established by the Region. |
| CAO | Means the Chief Administrative Officer of the Regional Municipality of Durham. |
| Commissioner | Means a Commissioner of a Department of the Region and has the same meaning as Department Head, and includes the General Manager of Durham Region Transit. |
| Council | Means the Council of the Regional Municipality of Durham. |
| Department | Means any functional department within the organizational structure of the Regional Municipality of Durham. |
| Department Head | Means a Commissioner of a Department of the Region and includes the General Manger of Durham Region Transit. |
| Director | Means the Director of a division within a Department of the Region. |
| DRPS | Means the Durham Regional Police Service. |
| Frivolous | Means to have no merit or business value. |
| Inappropriate Behaviour | Means behaviour that is damaging physically or psychologically, is illegal, or would otherwise not be welcomed in a regular place of business, and includes, without limitation, the activities and behaviours identified in section 6.01 of this policy. |

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| Issuer | Means a Regional Employee that issues restrictions in response to Inappropriate Behaviour. |
| Letter of Warning | Means a letter issued to a member of the public informing them of instances of Inappropriate Behaviour, including a caution that further Inappropriate Behaviour may result in restrictions. |
| Member of the Public | Means any individual that interacts with Regional Employees or services who is not a Regional Employee, a Member of Regional Council, or an Appointed Member of a Regional Board or Committee. |
| Minor | Means an individual below the age of majority, being under eighteen years of age. |
| Notice of Restrictions | Means a letter issued to a member of the public informing them of instances of Inappropriate Behaviour and the application of restrictions. |
| Ombudsman | Means the individual, business, organization, or institution appointed as the Ombudsman for the Regional Municipality of Durham. |
| Personal Information | Means Personal Information as defined in the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA), which includes recorded information about an identifiable individual in any format. Information makes an individual identifiable if the information reveals something of a personal nature about the individual, and one can reasonably conclude the identity of the individual from the information (either alone or by combining it with other information). Examples include: a person's name when combined with other information about them, such as their address, sex, age, education, or medical history. |
| Prohibited Substance | Means any substance prohibited under the Criminal Code of Canada, controlled substances such as alcohol unless otherwise permitted by the Region and/or in accordance with the issuance of any required permits, and any other substances deemed inappropriate by the Region of Durham as set out within any Regional policies. |
| Public Conduct Review Panel | Means a panel comprised of Regional Employees whose function is to review the application of restrictions that limit access to Regional Properties or Public Meetings. |
| Public Meeting | Means any official meeting of Council, its Standing Committees, Advisory Committees, or Local Boards, as well as any public consultation or information meetings hosted by Regional Employees or representatives of the Region. |
| Request For Review | Means a formal request submitted to the Region to review restrictions applied to a member of the public. |
| Region | Means the Regional Municipality of Durham. |
| Regional Chair | Means the Chair of Regional Council for the Regional Municipality of Durham. |
| Regional Employee | Means any employee of the Regional Municipality of Durham, and for the purposes of this policy also includes Durham Region Transit employees, |

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| | external contractors, consultants, temporary employees, and volunteers. |
| Regional Property | Means any property owned, leased, or operated by the Region on a temporary or permanent basis, including indoor and outdoor facilities, spaces, and assets. |
| Regional Services | Means any and all services provided by the Regional Municipality of Durham, its employees, or representatives of the Region. |
| Regional Solicitor | Means the solicitor of the Region of Durham as appointed by Regional Council. |
| Vexatious | Means part of a pattern of conduct that amounts to an abuse of the right to access a service and/or interferes with the operations of the institution, is made in bad faith, or is made for a purpose other than to access a service or receive information. |
| Weapon | Means a weapon as defined in the Criminal Code of Canada. |

5. Responsibilities

- 5.01 Regional Council: It is the responsibility of all Members of Regional Council to support the Public Code of Conduct Policy and encourage all members of the public to abide by the principles and provisions of this policy.
- 5.02 Regional Employees: It is the responsibility of all Regional Employees to consider whether to report any interactions they have with a member of the public that they believe constitutes Inappropriate Behaviour, and to collect and provide any supporting material or evidence.
- 5.03 Supervisors, Managers, and Directors: It is the responsibility of all Supervisors, Managers, and Directors to receive reports of Inappropriate Behaviour from Regional Employees and engage in the enforcement steps outlined in this policy where necessary. Supervisors and Managers shall also ensure that Regional Employees that experience Inappropriate Behaviour are provided with appropriate support, including access to the Region's Employee Assistance Program.
- 5.04 Commissioners and the CAO: It is the responsibility of Commissioners and the CAO to uphold the principles and provisions of this policy and consider the application of restrictions that would limit attendance at Regional Properties or at Public Meetings.
- 5.05 Public Conduct Review Panel: it is the responsibility of the members of the Public Conduct Review Panel to receive notice from Issuers of the intent to restrict access to Regional Properties or Public Meetings, and to review the matter with the Issuer as required.
- 5.06 Regional security: In the event of Inappropriate Behaviour occurring on Regional Property in the presence of Regional security staff or other contracted parties hired for the purposes of maintaining the security of persons and Regional Property, these parties may act within their established powers and duties to intervene where necessary and are expected to complete a full incident report immediately for review by the Supervisor, Security Services.

6. Inappropriate Behaviour

- 6.01 The following activities and conduct by members of the public are considered Inappropriate Behaviour:
- i. Abusive, disrespectful or demeaning comments made towards or about Regional Employees, Regional Council Members, Appointed Members of a Regional Board or Committee, or other members of the public, including the use of profanity;
 - ii. Insulting, demeaning, or derogatory remarks directed at a person or group that relate to a protected ground of the Ontario Human Rights Code, including but not limited to racist, anti-Indigenous, sexist, homophobic, transphobic, and ableist comments;
 - iii. Distributing or displaying materials on Regional Property that are offensive, pornographic, or racist in nature;
 - iv. Impugning the integrity of Regional Council Members, Regional Employees, Appointed Members of a Regional Board or Committee, or other members of the public at a Public Meeting;
 - v. Acting towards any other individual in a threatening, intimidating, abusive and/or violent manner;
 - vi. Engaging in a physical altercation with any other individual on Regional Property;
 - vii. Engaging in activities on Regional Property that are considered a crime under the Criminal Code of Canada;
 - viii. Possessing a Weapon or Prohibited Substance while on Regional Property;
 - ix. Engaging in sexual activity on Regional Property;
 - x. Soliciting the sale of private goods or services on Regional Property without permission;
 - xi. Accessing or attempting to access physical areas of Regional Property that are used as private office space for Regional Employees, or for which the public is not otherwise entitled to enter;
 - xii. Photographing or video recording Regional Council Members, Regional Employees, Appointed Members of a Regional Board or Committee, or other members of the public while on Regional Property or on any property being used by the Region for the purposes of providing Regional Services where it is determined by Regional Staff that such recording will disrupt regional operations or services, or where there is a reasonable expectation of privacy for those individuals and written consent to record has not been obtained by them;
 - xiii. Unruly public protest that is disruptive to the common good administration of Regional Services, including but not limited to disrupting, harassing, threatening, or intimidating other patrons, Regional Employees, Regional Council Members, or Appointed Members of a Regional Board or Committee on Regional Property;
 - xiv. Submitting inquiries or requests for service that are Frivolous or Vexatious in nature;
 - xv. Deliberately making false statements or submitting falsified documents when addressing a matter with the Region;
 - xvi. Continually refusing to accept or acknowledge a decision of Regional Employees with respect to a matter under the Region's jurisdiction;
 - xvii. Knowingly violating the privacy of other members of the public, Regional Employees, Regional Council Members, or Appointed Members of a Regional Board or Committee, or violating the confidentiality of proceedings in a meeting that is properly closed to the public; and

xviii. Contravening other Regional policies and Codes of Conduct that establish rules for expected conduct at Regional Properties and Public Meetings.

6.02 Section 6.01 is not an exhaustive list for the purposes of this policy, and the Region retains the right to assess incidents on a case-by-case basis to determine whether Inappropriate Behaviour has occurred.

6.03 Where there is a conflict between section 6.01 of this policy and one or more other policies or Codes of Conduct of the Region governing the expected behaviour of members of the public, the highest standard of behaviour shall prevail. Where another policy or Code of Conduct prevails, the breach of that policy or Code of Conduct may be considered Inappropriate Behaviour under this policy, and the enforcement provisions of this policy may be followed in response.

7. Response to Inappropriate Behaviour

7.01 In response to one or more instances of Inappropriate Behaviour, restrictions may be applied to a member of the public in accordance with the conditions, authorities and limitations described herein.

7.02 Managers and Directors may apply the following restrictions for a duration of time at their discretion:

- Require any in-person interaction with Regional Employees to be in the presence of another Regional Employee or other representatives of the Region;
- Limit correspondence to a particular format, time, duration;
- Require any communication to be directed only through specific individuals;
- Limit the number of responses that may be provided regarding an active complaint or inquiry;
- Close any active complaints, inquiries or requests for service related to a specific matter;
- Limit the number of new complaints, inquiries or requests that may be submitted;
- Removal from or limited access to specific programs or services; and
- Refuse to accept any further complaints or inquiries on a specific subject matter.

7.03 Commissioners, in consultation with the Chief Administrative Officer and the Public Conduct Review Panel, may apply the following restrictions for a duration of time up to 365 days:

- Prohibit attendance at one or more specified Regional Properties; and
- Prohibit attendance at one or more Public Meetings.

8. Public Conduct Review Panel

8.01 The Region shall establish a Public Conduct Review Panel whose purpose is to review the application of restrictions that prohibit attendance at Regional Properties or at Public Meetings for a duration of time. The Panel shall be comprised of the following individuals or their designate(s):

- Director of Human Resources;
- Regional Solicitor;
- Director of Service Durham;
- Director of Legislative Services; and
- Security Supervisor (Facilities).

8.02 Where it is determined that restrictions should be applied to limit a member of the public's access to Regional Properties or Public Meetings, the Issuer shall notify the Public Conduct Review Panel prior to issuing a Notice of Restrictions. The panel shall meet with the Issuer to review the matter, and the panel may uphold the Issuer's decision or alter the restrictions to be applied, including the application of any additional conditions deemed appropriate by the Panel. The decision of the Panel is final.

- 8.03 When conducting a review, the Panel shall have regard for whether the Inappropriate Behaviour:
- Disrupted the conduct of Regional operations or a Public Meeting;
 - Caused or threatened violence, or otherwise created an unsafe environment;
 - Harmed the right or ability of other members of the public to participate fully; and
 - is likely to continue or be repeated.
- 8.04 Where the Panel considers restricting a member of the public's access to Public Meetings, the Regional Chair shall be consulted and may, at their discretion, participate in meetings a member of the Panel.
- 8.05 Legislative Services shall act as secretariat for the Public Conduct Review Panel and shall perform administrative duties as necessary to enact the decisions of the Panel.

9. Enforcement

- 9.01 The following process shall be followed in the enforcement of this policy:
- Regional Employees shall respond to interactions with members of the public in accordance with their applicable training, departmental protocols, and appropriate de-escalation techniques. This includes the ability to end customer service interactions with the public when Inappropriate behaviour occurs.
 - Regional Employees shall review incidents with a member of the public to determine whether Inappropriate Behaviour occurred and if a Letter of Warning or Notice of Restrictions should be issued.
 - Managers or Directors may issue a Letter of Warning to advise of instances of Inappropriate Behaviour and give notice that further Inappropriate Behaviour may result in the application of restrictions in accordance with this policy. It shall not be a requirement to issue a Letter of Warning prior to the application of restrictions.
 - If restrictions are deemed warranted, a Notice of Restrictions shall be prepared and distributed to the member of the public by the appropriate Manager or Director. The Manager or Director shall advise other Regional Employees of the restrictions as necessary.
- 9.02 Where a member of the public is subject to restrictions, the Issuer shall attempt to provide them with a written Notice of Restrictions delivered by e-mail or letter mail, describing:
- The Inappropriate Behaviour that occurred;
 - The restrictions applied to them, and their duration;
 - The name and contact information of the Regional Employee or representative of the Region that they may contact during the restriction period, as well as the form of communication to be used (if applicable);
 - Instructions for submitting a Request for Review form; and
 - Any other information the Issuer deems necessary.
- 9.03 Where the Issuer is unable to deliver the required notice, the Issuer shall complete an affidavit noting the failed attempt to deliver the required notice, which shall satisfy the notice requirements of this policy.
- 9.04 Where a Letter of Warning or Notice of Restrictions is issued to a Minor, the Issuer may direct any Letter of Warning or Notice of Restrictions to the Minor's parent or guardian (if known), which shall satisfy the notice requirements of this policy.

- 9.05 Where a member of the public is prohibited from entering on to one or more specific Regional Properties for a period of time, the Region may issue a Notice of Trespass to Property. DRPS may be requested to assist where a Notice of Trespass to Property is contravened.
- 9.06 Where a member of the public is restricted from attending a Public Meeting under this policy, Regional Employees shall ensure that the restriction is minimally impairing to the affected member of the public by affording them other means of participating, including but not limited to the right to make written submissions or participate electronically if deemed appropriate to do so.

10. Review of Restrictions

- 10.01 Any member of the public who is subject to restrictions may request a review by the Issuer. The request must be made in writing using the Request for Review form and submitted via e-mail or letter mail to the Issuer, including at minimum:
- A description of the Inappropriate Behaviour that occurred;
 - An explanation of why they are requesting the review; and
 - What resolution or outcome is being sought.
- 10.02 Members of the public may request a meeting with the Issuer to review the restrictions. Requests for meetings may be accepted or denied at the Region's discretion and may be conducted virtually or in-person. The Issuer may request the attendance of additional Regional Employees at their discretion. Reasonable accommodations will be made to ensure the requester is able to fully participate.
- 10.03 Following the receipt of a Request for Review and any associated meeting, the Issuer may uphold, amend, or rescind the restrictions, and shall notify the requester of their decision in writing.
- 10.04 When a member of the public that has been restricted from attending specific Regional Properties or Public Meetings requests a review of their restrictions, the Issuer shall notify the Public Conduct Review Panel. The Issuer and the panel shall jointly review the request and participate in any meetings with the requester, following which the panel shall meet to consider the matter and may uphold, amend, or rescind the restrictions. The panel's decision is final, and the Issuer shall notify the requester of the panel's decision in writing.
- 10.05 Members of the public who have engaged in a review of their restrictions and are unsatisfied with the outcome may file a complaint with the Region's Ombudsman.

11. Expiration of Restrictions

- 11.01 Prior to the expiration of any restrictions, the Issuer shall advise the member of the public in writing of the date that their restrictions shall expire and may require that the member of the public participate in a meeting to review the Inappropriate Behaviour that occurred and discuss expectations of conduct after the restrictions are lifted. Following the meeting, the Issuer may choose to extend the restrictions and shall notify the member of the public in writing of their decision.
- 11.01.1 Where the restrictions prohibit attending Regional Properties or Public Meetings, the Issuer shall meet with the Public Conduct Review Panel to consider whether to extend the restrictions or allow them to expire. A representative of the panel may participate in any meeting with the member of the public. The decision of the panel in this matter is final.

12. Personal Information Collected, Used & Disclosed

- 12.01 Personal Information collected and used under this policy may include, but is not limited to, an individual's general description and/or photographic image or likeness, digital audio or video recording, and/or records of communications containing the individual's name and contact information; and such Personal Information collected shall not be used or disclosed for an inconsistent purpose.
- 12.02 In order to enforce any restrictions applied to a member of the public under this policy, Regional Employees may disclose the individual's Personal Information to other Regional Employees, including a summary of the Inappropriate Behaviour and any restrictions applied to them.

13. Training

- 13.01 Regional Employees authorized to apply restrictions under this policy shall undertake training on the contents and application of this policy.
- 13.02 The Region shall continue to provide additional training on related topics in support of this policy, including de-escalation training and dealing with difficult conversations.

14. Administration

- 14.01 This policy shall be reviewed regularly, and updates may be approved by the Commissioner of Corporate Services in consultation with the CAO.
- 14.02 The following Templates may be used by Regional Employees in the application of this policy:
- Template – Letter of Warning
 - Template – Notice of Restrictions
 - Template – Notice of Expiring Restrictions
 - Template – Request for Review Form

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3111



The Regional Municipality of Durham Information Report

From: Commissioner & Medical Officer of Health
Report: #2023-INFO-77
Date: September 8, 2023

Subject:

Canadian Substance Use Costs and Harms

Recommendation:

Receive for information

Report:

1. Purpose

1.1 To provide an update on the report published by the Canadian Centre on Substance Use and Addiction (CCSA), entitled [Canadian Substance Use Costs and Harms](#) (CSUCH), released in March 2023 and revised in July 2023.

2. Background

2.1 CCSA developed the updated CSUCH report as part of the CSUCH project in collaboration with the Canadian Institute for Substance Use and Research.

2.2 The CSUCH report includes the most recent data from 2007 to 2020 on estimates of the overall costs of substance use (SU) in Canada. Costs are broken down by the type of cost and substance, and the jurisdiction.

2.3 CCSA created an interactive [data visualization tool](#) which presents costs and harms by various stratifiers to support the CSUCH report.

3. CSUCH Report Highlights

3.1 The CSUCH report describes the overall costs of SU:

- a. Over 62 per cent of the total costs of SU in 2020 were due to alcohol and tobacco, followed by opioids and cocaine attributing to 14.4 percent and 8.5 per cent, respectively.

- b. The per-person cost of SU increased by 11.8 per cent between 2007 and 2020 and varies by substance. The most significant increase was observed for central nervous system (CNS) stimulants (e.g., amphetamines), opioids, and alcohol.
 - c. The per-person cost of cannabis increased by 5.2 per cent. In contrast, the per-person cost of tobacco use decreased by almost 20 per cent.
- 3.2 The CSUCH report describes SU-attributable healthcare costs (e.g., costs associated with in-patient hospitalizations, day surgeries, emergency department visits, etc.):
- a. In 2020, healthcare costs amounted to \$13.4 billion, which is 27.3 per cent of the total cost of SU. Of these costs, alcohol and tobacco contributed to 87 per cent, followed by opioids cost. Contributing to these costs were SU-attributable hospitalizations, largely due to alcohol and tobacco.
 - b. Between 2007 and 2020, the per-person cost of SU increased by 10 per cent, which was driven by the increase in cost of CNS stimulants (excluding cocaine), cannabis, alcohol, and opioids.
 - c. SU-attributable healthcare costs increased between 2007 and 2020, however, per-person costs attributable to tobacco use between 2019 and 2020 decreased by 13.9 per cent, leading to an overall decline in healthcare costs in the first year of the pandemic.
- 3.3 The CSUCH report describes SU-attributable lost productivity costs (i.e., costs based on the lost value of work due to premature death, long-term and short-term disability):
- a. In 2020, lost productivity costs amounted to \$22.4 billion. Of these costs, alcohol and tobacco were estimated to amount for about 60 per cent.
 - b. Almost 74,000 SU-attributable deaths occurred in 2020, of which 24,346 deaths were among individuals younger than 65 years old. This number amounts to 345,091 potential years of productive life lost (PYPLL).
 - c. Although tobacco and alcohol use led to more deaths compared to opioid use in 2020, opioid use was the leading cause of SU-attributable PYPLL due to the relatively young average age of opioid-attributable deaths.
 - d. Between 2007 and 2020 the per-person lost productivity costs increased by 16.2 per cent. Of these costs, the largest increase was associated with opioid use, which doubled, and costs associated with other CNS stimulants increased as much as 88.5 per cent.

- e. Between 2007 and 2020, the number of deaths attributable to opioid and other CNS stimulant use more than doubled, whereas the per-person lost productivity costs attributable to tobacco use declined by 23.7 per cent.
 - f. Overall, lost productivity costs declined between 2018 and 2019, however, lost productivity costs rebounded to their highest level ever during the first year of the pandemic.
- 3.4 The CSUCH report describes SU-attributable criminal justice costs (i.e., costs associated with policing, courts, and correctional services):
- a. In 2020, approximately \$10 billion was spent on SU-attributable criminal justice costs, of which alcohol use accounted for 39.8 per cent, followed by cocaine use at 24.3 per cent, and opioid use at 11.3 per cent.
 - b. In 2020, almost half of alcohol-attributable costs were associated with violent crimes, whereas around half of the costs attributable to opioids, cocaine and other CNS stimulants were associated with non-violent crimes.
 - c. Between 2007 and 2020, criminal justice costs increased by nine per cent, driven by costs related to opioids, cocaine, and other CNS stimulants. Costs related to alcohol remained unchanged and costs related to cannabis decreased by 21.4 per cent.
- 3.5 The CSUCH report describes SU-attributable other direct costs (e.g., costs associated with research and prevention, fire damage, damage to motor vehicles, social assistance, etc.):
- a. In 2020, other direct costs associated with SU contributed to over \$3.3 billion, of which alcohol use accounted for 47.3 per cent, followed by tobacco use at 14.2 per cent.
 - b. Between 2007 and 2020, other direct costs increased by 1.2 per cent.
- 3.6 The CSUCH report describes the implications of costs and harms by substance.
- a. The implications for alcohol, tobacco and cannabis use are as follows:
 - Alcohol and tobacco accounted for at least 60 per cent of the total per-person cost of SU and costs associated with alcohol increased by more than 21 per cent, while those associated with tobacco decreased. This is due to a range of public health policies introduced over the past two decades aimed at reducing tobacco use. However, similar policies do not exist or have remained unchanged for alcohol use and as such, alcohol use and sales increased during the pandemic. Therefore, lessons learned from the response to tobacco policies could be applied to alcohol use.

- Cannabis accounted for \$2.4 billion of the total cost of SU in 2020 and per-person cannabis use decreased approximately nine per cent between 2018 and 2020, following the legalization of recreational use.
- b. The implications for opioid and CNS stimulant use are as follows:
- Opioid use accounted for \$7.1 billion in 2020, of which 75 per cent was associated with people dying at a young age. The number of people who died due to opioid use in 2020 was double that of 2007 and attributable costs correlate with the proliferation of fentanyl and a range of harmful substances in the unregulated drug supply. Signs of improvement were observed between 2018 and 2019 and may be due to efforts towards harm reduction, treatment, and awareness. However, pandemic-related disruptions and increased toxicity of the drug supply likely contributed to the large rebound in opioid-attributable costs in 2020. Therefore, it is important to invest in and expand access to a range of services that meet the different needs of people who use opioids.
 - Between 2007 and 2020, the per-person costs attributable to other CNS stimulants (excluding cocaine) rose dramatically compared to any substance by 72 per cent. Cocaine-attributable costs fell in 2019 and rose sharply in 2020 with the onset of the pandemic. These rises were likely due to the toxic, unregulated drug supply that became increasingly unpredictable.

4. Relationship to Strategic Plan

4.1 This report aligns with the following strategic goal and priorities in the Durham Region Strategic Plan:

a. Goal 2: Community Vitality

- 2.2 Enhance community safety and well-being.
- 2.3 Influence the social determinants of health to improve outcomes for vulnerable populations.

5. Conclusion

- 5.1 The findings from the CSUCH report indicate that the health, productivity, and experiences related to SU of people in Canada can be improved through the implementation and expansion of evidence-based policies and programs around prevention and care.
- 5.2 The CSUCH report provides evidence as a basis for policy and program efforts and a way to measure their success.
- 5.3 Locally, many Durham Region community agencies, including the Durham Region Health Department (DRHD) are involved in harm reduction activities, including the

needle exchange program, the opioid patch return program, naloxone distribution, and support programs for sex trade workers. Please see the [October 2016 Snapshot on Harm Reduction Programming](#) for more information.

- 5.4 DRHD provides information regarding the risks associated with use of alcohol, opioids, cannabis, tobacco and drugs, including resources for educators, information on overdose prevention, recommendations for reducing usage and community resources and services for individuals looking for help, available at [durham.ca](#).
- 5.5 DRHD staff works with schools using a comprehensive school health approach to implement school-based prevention efforts, including the development of curriculum support materials, awareness and education strategies, as well as youth engagement activities. Please see report [#2023-INFO-74](#) for an overview of public health services to support school health, including mental health promotion and substance use prevention.
- 5.6 Local data on alcohol and tobacco use are available on the [RRFSS Data Explorer](#).
- 5.7 To address the local opioid crisis, the Durham Region Opioid Task Force developed the [Durham Region Opioid Response Plan](#), which has four pillars (i.e., prevention, treatment, harm reduction, and enforcement) and further objectives to address these areas.
- 5.8 The [Durham Region Opioid Information System \(DROIS\)](#) is an online tool that provides the latest local opioid overdose-related statistics, including Region of Durham Paramedic Services (RDPS) calls.
- 5.9 DRHD recently released the [Cancer Data Tracker](#) which provides information on cancer incidence and mortality for Durham Region and Ontario. The tracker also provides information on prevention, including reducing alcohol consumption.

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health



Interoffice Memorandum

Date: September 8, 2023

To: Health & Social Services Committee

From: Dr. Robert Kyle

Subject: Health Information Update – September 4, 2023

Health
Department

Please find attached the latest links to health information from the Health Department and other key sources that you may find of interest. Links may need to be copied and pasted directly in your web browser to open, including the link below.

You may also wish to browse the online Health Department Reference Manual available at [Board of Health Manual](#), which is continually updated.

Boards of health are required to “superintend, provide or ensure the provision of the health programs and services required by the [Health Protection and Promotion] Act and the regulations to the persons who reside in the health unit served by the board” (section 4, clause a, HPPA). In addition, medical officers of health are required to “[report] directly to the board of health on issues relating to public health concerns and to public health programs and services under this or any other Act” (sub-section 67.(1), HPPA).

Accordingly, the Health Information Update is a component of the Health Department’s ‘Accountability Framework’, which also may include program and other reports, Health Plans, Quality Enhancement Plans, Durham Health Check-Ups, business plans and budgets; provincial performance indicators and targets, monitoring, compliance audits and assessments; RDPS certification; and accreditation by Accreditation Canada.

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health

*“Service Excellence
for our Communities*

UPDATES FOR HEALTH & SOCIAL SERVICES COMMITTEE
September 4, 2023

Health Department Media Releases/Publications

tinyurl.com/37jyzn57

- Rabies: Bat Exposure and Post-Exposure Prophylaxis (Aug 15)

tinyurl.com/bdjd95s

- Durham Region Weekly Beach Report (Aug 18)

tinyurl.com/98ye9k2u

- Prioritize connections to improve your health (Aug 21)

tinyurl.com/mrxy6ba9

- 2022 Health Check-Up! (Aug 21)

tinyurl.com/eff5p8bu

- Durham Region Weekly Beach Report (Aug 24)

tinyurl.com/msde8v23

- Mosquitoes test positive for West Nile virus in Uxbridge (Aug 25)

tinyurl.com/bdhs6rxm

- Durham Region Weekly Beach Report – Final report for 2023 season (Aug 31)

tinyurl.com/yszedx2b

- Mosquitoes test positive for West Nile virus in Durham (Sep 1)

GOVERNMENT OF CANADA

Innovation, Science and Economic Development Canada

tinyurl.com/56xncfvb

- Government of Canada invests in over 4,700 researchers across Canada (Aug 29)

GOVERNMENT OF ONTARIO

Ministry of Education

tinyurl.com/phezve43

- Ontario Preparing Students for Success (Aug 28)

Ministry of Finance

tinyurl.com/2p959khx

- Ontario Releases 2023-24 First Quarter Finances (Aug 14)

Ministry of Health

tinyurl.com/4kdbw7s

- Ontario Investing in a Stronger Public Health Sector (Aug 23)

OTHER ORGANIZATIONS

Association of Local Public Health Agencies

tinyurl.com/bddxjbh9

- Public Health Funding Announcement Letter (Aug 23)

Association of Municipalities of Ontario

tinyurl.com/yeubcpjw

- Province Announces Changes to Development Charges Act, Improvements to Public Health Funding, at AMO Conference (Aug 22)

Canadian Institutes of Health Research

tinyurl.com/36frxuyr

- Government of Canada announces funding to improve health care for women and gender-diverse people (Aug 24)

Canadian Medical Association

tinyurl.com/4hejzdrz

- Satisfaction with the health system at a low point; hope that improvements with happen soon also wavering (Aug 17)

Office of the Information and Privacy Commissioner/Ontario

tinyurl.com/ykrm7ddh

- Back-to-School: Helping kids learn about privacy with IPC's new lesson plans (Aug 15)

Patented Medicine Prices Review Board


tinyurl.com/4am9pvh2

- PMPRB report reveals most new medicines come to market with high treatment costs (Aug 22)

Public Health Ontario

tinyurl.com/bdhfam9e

- PHO Connections (Aug 15)

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|  Corporate Services Department Legislative Services Division | |
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MATACHEWAN

PO Box 177 , Matachewan , Ontario , P0K 1M0
Tel: 705-565-2274

August 16, 2023

RESOLUTION

Resolution # 2023-252

Agenda Item # 8.2 Regular Council Meeting

Moved By : Emily Stewart

Seconded By : Dianne Gilbert

WHEREAS, all Ontarians deserve and expect a safe and respectful workplace;

WHEREAS, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

WHEREAS, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

WHEREAS, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

WHEREAS, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

WHEREAS, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

NOW, therefore be it resolved that the Council of the Corporation of the Township of Matachewan supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

ALSO BE IT RESOLVED that the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.

WHEREAS, this legislation be prioritized for the fall of 2023 given the urgency of this issue; and

FURTHERMORE, this resolution be sent to the Premier of Ontario, MPP Fedeli, Minister of Municipal Affairs, Associate Minister of Women's Social and Economic Opportunity, AMO and all municipalities.

Carried

Mike Young
Deputy Mayor

Cheryl Swanson
Clerk

COPY

Signatures on file



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Motion on Gender-Based and Intimate Partner Violence Epidemic

August 20, 2023

WHEREAS 42 municipalities and regions including OBCM and MARCO members Ajax, Brampton, Burlington, Clarington, Hamilton, London, Oakville, Ottawa, Pickering, Whitby, Toronto and Windsor, along with Peel, Durham and Halton Regions as well as Lanark County, Essex County and Renfrew County across Ontario have declared a gender-based violence and/or intimate partner violence epidemic (as of August 18, 2023) and;

WHEREAS on August 16, 2023 Justice Minister Arif Virani described gender-based violence as “an epidemic” in the federal government’s formal response to a coroner’s inquest, also stating that his government is committed to ending the gender-based violence epidemic “in all its forms, and is working to address any gaps in the Criminal Code to ensure a robust justice system response,” and;

WHEREAS by declaring gender-based violence and intimate partner violence an epidemic, OBCM and MARCO can join the growing number of municipalities and regions in demanding action from all levels of government to address this growing epidemic and;

WHEREAS the incidences of gender-based violence and intimate partner violence increased exponentially throughout the COVID-19 pandemic and has not decreased, while funding to provide the growing demand of services and support for victims and survivors of intimate partner and gender based violence has not kept pace.

THEREFORE, BE IT RESOLVED THAT OBCM and MARCO declare gender-based violence and intimate partner violence an epidemic, and;

BE IT RESOLVED THAT OBCM and MARCO recommend that gender-based violence and intimate-partner violence be declared an epidemic in the Province of Ontario and;

REQUEST THAT the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO) and all municipalities and regions in Ontario declare a gender-based and intimate partner violence epidemic across the country and;

REQUEST THAT the provincial and federal governments enact the additional 85 recommendations from the inquest into the 2015 murders of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam in Renfrew County, Ontario, which provide a roadmap to preventing intimate partner violence from escalating to femicide and;



— OBCM —
Ontario's Big City Mayors

MARCO
MAYORS AND REGIONAL CHAIRS OF ONTARIO

REQUEST THAT that the Federal government starts this enactment by adding the word Femicide as a term to the Criminal Code of Canada, and;

REQUEST THAT the provincial and federal governments provide the necessary support to municipalities, regions and their emergency and social services to meaningfully address the gender-based violence and intimate-partner violence epidemic.



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Motion on Municipal/Regional Funding to Support Newcomers Including Refugees and Asylum Seekers

August 20, 2023

WHEREAS the Canadian government is failing to fully fund the municipal/regional front line that Canada relies on to welcome and settle newcomers, including those needing urgent support such as refugees and asylum-seekers fleeing conflict in their home countries and;

WHEREAS historically, by working together with other orders of government, local agencies, and community partners to co-ordinate their settlement, municipalities and regions have been able to expand services when there has been an influx through emergency shelter systems and other wraparound supports and;

WHEREAS municipal and regional leaders are operating with a nineteenth century revenue system to respond to twenty-first century responsibilities that include a housing and homelessness crisis, public health and safety issues such as the mental health and addictions crisis, ageing infrastructure, and other traditional responsibilities and;

WHEREAS this most recent influx of refugees has dramatically increased pressure on a system that is already over capacity, and despite best efforts, municipalities and regions can no longer keep up with the demand and;

WHEREAS while we are on the front line of welcoming newcomers to Canada, the federal government has not consulted nor planned with municipalities and regions to ensure these newcomers receive the housing and other supports they need, including for those who have come to Canada to learn. And when these needs cannot be met, it is often vulnerable and marginalized communities that are impacted the most and;

WHEREAS the federal government's commitment in July to increase interim housing supports is a good start, but it does not solve the systemic capacity issues municipalities across Ontario are facing, nor does it address the current refugee crisis in communities throughout the GTA and beyond.

Therefore, be it resolved that Ontario's Big City Mayors (OBCM) and the Mayors and Regional Chairs of Ontario (MARCO) is calling for an urgent meeting of all orders of government to discuss immediate action on the capacity issues faced by our municipalities and regions, and to put in place a funding model that addresses the on-going need for emergency housing and other supports as this refugee crisis continues and;




— **OBCM** —
Ontario's Big City Mayors

MARCO
MAYORS AND REGIONAL CHAIRS OF ONTARIO

THAT OBCM and MARCO are also calling on the federal government to consult with municipalities, regions, provinces and territories on the process of the setting of immigration targets, including for international students, and on the funding and supports required to ensure people receive the housing and other services they need when they arrive and;

THAT OBCM and MARCO requests that these numbers be announced with enough time to be included in provincial, regional and municipal growth planning.



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Motion on Strengthening Municipal Codes of Conduct in Ontario

August 20, 2023

Whereas all Ontarians, including both municipal staff and elected members of council, deserve a safe and respectful workplace free from harassment and bullying; and

Whereas the *Municipal Act, 2001*, prescribes that municipalities shall have codes of conduct for council and local boards; and

Whereas municipalities and municipal integrity commissioners currently lack the tools to enforce codes of conduct; and

Whereas there are numerous examples of repeated contraventions of codes of conduct, bullying and harassment across the municipal sector; and

Whereas the Government of Ontario has recently consulted and engaged with municipalities across the province on strengthening codes of conduct;

Therefore be it resolved that the Mayors and Regional Chairs of Ontario (MARCO) and Ontario Big City Mayors (OBCM):

- Reaffirm their past support (and the support of other bodies such as AMO) for strengthening municipal codes of conduct;
- Call on the Government of Ontario to introduce legislation to strengthen codes of conduct for Ontario's municipalities; and

That the proposed legislation includes administrative penalties, increased training, strengthened tools for integrity commissioners, and the ability for municipalities to apply for judicial removal of sitting members if advised by their integrity commissioner.