

ST. JOHN'S

Regular Meeting - City Council Agenda

February 20, 2023

3:00 p.m.

4th Floor City Hall

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Proclamation

**Heritage Day/Heritage Week 2023
February 20, 2023**

WHEREAS: the third Monday in February is recognized nationally as Heritage Day; and

WHEREAS: Heritage Day and Heritage Week are a time to reflect on the achievements of past generations and to accept responsibility for protecting our heritage; and

WHEREAS: our citizens should be encouraged to celebrate Newfoundland and Labrador's uniqueness and to rejoice in our heritage and environment; and

WHEREAS: in 2023 the residents of Newfoundland and Labrador will celebrate our rich and diverse heritage;

THEREFORE: I, Mayor Danny Breen, do hereby proclaim February 20, 2023 as Heritage Day and February 20-26 as Heritage Week in the City of St. John's, and call upon all citizens to celebrate the richness of our past and the promise of our future.

Signed at City Hall, St. John's, NL on this twentieth day of February 2023.

Danny Breen, Mayor

ST. JOHN'S

ST. JOHN'S

Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

February 13, 2023, 3:00 p.m.

Present:

- Mayor Danny Breen
- Deputy Mayor Sheilagh O'Leary
- Councillor Ron Ellsworth
- Councillor Sandy Hickman
- Councillor Debbie Hanlon
- Councillor Jill Bruce
- Councillor Ophelia Ravencroft
- Councillor Jamie Korab
- Councillor Ian Froude
- Councillor Carl Ridgeley

Regrets:

- Councillor Maggie Burton

Staff:

- Derek Coffey, Deputy City Manager of Finance & Administration
- Tanya Haywood, Deputy City Manager of Community Services
- Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
- Lynnnann Winsor, Deputy City Manager of Public Works
- Cheryl Mullett, City Solicitor
- Susan Bonnell, Manager, Communications & Office Services
- Ken O'Brien, Chief Municipal Planner
- Karen Chafe, City Clerk
- Kelly Maguire, Public Relations & Marketing Officer
- Christine Carter, Legislative Assistant
- Stacey Corbett, Legislative Assistant
- Hope Connolly, Administrative Assistant

Land Acknowledgement

The following statement was read into the record:

“We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John’s is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse histories and cultures of the Mi’kmaq, Innu, Inuit, and Southern Inuit of this Province.”

1. CALL TO ORDER

2. PROCLAMATIONS/PRESENTATIONS

2.1 We Believe - Support for Councillor Elizabeth Laurie, Town of Paradise

3. APPROVAL OF THE AGENDA

3.1 Adoption of Agenda

SJMC-R-2023-02-13/61

Moved By Councillor Bruce

Seconded By Councillor Ravencroft

That the Agenda be adopted as presented with the addition of an update on basic income presented by Deputy Mayor O'Leary.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

4. ADOPTION OF THE MINUTES

4.1 Adoption of Minutes - February 6, 2023

SJMC-R-2023-02-13/62

Moved By Councillor Hanlon

Seconded By Councillor Korab

That the minutes of February 6, 2023 are accepted as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

5. BUSINESS ARISING FROM THE MINUTES

5.1 Notice of Motion - Codes of Conduct for Councillors and Municipal Officials

Notice of Motion to adopt the Codes of Conduct for Councillors and Municipal Officials

Councillor Ellsworth gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move for the adoption of the Code of Conduct for Municipal Officials and the Code of Conduct for Councillors as required under the Municipal Conduct Act.

DATED at St. John's, NL this 6th day of February, 2023.

5.2 Councillor Code of Conduct By-Law

This will be referred to the February 20th Regular Meeting of Council.

5.3 Code of Conduct for Municipal Officials By-Law

This will be referred to the February 20th Regular Meeting of Council.

6. DEVELOPMENT APPLICATIONS

6.1 Request for Accessory Building Extension in the Floodplain Buffer and Variance – 36 Smithville Crescent – INT2300001

Deputy Mayor O'Leary raised concerns with the flooding in the area. It was advised by the Deputy City Manager of Planning, Engineering and Regulatory Services that the accessory building will be in the floodplain buffer and not the floodplain and although new structures would not be approved to be built in the floodplain buffer, it was an existing structure that was destroyed by a fire.

SJMC-R-2023-02-13/63

Moved By Councillor Korab

Seconded By Councillor Froude

That Council approve the extension of the Accessory Building within the Floodplain Buffer and a 0.83% Variance to allow a reduced setback from the Lot Line at 36 Smithville Crescent.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

6.2 Crown Land Lease in the Agricultural Zone – Fowler's Road - CRW2300001

SJMC-R-2023-02-13/64

Moved By Councillor Korab

Seconded By Councillor Ridgeley

That Council approve the proposed Crown Land Lease for 11.3 hectares of land on Fowler's Road, which will be subject to the submission of a Development Application should the Crown Land Lease be approved by the Provincial Department of Fisheries and Land Resources.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

6.3 Notices Published – 255 Bay Bulls Road - DEV2200172

SJMC-R-2023-02-13/65

Moved By Councillor Korab

Seconded By Councillor Bruce

That Council approve an Expansion of Non-Conforming Use application for a Commercial Garage at 255 Bay Bulls Road to allow a body workshop with a paint booth.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

6.4 Notices Published – 33 Trinity Street - DEV2200173

SJMC-R-2023-02-13/66

Moved By Councillor Korab

Seconded By Deputy Mayor O'Leary

That Council approve the Discretionary Use application for a Home Occupation at 33 Trinity Street for an Esthetics Spa.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

7. RATIFICATION OF EPOLLS

8. COMMITTEE REPORTS

9. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)

9.1 Development Permits List January 26 to February 1, 2023

10. BUILDING PERMITS LIST (FOR INFORMATION ONLY)

10.1 Building Permits List

11. REQUISITIONS, PAYROLLS AND ACCOUNTS

11.1 Weekly Payment Voucher for Week Ending February 8, 2023

SJMC-R-2023-02-13/67

Moved By Councillor Ellsworth

Seconded By Deputy Mayor O'Leary

That the weekly payment vouchers for the week ending February 1, 2023, in the amount of \$5,348,877.27 be approved as presented.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

12. TENDERS/RFPS

13. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

13.1 Notice of Motion - Amendment to Heritage By-Law - Exemption from Heritage Design Standards for Registered Charities & Institutions

Notice of Motion - Amendment to Heritage By-Law - Exemption from Heritage Design Standards for Registered Charities & Institutions

Councillor Froude gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move a motion to amend sub-section 10(3) of the St. John's Heritage By-Law so as to provide Council with the discretion to exempt registered charities from the Heritage Design Standards.

DATED at St. John's, NL this 13th day February, 2023.

14. OTHER BUSINESS

14.1 Hospitality Newfoundland and Labrador 2023 Conference - Gander

SJMC-R-2023-02-13/68

Moved By Councillor Ellsworth

Seconded By Deputy Mayor O'Leary

That Council approve the travel for Councillor Debbie Hanlon to attend the 2023 Hospitality Newfoundland and Labrador Conference in Gander from February 28th to March 2nd, 2023.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.2 Seatrade Cruise Global Conference

SJMC-R-2023-02-13/69

Moved By Councillor Hickman

Seconded By Councillor Ellsworth

That Council approve the travel costs associated for Councillor Debbie Hanlon to attend the Seatrade Cruise Global Conference in Fort Lauderdale Florida from March 27 – March 31, 2023.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.3 Security Services – Bannerman and Bowring Parks

SJMC-R-2023-02-13/70

Moved By Councillor Hickman

Seconded By Deputy Mayor O'Leary

That Council authorized the required funding to provide security at Bannerman and Bowring Parks at the cost of \$61,872.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.4 20 Janeway Place, MPA22200005

SJMC-R-2023-02-13/71

Moved By Councillor Froude

Seconded By Councillor Ellsworth

That Council consider rezoning 20 Janeway Place from the Open Space (O) Zone to the Apartment 1 (A1) Zone to allow an apartment building

development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

For (10): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

MOTION CARRIED (10 to 0)

14.5 Update from Deputy Mayor O'Leary on Basic Income

Deputy Mayor O'Leary provided an update on the letter that was sent to the different levels of government supporting the concept of guaranteed livable basic income. Council received a letter from the Prime Minister's Office in response that described the efforts that the federal government has implemented to try and address the issue of affordability.

15. ACTION ITEMS RAISED BY COUNCIL

16. ADJOURNMENT

There being no further business, the meeting adjourned at 3:43 p.m.

MAYOR

CITY CLERK

BY-LAW NO.

ST. JOHN'S HERITAGE (AMENDMENT NO. 2 – 2023) BY-LAW

PASSED BY COUNCIL ON

Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John's enacts the following By-Law relating to heritage

BY-LAW

1. This By-Law may be cited as the St. John's Heritage (Amendment No. 2 – 2023) By-Law.
2. Subsection 10(3) of the St. John's Heritage By-Law is repealed and the following substituted:

“10(3) Notwithstanding subsection (2), Council may exempt the owner of a newly constructed building or a charitable organization or institution, which is so registered under the Income Tax Act (Canada), from the Heritage Design Standards.”

IN WITNESS WHEREOF the Seal of the City of St. John's has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this ____ day of February, 2023.

MAYOR

CITY CLERK

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move for the adoption of the Code of Conduct for Municipal Officials and the Code of Conduct for Councillors as required under the Municipal Conduct Act.

DATED at St. John's, NL this day of February, 2023.

COUNCILLOR

ST. JOHN'S

DECISION/DIRECTION NOTE

Title: Councillor Code of Conduct By-Law

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

To approve and adopt the Councillor Code of Conduct By-Law (“2023 Code”) as required by the Municipal Conduct Act, SNL 2021 c. M-20.01 (“the Act”) and regulations. The 2023 Code applies to members of Council only.

Discussion – Background and Current Status:

In 2018, the City prepared a By-Law entitled the “Code of Ethics By-Law.” This By-Law was drafted as result of an independent report of the Honourable Clyde K. Wells, K.C, which recommended the repeal and consolidation of various By-Laws that applied to City employees and Councillors. The 2018 “Code of Ethics By-Law” governed various subjects, including but not limited to, Conflicts of Interest, Disclosure, Discrimination/Harassment, Elections, Confidential Information and Wrongdoings. This By-Law was approved by Council but could not be enacted due to limitations of the City of St. John’s Act.

Subsequent to the preparation of the 2018 “Code of Ethics By-Law” the Province of Newfoundland and Labrador (“the Province”) announced it would be bringing in legislation governing the conduct of all municipal employees, as well as Councillors, and that the legislation would contain a requirement for all municipalities to bring in two Codes of Conduct. As a result, the City waited to update its by-laws until the Province put forward this new legislation.

On September 1, 2022, the Province brought the Act into force. The Act requires not only Council, but all “municipal officials” including employees, to abide by a code of ethics dealing with conflict of interest and general conduct. The Act also sets out applicable penalties for current and former Council Members for conflict-of-interest breaches or conduct breaches.

The Act requires significant changes to the 2018 Code of Ethics By-Law previously approved, but not passed by Council. Council have been following other City By-Laws to address matters now contained in the 2023 Code, such as the Conflict of Interest By-Law, the Workplace Human Rights By-Law and the Freedom of Information By-Law.

ST. JOHN'S

Part I: Conflict of Interest

The Conflict of Interest By-Law is the most pertinent City by-law in relation to the 2023 Code. The Act addresses the conduct of Municipal Officials and includes requirements for identifying and addressing conflicts of interest.

Currently under the Conflict of Interest By-Law, a conflict of interest is defined narrowly to be a pecuniary interest. The Act requires a broader definition of conflict of interest and now includes a “Private Interest”:

| Conflict of Interest By-Law | 2023 Code |
|--|---|
| <p>3.(1) No member of Council shall vote on or speak to any matter before the Council or any committee thereof where:</p> <p>(a) the member of Council has a pecuniary interest directly or indirectly in that matter;</p> <p>(b) a relative of the member of Council has a pecuniary interest directly or indirectly in the matter; or</p> <p>(c) the member of Council is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a pecuniary interest in that matter.</p> | <p>Definition is more expansive to include a Private Interest of a Council Member or a Relative, that may be affected. The inability to act impartially due to personal relationships would also qualify as a conflict of interest. Section 2(h)</p> <p>“Conflict of Interest” means a Councillor is in a position whereby in the making, or involvement in the making, of a decision</p> <p>(i) a Councillor’s Private Interests are affected...;or</p> <p>(ii) the Councillor is unable to act impartially on behalf of the City due to the Councillor’s personal relationships...</p> |

Under the Act, “Private Interest” includes director positions and memberships (reflected in s. 2(t) of the 2023 Code)

“Private Interest” includes:

- (i) an asset, liability or financial interest;
- (ii) a source of income;
- (iii) a position of director or executive officer in a corporation, association or trade union, whether for profit or not for profit;
- (iv) membership in a board, commission or agency of the Crown in Right of Canada or a Province;

(v) membership in or employment by a trade union where the trade union has entered into or is seeking to enter into a collective agreement with the City or an entity of a Council, with respect to any matter related to the administration or negotiation of the collective agreement, and

(vi) a benefit or award,

but does not include an excluded private interest, which means:

(i) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits;

(ii) a position of director or executive officer in a Municipal entity or Municipal corporation;

(iii) membership in a Council committee;

(iv) purchase or ownership of a Municipal debenture;

(v) fixed value securities issued by a government or Municipality in Canada or an agency of a government or Municipality in Canada; and

(vi) a benefit or award of a value less than \$500.00 as prescribed in the Municipal Conduct Act regulations.

When addressing the requirements of reporting a Conflict of Interest, both the Conflict of Interest By-Law and the 2023 Code have similar processes:

| Conflict of Interest By-Law | 2023 Code |
|--|---|
| <p>4. (1) Where a member of Council has an interest as set out in section 3 he or she shall state that he or she has such an interest and the nature of that interest at the commencement of discussion on the matter in which he or she has such an interest.</p> <p>(2) Where the member of Council declaring a conflict of interest under subsection (1) is the presiding officer he or she shall vacate the chair.</p> <p>(3) Where the member of Council declaring a conflict of interest under subsection (1) does so at a privileged meeting he or she shall leave that meeting while the matter on which</p> | <p>28. (1) Where a Councillor knows or ought reasonably to know that they have a Conflict of Interest in a matter before Council, the Councillor shall:</p> <p>(a) declare the Conflict of Interest before any consideration or discussion of the matter;</p> <p>(b) disclose the general nature of the Conflict of Interest;</p> <p>(c) refrain from participating in any discussion relating to the matter;</p> <p>(d) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter;</p> |

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| <p>he or she has a conflict of interest is being discussed.</p> <p>5.(1) Where a member of Council is in doubt as to whether he or she has an interest that is a conflict of interest under section 3 he or she shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final.</p> | <p>(e) leave the room in which the meeting is held for the duration of the consideration of the matter; and</p> <p>(f) where the Councillor declaring a Conflict of Interest is the presiding officer, they shall vacate the chair for the matter.</p> <p>(2) Notwithstanding paragraph 28(1)(e), where the meeting referred to in subsection (1) is open to the public, the Councillor may remain in the room.</p> <p>...</p> <p>29.(1) Where a Councillor is uncertain as to whether or not they are in a Conflict of Interest, the Councillor shall disclose the nature of the possible Conflict of Interest to Council who may decide whether a Conflict of Interest exists by a majority vote. In the event that the Council vote is tied, the Councillor shall be considered to have a Conflict of Interest.</p> <p>(2) A Councillor whose possible Conflict of Interest is being voted on is not entitled to vote.</p> <p>(3) Where Council determines by a majority vote that a Councillor does not have a Conflict of Interest and a Complaint is subsequently filed under this Councillor Code and it is determined that the Councillor did have a Conflict of Interest, Council may invalidate the decision of Council in which the Councillor acted in a Conflict of Interest but shall not impose any penalties against the Councillor.</p> |
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The Conflict of Interest By-Law does not address a complaint made alleging a Member of Council acted in a conflict of interest. This addition is required by the Act and the mandated process has been set out beginning at section 30 of the 2023 Code.

Complaint Process under 2023 Code:

- 30. A Complaint alleging a Conflict of Interest shall include the following:**
- (a) the nature of the Conflict of Interest;**
 - (b) the Councillor's or former Councillor's actions in relation to the Conflict of Interest; and**
 - (c) any other information the City Manager or their designate determines necessary.**
- 31. The City Manager or their designate shall provide a copy of the Complaint to the Councillor no later than 5 business days after receipt of the Complaint.**
- 32. (1) The Councillor may provide a written response respecting the Complaint to the City Manager or their designate no later than 20 business days after receipt of a copy of the Complaint.**
- (2) Where the Councillor provides a written response under subsection (1), the City Manager or their designate shall provide a copy of the written response to the Complainant within one business day after receipt of the written response.**
- 33. The City Manager or their designate shall review the Complaint and the Councillor's written response no later than 10 business days after receipt of the written response, or where a written response is not filed, the City Manager or their designate shall review the Complaint no later than 10 business days after the time period to file the written response has expired, and shall:**
- (a) prepare a Report regarding the Complaint;**
 - (b) refer the Complaint and the Councillor's response, if any, to a Special Meeting of Council along with a copy of the Report; and**
 - (c) give written notice of the referral to the Complainant and the Councillor.**
- 34. No later than 15 business days after receiving the Report referred to in section 33, Council shall consider the Complaint, any response, and the Report provided in a Special Meeting of Council and may, by resolution,**
- (a) dismiss the Complaint;**
 - (b) determine that the Councillor or former Councillor acted in a Conflict of Interest; or**

(c) order an investigation by an External Investigator to determine whether the Councillor or former Councillor acted in a Conflict of Interest.

...

36. The External Investigator assigned under paragraph 34(c) shall prepare a Report regarding the investigation and submit it during a Special Meeting of Council.
37. Following review of the investigation Report submitted under section 36 Council may, by resolution,
- (a) dismiss the Complaint; or
- (b) make a determination that the Councillor or former Councillor acted in a Conflict of Interest.

In the event a complaint of a conflict of interest is upheld, penalties are set out in the Act and are reproduced in the 2023 Code. The complaint process and potential penalties apply to both current and former Councillors.

Part II: Wrongdoing

The Conflict of Interest By-Law does not address complaints made against current or former Councillors alleging “Wrongdoing,” meaning a breach of the 2023 Code other than a conflict of interest complaint or an alleged breach of any act or regulation.

Currently, a complaint against a Councillor alleging workplace harassment or other matters may be made under the St. John’s Workplace Human Rights By-Law. However, the Act mandates a procedure for a complaint of this nature, which has been included in the 2023 Code as a “Wrongdoing Complaint” and is different from the said By-Law:

| St. John’s Workplace Human Rights By-Law | 2023 Code |
|---|---|
| 5.1 Outside Consultant The making and resolution of complaints under this Policy by or against the Chief Commissioner or a Member of City Council will be contracted to a qualified human rights consultant (the Consultant) reporting directly to the Mayor and Council. The Consultant will be retained by City Council and will be selected based upon the recommendation of the Chief Commissioner, | A complaint must be filed within 6 months of becoming aware of the potential wrongdoing. Timeline may be extended in some circumstances. Section 46 A complaint of wrongdoing is filed with the City Solicitor. May also be filed with the City Internal Auditor or a direct supervisor or HR in the case of an employee complaint. Section 47 |

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|---|---|
| <p>the City Solicitor and Director of Human Resources.</p> | <p>Complaint may be informally resolved unless the complainant requests an investigation. Section 49</p> |
| <p>5.2 Notification of Complaint The Consultant shall notify the Mayor and Council of all complaints immediately upon receipt.</p> | <p>Complaint may be dismissed if no reasonable prospect of being substantiated. Section 51</p> |
| <p>5.3 Authority and Duties of the Consultant The Consultant has the authority of the Mayor and Council to investigate and/or attempt to settle the complaint, and to speak with anyone, examine any documents and enter any work location relevant to the complaint for the purposes of investigation or settlement. These duties shall be carried out in accordance with the preceding provisions of this Policy.</p> | <p>If a complaint is not dismissed or resolved informally, the City Solicitor shall retain an External Investigator to investigate the complaint. Section 56</p> |
| <p>Prior to conducting a full investigation into the complaint, the Consultant shall determine whether the complaint, if proven, would constitute discrimination or harassment under the Policy.</p> | <p>Unless the investigation is ceased by the External Investigator (section 60) the final Report shall be presented and filed with Council at a Special Meeting. The Report will have findings and conclusions, not recommendations. Section 61</p> |
| <p>The Consultant may recommend to Council that the complainant pay the costs of the investigation where, in the opinion of the Consultant, the complaint is spurious or vexatious.</p> | <p>Council shall review the matter and dismiss the complaint or find a contravention of the Code. Section 62-63</p> |
| <p>5.4 Consultant's Report The Council shall be presented with a report outlining the findings, terms of settlement, if any, or recommended corrective action within 30 days of the making of the complaint.</p> | <p>63. At a Regular Meeting, where Council determines that a Councillor has contravened this Councillor Code or failed to comply with a penalty imposed under this section, Council may, by resolution, do one or more of the following:</p> |
| <p>The complainant and respondent have the right to review and comment on the Report.</p> | <p>(a) reprimand the Councillor;</p> |
| <p>5.5 Final Decision</p> | <p>(b) require the Councillor to attend training as determined by Council;</p> |
| | <p>(c) suspend the Councillor from Council committees or other additional activities or duties for a period of no more than 3 months;</p> |
| | <p>(d) suspend the Councillor from Council, without remuneration, for a period of no more than 3 months; and</p> |
| | <p>(e) where one or more of the following apply, make an application to Court seeking</p> |

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| <p>Prior to making any final decision on the matter the Council shall review the Report and any comments of the Consultant. The Council may approve, change or reject any proposed terms of settlement or recommended corrective action.</p> <p>5.6 Other Avenues of Redress</p> <p>Nothing in this section should be interpreted as denying or limiting access to other avenues of redress available under the law (e.g., criminal complaint, civil suit, or a complaint with the Newfoundland Human Rights Commission). Council, however, may decide to postpone, suspend or cancel any investigation into a complaint under this Policy if it is believed that the investigation would duplicate or prejudice such a proceeding.</p> <p>5.7 Discipline/Sanctions</p> <p>Depending upon the circumstances, a founded complaint under this Part will be considered a form of misconduct.</p> <p>In the case of misconduct under this Part involving the Chief Commissioner, corrective action may include discipline which can vary from verbal counselling or a written reprimand to suspension or discharge, subject to the provisions of any contract of employment or applicable legislation.</p> <p>In the case of misconduct under this Part involving a Member of Council, and depending upon the recommendations of the Consultant the Council may impose appropriate sanctions, including monetary sanctions (i.e. lost salary or remuneration).</p> | <p>that the Councillor vacate their seat on Council and that the Councillor be ineligible to be nominated as a candidate until the nomination period for the next general election:</p> <ul style="list-style-type: none"> (i) the contravention of the Councillor Code resulted in loss of public trust; (ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence; and (iii) the Councillor has contravened the Councillor Code more than once and has refused to comply with the penalties imposed. <p>64. At a Regular Meeting where Council determines that a former Councillor has contravened the Councillor Code, Council may, by resolution, do one or both of the following:</p> <ul style="list-style-type: none"> (a) reprimand the former Councillor; and (b) where one or more of the following apply, declare that the former Councillor is ineligible to be nominated as a candidate until the nomination period for the next general election: <ul style="list-style-type: none"> (i) the contravention of the Councillor Code resulted in loss of public trust, (ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence, and (iii) the former Councillor has contravened the Councillor Code more than once and has refused to comply with penalties imposed. |
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Part III: Social Media

Section 5 of the Municipal Conduct Regulations requires that a code of conduct developed for Members of Council must address the use of social media. Currently, there is no social media policy or by-law in place for Council. However, there is a social media policy applicable to the City and all employees. With the current City policy on social media as the basis, the language of the 2023 Code was drafted:

| Social Media Usage Policy | 2023 Code |
|--|--|
| <p>Policy Statement</p> <p>The City is committed to developing and maintaining a Social Media presence that:</p> <ul style="list-style-type: none"> a) is informative, welcoming, respectful, and inclusive; b) aligns with the City’s vision and guiding principles; c) supports the City’s image; and d) is accessible, transparent, and accountable. <p style="text-align: center;">...</p> <p>1 General Requirements</p> <p>a) City Social Media content shall:</p> <ul style="list-style-type: none"> i. align with the City’s vision and guiding principles and not negatively impact on the City’s reputation; and ii. be accurate, transparent, and accountable. <p>b) Use of Social Media shall support the City’s operational objectives.</p> <p>c) Only authorized Employees shall create, publicize, and manage a City Social Media account.</p> <p>d) All City Social Media sites shall conform with the appropriate and applicable City corporate branding and standards.</p> <p>e) All City Social Media sites shall contain a link to the Social Media Terms of Use.</p> | <p>15. All Councillors posting to their personal media accounts should be consistent with their duties and obligations as Councillors including, but not limited to, those obligations under this Councillor Code and all applicable City policies and must not bring the integrity of Council or the City into disrepute.</p> <p>16. Any opinions expressed in public by a Councillor while acting in their capacity as City Councillor shall be solely for the purposes of genuine political discourse and shall not include any Confidential Information obtained through their position with the City.</p> <p>17. Councillors shall, where possible, conduct Council business through City operated accounts and devices and shall avoid conducting Council business on personal devices or through personal accounts.</p> |

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| <p>f) All Social Media activities shall be in accordance with the City's Social Media Handbook.</p> <p>g) The City reserves the right to restrict or remove any content that is deemed to be, in its sole discretion, in violation of this policy, or any applicable legislation.</p> <p>...</p> <p>3 Employee Use of Social Media</p> <p>a) An Employee shall not represent the City of St. John's on any Social Media unless authorized to do so.</p> <p>b) All Employees shall use sound judgment when posting to their personal Social Media and all postings should be consistent with their employment obligations, including, but not limited to those obligations under the St. John's Code of Ethics By-law and City policies.</p> | |
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Part IV: Remainder of 2023 Code

As stated previously, while the 2018 "Code of Ethics By-Law" was voted on and approved by Council, it was never passed due to the limitations imposed by the City of St. John's Act. Nonetheless, the 2018 "Code of Ethics By-Law" was achieved through extensive work and deliberations.

Given that there are significant new requirements under the Act, and to facilitate the transition for Council as seamlessly as possible, the 2023 Code has maintained much of the 2018 "Code of Ethics By-Law" previously approved:

| 2018 Code of Ethics By-Law | 2023 Code |
|--|--|
| Part I: Ethical Conduct | Part 1: Ethical Conduct |
| Part II: Workplace Protection; | Part 2: Conflict of Interest Complaint |
| Part III: Financing of Municipal Elections; | Part 3: Wrongdoing Complaint |
| Part IV: Protection of Confidential Information; | Part 4: Disclosure |
| | Part 5: Workplace Protection |

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| Part V: Reporting Breaches of the Code | |
| Part VI: Miscellaneous | Part 6: Protection of Confidential Information |
| | Part 7: Miscellaneous. |

In comparing the 2018 “Code of Ethics By-Law” and the 2023 Code:

Part I Ethical Conduct - In the “2018 Code of Ethics By-Law”, the Ethical Conduct section was broader in that it also applied to employees. All employee references have been removed in the 2023 Code.

Part 1 Ethical Conduct of the 2023 Code is further streamlined as sections such as Conflict of Interest and Disclosure have been moved elsewhere.

Part II - Workplace Protection of the 2018 “Code of Ethics By-Law” has been moved to Part 5 - Workplace Protection of the 2023 Code.

Part III - Financing of Municipal Elections of the 2018 “Code of Ethics By-Law” was a copy of the Election Finance By-Law, the reason being that the intention was that the Election Finance By-Law would be repealed. This is no longer the case with the 2023 Code. The Election Finance By-Law will remain in place so there is no corresponding section in the 2023 Code.

Part IV - Protection of Confidential Information of the 2018 “Code of Ethics By-Law” has been moved to Part 6 of the 2023 Code, with the exception of Travel Expenses which is now under Part 4 - Disclosure.

Part V - Reporting of Breaches of the Code in the 2018 “Code of Ethics By-Law” has been streamlined to remove employees and has been broken down into 2 parts under the 2023 Code:

Part 2 - Conflict of Interest Complaints of the 2023 Code now addresses conflict of interest, the requirements on Council to report, the complaint process if a breach is alleged and the penalties.

Part 3 - Wrongdoing Complaint of the 2023 Code addresses allegations of wrongdoing, which is an alleged breach other than a conflict-of-interest.

Part VI - Miscellaneous of the 2018 “Code of Ethics By-Law” is reflected in Part 7 - Miscellaneous of the 2023 Code.

The Legal Department has drafted the 2023 Code to comply with the Act. With respect to the public disclosure of investigation reports the Department has interpreted the Act’s provision to not conflict with or violate privacy, ATIPPA, or other applicable laws.

Part V: Training

The Act requires 2 types of training; Code Training and Orientation Training.

On the 2023 Code, Council is required to have the Code in place within 6 months of the Act coming into force (s. 12), which means by March 1, 2023. Training under the 2023 Code must be completed within 3 months of the Code being established by Council (s.13). Failure to do so within the prescribed time period means that the Member of Council shall not carry out any duty or function of Council.

Orientation training must be completed within one year of the Act coming into force, September 1, 2023. Newly elected Members of Council must be trained within 60 days of being elected. Again, a Member of Council cannot assume their role until training is complete.

Part VI: Summary

The Legal Department has drafted the 2023 Code in accordance with the Act. Unless specific definitions or procedures were set out in the Act, the Legal Department has used existing City policies and by-laws to the extent possible. Further, as much of the 2018 “Code of Ethics By-Law” was preserved as long as the sections complied with the Act and dealt with Members of Council only.

With respect to the public disclosure of investigation reports the Legal Department has taken a drafted the 2023 Code taking into consideration the City’s requirements under ATIPPA, 2015, privacy and all other applicable laws.

Key Considerations/Implications:

1. Budget/Financial Implications: Cost of Training – Training and orientation will be completed using current HR and Legal resources. However, once the training is designed there may be additional resources required. There may be increased costs for external investigations under the By-Law.
2. Partners or Other Stakeholders: Members of Council and Staff
3. Alignment with Strategic Directions:
 - Effective City – The 2023 Code will ensure accountability and good governance by providing a regulatory framework for dealing with conflicts of interests, wrongdoing allegations, and conduct in general.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications:

- The passage of the 2023 Code would result in the repeal of several City by-laws;
- The passage of the 2023 Code will result in required training for Members of Council;
- The 2023 Code will create a complaint process for both allegations of wrongdoing and conflicts of interest

7. Privacy Implications:

As indicated, the legal Department is concerned about the potential public disclosure of investigation reports, which is why redaction is recommended to remain in compliance with ATIPPA 2015 and other applicable laws. This approach has been reviewed with the City's Access and Privacy Analysts of the Office of the City Clerk who are in agreement with the approach.

8. Engagement and Communications Considerations:

Council and staff will need to be made aware of the requirements of the 2023 Code. Staff will, through training, learn of the 2 By-Laws and that complaints regarding Members of Council will be governed by the 2023 Code.

9. Human Resource Implications:

Legal and Human Resources will need to coordinate to ensure training and policies comply with the provisions of the 2023 Code.

10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

Recommendation:

That Council approve and adopt the Councillor Code of Conduct By-Law

Prepared by: Raman Balakrishnan, Legal Counsel
Approved by: Cheryl Mullett, City Solicitor

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Decision Note - Code of Conduct for Councillors.docx |
| Attachments: | - Code of Conduct for Councillors Feb 9 2023 - final.docx |
| Final Approval Date: | Feb 9, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Feb 9, 2023 - 11:40 AM

By-Law No. TBD

Title: Code of Conduct for Councillors By-Law

Passed by Council on

Pursuant to the authority conferred under the *City of St. John's Act*, RSNL 1990 c. C-17, and the *Municipal Conduct Act*, SNL 2021 c. M-20.01, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law.

CODE OF CONDUCT FOR COUNCILLORS

SHORT TITLE

1. This By-Law may be cited as the "Code of Conduct for Councillors " hereinafter referred to as the "Councillor Code".

DEFINITIONS

2. In this Councillor Code,
 - (a) **"Affiliated Entity"** means any organization, group, foundation, club, or corporation that is affiliated wholly or partially with the City including the St. John's Transportation Commission;
 - (b) **"ATIPPA"** means the *Access to Information and Protection of Privacy Act, 2015*, SNL 2015 c. A-1.2 as may be amended from time to time;
 - (c) **"City Manager"** means the City Manager or Acting City Manager appointed under the *City of St. John's Act*;
 - (d) **"Cohabiting Partner"** means a Person with whom a Councillor is living in a conjugal relationship outside of marriage;
 - (e) **"Complainant"** means any Person making a Complaint including members of the public;
 - (f) **"Complaint"** means a written document alleging that a Councillor acted in a Conflict of Interest or committed a Wrongdoing;

(g) **“Confidential Information”** means

- (i) information received in confidence that is prohibited from being disclosed by common law or Municipal, Provincial or Federal statute or is protected from disclosure under ATIPPA or other legislation, which may include information received in confidence from third parties of a corporate, commercial, scientific, or technical nature, information that is personal, and information that is subject to solicitor-client privilege;
- (ii) information received by the City pertaining to personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation;
- (iii) matters relating to litigation, negotiations, or personnel;
- (iv) information which would reveal the substance of deliberation of a privileged meeting;
- (v) draft documents and legal instruments including reports, policies, by-laws, and resolutions that have not been the subject matter of deliberation in a meeting open to the public; and
- (vi) law enforcement matters.

(h) **“Conflict of Interest”** means a Councillor is in a position whereby in the making or involvement in the making of a decision:

- (i) a Councillor’s Private Interests are affected. A decision may affect, directly or indirectly, a Private Interest, where the decision may result in a gain or loss to the Councillor’s Private Interests or the Private Interests of a Relative. A decision does not affect, directly or indirectly, a Private Interest where the decision affects the Councillor or a Relative as one of a broad class of the public; or
- (ii) a Councillor is unable to act impartially on behalf of the City due to the Councillor’s personal relationships. A Councillor is unable to act impartially where a reasonable Person may conclude that the Councillor’s personal relationships would result in favoritism or prejudice to the Person(s) to whom the Councillor has a personal relationship.

- (i) **“Contribution”** means a contribution of money, goods, or services, but does not include a donation by a natural Person of their personal services, talents, or expertise or the use of their vehicle where it is given freely and not as part of their work in the service of an employer;
- (j) **“Council”** means St. John's Municipal Council as referred to in section 5 of the *City of St. John's Act*;
- (k) **“Councillor”** means a member of Council as defined under section 5 of the *City of St. John's Act* and for the purposes of this Councillor Code, shall include a former Councillor;
- (l) **“Disclosure Statement”** means a form set by Council to be filed within 30 days of a Councillor taking office, and each year on or before March 1st, which is filed under Part 4 of this Councillor Code;
- (m) **“Election”** means a general election, by-election, or special election called under the *Municipal Elections Act*, SNL 2001 c. M-20.2, as may be amended from time to time;
- (n) **“Employee”** means any individual, who is employed by the City of St. John's on a part-time, temporary, full-time, permanent, or contractual basis including all employees of Affiliated Entities;
- (o) **“External Investigator”** means an independent, qualified third party hired to investigate a Complaint;
- (p) **“Gift Disclosure Statement”** means a statement filed under Part 4 of this Councillor Code and must contain:
 - (i) the nature of the gift or benefit;
 - (ii) the source and date of receipt;
 - (iii) the circumstances under which the gift was received;
 - (iv) the estimated value of the gift; and,
 - (v) whether the gift will at any point be left with the City.
- (q) **“Human Rights Act”** means the *Human Rights Act, 2010*, SNL 2010 c. H-13.1 as may be amended from time to time;

- (r) **“Person”** means any individual, including but not limited to Employees, Affiliated Entities and Volunteers;
- (s) **“Political Activity”** is applicable to Municipal, Provincial and Federal politics, and includes:
 - (i) seeking nomination or being a candidate in an election; or
 - (ii) actively canvassing or campaigning for a political party or a candidate.
- (t) **“Private Interest”** includes:
 - (i) an asset, liability or financial interest;
 - (ii) a source of income;
 - (iii) a position of director or executive officer in a corporation, association, or trade union, whether for profit or not for profit;
 - (iv) membership in a board, commission or agency of the Crown in Right of Canada or a Province;
 - (v) membership in or employment by a trade union where the trade union has entered into or is seeking to enter into a collective agreement with the City or an Affiliated Entity with respect to any matter related to the administration or negotiation of the collective agreement, and
 - (vi) a benefit or award,

but does not include an excluded private interest, which means:

- (i) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits;
- (ii) a position of director or executive officer in a Municipal entity or Municipal corporation;
- (iii) membership in a Council committee;
- (iv) purchase or ownership of a Municipal debenture;

- (v) fixed value securities issued by a government or Municipality in Canada or an agency of a government or Municipality in Canada; and
- (vi) a benefit or award of a value less than \$500.00 as prescribed in the *Municipal Conduct Act* regulations.
- (u) **"Relative"** means
 - (i) a Spouse or Cohabiting Partner;
 - (ii) a child, stepchild, parent, stepparent, sibling, stepsibling, parent-in-law or sibling-in-law of the Councillor; and
 - (iii) a Person not referred to in subparagraphs (i) and (ii) who resides with the Councillor.
- (v) **"Report"** means any written reports generated through a Complaint process;
- (w) **"Reprisal"** means any measure taken or threatened against a Person as a result of making or being suspected of making a Complaint or participating in or being suspected of participating in an investigation;
- (x) **"Special Meeting"** or **"Special Meeting of Council"** means a meeting held pursuant to sections 38 and 40 of the *City of St. John's Act* and are confidential, and shall have the same meaning as "privileged meeting" as set out in section 2 of the *Municipal Conduct Act*;
- (y) **"Spouse"** means a Person to whom a Councillor is married, unless that Person and the Councillor have made a separation agreement, or their support obligations and family property have been dealt with by a Court order;
- (z) **"Volunteer"** means any individual that provides service on a volunteer basis for the City or Affiliated Entity;
- (aa) **"Wrongdoing"** means
 - (i) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act, including a Municipal by-law or regulation; or

- (ii) a breach of this Councillor Code other than a Conflict of Interest.

APPLICATION

- 3. This Councillor Code applies to current and former Councillors acting in their official capacity, as well as to their off duty conduct when that off duty conduct is sufficiently connected to the business of the City or their conduct could reasonably discredit the reputation of the City, including unless otherwise stated herein, at:
 - (i) City buildings, facilities, sites, offices, or work environments;
 - (ii) locations visited while traveling on City-related business;
 - (iii) conferences, meetings, vendor/supplier, or customer sites;
 - (iv) locations of work-based social gatherings; and
 - (v) any location, physical or virtual while making comments pertaining to the City.

PURPOSE

- 4. The purpose of this Councillor Code is to:
 - (a) encourage and maintain public confidence and trust in governance and administration of the City;
 - (b) promote integrity in the conduct of the affairs and operations of the City;
 - (c) provide Council with guidelines for identifying, resolving and/or avoiding Conflicts of Interest, breaches of trust and unethical behaviour;
 - (d) encourage a respectful organization that is free from harassment and discrimination;
 - (e) promote transparency in governance;
 - (f) promote the protection of Confidential Information;
 - (g) promote high standards of professional conduct and values; and

- (h) comply with requirements set out in the *Municipal Conduct Act*, as may be amended from time to time.

STATUTORY PROVISIONS REGULATING ETHICAL CONDUCT

- 5. (1) This Councillor Code operates along with and as a supplement to existing statutes, as amended, governing the conduct of Council including but not limited to:
 - (a) *City of St. John's Act*;
 - (b) *Criminal Code of Canada*, RSC 1985 c. C-46;
 - (c) *Municipal Elections Act*;
 - (d) ATIPPA;
 - (e) *Occupational Health and Safety Act*, RSNL 1990 c. O-3;
 - (f) Human Rights Act; and
 - (g) *Municipal Conduct Act*.
- (2) Notwithstanding subsection (1), where a Federal or Provincial statute conflicts with this Councillor Code, the Federal or Provincial statute shall apply.

Part 1

Ethical Conduct

CONDUCT

6. All members of Council shall abide by and are bound by the City's *Respectful Workplace* policy. A breach of this policy shall be deemed a breach of this Councillor Code.
7. A Councillor shall abide by Council's Rules of Procedure.
8. A Councillor is prohibited from accepting gifts, favours, or free or discounted services from any individual, vendor, contractor, or others which could reasonably be perceived to show undue favour, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the Councillor in a Conflict of Interest.
9. A Councillor shall not communicate on behalf of the City unless they receive the prior authorization of Council.

PUBLIC ASSETS AND FRAUD

10. A Councillor shall not request, use, or permit the use of City vehicles, land, equipment, materials, facilities or other property for a Private Interest, or personal convenience, except where such privileges are granted to the general public or where the Councillor has the prior written permission of Council.
11. A Councillor shall not obtain any Private Interest from the use or sale of City property, including but not limited to, intellectual property.
12. A Councillor shall not obtain any Private Interest from the use or sale of information obtained through their position on Council.
13. A Councillor shall not grant preferential treatment to a Relative or to companies or organizations in which the Councillor or Relative have a direct Private Interest, and shall refrain, whenever possible, from official dealings with such Persons, companies, or organizations.
14. A Counsellor shall not use their position to promote the hiring of a Relative or a friend, to discipline a Relative or a friend or to participate in hiring decisions affecting a Relative or a friend.

SOCIAL MEDIA

15. All Councillors posting to their personal media accounts should be consistent with their duties and obligations as Councillors including, but not limited to, those obligations under this Councillor Code and all applicable City policies and must not bring the integrity of Council or the City into disrepute.
16. Any opinions expressed in public by a Councillor while acting in their capacity as City Councillor shall be solely for the purposes of genuine political discourse and shall not include any Confidential Information obtained through their position with the City.
17. Councillors shall, where possible, conduct Council business through City operated accounts and devices and shall avoid conducting Council business on personal devices or through personal accounts.

POLITICAL ACTIVITY

18. Nothing in this section shall prohibit or discourage any Councillor from voting in any Election.
19. A Councillor shall not engage in any Political Activity while acting in their capacity as a Councillor or while representing the City.
20. A Councillor shall not use City resources, including but not limited to facilities, equipment or supplies while engaging in Political Activity.
21. A Councillor shall not use their title or position in the City in any way that would lead any member of the public to infer the City is endorsing a candidate or political party.
22. A Councillor seeking election to any level of government, except a Councillor who is seeking re-election to Council, shall take an unpaid leave of absence from the time they file their nomination papers until election day. The ability to take leave is subject to any applicable City Human Resources policies in place.
23. A Councillor shall resign their position with the City if they are elected to any level of government, except in the case of a Councillor who is re-elected to Council.

Part 2
Conflict of Interest Complaint

24. If any Person is of the opinion that a Councillor or former Councillor is or was in a Conflict of Interest, that Person shall file a Complaint with the City Manager within 6 months of becoming aware of the potential Conflict of Interest.
25. The Complaint shall be in writing. Notwithstanding the preceding, a Complaint submitted under Part 2 or Part 3 of this Councillor Code may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a Complaint.
26. The City Manager in their discretion, may assign a designate to facilitate a Complaint.
27.
 - (1) No Councillor shall vote on or speak to any matter before Council or any committee thereof where they have a Conflict of Interest in which their Private Interest, or that of a Relative, may be affected or if the Councillor is unable to act impartially due to personal relationships.
 - (2) A Councillor does not have a Conflict of Interest where:
 - (a) the interest relates to a matter of general application that is to be decided by Council that is related to all the citizens of the City or a broad class thereof of which the Councillor or Relative is a member;
or
 - (b) the interest pertains to an Affiliated Entity.
28.
 - (1) Where a Councillor knows or ought reasonably to know that they have a Conflict of Interest in a matter before Council, the Councillor shall:
 - (a) declare the Conflict of Interest before any consideration or discussion of the matter;
 - (b) disclose the general nature of the Conflict of Interest;
 - (c) refrain from participating in any discussion relating to the matter;

- (d) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter;
 - (e) leave the room in which the meeting is held for the duration of the consideration of the matter; and
 - (f) where the Councillor declaring a Conflict of Interest is the presiding officer, they shall vacate the chair for the matter.
 - (2) Notwithstanding section 28(1)(e), where the meeting referred to in subsection (1) is open to the public, the Councillor may remain in the room.
 - (3) A Councillor shall not attempt, in any way, before, during or after the meeting, to influence
 - (a) the vote of other Councillors; or
 - (b) any policy advice provided to Council regarding the matter.
 - (4) A declaration of Conflict of Interest under subsection (1) and the general nature of the Conflict of Interest shall be recorded in the minutes of Council or a committee of Council, where the declaration was made at a committee meeting.
29. (1) Where a Councillor is uncertain as to whether or not they are in a Conflict of Interest, the Councillor shall disclose the nature of the possible Conflict of Interest to Council who may decide whether a Conflict of Interest exists by a majority vote. In the event that the Council vote is tied, the Councillor shall be considered to have a Conflict of Interest.
- (2) A Councillor whose possible Conflict of Interest is being voted on is not entitled to vote.
 - (3) Where Council determines by a majority vote that a Councillor does not have a Conflict of Interest and a Complaint is subsequently filed under this Councillor Code and it is determined that the Councillor did have a Conflict of Interest, Council may invalidate the decision of Council in which the Councillor acted in a Conflict of Interest but shall not impose any penalties against the Councillor.

30. A Complaint alleging a Conflict of Interest shall include the following:
- (a) the nature of the Conflict of Interest;
 - (b) the Councillor's or former Councillor's actions in relation to the Conflict of Interest; and
 - (c) any other information the City Manager or their designate determines necessary.
31. The City Manager or their designate shall provide a copy of the Complaint to the Councillor or former Councillor no later than 5 business days after receipt of the Complaint.
32. (1) The Councillor or former Councillor may provide a written response respecting the Complaint to the City Manager or their designate no later than 20 business days after receipt of a copy of the Complaint.
- (2) Where the Councillor or former Councillor provides a written response under subsection (1), the City Manager or their designate shall provide a copy of the written response to the Complainant within one business day after receipt of the written response.
33. The City Manager or their designate shall review the Complaint and the Councillor's/former Councillor's written response no later than 10 business days after receipt of the written response, or where a written response is not filed, the City Manager or their designate shall review the Complaint no later than 10 business days after the time period to file the written response has expired, and shall:
- (a) prepare a Report regarding the Complaint;
 - (b) refer the Complaint and the response, if any, to a Special Meeting of Council along with a copy of the Report; and
 - (c) give written notice of the referral to the Complainant and the Councillor or former Councillor.

34. No later than 15 business days after receiving the Report referred to in section 33, Council shall consider the Complaint, any response, and the Report provided in a Special Meeting of Council and may, by resolution,
- (a) dismiss the Complaint;
 - (b) determine that the Councillor or former Councillor acted in a Conflict of Interest; or
 - (c) order an investigation by an External Investigator to determine whether the Councillor or former Councillor acted in a Conflict of Interest.
35. A Councillor or a Person shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass, or fail to cooperate with anyone conducting an investigation under section 34(c).
36. The External Investigator assigned under section 34(c) shall prepare a Report regarding the investigation and submit it during a Special Meeting of Council.
37. Following review of the investigation Report submitted under section 36 Council may, by resolution,
- (a) dismiss the Complaint; or
 - (b) make a determination that the Councillor or former Councillor acted in a Conflict of Interest.
38. After Council's decision made under section 37, the Report submitted to Council shall be tabled at a Regular Meeting of Council with appropriate redactions of Confidential Information and personal information as required under ATIPPA or applicable law.
39. (1) Where Council determines that a Councillor has acted in a Conflict of Interest, Council:
- (a) shall, by resolution, require the Councillor to vacate their seat on Council and declare that the Councillor is not eligible to be nominated as a candidate until the nomination period for the next general election; and

- (b) may, by resolution, invalidate the decision of Council in which the Councillor acted in a Conflict of Interest.
- (2) Notwithstanding subsection (1), where Council determines that a Councillor acted in a Conflict of Interest through inadvertence or a genuine error in judgment, Council may, by resolution, allow the Councillor to keep their seat on Council and may do one or more of the following:
 - (a) reprimand the Councillor;
 - (b) invalidate the decision of Council in which the Councillor acted in a Conflict of Interest;
 - (c) require the Councillor to attend training as determined by Council;
 - (d) suspend the Councillor from Council committees or other additional activities or duties for a period of no more than 3 months; and
 - (e) suspend the Councillor from Council, without remuneration, for a period of no more than 3 months.
- 40. Where Council determines that a former Councillor has acted in a Conflict of Interest, Council may do one or more of the following:
 - (a) reprimand the former Councillor;
 - (b) invalidate the decision of Council in which the former Councillor acted in a Conflict of Interest; and
 - (c) declare that the former Councillor is not eligible to be nominated as a candidate until the nomination period for the next general election.
- 41. Where a Councillor is unable to attend regular public meetings of Council for 3 successive months because of a suspension due to a finding of a Conflict of Interest, their absence from the public meetings is considered to be with leave of Council.
- 42. No Councillor or former Councillor shall make any Reprisal against any Person who makes a Complaint alleging a Conflict of Interest. A Councillor or former Councillor shall, to the best of their ability, ensure no action is taken, which would

be reasonably perceived as a Reprisal against any Person acting in good faith who brings forward a Complaint or information which leads to a Complaint.

43. No Councillor or former Councillor shall file a Complaint under this Councillor Code, which is retributive, made in bad faith, or made with malicious intent.
44. A Complaint against a Councillor or former Councillor shall not be deemed to be retributive, made in bad faith, or malicious solely because it is determined to be unfounded or is dismissed.

Part 3

Wrongdoing Complaint

45. The City is committed to the facilitation and disclosure of serious and significant matters in or relating to the City or any Councillor that are potentially unlawful or injurious to the public interest.
46. Any Person who has knowledge of Wrongdoing by a Councillor or former Councillor shall make a Complaint under this Councillor Code within 6 months of becoming aware of the potential Wrongdoing. The City Solicitor may accept a Complaint of Wrongdoing outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where the City Solicitor in their discretion determines it is reasonable to do so, taking into account the public interest.
47. A Complaint of Wrongdoing shall be signed by the Complainant or their solicitor and filed with the City Solicitor. Along with the City Solicitor, the Complaint of Wrongdoing may also be filed with:
 - (a) the City Internal Auditor; or
 - (b) in the case of an Employee or Volunteer, their direct supervisor or the Director of Human Resources.
48. A Person making a Complaint under this Part may request to remain anonymous and every effort shall be made to respect that request however, depending on the nature of the Complaint anonymity cannot be guaranteed.
49. The City Solicitor or their designate may, in their discretion, address the Complaint through an informal process or proceed to an investigation however, the Complaint shall proceed to an investigation if instructed to do so by the Person who made the Complaint.
50. A Complaint under this Part shall include the following information:
 - (a) a description of the Wrongdoing;
 - (b) the name of the Councillor or former Councillor alleged to have committed the Wrongdoing; and

- (c) any further details or facts that would be necessary to investigate the Wrongdoing.
51. (1) Where in the opinion of the City Solicitor, or their designate, the Complaint has no reasonable prospect of being substantiated, the City Solicitor may dismiss the Complaint and provide notice of the dismissal to the Complainant. The City Manager shall submit a Report to a Special Meeting of Council providing a summary of the matter with Confidential Information withheld.
- (2) Notwithstanding subsection (1), in cases where a Complaint relates to theft, fraud, or any misappropriation of funds, the City's Internal Auditor shall address the Complaint. Where in the opinion of the City Internal Auditor, the Complaint has no reasonable prospect of being substantiated, the City Internal Auditor may dismiss the Complaint and provide notice of the dismissal to the Complainant. The City Manager shall submit a Report to a Special Meeting of Council providing a summary of the matter with Confidential Information withheld.

ALTERNATIVE REMEDIAL PROCESS

52. Where it appears to the City Solicitor, or their designate, that a Complaint under this Part may be resolved satisfactorily through an informal process, and where the Complainant and the Councillor or former Councillor consent, the City Solicitor may engage an external mediator or attempt to resolve the matter in an acceptable manner.
53. The City Manager or their designate shall submit a Report to a Special Meeting of Council providing a summary of the matter if it satisfactorily resolved through an informal process or if it is not resolved but the Complainant and Councillor or former Councillor agree on the facts. If the matter is not resolved but facts are agreed upon, Council shall review the Report in a Special Meeting. In a Regular Meeting of Council, Council shall dismiss the Complaint or determine that the Councillor or former Councillor contravened the Councillor Code. In the event the Report is tabled at the Regular Meeting of Council or otherwise released, the Report shall have all appropriate redactions of Confidential Information and personal information as required under ATIPPA.
54. Nothing in this Councillor Code prohibits a Complainant from pursuing the following remedies:

- (a) an Employee filing a union grievance under the appropriate articles of the applicable collective agreement;
 - (b) filing a human rights complaint under the Human Rights Act; or,
 - (c) pursuing a criminal charge under the *Criminal Code of Canada*.
55. In the event that a Human Rights complaint, a grievance is filed by an eligible Employee, or a criminal charge is laid, any Complaint filed with respect to same matter will not be investigated under this Councillor Code. The City Manager or their designate shall submit a Report to a Special Meeting of Council providing a summary of the matter proceeding as set out in section 54 with Confidential Information withheld.

EXTERNAL INVESTIGATOR

56. (1) In the event a Complaint under this Part has not been dismissed, or has not proceeded to an alternative remedial process, or has not been otherwise resolved, the City Solicitor shall hire an External Investigator to investigate the Complaint of Wrongdoing. The City Manager or their designate shall inform Council of the Complaint proceeding to an External Investigator in a Special Meeting of Council with all Confidential Information withheld.
- (2) For any Complaint relating to theft, fraud, or any misappropriation of funds the City Internal Auditor, or their designate, may investigate the Complaint or shall participate in an investigation being conducted by an External Investigator.
57. Anyone involved with the investigation process shall keep all information disclosed to them through the investigation confidential.
58. The External Investigator shall to the fullest extent possible keep the Complainant's identity confidential if requested by the Complainant. It shall not be considered a breach of this Councillor Code if the External Investigator discloses the identity of the Complainant to the Councillor or former Councillor.
59. Any investigation shall provide the Councillor or former Councillor the opportunity to give a full statement and provide any evidence they may have regarding the Complaint of Wrongdoing.

60. The External Investigator may in their discretion cease an investigation if they are of the opinion that:
- (a) the subject matter of the Complaint is more appropriately dealt with under an Act of the Provincial Legislature or the Parliament of Canada;
 - (b) the Complaint is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
 - (c) so much time has elapsed between the date when the subject matter of the Complaint arose and the date when the Complaint was made that investigating it would not serve a useful purpose;
 - (d) the Complaint relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;
 - (e) the Complaint does not provide adequate particulars about the Wrongdoing to properly investigate;
 - (f) the Complaint relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement; or,
 - (g) there is another valid reason for not investigating.
61. Upon the conclusion of an investigation the External Investigator shall file a Report with the City Solicitor and shall present the Report of their findings and conclusions to Council at a Special Meeting. The Complainant, Councillor or former Councillor shall receive a copy of the Report. The Report shall be confidential and shall not be released to the public without written consent of the Complainant, Councillor/former Councillor, and Council, and with all appropriate redactions of Confidential Information and personal information required under ATIPPA.
62. After review of the Report, where Council decides that a Councillor or former Councillor has not committed a Wrongdoing, Council shall dismiss the Complaint at a Regular Meeting.
63. At a Regular Meeting, where Council determines that a Councillor has contravened this Councillor Code or failed to comply with a penalty imposed under this section, Council may, by resolution, do one or more of the following:

- (a) reprimand the Councillor;
- (b) require the Councillor to attend training as determined by Council;
- (c) suspend the Councillor from Council committees or other additional activities or duties for a period of no more than 3 months;
- (d) suspend the Councillor from Council, without remuneration, for a period of no more than 3 months; and
- (e) where one or more of the following apply, make an application to Court seeking that the Councillor vacate their seat on Council and that the Councillor be ineligible to be nominated as a candidate until the nomination period for the next general election:
 - (i) the contravention of the Councillor Code resulted in loss of public trust;
 - (ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence; and
 - (iii) the Councillor has contravened the Councillor Code more than once and has refused to comply with the penalties imposed.

64. At a Regular Meeting, where Council determines that a former Councillor has contravened the Councillor Code, Council may, by resolution, do one or both of the following:

- (a) reprimand the former Councillor; and
- (b) where one or more of the following apply, declare that the former Councillor is ineligible to be nominated as a candidate until the nomination period for the next general election:
 - (i) the contravention of the Councillor Code resulted in loss of public trust,
 - (ii) the contravention of the Councillor Code consisted of violence or the credible threat of violence, and

- (iii) the former Councillor has contravened the Councillor Code more than once and has refused to comply with penalties imposed.

65. In the event of a Complaint being dismissed or substantiated under ss 62, 63 and 64, the City Solicitor shall prepare a summary of what occurred for the Regular Meeting in which Council's decision is made. The summary prepared by the City Solicitor shall be in accordance with ATIPPA with all applicable Confidential Information and personal information withheld in accordance with all applicable laws.

APPEAL

66. (1) A Complainant, Councillor or former Councillor whom a decision of Council under this Councillor Code is made against may appeal a decision or order made under:

- sections 34(a) and (b);
- section 37;
- section 39(1)(a);
- section 39(2)(e);
- section 40(c);
- section 62;
- section 63(d) and (e); and
- section 64(b).

no later than 21 days after receiving notice of that decision or order to the Supreme Court of Newfoundland and Labrador.

(2) An appeal under this section does not stay the decision or order being appealed unless the Supreme Court of Newfoundland and Labrador orders otherwise.

Part 4

Disclosure

67. A Councillor shall report all expenses promptly, accurately, and with sufficient detail as required by the City. A Councillor shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
68. (1) Within 30 days of taking office and each year on or before March 1, each Councillor shall file with the City Clerk a Disclosure Statement disclosing assets and interests in accordance with section 4(1) of the *Municipal Conduct Act*.
- (2) Where a Councillor fails to comply with subsection (1), the City Clerk shall forthwith notify them in writing of the failure to comply, and the Councillor shall, within 30 days of receiving the notification, file a Disclosure Statement. Failure to file the Disclosure Statement shall be a breach of the Councillor Code.
- (3) Where after the filing of a Disclosure Statement under subsection (1) or (2) there is a change in the information filed, the Councillor shall report the change to Council no later than 60 days after the change occurred and file with the City Clerk an amended Disclosure Statement.
69. A Disclosure Statement filed by a Councillor shall include the following information in relation to the Councillor and their Spouse or Cohabiting Partner:
- (a) ownership of real property or an interest in real property within the City;
 - (b) corporations in which 10% or more shares are held;
 - (c) partnerships and sole proprietorships in which 10% or more interest is held;
 - (d) ownership of businesses located within the City;
 - (e) corporations, associations, or trade unions in which a position of director or executive officer is held;
 - (f) sources of income; and
 - (g) any other information Council determines necessary.

70. All Disclosure Statements shall be reviewed at a Special Meeting of Council no later than 30 days after filing.
71. All Disclosure Statements shall be made available to the public during normal City business hours.

GIFTS AND PERSONAL BENEFITS

72. A Councillor shall not accept any fee, advance, gift, or personal benefit from persons or corporations who are engaged in business with the City or have the potential to influence decision making at the City, except as permitted under section 75.
73. A Councillor shall not accept a fee, advance, gift, or personal benefit that is connected directly or indirectly with the performance of their duties.
74. A fee, advance, gift, or personal benefit provided with a Councillor's knowledge to a Relative or friend that is connected directly or indirectly to the performance of the Councillor's duties is deemed to be a gift for the purposes of this Councillor Code.
75. Notwithstanding sections 73 and 74, a Councillor may accept a fee, advance, gift, or personal benefit in the following circumstances:
 - (a) the gift or benefit is compensation as authorized by law;
 - (b) the gift or benefit would normally accompany the responsibilities of the position and are received as an incident of protocol or social or professional obligation;
 - (c) the gift or benefit is a token of appreciation that does not exceed \$500.00 given in recognition of service to the City;
 - (d) the gift or benefit is a political Contribution otherwise reported by law in accordance with the *Municipal Elections Act*;
 - (e) the gift or benefit is a suitable memento of a function honouring the Councillor;

- (f) the gift or benefit is food, lodging, transportation, and entertainment provided by Provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar, or event organizer where the Councillor is either speaking or attending in an official capacity;
 - (g) the gift or benefit is food and/or beverages consumed at banquets, receptions, or similar events;
 - (h) the gift or benefit is communications to the offices of a Councillor, including subscriptions to newspapers and periodicals.
76. For gifts given under subsections 75(b)(e)(f)(g) and (h), if the value of the gift or benefit exceeds \$500.00 or if the total value received from any one source during the course of a calendar year exceeds \$500.00, the Councillor shall, within thirty (30) days of receipt of the gift or reaching the annual limit, file a Gift Disclosure Statement with the City Clerk.
77. A Gift Disclosure Statement shall be a matter of public record.
78. Upon receiving a Gift Disclosure Statement, the City Clerk shall request that the City Solicitor examine it to ascertain whether the receipt of the gift or benefit might, in their opinion, create a conflict between a Private Interest and the public duty of the Councillor. In the event that the City Solicitor makes that preliminary determination, they shall call upon the Councillor to justify receipt of the gift or benefit.
79. After consideration of the justification given under section 78, the City Solicitor will determine if receipt of the gift was appropriate. If not appropriate, the City Solicitor may direct the Councillor to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.
80. A Councillor shall follow the direction of the City Solicitor as provided for in section 79, and failure to follow said direction shall be a breach of this Councillor Code.

TRAVEL EXPENSES

81. A Councillor's travel expenditures shall be itemized and published quarterly in the Agenda of Regular Meetings of Council. Itemization of all out of province travel expenditures shall include:
- (a) the name of the person travelling;
 - (b) the event attended;
 - (c) the location of the event attended; and,
 - (d) travel expenses reimbursed by the City.

PART 5
Workplace Protection

PURPOSE

82. The purpose of this Part is to:
- (a) maintain a work environment that is free from harassment and discrimination; and,
 - (b) encourage respect for the dignity and protection of human rights.

DISCRIMINATION, HARASSMENT AND BULLYING

83. The City prohibits discrimination as defined under the Human Rights Act.
84. The City prohibits harassment as defined under the Human Rights Act.
85. For the purposes of this Councillor Code, harassment is defined as any objectionable or offensive behaviour that is reasonably known or ought to be reasonably known to be unwelcome. Harassment may be intended or unintended.
86. The City prohibits any behaviour which is abusive, harassing, intimidating, or threatening towards any Person, and a Councillor is prohibited from any such behaviour.
87. All members of Council shall treat members of the public, one another, Employees, and all Persons appropriately and with respect. No Councillor shall use abusive language, bullying, harassing or intimidation tactics.
88. All members of Council shall endeavor to ensure that the City work environment is free from discrimination, bullying and harassment.

PART 6
Protection of Confidential Information

TRANSPARENCY AND INTEGRITY

89. The City is actively committed to performing functions with integrity, accountability, and transparency.

SPECIAL MEETINGS OF COUNCIL

90. Special Meetings of Council may be held if the subject matter being considered relates to, or is one or more of, the following:
- (a) policy advice or recommendations concerning a matter that is in its preliminary stages and respecting which discussions in public could prejudice Council's ability to carry out its activities or negotiations;
 - (b) legal advice and opinions provided to the City, information that is subject to settlement privilege, solicitor and client privilege or litigation privilege of the City, or information of a Person other than the City that is subject to solicitor and client privilege or any privilege;
 - (c) information harmful to public security or law enforcement matters;
 - (d) information from any workplace investigation;
 - (e) information harmful to intergovernmental relations;
 - (f) information harmful to the financial or economic interests of the City or an Affiliated Entity;
 - (g) information related to the City as an employer, including personnel or labour relations matters or collective bargaining or collective agreements;
 - (h) information harmful to personal privacy, including personal matters about an identifiable individual;
 - (i) information related to the acquisition, sale, lease, and security of Municipal property;

- (j) litigation or potential litigation affecting the City or Affiliated Entities;
- (k) contract negotiations of the City or Affiliated Entities;
- (l) education or training of Councillors; and
- (m) matters pertaining to one of the Exceptions to Access in Division 2 of ATIPPA.

91. In the event of a dispute as to whether or not a matter should be placed on the agenda for a Special Meeting of Council or on the agenda for a Regular Meeting of Council, a majority vote of Council, taken at a Special Meeting, shall determine the appropriate agenda. If said vote results in the matter being placed on the Special Agenda, a Notice shall be published in an agenda of a Regular Meeting stating the category, as outlined in section 90, to which the matter relates.

COMMITTEE REPORTS

92. All Regular Meetings of Council, Committee of the Whole meetings, and Audit Committee meetings shall be open to the public.

DISCLOSURE OF CONFIDENTIAL INFORMATION

93. No Councillor shall disclose or release, in oral or written form, to any Person or corporate body any Confidential Information acquired by virtue of their position, except when required by law or authorized by Council to do so.
94. No Councillor shall use Confidential Information for personal or private gain, or for the gain of any Person or corporation.
95. No Councillor shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.
96. No Councillor shall disclose a matter that has been discussed at a Special Meeting of Council or disclose the content of any such matter, or the substance of deliberations, of the Special Meeting unless Council authorizes release of the information.

97. A Councillor shall not have access to the personnel files of Employees, save and except for the City Manager, and access shall only be to the extent required for their role and duties as a Councillor.

PART 7

Miscellaneous

COMPLIANCE WITH OTHER ACTS

98. Where a conflict exists between this Councillor Code and any Provincial or Federal law or regulation, the Provincial or Federal law or regulation shall apply to the extent to which there is a conflict.

REPEALING PREVIOUS BY-LAWS, REGULATIONS, AND AMENDMENTS

99. The following by-laws, regulations, and amendments are repealed:

- (a) *Code of Ethics By-Law;*
- (b) *Conflict of Interest By-Law;*
- (c) *Workplace Human Rights By-Law;*
- (d) *Whistleblower Protection By-Law;* and,
- (e) *Freedom of Information By-Law.*

SEVERABILITY

100. If any provision of this Councillor Code is determined to be illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of this Code shall remain operative and in force.

REVIEW OF THIS CODE

101. The provisions of the Councillor Code and the process prescribed herein shall be reviewed by the City Solicitor and the Director of Human Resources every four (4) years and a review report be prepared for Council. This review report shall be confidential. Council may release details from the review report to the public by a majority vote of Council.

COUNCILLOR CODE TRAINING

102. All Councillors shall receive training related to this Councillor Code within 3 months of its establishment, and all new Councillors elected to Council shall receive training related to this Councillor Code within 3 months of being elected.
103. A Councillor shall not be able to assume their role in Council, or exercise any power, duty, or function as a Councillor until training under section 102 is completed.

ORIENTATION TRAINING

104. A Councillor shall receive orientation training within 1 year of the *Municipal Conduct Act* coming into force. Thereafter, any new Councillors shall receive training within 60 days of being sworn or affirmed into office.

DECISION/DIRECTION NOTE

Title: Code of Conduct for Municipal Officials By-Law

Date Prepared: February 8, 2023

Report To: Regular Meeting of Council

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

That Council enact the St. John's Code of Conduct for Municipal Officials, in compliance with section 18(2) of the *Municipal Conduct Act*, SNL 2021, Chapter M-20.01.

Discussion – Background and Current Status:

Section 18(2) of the *Municipal Conduct Act* states that “Within 6 months of the coming into force of this Act, a council shall establish a code of conduct for municipal officials.”

The Code of Conduct for Municipal Officials has been prepared to comply with this legislative requirement, drawing from provisions of the *Municipal Conduct Act*, its Regulations, templates provided by the Provincial Government, and the 2018 Code of Ethics By-Law which was drafted as result of an independent report of the Honourable Clyde K. Wells, K.C.

The *Municipal Conduct Act* also directs the enacting of a separate Code of Conduct for Councillors, which is the subject of a separate Decision Note.

The Code of Conduct for Municipal Officials was drafted by the Legal Department in consultation with the Human Resources Department.

The Code of Conduct for Municipal Officials applies to all Municipal Officials, with the exception of Councillors, who, as referenced above, are governed by a separate By-Law.

The Code of Conduct for Municipal Officials regulates several areas, including: ethical conduct, conflicts of interest, wrongdoings, disclosure, workplace protection, and protection of confidential information.

The Code of Conduct for Municipal Officials sets out a complaint, investigation, and resolution process for both conflict of interest and wrongdoing complaints against Municipal Officials. Speaking generally, the complaint, investigation, and resolution process will be managed by the Human Resources Department with input from the Legal Department. However, any conflict of interest and/or wrongdoing complaints made against the City Manager will have its

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own process, the resolution of which will necessarily involve Council, as the City Manager reports directly to Council.

The six-month deadline prescribed by the *Municipal Conduct Act*, and that Act's coming into force date of September 1, 2022, require the passage of the Code of Conduct for Municipal Officials by March 1, 2023.

Key Considerations/Implications:

1. Budget/Financial Implications: Cost of Training – Training will be done in-house using current HR and Legal resources. However, there may be a need for additional resources required given the three month time line to train all employees.
2. Partners or Other Stakeholders: All City Departments/Divisions, Members of Council
3. Alignment with Strategic Directions:
 - Effective city – The proposed by-law will ensure accountability and good governance, on the part of Municipal Officials, by providing a regulatory framework for ethical behaviour.
 - Sustainable City – The proposed by-law provides a framework that will ensure financial accountability by Municipal Officials.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications:
 - The passage of this By-Law would result in the repeal of the *Code of Ethics By-Law*, the *Conflict of Interest By-Law*, the *Workplace Human Rights By-Law*, the *Whistleblower Protection By-Law*; and the *Freedom of Information By-Law*.
 - The passage of this by-law will result in required training for all City employees, to be provided by Human Resources.
 - The passage of this by-law would create a new process for the complaint process in relation to City Employees being in a Conflict of Interest and/or committing a Wrongdoing.
 - The passage of this By-law will require departments to ensure that their internal policies are consistent with the content of this By-law via a review process and, if necessary, revisions to those policies.

7. Privacy Implications: N/A

8. Engagement and Communications Considerations:

- Training, as provided by Human Resources in consultation with the Legal Department, will make City employees aware of requirements contained in the By-Law.

9. Human Resource Implications:

- The Legal Department solicited input as to drafts of the By-Law from Human Resources and is working with Human Resources to facilitate the required training.

10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

Recommendation:

That Council approve and adopt the Code of Conduct for Municipal Officials

Prepared by: Robert Fedder, Legal Counsel

Approved by: Cheryl Mullett, City Solicitor

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Decision Note - Code of Conduct for Municipal Officials.docx |
| Attachments: | - Code of Conduct for Employees - Feb 7, 2023 - final.docx |
| Final Approval Date: | Feb 9, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Feb 9, 2023 - 11:53 AM

By-Law No. TBD
Title: Code of Conduct for Municipal Officials By-Law
Passed by Council on

Pursuant to the authority conferred under the *City of St. John's Act*, RSNL 1990 c. C-17, and the *Municipal Conduct Act*, SNL 2021 c. M-20.01, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law.

CODE OF ETHICS BY-LAW

SHORT TITLE

1. This By-Law may be cited as the "Code of Conduct for Municipal Officials By-Law" hereinafter referred to as the "Code".

DEFINITIONS

2. In this Code,
 - (a) **"Affiliated Entity"** means any organization, group, foundation, club, or corporation that is affiliated wholly or partially with the City including the St. John's Transportation Commission.
 - (b) **"Annual Disclosure Statement"** means a disclosure statement filed pursuant to sections 114-115 of the Code;
 - (c) **"ATIPPA"** means the *Access to Information and Protection of Privacy Act*, 2015, SNL 2015 c A-1.2 as may be amended from time to time;
 - (d) **"City Manager"** means the City Manager or Acting City Manager appointed under the *City of St. John's Act*;
 - (e) **"Cohabiting Partner"** means a person with whom a Municipal Official is living in a conjugal relationship outside of marriage;
 - (f) **"Complaint"** means a written document alleging that a Municipal Official acted in a conflict of interest or committed a wrongdoing;
 - (g) **"Complainant"** means any person making a Complaint, including members of the public;
 - (h) **"Confidential Information"** means
 - (i) information received in confidence that is prohibited from being disclosed by common law or Municipal, Provincial or Federal statute or is protected from disclosure under ATIPPA or other legislation, which may include

information received in confidence from third parties of a corporate, commercial, scientific, or technical nature, information that is personal, and information that is subject to solicitor-client privilege;

- (ii) information received by the City pertaining to personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation;
 - (iii) matters relating to litigation, negotiations, or personnel;
 - (iv) Information which would reveal the substance of deliberation of a privileged meeting;
 - (v) Draft documents and legal instruments including reports, policies, by-laws and resolutions that have not been the subject matter of deliberation in a meeting open to the public; and
 - (vi) Law enforcement matters.
- (i) **“Conflict of Interest”** means a Municipal Official has a conflict of interest where in the making, or involvement in the making, of a decision
- (i) the Municipal Official's private interests are affected. A decision may affect, directly or indirectly, a Private Interest, where the decision may result in a gain or loss to the Municipal Official's Private Interests or the Private Interests of a Relative and a decision does not affect, directly or indirectly, a Private Interest where the decision affects the Municipal Official or a Relative of a Municipal Official as one of a broad class of the public; or
 - (ii) the Municipal Official is unable to act impartially on behalf of the City due to the Municipal Official's personal relationships. A Municipal Official is unable to act impartially where a reasonable person may conclude that the Municipal Official's personal relationship would result in favoritism or prejudice to the person to whom the Municipal Official has a personal relationship.
- (j) **“Contribution”** means a contribution of money, goods, or services, but does not include a donation by a natural person of their personal services, talents, or expertise or the use of their vehicle where it is given freely and not as part of their work in the service of an employer;
- (k) **"Council"** means St. John's Municipal Council as referred to in section 5 of the *City of St. John's Act*, RSNL 1990 c C-17;

- (l) **“Election”** means a general election, by-election, or special election called under the *Municipal Elections Act*, SNL 2001 c M-20.2, as may be amended from time to time;
- (m) **“Employee”** means any individual, that is employed by the City on a part-time, temporary, full-time, permanent, or contractual basis including all employees of Affiliated Entities, and includes the City Manager;
- (n) **“External Investigator”** means an independent, qualified third party hired to investigate a Complaint;
- (o) **“Gift Disclosure Statement”** means a disclosure statement provided to the City Clerk pursuant to section 109 of this Code and must contain:
 - (i) the nature of the gift or benefit;
 - (ii) the source and date of receipt;
 - (iii) the circumstances under which the gift was received;
 - (iv) the estimated value of the gift; and,
 - (v) whether the gift will at any point be left with the City.
- (p) **“Human Rights Act”** means the *Human Rights Act*, 2010, SNL 2010 c H-13.1 as may be amended from time to time;
- (q) **“Human Resources”** means the Department of Human Resources for the City;
- (r) **“Municipal Official”** means, unless the context indicates otherwise, an Employee of a municipality, including the City Manager, fire chiefs and fire fighters providing services for or to a municipality, and employees of the St. John’s Transportation Commission.
- (s) **“Political Activity”** is applicable to Municipal, Provincial and Federal politics, and includes:
 - (i) seeking nomination or being a candidate in an election;
 - or
 - (ii) actively canvassing or campaigning for a political party or a candidate.
- (t) **“Private Interest”** includes:
 - (i) an asset, liability or financial interest;

- (ii) a source of income;
- (iii) a position of director or executive officer in a corporation, association or trade union, whether for profit or not for profit;
- (iv) membership in a board, commission or agency of the Crown in Right of Canada or a Province;
- (v) membership in or employment by a trade union where the trade union has entered into or is seeking to enter into a collective agreement with the City or an entity of a Council, with respect to any matter related to the administration or negotiation of the collective agreement, and
- (vi) a benefit or award,

but does not include an excluded private interest, which means:

- (i) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits;
 - (ii) a position of director or executive officer in a Municipal entity or Municipal corporation;
 - (iii) membership in a Council committee;
 - (iv) purchase or ownership of a Municipal debenture;
 - (v) fixed value securities issued by a government or Municipality in Canada or an agency of a government or Municipality in Canada; and
 - (vi) a benefit or award of a value less than \$500.00 as prescribed in the *Municipal Conduct Act* regulations.
- (u) **“Protected Ground”** are those grounds of discrimination outlined in subsection 9(1) of the *Human Rights Act*;
- (v) **"Relative"** means:
- (i) a spouse or cohabiting partner;
 - (ii) a child, step-child, parent, step-parent, sibling, step-sibling, parent-in-law or sibling-in-law of the Municipal Official; and

- (iii) a person not referred to in subparagraphs (i) and (ii) who resides with the Municipal Official.
- (w) **“Report”** means any written reports generated through the Complaint process;
- (x) **“Reprisal”** means any measure taken or threatened against a Municipal Official as a result of making or being suspected of making a Complaint, or participating in or being suspected of participating in an investigation;
- (y) **“Respondent”** means a Municipal Official that is the subject of a Complaint;
- (z) **“Senior Management”** means the City Manager, City Clerk, City Solicitor, City Internal Auditor, all Deputy City Managers and all Directors.
- (aa) **“Special Meeting”** or **“Special Meeting of Council”** means a meeting held pursuant to section 40 of the *City of St. John’s Act* and are confidential and shall have the same meaning as “privileged meeting” as set out in s. 2 of the *Municipal Conduct Act*.
- (bb) **“Spouse”** means a person who is married to a Municipal Official, unless that person and the Municipal Official have made a separation agreement, or their support obligations and family property have been dealt with by a Court order;
- (cc) **“Volunteer”** means any individual that provides service on a volunteer basis for the City or Affiliated Entity;
- (dd) **“Wrongdoing”** means:
 - (i) an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act, including a municipal by-law or regulation; or
 - (ii) any breach of this Code whatsoever.

APPLICATION

- 3. This Code applies to all Municipal Officials acting in their official capacity, as well as to their off duty conduct when that off duty conduct is sufficiently connected to the business of the City or their conduct could reasonably discredit the reputation of the City, unless otherwise stated herein, at:
 - (i) City buildings, facilities, sites, offices or work environments;
 - (ii) locations visited by Municipal Officials while traveling on City-related business;

- (iii) conferences, meetings, vendor/supplier or customer sites;
- (iv) locations of work-based social gatherings; and
- (v) any location, physical or virtual while making comments pertaining to the City.

PURPOSE

4. The purpose of this Code is to:
 - (a) encourage and maintain public confidence and trust in governance and administration of the City;
 - (b) promote integrity in the conduct of the affairs and operations of the City;
 - (c) provide Municipal Officials with guidelines for identifying, resolving and/or avoiding conflicts of interest, breaches of trust and unethical behaviour;
 - (d) encourage a respectful organization that is free from harassment and unlawful discrimination;
 - (e) promote transparency in governance;
 - (f) promote the protection of Confidential Information;
 - (g) promote high standards of professional conduct and values among Municipal Officials;
 - (h) establish rules of conduct for Municipal Officials; and
 - (i) comply with requirements set out in the *Municipal Conduct Act*, SNL 2021 Chapter M-20.01, as may be amended from time to time.

STATUTORY PROVISIONS REGULATING ETHICAL CONDUCT

- 5.(1) This Code operates along with and as a supplement to the existing statutes, as amended from time to time, governing the conduct of Municipal Officials including but not limited to:
 - (a) *City of St. John's Act*;
 - (b) *Criminal Code of Canada*, RSC 1985 c C-46;
 - (c) *Municipal Elections Act*;

- (d) *ATIPPA*;
 - (e) *Occupational Health and Safety Act*;
 - (f) *Human Rights Act*; and
 - (g) *Municipal Conduct Act*.
- (2) Notwithstanding subsection (1), where a Federal or Provincial statute conflicts with this Code, the Federal or Provincial statute shall apply.

PART I
Ethical Conduct

CONDUCT AND RESPECT

6. All Municipal Officials shall abide by and are bound by the City's Respectful Workplace Policy. A breach of this policy shall be deemed a breach of this Code.

DUTY OF A MUNICIPAL OFFICIAL

7. A Municipal Official shall ensure that their actions do not place the interests of the City at risk or harm.
8. A Municipal Official shall not make any negative public statements about the City in any medium.
9. Any opinions expressed in public by a Municipal Official shall be solely for the purposes of genuine political discourse and must be objective, motivated by legitimate concern, accurate and factual, not malicious, and not include any information obtained through their employment with the City.

USE OF CITY PROPERTY, SERVICES, AND OTHER RESOURCES

10. No Municipal Official shall use, or permit the use of, City land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the City, except with the written permission of the City Manager or Council.
11. No Municipal Official shall obtain personal gain, financial or otherwise, from the use or sale of City property, including but not limited to, intellectual property, computer programs, technical innovations, or other items capable of being patented, except with the written permission of the City Manager or Council.
12. No Municipal Official shall obtain any personal gain, financial or otherwise, from the use or sale of information obtained through their position with the City.
13. A Municipal Official shall not engage in any conduct for any other organization than the City during their work hours, except with the permission of their manager.
14. Municipal Officials shall not steal property of the City and shall follow all policies and procedures mandated by the Department of Finance and Administration regarding the handling and accounting of City property.

MISUSE OF PUBLIC ASSETS AND FRAUD

15. Municipal Officials must report all expenses promptly, accurately, and with sufficient detail as set out by the City. A Municipal Official shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
16. Municipal Officials must not request, use, or permit the use of City-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public, or except where authorized by Council or the City Manager.

SOCIAL MEDIA

17. Municipal Officials must not engage in conduct on personal or City social media platforms which would bring the integrity of the City into disrepute.
18. Municipal Officials must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting City business on personal devices or through personal accounts.

POLITICAL ACTIVITY

19. Nothing in this section shall prohibit or discourage any Municipal Official from voting in any election.
20. A Municipal Official shall not engage in any Political Activity during work hours or while representing the City.
21. A Municipal Official shall not use City resources, including but not limited to facilities, equipment or supplies while engaging in Political Activity.
22. A Municipal Official shall not use their title or position in the City in any way that would lead any member of the public to infer the City is endorsing a candidate, political party.
23. Senior Management, Legal Department Staff and Election Staff shall not engage in Political Activity during an Election.
24. Any Municipal Official seeking election to Council shall take an unpaid leave of absence from the time the candidate files their nomination papers until election day. The ability to take leave is subject to any applicable Human Resources policies in place.
25. A Municipal Official shall resign their position with the City if they are elected to Council.

26. Any mandate of the City or task that is within the scope of the Municipal Official's duties shall not be considered Political Activity.

PART II

Conflicts of Interest

AVOIDING CONFLICTS OF INTEREST

27. No Municipal Official shall grant preferential treatment to Relatives or to companies or organizations in which the Municipal Official or their Relatives have a direct Private Interest, and shall refrain, whenever possible, from official dealings with such persons, companies or organizations.
28. No Municipal Official shall use his or her position to promote the hiring of Relatives or friends, to discipline a Relative or friends or to participate in hiring decisions affecting Relatives or friends except with the permission of the Director of Human Resources or the City Manager.

MUNICIPAL OFFICIALS IN CONFLICT

29.
 - (1) No Municipal Official shall work on or speak to any matter before the Council or any committee thereof where they have a Conflict of Interest.
 - (2) A Municipal Official does not have a Conflict of Interest where:
 - (a) the interest relates to a matter of general application that is to be decided by Council that is related to all the citizens of the City or a broad class thereof of which the Municipal Official or Relative is a member; and
 - (b) the interest pertains to an Affiliated Entity.
30. In accordance with section 18(5) of the *Municipal Conduct Act*, the City Manager, within the scope of their employment, may provide advice to Council on a matter in which the City Manager has a Conflict of Interest where:
 - (a) The City Manager disclosed the Conflict of Interest and the nature of the Conflict of Interest to the Council; and
 - (b) The Council made the request for advice knowing of the City Manager's Conflict of Interest.

OBLIGATION TO DISCLOSE

31. Where a Municipal Official has a Conflict of Interest in a matter, they shall advise their direct supervisor and shall not participate in any discussion of or work on the matter once the Conflict of Interest is stated.

POTENTIAL CONFLICT OF INTEREST

32. (a) If the City Manager believes they have a potential Conflict of Interest, they must disclose the potential Conflict of Interest directly to Council and Council shall determine, within a Special Meeting, whether the City Manager is in a Conflict of Interest;
- (b) All other Municipal Officials, including Volunteers, must disclose their potential Conflict of Interest to their supervisor, Human Resources, or the Legal Department and a determination shall be made as to whether the Municipal Official is in a Conflict of Interest.

CONFLICT OF INTEREST COMPLAINTS AGAINST CITY MANAGER

33. Where an individual believes the City Manager was or is in a Conflict of Interest, the individual may file a Complaint with the City Clerk within 6 months of becoming aware of the potential Conflict of Interest. The City Clerk will advise Council within 10 business days of receiving a Complaint.
34. Council, at their discretion, may assign a designate to investigate a Complaint.
35. A Complaint alleging a Conflict of Interest shall be in writing and include the following information:
 - (a) the nature of the Conflict of Interest;
 - (b) the Municipal Official's actions in relation to the Conflict of Interest; and
 - (c) any other information that Council, the City Manager, or their designate determines necessary.
36. Notwithstanding section 35, a Complaint may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a Complaint.

CONFLICT OF INTEREST INVESTIGATIONS INVOLVING CITY MANAGER

37. For Complaints relating to the City Manager the following procedure will be followed.
38. The City Clerk will advise Council within 10 business days of receiving a Complaint.
39. Council or its designate shall send a copy of the Complaint to the City Manager no later than five business days after receipt of the Complaint.

40. The City Manager may provide a written response to Council no later than 20 business days after receipt of a copy of the Complaint.
41. Where there is a written response, the City Clerk shall send a copy to the Complainant within one business day after receipt of the written response.
42. Council, or Council's designate, shall review the Complaint and the City Manager's written response within 10 business days after receipt of a written response, or where a written response is not provided, Council, or their designate, must review the Complaint within 10 business days after the time period to file the written response has expired, and shall:
 - (a) prepare a written Report of the Complaint;
 - (b) refer the Complaint to a Special Meeting of Council; and
 - (c) give written notice of the referral to the Complainant and the City Manager.
43. No later than 15 business days after receiving the Report, Council shall consider both the Complaint and the Report provided in a Special Meeting of Council, and may, by resolution:
 - (a) dismiss the Complaint;
 - (b) make a determination that the City Manager acted in a Conflict of Interest; or
 - (c) order an investigation by an External Investigator to determine whether the City Manager acted in a Conflict of Interest.
44. The External Investigator shall prepare a Report regarding the investigation and submit it to Council during a Special Meeting of Council.
45. Following review of the Report submitted, Council may, by resolution,
 - (a) dismiss the Complaint; or
 - (b) make a determination that the City Manager acted in a Conflict of Interest.
46. The City Solicitor shall provide a summary of the Complaint and ultimate decision of Council to the public. The summary prepared by the City Solicitor shall not disclose any particulars of the investigation and all Confidential Information shall be withheld.

47. Where Council decides that the City Manager has breached this Code, Council may issue any combination of:
- (a) a written reprimand to the City Manager;
 - (b) a suspension, with or without pay;
 - (c) a termination notice for the City Manager's employment; or
 - (d) any other relief as they deem appropriate for the circumstances.

CONFLICT OF INTEREST COMPLAINTS AGAINST MUNICIPAL OFFICIALS, EXCEPTING CITY MANAGER

48. For sections 48-64, a Municipal Official does not include the City Manager.
49. Where an individual believes a Municipal Official, was or is in a Conflict of Interest, the individual may file a Complaint with the City Manager within 6 months of becoming aware of the alleged Conflict of Interest.
50. The City Manager, at their discretion, may assign a designate to investigate a Complaint.
51. A Complaint alleging a Conflict of Interest shall be in writing and include the following information:
- (a) the nature of the Conflict of Interest;
 - (b) the Municipal Official's actions in relation to the Conflict of Interest; and
 - (c) any other information that the City Manager, or their designate determines necessary.
52. Notwithstanding section 51, a Complaint may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a Complaint.

CONFLICT OF INTEREST INVESTIGATIONS INVOLVING MUNICIPAL OFFICIALS

53. For Complaints relating to Municipal Officials the following procedure will be followed.
54. The City Manager or their designate shall send a copy of the Complaint to the Municipal Official no later than 14 business days after receipt of the Complaint.

55. The Municipal Official may provide a written response to the City Manager or their designate no later than 30 business days after receipt of a copy of the Complaint.
56. Where there is a written response, the City Manager or their designate shall send a copy to the Complainant within seven business days after receipt of the written response.
57. The City Manager, or their designate, shall review the Complaint and the Municipal Official's written response within 15 business days after receipt of a written response, or where a written response is not provided, the City Manager, or their designate, must review the Complaint within 15 business days after the time period to file the written response has expired, and shall:
 - (a) prepare a written summary of the Complaint;
 - (b) refer the Complaint to the City Manager; and
 - (c) give written notice of the referral to the Complainant and the Municipal Official.
58. No later than 15 business days after receiving the summary, the City Manager shall consider both the Complaint and the Report and may:
 - (a) dismiss the Complaint;
 - (b) make a determination that the Municipal Official is or was in a Conflict of Interest; or
 - (c) order an investigation by City Staff or an External Investigator to determine whether the Municipal Official acted in a Conflict of Interest.
59. The City Staff or External Investigator shall prepare a Report regarding the investigation and submit it to the City Manager.
60. Following review of the Report submitted, the City Manager may,
 - (a) dismiss the Complaint; or
 - (b) make a determination that the Municipal Official acted in a Conflict of Interest.
61. Where the City Manager decides that the Municipal Official has breached this Code, the City Manager may issue any combination of:
 - (a) a written reprimand to the Municipal Official;

- (b) a suspension, with or without pay;
- (c) a termination notice for the Municipal Official's employment; or
- (d) any other relief as they deem appropriate for the circumstances.

GENERAL PROVISIONS RELATED TO CONFLICT OF INTEREST INVESTIGATIONS

- 62. No Municipal Official shall make any Reprisal against any Municipal Official who makes a Complaint alleging a Conflict of Interest. A Municipal Official shall, to the best of their ability, ensure no action is taken, which would be reasonably perceived as a Reprisal against any Municipal Official acting in good faith who brings forward a Complaint or information which leads to a Complaint.
- 63. The Municipal Official shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with anyone conducting an investigation in the exercise of that person's duties or functions under this Act or the Regulations.
- 64. No Municipal Official shall make or file a vexatious Complaint and to do so is a breach of the Code.

PART III

Reporting Wrongdoings

WHISTLEBLOWER PROTECTION

- 65. The City is committed to the facilitation and disclosure of serious and significant matters in or relating to the City or any Municipal Official that are potentially unlawful or injurious to the public interest.
- 66. No Municipal Official shall take Reprisal against any Municipal Official, member of Council or member of the general public.

REPORTING A WRONGDOING

- 67. Any Municipal Official who has knowledge of Wrongdoing may make a Complaint under this Code within 6 months of becoming aware of the potential Wrongdoing, or pursue another remedy listed in section 81. Municipal Officials with any knowledge of a violation of the Code are encouraged to make a Complaint.

WRONGDOING COMPLAINTS AGAINST MUNICIPAL OFFICIALS, EXCEPTING CITY MANAGER

- 68. For sections 68-89, a Municipal Official does not include the City Manager.
- 69. The Complaint shall be in writing. Notwithstanding the preceding, a Complaint may be made by alternate means where the Complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.
- 70. A request by a Complainant making a Complaint under this Part to remain anonymous can be accepted by Human Resources when it is reasonable to do so, taking into account the public interest.
- 71. A Complainant may withdraw their Complaint in writing or by other means. Notwithstanding, Human Resources or the investigator may continue investigating where it is reasonable to do so, taking into account the public interest.
- 72. A Complainant shall not file a Complaint under this policy which is retributive, made in bad faith, or with malicious intent. A Complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.
- 73. A Complainant shall make a Complaint within 6 months of becoming aware of a Code of Conduct violation. Human Resources may accept Complaints outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where it is reasonable to do so, taking into account the public interest.

74. Human Resources, or their designate, may in their discretion handle the Complaint through an informal process.
75. If there is a reasonable belief that a Wrongdoing has been committed, any person may make a Complaint.
76. A Complaint shall be signed by the Complainant or their solicitor and filed with Human Resources.
77. A Complaint shall include the following information, if known:
 - (a) The name of the individual alleged to have committed the Wrongdoing;
 - (b) A summary of the Complaint and any steps taken to resolve it;
 - (c) The date that the breach of the Code of Conduct occurred, if known; and
 - (d) A description of how the Complaint can be resolved, if applicable.
78. Human Resources may, at their discretion, designate an individual to review and investigate the Complaint.
79.
 - (1) Where in the opinion of Human Resources, or their designate, the Complaint has no reasonable prospect of being substantiated, Human Resources, or their designate, may dismiss the Complaint and provide notice of the dismissal to the Complainant.
 - (2) Notwithstanding subsection (1), in cases where a Complaint relates to theft, fraud, or any misappropriation of funds the Complaint shall be addressed by the City's Internal Auditor. Where in the opinion of the City Internal Auditor, the Complaint has no reasonable prospect of being substantiated, the City Internal Auditor may dismiss the Complaint and provide notice of the dismissal to the Complainant.

ALTERNATIVE REMEDIAL PROCESS

80. Where it appears to the appropriate authority that the Complaint under this part may be resolved satisfactorily through an informal process and where the Complainant and the Municipal Official consent, Human Resources, or their designate, may engage an external mediator or attempt to resolve the matter in an acceptable manner.
81. Nothing in this Code prohibits a Complainant from pursuing the following remedies:

- (a) a Municipal Official filing a union grievance under the appropriate articles of the applicable collective agreement;
 - (b) filing a human rights complaint under the *Human Rights Act*; or
 - (c) pursuing a criminal charge under the *Criminal Code of Canada*.
82. In the event that a Human Rights complaint or a grievance is filed by an eligible Municipal Official, any Complaint filed with respect to the same matter will not be investigated under this Code.

INVESTIGATION OF COMPLAINTS INVOLVING MUNICIPAL OFFICIALS

83. All Municipal Officials involved with the investigation process shall keep any information disclosed to them through the investigation process confidential.
84. The investigator shall to the fullest extent possible keep the Complainant's identity confidential. It shall not be considered a breach of this Code if the investigator discloses the identity of the Complainant to the Municipal Official.
85. Any investigation shall provide the Municipal Official the opportunity to give a full statement and provide any evidence they may have regarding the Complaint.
86. The investigator may cease an investigation, using their discretion, if they are of the opinion that:
- (a) the subject matter of the disclosure is more appropriately dealt with under an Act of the Provincial Legislature or the Parliament of Canada;
 - (b) the Complaint is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
 - (c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;
 - (d) the Complaint relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;
 - (e) the Complaint does not provide adequate particulars about the Wrongdoing to properly conduct an investigation;
 - (f) the Complaint relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement; or
 - (g) there is another valid reason for not investigating the disclosure.

87. Upon the conclusion of an investigation the investigator shall present a Report of their findings and conclusions to Human Resources, or their designate. The Complainant and Municipal Official shall receive a copy of the Report. This Report shall be confidential and shall not be released to the public without written consent of the Complainant, Municipal Official, and Director of Human Resources, or their designate.

DECISION OF HUMAN RESOURCES

88. After review of the Report, where Human Resources, or their designate, decides that a Municipal Official has not committed a Wrongdoing, they shall dismiss the Complaint.
89. Where Human Resources, or their designate, decides that a Municipal Official has breached this Code, Human Resources, or their designate, may issue any combination of:
- (a) a written reprimand to the Municipal Official;
 - (b) a suspension, with or without pay;
 - (c) a termination notice for the Municipal Official's employment; or
 - (d) any other relief as they deem appropriate for the circumstances.

WRONGDOING COMPLAINTS AGAINST CITY MANAGER

90. Where an individual believes the City Manager has committed a Wrongdoing, the individual may file a Complaint with the City Clerk within 6 months of becoming aware of the Wrongdoing. The City Clerk will advise Council within 10 business days of receiving a Complaint and provide the Complaint to Council at a Special Meeting of Council.
91. Upon being presented with the Complaint, Council shall review the Complaint and upon review of the Complaint, where Council decide that the Complaint has no reasonable prospect of being substantiated, Council may dismiss the Complaint and provide notice of the dismissal to the Complainant.
92. If upon reviewing the Complaint it is not dismissed by Council, the City Clerk shall transfer the Complaint to the City Solicitor for facilitation of the Complaint.
93. A Complaint shall include the following information, if known:
- (a) The name of the individual alleged to have committed the Wrongdoing;
 - (b) A summary of the Complaint and any steps taken to resolve it;

- (c) The date that the breach of the Code of Conduct occurred, if known; and
- (d) A description of how the Complaint can be resolved, if applicable.

ALTERNATIVE REMEDIAL PROCESS

- 94. Where the Complainant and the City Manager consent, the City Solicitor shall engage an external mediator to resolve the matter.
- 95. Nothing in this Code prohibits a Complainant from pursuing the following remedies:
 - (a) a Municipal Official filing a union grievance under the appropriate articles of the applicable collective agreement;
 - (b) filing a human rights complaint under the *Human Rights Act*; or
 - (c) pursuing a criminal charge under the *Criminal Code of Canada*.
- 96. In the event that a Human Rights complaint or a grievance is filed by an eligible Municipal Official, any Complaint filed with respect to same matter will not be investigated under this Code.

INVESTIGATION OF COMPLAINTS INVOLVING CITY MANAGER

- 97. Where the Complainant and/or City Manager do not consent to an alternative remedial process, or where an unsuccessful attempt has been made to resolve the Complaint satisfactorily through an informal process, the City Solicitor shall engage an External Investigator to carry out an investigation.
- 98. All Municipal Officials involved with the investigation process shall keep any information disclosed to them through the investigation process confidential.
- 99. The External Investigator shall to the fullest extent possible keep the Complainant's identity confidential. It shall not be considered a breach of this Code if the External Investigator discloses the identity of the Complainant to the City Manager.
- 100. Any investigation shall provide the City Manager the opportunity to give a full statement and provide any evidence they may have regarding the Complaint.
- 101. The External Investigator may cease an investigation, using their discretion, if they are of the opinion that:

- (a) the subject matter of the disclosure is more appropriately dealt with under an Act of the Provincial Legislature or the Parliament of Canada;
 - (b) the Complaint is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
 - (c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;
 - (d) the Complaint relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;
 - (e) the Complaint does not provide adequate particulars about the Wrongdoing to properly conduct an investigation;
 - (f) the Complaint relates to a matter that is more appropriately dealt with under a collective agreement or employment agreement; or
 - (g) there is another valid reason for not investigating the disclosure.
102. Upon the conclusion of an investigation the External Investigator shall present a Report of their findings and conclusions to Council at a Special Meeting. The Complainant and the City Manager shall receive a copy of the Report. This Report shall be confidential and shall not be released to the public without written consent of the Complainant, City Manager, and Council.
103. After review of the Report, where Council decides that the City Manager has not committed a Wrongdoing, they shall dismiss the Complaint.

DISCIPLINE OF CITY MANAGER FOR WRONGDOING

104. Where Council determines that City Manager has contravened this Code or failed to comply with a penalty imposed under this section, Council may, by resolution, do one or more of the following:
- (a) a written reprimand to the City Manager;
 - (b) a suspension, with or without pay;
 - (c) a termination notice for the City Manager's employment; or
 - (d) any other relief as they deem appropriate for the circumstance.

Part IV

Disclosure

GIFTS AND PERSONAL BENEFITS

105. A Municipal Official shall not accept any fee, advance, gift, or personal benefit from persons or corporations who are engaged in business with the City or have the potential to influence decision making at the City, except with the consent of the Council or as permitted under section 108.
106. No Municipal Official shall accept a fee, advance, gift, or personal benefit that is connected directly or indirectly with the performance of their duties.
107. A fee, advance, gift, or personal benefit provided with a Municipal Official's knowledge to a Relative or friend that is connected directly or indirectly to the performance of the Municipal Official's duties is deemed to be a gift for the purpose of the Code.
108. Notwithstanding sections 105 and 106, a Municipal Official may accept a fee, advance, gift, or personal benefit in the following circumstances:
- (a) the gift or benefit is compensation as authorized by law;
 - (b) the gift or benefit would normally accompany the responsibilities of the position and are received as an incident of protocol or social or professional obligation;
 - (c) the gift or benefit is a token of appreciation that does not exceed \$50.00 given in recognition of service to the City;
 - (d) the gift or benefit is a political contribution otherwise reported by law;
 - (e) the gift or benefit is given to the Municipal Official for the general use, benefit or enjoyment of a department as a whole;
 - (f) the gift or benefit is a suitable memento of a function honouring the Municipal Official;
 - (g) the gift or benefit is food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Municipal Official is either speaking or attending in an official capacity;

- (h) the gift or benefit is food and/or beverages consumed at banquets, receptions or similar events;
 - (i) the gift or benefit is communications to a department, including subscriptions to newspapers and periodicals; and,
 - (j) the gift or benefit is in the form of sponsorships and donations for charitable groups or events organized or run by a Municipal Official or a third party on behalf of a Municipal Official.
109. For gifts given under subsections 108(b)(e)(f)(g)(h)(i) and (j), if the value of the gift or benefit exceeds \$500.00 or if the total value received from any one source during the course of a calendar year exceeds \$500.00, a Municipal Official shall, within 30 days of receipt of the gift or reaching the annual limit, file a Gift Disclosure Statement with the City Clerk.
110. The Gift Disclosure Statement shall be a matter of public record.
111. Upon receiving a Gift Disclosure Statement, the City Clerk shall request that the City Solicitor examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Municipal Official. In the event that the City Solicitor makes that preliminary determination, they shall call upon the Municipal Official to justify receipt of the gift or benefit.
112. After consideration of the justification given under section 111, the City Solicitor will determine if receipt of the gift was appropriate. If not appropriate, the City Solicitor may direct the Municipal Official to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.
113. A Municipal Official shall follow the direction of the City Solicitor as provided for in section 112, and failure to follow said direction shall be a breach of the Code.

DISCLOSURE

114. (1) Within 30 days of commencing employment, and each year on or before March 1, the City Manager shall file with the City Clerk a Disclosure Statement disclosing assets and interests in accordance with s 4(2) of the *Municipal Conduct Act*.
- (2) Where, after the filing of a statement under subsection (1) there is a change in the information filed, the City Manager shall report the Change to Council no later than 60 days after the change occurred and file with the City Clerk an amended Disclosure Statement.
115. The City Manager shall disclose in the Annual Disclosure Statement,

- (a) ownership of real property or an interest in real property within the municipality;
 - (b) corporations in which 10% or more shares are held;
 - (c) partnerships and sole proprietorships in which 10% or more interest is held;
 - (d) ownership of businesses located within the municipality;
 - (e) corporations, associations or trade unions in which a position of director or executive officer is held;
 - (f) sources of income; and
 - (g) any other information the council determines necessary.
116. All Disclosure Statements shall be reviewed at a Special Meeting of Council no later than 30 days after filing.
117. All Disclosure Statements shall be made available to the public during normal City business hours.

TRAVEL EXPENSES

118. Travel expenditures by Municipal Officials shall be itemized and published quarterly in the Agenda of Regular Meetings of Council. Itemization of all out of province travel expenditures shall include:
- (a) the name of the person travelling;
 - (b) the event attended;
 - (c) the location of the event attended; and,
 - (d) travel expenses reimbursed by the City.

PART V

Workplace Protection

PURPOSE

119. The purpose of this Part is to:
- (a) maintain a work environment that is free from harassment and unlawful discrimination; and,
 - (b) encourage respect for the dignity and protection of human rights.

DISCRIMINATION AND HARASSMENT

120. The City prohibits discrimination as defined under the *Human Rights Act*, as amended from time to time.
121. The City prohibits harassment, as defined under the *Human Rights Act*.
122. For the purposes of this Code, harassment is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended.
123. All Municipal Officials shall treat members of the public, one another, Members of Council, and all individuals appropriately and with respect. No Municipal Official shall use harassment, abusive language, bullying or intimidation tactics.
124. All Municipal Officials shall endeavor to ensure that the City work environment is free from discrimination, bullying and harassment.
125. The City prohibits a Municipal Official using their authority or influence in a manner that could reasonably be perceived as coercing or improperly influencing the actions of any individual.

PART VI
Protection of Confidential Information

TRANSPARENCY AND INTEGRITY

- 126. The City is actively committed to performing functions with integrity, accountability, and transparency.
- 127. The City recognizes that the public has a right to open government and transparent decision making.

COMMITTEE REPORTS

- 128. All Regular Meetings of Council, Committee of the Whole meetings, and Audit Committee meetings shall be open to the public.

DISCLOSURE OF CONFIDENTIAL INFORMATION

- 129. No Municipal Official shall disclose or release, in oral or written form, to any member of the public, any Confidential Information acquired by virtue of their position, except when required by law or authorized by Council to do so.
- 130. No Municipal Official shall use Confidential Information for personal or private gain, or for the gain of any individual or corporation.
- 131. No Municipal Official shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.
- 132. No Municipal Official shall disclose a matter that has been discussed at a Special Meeting of Council or disclose the content of any such matter, or the substance of deliberations, of the Special Meeting unless Council authorizes release of the information.
- 133. A Municipal Official shall not have access to the personnel files of Employees, unless it is required to fulfill the duties of their employment with the City.

PART VII
Miscellaneous

COMPLIANCE WITH OTHER ACTS

134. Where a conflict exists between this Code and any Provincial law or regulation, the Provincial law or regulation shall apply to the extent to which there is a conflict.

REPEALING PREVIOUS BY-LAWS, REGULATIONS, AND AMENDMENTS

135. The following by-laws, regulations, and amendments are repealed:

- (a) *Code of Ethics By-Law;*
- (b) *Conflict of Interest By-Law;*
- (c) *Workplace Human Rights By-Law;*
- (d) *Whistleblower Protection By-Law;* and,
- (e) *Freedom of Information By-Law.*

SEVERABILITY

136. If any provision of this Code is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of this Code shall remain operative and in force.

REVIEW OF THIS CODE

137. The provisions of the Code and the process prescribed herein shall be reviewed by the City Solicitor and the Director of Human Resources every four (4) years and a review report be prepared for Council's review. This review report shall be confidential. Council may release details from the review report to the public by a majority vote of Council.

CODE TRAINING

138. All Municipal Officials shall receive training related to this Code within 3 months of its establishment, and all new Municipal Officials shall receive training related to this Code within 3 months of commencing employment.

DECISION/DIRECTION NOTE

Title: Request for Rear Yard Variance – 19 Westmount Place – INT2300006

Date Prepared: February 15, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 3

Decision/Direction Required: To seek approval for an 8.9% Variance on the Rear Yard setback for a Single Detached Dwelling at 19 Westmount Place.

Discussion – Background and Current Status:

An application was submitted for a Single Detached Dwelling at 19 Westmount Place. The property is zoned Residential Special (RA) and the minimum Rear Yard setback for a Single Detached Dwelling is 11m as per the Development Regulations. To accommodate the proposed development, a variance of 8.9% is required, resulting in a setback of 10.02 metres from the nearest wall of the proposed Dwelling to the Rear Lot Line. Section 7.4 of the Development Regulations provides that up to a 10% variance from any applicable requirement can be considered.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.
4. Alignment with Adopted Plans: St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 7.4 "Variances" and Section 10 "Residential Special (RA) Zone".

ST. JOHN'S

7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Written notices were sent to all persons whose land abuts the Development that is the subject of the Variance.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve a 8.9% Variance on the Rear Yard setback for a Single Detached Dwelling at 19 Westmount Place.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

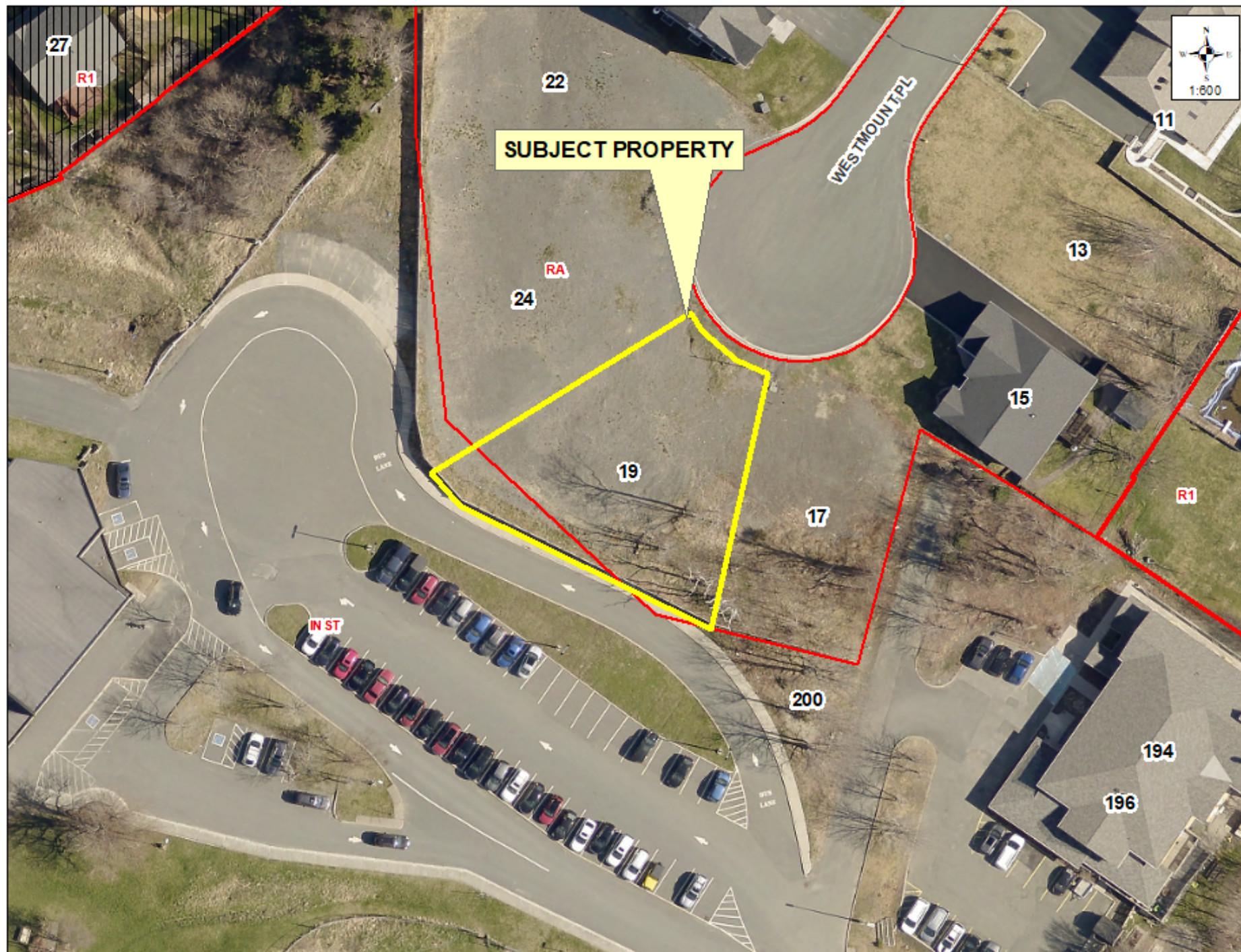
Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Development Committee - Request for Rear Yard Variance - 19 Westmount Place - INT2300006.docx |
| Attachments: | - 19 Westmount Place.pdf |
| Final Approval Date: | Feb 15, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Feb 15, 2023 - 3:08 PM



DECISION/DIRECTION NOTE

Title: Notices Published – 42 Sugarloaf Place – DEV2200164

Date Prepared: February 15, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Jamie Korab, Development

Ward: Ward 2

Decision/Direction Required: That Council consider the application for a telecommunications tower at 42 Sugarloaf Place.

Discussion – Background and Current Status:

A referral has been received by the City of St. John's from Rogers Communications Inc. requesting concurrence to construct a telecommunications tower at 42 Sugarloaf Place.

In accordance with the obligations under the Radiocommunication Act and Innovation, Science and Economic Development Canada's Radiocommunication and Broadcasting Antenna Systems CPC-2-0-03 (Issue 6), the City of St. John's notified residents in the vicinity of 42 Sugarloaf Place of Rogers Communications Inc. intention to construct a telecommunications tower system consisting of:

- A 65-meter self-support design tower with supporting antennas and radio equipment;
- A 3.05m x 3.88m equipment shelter to be located at the base of the tower; and
- A security fence around the base of the tower and equipment shelters with a locked gate.

The proposed site is located within the Commercial Office (CO) and Rural (R) Zones.

Multiple submissions were received. Concerns raised included associated health and safety and the impact on property values.

Rogers responded to questions and provided information on the health and safety requirements they are required to meet. Telecommunication towers are governed and approved by Innovation, Science and Economic Development Canada, while Health Canada has specific safety codes in place to limit exposure and ensure protection of the public under "Safety Code 6". Strict adherence to Safety Code 6 is a condition for all Canadian wireless communications carriers. Exposure limits to RF (radio frequency) energy are set far below the threshold (at least 50-fold safety margin) for all known established adverse health effects. Health Canada has incorporated several tiers of precaution into the limits to ensure safety,

ST. JOHN'S

including a conservative threshold for the occurrence of adverse health effects, the use of worst-case exposure scenarios and an additional safety margin beyond the threshold.

Rogers also noted that there is no documented evidence of loss of property value resulting from the proximity to telecommunications facilities. The City's Assessment division noted that during the assessment cycle, review of all properties is completed. As part of this review, consideration is given to any development that has occurred on a property or within a neighbourhood and assessors determine the level of impact to a property (positive or negative). Assessment notices are issued annually, and should a property owner have concerns, the assessment appeal process is the best means to address those concerns.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Envision Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 10 "Commercial Office (CO) and Rural (R) Zones" and Siting Protocol for Wireless Facilities in the City of St. John's.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the Application site. The Application has been advertised in The Telegram newspaper twice and was on the City's website.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.

11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council support the application for a telecommunications tower at 42 Sugarloaf Place.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Notices Published - 42 Sugarloaf Place - DEV2200164.docx |
| Attachments: | - DEV2200164-42 SUGARLOAF PLACE.pdf |
| Final Approval Date: | Feb 16, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Feb 16, 2023 - 9:35 AM



SUBJECT PROPERTY

41B

41

CO

42

RUR

SUGARLOAF PL

85

RUR

75

IC

55

SUGARLOAF RD

IC

RUR 61

76

80

104

43

100

CITY OF ST. JOHN'S

Karen Chafe

From: Chad Murphy
Sent: Friday, February 10, 2023 10:37 AM
To: CityClerk; Planning
Cc: Lindsay Lyghtle Brushett
Subject: Comments from [REDACTED] 42 Sugarloaf Place - DEV2200164

From: [REDACTED] >
Sent: Friday, February 10, 2023 10:10 AM
To: Chad Murphy <cmurphy@stjohns.ca>
Subject: (EXT) Re: Response to Comments - 42 Sugarloaf Place - DEV2200164

By the way Chad in all due respect, would you want this thing on top of you? Rogers nor you live here, we do, we do NOT want it here. It doesn't matter what info you send me, it can all be easily debunked by science and it will simply depend on whom one chats with.

Any reasonable doubt in the slightest is enough for anyone to reject such a project for the crystal clear health hazard reasons.

Not to mention what it will do to our wells and well water.

There is zero long term studies done on long term exposure for 5g and electromagnetic energy. One thing is certain it causes mass oxidative stress to the oxygen molecules inside our bodies. Affecting the electrons, causing them to split and reek havoc causing all sorts of inflammation.

Sent from [Outlook](#)

From: Chad Murphy <cmurphy@stjohns.ca>
Sent: February 9, 2023 3:15 PM
To: [REDACTED]
Cc: Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>
Subject: Response to Comments - 42 Sugarloaf Place - DEV2200164

Good afternoon [REDACTED]

I have received your comments on the telecom tower at 42 Sugarloaf Place. Roger's has provided us with some information in response to other questions we received that may also help address some of your concerns. I have attached their comments below. In the meantime, if you have additional questions or concerns you can contact Roger's or Innovation, Science and Economic Development Canada.

Thanks,
Chad

Contact Information on behalf of Rogers Communications Inc.

Rogers Communications Inc.

Network Implementation – Public Consultations

800, de la Gauchetière West, # 4000

Montreal, Quebec H5A 1K3

Email: rogers.maritimesconsultations@rci.rogers.com

Innovation, Science and Economic Development Canada

John Cabot Building

10 Barter's Hill, 10th floor

St. John's NL A1C 6M1

Telephone: 709-772-4890

Email: ic.spectrumnld-spectredtl.ic@canada.ca

Site Reference: A1284 - Outer Ring Hwy. @ Logy Bay Rd

Health Canada does not set distance limits but companies are required to follow provisions set out in Safety Code 6. As you are aware, the Government of Canada tightly regulates the use of radio frequencies (including wireless communications) to ensure that it is used safely. Strict adherence to Safety Code 6 is a condition of Innovation, Science and Economic development Canada's licensure for all Canadian wireless communications carriers. Any changes, additions, or modifications to the antenna equipment by a carrier are also subject to Safety Code 6 and Rogers attests that the proposed telecommunications tower will comply and respect all Health Canada's Safety Code 6 guidelines, which are among the most rigorous in the world. We invite you to review the following credible sources:

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html>

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation.html>

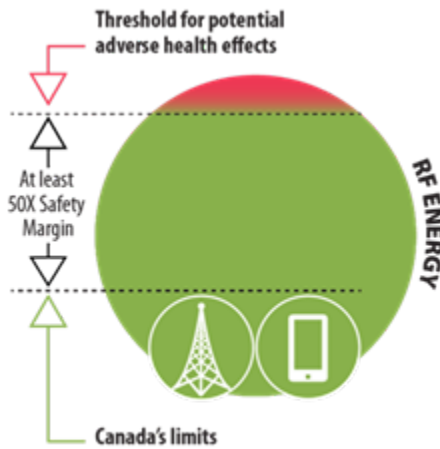
<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

The 50X safety margin from Health Canada is the minimum requirement and the SC6 calculation takes into account among others, the distance between a tower and a certain location. SC6 guidelines must be respected for all new towers or for upgrades to existing structures and Rogers will do so to ensure the safety of the public, including neighboring lots.

I've included the graph and explanation from the ISDE Canada web link <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/safety-and-compliance/facts-about-towers/radiofrequency-energy-and-safety#s5>



What amount of RF exposure is considered safe? Exposure to RF energy below the Canadian limits is safe. The limits are set far below the threshold (at least 50-fold safety margin) for all known established adverse health effects. Health Canada has incorporated several tiers of precaution into the limits to ensure safety, including a conservative threshold for the occurrence of adverse health effects, the use of worst-case exposure scenarios and an additional safety margin beyond the threshold.

Health Canada considers all peer-reviewed scientific studies, including those of the World Health Organization and the IARC and uses a weight-of-evidence approach when reviewing scientific literature to establish the recommended exposure limits in Safety Code 6.

The following web link <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html> states that:

Scientifically-established health effects

We continuously review and consider all peer-reviewed scientific studies that investigate potential biological and adverse health effects, including thermal and non-thermal effects. In 2011, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization, classified radiofrequency EMFs as possibly carcinogenic to humans (Group 2B). This decision was based on limited evidence showing an increased risk for glioma, a malignant type of brain cancer, associated with wireless phone use.

However:

- *IARC did not find a direct link between radiofrequency EMF exposure and cancer*
- *the vast majority of research to date does not support a link between radiofrequency EMF exposure and cancers in humans*

We agree with the World Health Organization that additional research in this area is warranted.

Chad Murphy
 Development Officer I
 Planning, Engineering and Regulatory Services
 City of St. John's
 709-576-8452
cmurphy@stjohns.ca

Karen Chafe

From: [REDACTED] >
Sent: Wednesday, February 8, 2023 4:58 PM
To: CityClerk
Subject: (EXT) Fw: Message

Sent from [Outlook](#)

From: [REDACTED]
Sent: January 30, 2023 3:16 PM
To: planning@stjohns.ca <planning@stjohns.ca>
Subject: Fw: Message

Sent from [Outlook](#)

From: [REDACTED]
Sent: January 30, 2023 3:15 PM
To: cityclerk@st.johns.ca <cityclerk@st.johns.ca>
Subject: Message

My name is [REDACTED] and I live on [REDACTED] in St.John's. This message is in regards to an application from Rogers to install a wireless telecommunications tower or towers on 42 Sugar Loaf place.

I am strongly opposed to such a project for I am completely aware of the extreme dangers and hazards associated with such a device. Even though my common sense has already warned me, there are many scientific studies done that shows that these electromagnetic waves, radiation from the electromagnetic spectrum, causes all sorts of diseases and disorders, such as...DNA breaking, breast tumors, brain tumors and all sorts of general cancers.

The closer one lives to such a device, the greater the risk. I have called the number of 576-6192 and as of yet had no call back. If anyone at city hall is interested in such a dangerous device, may I suggest constructing it near their house, to see if they like it.

[REDACTED]

Sent from [Outlook](#)

Karen Chafe

From: Chad Murphy
Sent: Friday, February 10, 2023 10:38 AM
To: CityClerk; Planning
Cc: Lindsay Lyghtle Brushett
Subject: Comments from [REDACTED] Re: 42 Sugarloaf Place - DEV2200164

From: [REDACTED]
Sent: Thursday, February 9, 2023 4:27 PM
To: Chad Murphy <cmurphy@stjohns.ca>
Subject: (EXT) Re: Response to Comments - 42 Sugarloaf Place - DEV2200164

Hello Chad, I really do not care what guide lines and safety regulations that healthcare Canada or Rogers are telling me, of course they are going to say it is safe BUT Scientists all over the world say something completely different, which I will be bringing to the table.

Let me ask you a question, would you want this thing next to your house and plus my well is another factor.

If I have to see a lawyer on this I will and bring it to the attention of the public via media, whatever it takes.

I have much material from professional sources to debunk anything that big tech or health Canada has to say.

Sent from [Outlook](#)

From: Chad Murphy <cmurphy@stjohns.ca>
Sent: February 9, 2023 3:15 PM
To: [REDACTED]
Cc: Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>
Subject: Response to Comments - 42 Sugarloaf Place - DEV2200164

Good afternoon [REDACTED]

I have received your comments on the telecom tower at 42 Sugarloaf Place. Roger's has provided us with some information in response to other questions we received that may also help address some of your concerns. I have attached their comments below. In the meantime, if you have additional questions or concerns you can contact Roger's or Innovation, Science and Economic Development Canada.

Thanks,
Chad

Contact Information on behalf of Rogers Communications Inc.

Rogers Communications Inc.
Network Implementation – Public Consultations
800, de la Gauchetière West, # 4000
Montreal, Quebec H5A 1K3

Email: rogers.maritimesconsultations@rci.rogers.com

Innovation, Science and Economic Development Canada

John Cabot Building
10 Barter's Hill, 10th floor
St. John's NL A1C 6M1
Telephone: 709-772-4890

Email: ic.spectrumnl-d-spectredtl.ic@canada.ca

Site Reference: A1284 - Outer Ring Hwy. @ Logy Bay Rd

Health Canada does not set distance limits but companies are required to follow provisions set out in Safety Code 6. As you are aware, the Government of Canada tightly regulates the use of radio frequencies (including wireless communications) to ensure that it is used safely. Strict adherence to Safety Code 6 is a condition of Innovation, Science and Economic development Canada's licensure for all Canadian wireless communications carriers. Any changes, additions, or modifications to the antenna equipment by a carrier are also subject to Safety Code 6 and Rogers attests that the proposed telecommunications tower will comply and respect all Health Canada's Safety Code 6 guidelines, which are among the most rigorous in the world. We invite you to review the following credible sources:

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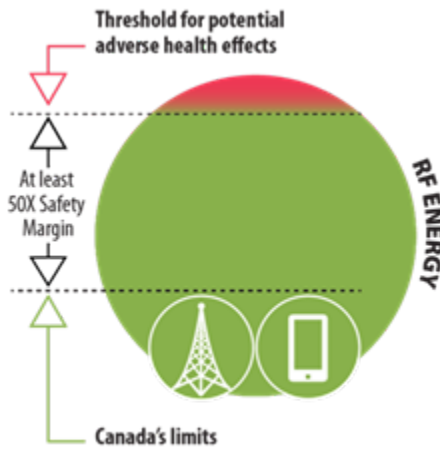
<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

The 50X safety margin from Health Canada is the minimum requirement and the SC6 calculation takes into account among others, the distance between a tower and a certain location. SC6 guidelines must be respected for all new towers or for upgrades to existing structures and Rogers will do so to ensure the safety of the public, including neighboring lots.

I've included the graph and explanation from the ISDE Canada web link <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/safety-and-compliance/facts-about-towers/radiofrequency-energy-and-safety#s5>



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Health Canada considers all peer-reviewed scientific studies, including those of the World Health Organization and the IARC and uses a weight-of-evidence approach when reviewing scientific literature to establish the recommended exposure limits in Safety Code 6.

The following web link <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html> states that:

Scientifically-established health effects

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However:

- *IARC did not find a direct link between radiofrequency EMF exposure and cancer*
- *the vast majority of research to date does not support a link between radiofrequency EMF exposure and cancers in humans*

We agree with the World Health Organization that additional research in this area is warranted.

Chad Murphy
 Development Officer I
 Planning, Engineering and Regulatory Services
 City of St. John's
 709-576-8452
cmurphy@stjohns.ca

Karen Chafe

From: [REDACTED]
Sent: Wednesday, February 8, 2023 5:04 PM
To: CityClerk
Subject: (EXT) [REDACTED]

I have signatures of protest in this area against the construction of a communications tower on sugar loaf place, despite what guide lines health Canada has, there is overwhelming proof by mainstream Scientists all over the world, just how dangerous it is to be anywhere near such a tower.

I will be taking a photo of the signatures and forwarding them to you.

Thank you

Sent from [Outlook](#)



Safe Distances from Mobile Towers

██████████ • February 14, 2020



Note: I get asked all the time what I personally use for EMF protection—and who I buy from. I use **EMR Shielding Solutions**.

They are **Authorized Distributors** of legitimate shielding protections. They don't carry scammy harmonizers, pendants, and other iffy products.

Use Code: JBEATEMF for 5% off. *(Always free shipping over \$30.)*



We ♥ honesty! Beat EMF may earn a commission through links on this page at no additional cost to you.



If your'e familiar with mobile tower radiation – and the fact that it exists – you're probably wondering what a safe distance would be.

We dig into that today and discuss different scenarios.

Plus, what you can do if you realize you're too close.

Why Is Mobile Tower Radiation a Concern?

Cell towers are built in order to boost the signal reception of our phones while also facilitating different kinds of wireless communication.

Unfortunately, having a strong signal and good reception comes at the cost of radiation.

And the closer you are to the source – the cell tower – the higher your radiation exposure.

Several countries have already implemented measures to keep cell towers away from residential areas, schools, hospitals, and recreational grounds.

The U.S. is a little slower to act...it is big money after all.

(dear reader, I just practiced immense self-control and spared you from an hour's long rant about government profiting off of frequencies...you're welcome haha)

Anyways, the precautions taken by other countries were because of the possible effects that cell tower radiation has on the human body.

And research continues to expand on such effects every year.

To date, researchers have found a link to radiation and significant changes in an organism's health.

For example, one study revealed that dairy cows living near cell towers tend to produce less milk:

When they were relocated to an area far from radiation sources, their milk yield went back to normal within days.

However, upon placing them in the area near cell towers once more, their milk production declined again.

Studies have also been conducted on humans.

There was one conducted in 2007, which found that people who live near active cell towers had low levels of melatonin and serotonin.

That's a big deal because those hormones are intricately involved in the immune system, mood stabilization, and sleep regulation.

The experiment was done before and after cell towers were activated.

Results showed that **before activating the cell towers, the participants had normal hormone levels.**

Other studies gathered data from various people living at different distances from the cell towers.

To be specific, a total of 530 participants with 260 women and 270 men were studied.

The goal was to better understand the relationship between their distance from cell towers and complaints of physical discomfort.

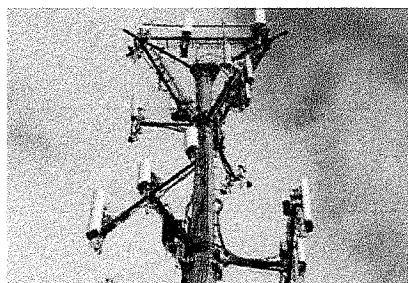
In the end, the results showed that those who lived near the base stations of cell towers experienced more frequent and intense bouts of fatigue and headaches.

Examples of Symptoms Reported Relative to Their Distance from Cell Towers

[HOME](#)[FEATURED](#)[CATEGORIES](#)[RECOMMENDED PROTECTIONS](#)[GUIDE](#)

Is Cell Tower Radiation Harmful? – A Brief Look At The Science!

Written by [David](#) • in [Cell Phone Towers](#)



Cell phone towers emit mass amounts of Radio Frequency (RF) Radiation also known as “microwave” radiation. If you have ever seen the huge size and quantity of power cables that run these towers you know that the amperage they use is significant as well.

But is cell phone tower radiation really harmful? **According to many scientific studies, there is a significant increase in cancer and other diseases, the closer one lives to a cell tower. For example this study, which was published in 2004, showed that “the risk of newly developing cancer was three times higher among those patients who had lived during past ten years (1994-**

2004), within a distance of 400m from the cellular transmitter, in comparison to those who had lived further away.”

In this article we will first briefly discuss what cell tower radiation is. Then we will look at several scientific studies comparing cancer rates in people living close to cell towers vs. those living further away. And finally I will show a video of myself testing the radiation coming from a cell tower and talk about the best ways I know of to protect yourself from this radiation.

Latest Videos

[How To Neutralize 5G Cellphone Radiation.mp4](#)

OFFICE OF THE CITY CLERK,
PO BOX 908
ST. JOHN'S, NL A1C 5M2

TO WHOM IT MAY CONCERN,
THE RESIDENTS OF [REDACTED] SUGARLOAF ROAD AND [REDACTED] SUGARLOAF PLACE, ST. JOHN'S RECEIVED A LETTER REFERENCING A REQUEST BY ROGERS COMMUNICATIONS INC. TO ERECT A TELECOMMUNICATIONS TOWER AT THE BACK OF THE PROPERTY AT 42 SUGARLOAF PLACE. THE PROPOSED SITE IS ALMOST DIRECTLY BEHIND [REDACTED] SUGARLOAF ROAD, THE COUNCIL FOR THE CITY OF ST. JOHN'S HAS INVITED COMMENTS ON THE PROPOSAL.

I AM STRONGLY OPPOSED TO THE INSTALLATION OF THE TOWER AT THE PROPOSED SITE. ASIDE FROM THE UGLINESS OF A 213 FOOT STRUCTURE IN A RELATIVELY NATURALLY WILD ENVIRONMENT, THERE ARE THE NOW WELL RESEARCHED HEALTH HAZARDS TO THOSE LIVING CLOSE TO THESE TOWERS. THIS TECHNOLOGY IS RELATIVELY NEW AND EFFECTS ON HUMANS ARE NOW BECOMING EVIDENT.

THE DISTANCES RECOMMENDED TO BE CONSIDERED SAFER ARE 300 TO 400 METERS. THOSE ARE MINIMUMS DISTANCES. THIS TOWER FALLS WELL INSIDE OF THOSE MEASUREMENTS. TO REFERENCE HEALTH CANADA GUIDELINES AS A FALLBACK SOLUTION TO THESE REASONABLE CONCERNS IS TOTALLY ANTIQUATED AND SOMEWHAT TYPICAL RESPONSES BE IT FROM ANY LEVELS OF GOVERNMENT. AND THAT APPLIES TO BOTH

THE MUNICIPAL LEVEL AND PROVINCIAL LEVELS.

BY NOW, ANY DISCERNING INDIVIDUAL HAS LEARNED TO QUESTION ALL SUCH IMPACT ASSESSMENTS. COMPANIES, BY AND LARGE, DO NOT POLICE THEMSELVES UNLESS THEY ARE FORCED TO DO SO. AND CANADA'S STANDARDS ARE BARELY WORTH DISCUSSING. JUST LOOK AT THE MINING INDUSTRY AND OUR SO-CALLED RECYCLING POLICIES. THEY ARE A JOKE. SORRY, I DIGRESS. HEALTH CANADA, DO NOT FORGET, OKAYED THALIDOMIDE, CIGARETTES, VALIUM (AS NOT ADDICTIVE) AND THE DISASTEROUS OXYCONTIN JUST TO NAME A FEW. THE DEPARTMENT NAME MAY HAVE CHANGED OVER TIME BUT NOT MUCH ELSE. RADIATION/EMF EMISSIONS COMING FROM THESE TOWERS IS UNSAFE, HARMFUL AND DANGEROUS. I AM SURE THERE ARE FAR SAFER SITES AWAY FROM CITY RESIDENTS WHERE THESE TOWERS CAN BE ERECTED.

ALSO, BOTH OF THE HOUSES ADJACENT TO THE PROPOSED SITE HAVE WELLS FOR THEIR WATER. AND WATER IS ABSOLUTELY AFFECTED BY HIGH LEVELS OF RADIATION. AND ONE HAS TO DO IS LOOK AT THE PHOTOGRAPHS OF ICE CRYSTALS THAT ARE SUBJECTED TO MICROWAVES. THEY ARE COMPLETELY ALTERED IN SHAPE.

I DOUBT THE COUNCIL IS GOING TO GIVE A
GUARANTEE THEIR WATER QUALITY AND
SAFETY WILL NOT BE AFFECTED. CITY
COUNCILS ARE ELECTED FOR THE
BENEFITS AND WELL BEING OF ITS
CITIZENS, NOT CORPORATIONS. TO THROW
SAFETY CONCERNS TO THE WIND SO
A FEW PEOPLE CAN HAVE FASTER
INTERNET IS WHAT WE HAVE COME TO
EXPECT FROM SUCH REPRESENTATIVES.

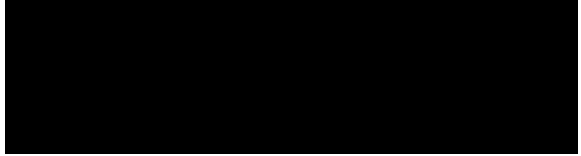
IN 1907, A STATEMENT FROM CATHOLIC
CATECHISM TEACHINGS SAID:

"FIRST, THE COMMON GOOD PRESUPPOSES
RESPECT FOR THE PERSON AS SUCH. IN
THE NAME OF THE COMMON GOOD, PUBLIC
AUTHORITIES ARE BOUND TO RESPECT THE
FUNDAMENTAL AND INALIENABLE RIGHTS OF
THE HUMAN PERSON."

FURTHER TO THAT:

"IN 1909 FINALLY THE COMMON GOOD
REQUIRES PEACE; THAT IS, THE STABILITY
AND SECURITY OF A JUST ORDER. IT
PRESUPPOSES THAT AUTHORITY SHOULD ENSURE
BY MORALLY ACCEPTABLE MEANS THE
SECURITY OF SOCIETY AND ITS MEMBERS."
TO ERECT SUCH A TOWER KNOWING
FULL WELL THERE ARE HAZARDS IS NOT
SOMETHING ANY RESIDENT MUST HAVE TO
FIGHT AGAINST. FOR ONCE, JUST ONCE.

IT WOULD BE SO REFRESHING AND
DECENT, FOR AN ELECTED CITY COUNCIL
TO PROCLAIM "WE HAVE YOUR BACKS";
WE ARE SAYING NO TO ROGERS
PROPOSAL AND SENDING THEM BACK TO
THE DRAWING BOARD. FIND ANOTHER
SITE, PEOPLE. END OF STORY.



Christine R. Carter

From: [REDACTED]
Sent: Monday, January 30, 2023 3:17 PM
To: Planning
Subject: (EXT) Fw: Message

Sent from [Outlook](#)

From: [REDACTED]
Sent: January 30, 2023 3:15 PM
To: cityclerk@st.johns.ca <cityclerk@st.johns.ca>
Subject: Message

My name is [REDACTED] and I live on [REDACTED] in St.John's. This message is in regards to an application from Rogers to install a wireless telecommunications tower or towers on 42 Sugar Loaf place.

I am strongly opposed to such a project for I am completely aware of the extreme dangers and hazards associated with such a device. Even though my common sense has already warned me, there are many scientific studies done that shows that these electromagnetic waves, radiation from the electromagnetic spectrum, causes all sorts of diseases and disorders, such as...DNA breaking, breast tumors, brain tumors and all sorts of general cancers.

The closer one lives to such a device, the greater the risk. I have called the number of 576-6192 and as of yet had no call back. If anyone at city hall is interested in such a dangerous device, may I suggest constructing it near their house, to see if they like it.

[REDACTED]

Sent from [Outlook](#)

Christine R. Carter

From: [REDACTED]
Sent: Monday, January 30, 2023 3:35 PM
To: Planning
Subject: (EXT) Message

My phone number is [REDACTED] and I will be getting signatures from everyone on the Sugar loaf rd opposing this cancer causing device. I will send a photo of it to this address.

Thank you

Sent from [Outlook](#)

Christine R. Carter

From: Chad Murphy
Sent: Thursday, February 2, 2023 9:26 AM
To: CityClerk; Planning
Cc: Lindsay Lyghtle Brushett
Subject: Email Response - 42 Sugarloaf Place - DEV2200164

See below email from [REDACTED] regarding proposed cell tower at 42 Sugarloaf Place.

From: [REDACTED]
Sent: Tuesday, January 31, 2023 9:40 PM
To: Chad Murphy <cmurphy@stjohns.ca>
Subject: Re: (EXT) Fw: Message

Thank you for your message Chad but what Health Canada's guidelines are in regard to 5g and electromagnetic and microwave energy and what reputable mainstream scientists are reporting are two different things entirely. For example years back Health Canada said that cigarettes were ok to smoke and other things were safe but were really detrimental to our well being and health. I realize that all you need is a safety net with the HC to allow a techno Giant like Rogers to build this cancer causing machine but how many of the Council members including the mayor would want one built in their back yard knowing the dangers and hazards associated with it.

I intend to fight this tooth and nail.

[REDACTED]

Sent from [Outlook](#)

From: Chad Murphy <cmurphy@stjohns.ca>
Sent: January 31, 2023 12:16 PM
To: [REDACTED]
Cc: Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>
Subject: RE: (EXT) Fw: Message

Good afternoon [REDACTED]

This is to advise that we have received your submission. I will advise that the city is facilitating the public engagement in accordance with requirements of Innovation, Science and Economic Development Canada. The construction of the tower is dependent on approval from the Federal Government and all health requirements must be in accordance with Health Canada.

Thanks,
Chad

From: [REDACTED]
Sent: Monday, January 30, 2023 3:17 PM

To: Planning <planning@stjohns.ca>

Subject: (EXT) Fw: Message

Sent from [Outlook](#)

From: [REDACTED]

Sent: January 30, 2023 3:15 PM

To: cityclerk@st.johns.ca <cityclerk@st.johns.ca>

Subject: Message

My name is [REDACTED] and I live on [REDACTED] in St. John's. This message is in regards to an application from Rogers to install a wireless telecommunications tower or towers on 42 Sugar Loaf place.

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The closer one lives to such a device, the greater the risk. I have called the number of 576-6192 and as of yet had no call back. If anyone at city hall is interested in such a dangerous device, may I suggest constructing it near their house, to see if they like it.

[REDACTED]

Sent from [Outlook](#)

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

Christine R. Carter

From: Chad Murphy
Sent: Friday, February 10, 2023 10:37 AM
To: CityClerk; Planning
Cc: Lindsay Lyghtle Brushett
Subject: Comments from [REDACTED] Re: 42 Sugarloaf Place - DEV2200164

From: [REDACTED]
Sent: Friday, February 10, 2023 10:10 AM
To: Chad Murphy <cmurphy@stjohns.ca>
Subject: (EXT) Re: Response to Comments - 42 Sugarloaf Place - DEV2200164

By the way Chad in all due respect, would you want this thing on top of you? Rogers nor you live here, we do, we do NOT want it here. It doesn't matter what info you send me, it can all be easily debunked by science and it will simply depend on whom one chats with.

Any reasonable doubt in the slightest is enough for anyone to reject such a project for the crystal clear health hazard reasons.

Not to mention what it will do to our wells and well water.

There is zero long term studies done on long term exposure for 5g and electromagnetic energy. One thing is certain it causes mass oxidative stress to the oxygen molecules inside our bodies. Affecting the electrons, causing them to split and reek havoc causing all sorts of inflammation.

Sent from [Outlook](#)

From: Chad Murphy <cmurphy@stjohns.ca>
Sent: February 9, 2023 3:15 PM
To: [REDACTED]
Cc: Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>
Subject: Response to Comments - 42 Sugarloaf Place - DEV2200164

Good afternoon [REDACTED]

I have received your comments on the telecom tower at 42 Sugarloaf Place. Roger's has provided us with some information in response to other questions we received that may also help address some of your concerns. I have attached their comments below. In the meantime, if you have additional questions or concerns you can contact Roger's or Innovation, Science and Economic Development Canada.

Thanks,
Chad

Contact Information on behalf of Rogers Communications Inc.

Rogers Communications Inc.

Network Implementation – Public Consultations

800, de la Gauchetière West, # 4000

Montreal, Quebec H5A 1K3

Email: rogers.maritimesconsultations@rci.rogers.com

Innovation, Science and Economic Development Canada

John Cabot Building

10 Barter's Hill, 10th floor

St. John's NL A1C 6M1

Telephone: 709-772-4890

Email: ic.spectrumnld-spectredtl.ic@canada.ca

Site Reference: A1284 - Outer Ring Hwy. @ Logy Bay Rd

Health Canada does not set distance limits but companies are required to follow provisions set out in Safety Code 6. As you are aware, the Government of Canada tightly regulates the use of radio frequencies (including wireless communications) to ensure that it is used safely. Strict adherence to Safety Code 6 is a condition of Innovation, Science and Economic development Canada's licensure for all Canadian wireless communications carriers. Any changes, additions, or modifications to the antenna equipment by a carrier are also subject to Safety Code 6 and Rogers attests that the proposed telecommunications tower will comply and respect all Health Canada's Safety Code 6 guidelines, which are among the most rigorous in the world. We invite you to review the following credible sources:

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html>

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation.html>

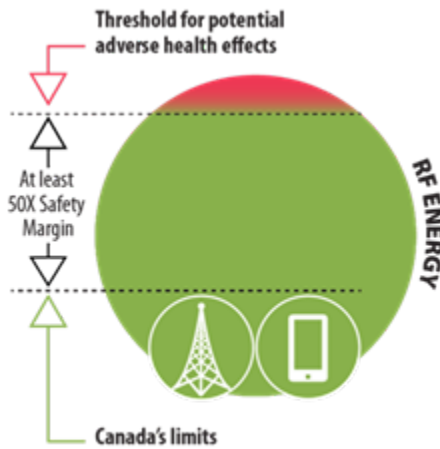
<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

The 50X safety margin from Health Canada is the minimum requirement and the SC6 calculation takes into account among others, the distance between a tower and a certain location. SC6 guidelines must be respected for all new towers or for upgrades to existing structures and Rogers will do so to ensure the safety of the public, including neighboring lots.

I've included the graph and explanation from the ISDE Canada web link <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/safety-and-compliance/facts-about-towers/radiofrequency-energy-and-safety#s5>



What amount of RF exposure is considered safe? Exposure to RF energy below the Canadian limits is safe. The limits are set far below the threshold (at least 50-fold safety margin) for all known established adverse health effects. Health Canada has incorporated several tiers of precaution into the limits to ensure safety, including a conservative threshold for the occurrence of adverse health effects, the use of worst-case exposure scenarios and an additional safety margin beyond the threshold.

Health Canada considers all peer-reviewed scientific studies, including those of the World Health Organization and the IARC and uses a weight-of-evidence approach when reviewing scientific literature to establish the recommended exposure limits in Safety Code 6.

The following web link <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html> states that:

Scientifically-established health effects

We continuously review and consider all peer-reviewed scientific studies that investigate potential biological and adverse health effects, including thermal and non-thermal effects. In 2011, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization, classified radiofrequency EMFs as possibly carcinogenic to humans (Group 2B). This decision was based on limited evidence showing an increased risk for glioma, a malignant type of brain cancer, associated with wireless phone use.

However:

- *IARC did not find a direct link between radiofrequency EMF exposure and cancer*
- *the vast majority of research to date does not support a link between radiofrequency EMF exposure and cancers in humans*

We agree with the World Health Organization that additional research in this area is warranted.

Chad Murphy
 Development Officer I
 Planning, Engineering and Regulatory Services
 City of St. John's
 709-576-8452
cmurphy@stjohns.ca

Christine R. Carter

From: Chad Murphy
Sent: Friday, February 10, 2023 10:38 AM
To: CityClerk; Planning
Cc: Lindsay Lyghtle Brushett
Subject: Comments from [REDACTED] Re: 42 Sugarloaf Place - DEV2200164

From: [REDACTED]
Sent: Thursday, February 9, 2023 4:27 PM
To: Chad Murphy <cmurphy@stjohns.ca>
Subject: (EXT) Re: Response to Comments - 42 Sugarloaf Place - DEV2200164

Hello Chad, I really do not care what guide lines and safety regulations that healthcare Canada or Rogers are telling me, of course they are going to say it is safe BUT Scientists all over the world say something completely different, which I will be bringing to the table.

Let me ask you a question, would you want this thing next to your house and plus my well is another factor.

If I have to see a lawyer on this I will and bring it to the attention of the public via media, whatever it takes.

I have much material from professional sources to debunk anything that big tech or health Canada has to say.

Sent from [Outlook](#)

From: Chad Murphy <cmurphy@stjohns.ca>
Sent: February 9, 2023 3:15 PM
To: [REDACTED]
Cc: Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>
Subject: Response to Comments - 42 Sugarloaf Place - DEV2200164

Good afternoon [REDACTED]

I have received your comments on the telecom tower at 42 Sugarloaf Place. Roger's has provided us with some information in response to other questions we received that may also help address some of your concerns. I have attached their comments below. In the meantime, if you have additional questions or concerns you can contact Roger's or Innovation, Science and Economic Development Canada.

Thanks,
Chad

Contact Information on behalf of Rogers Communications Inc.

Rogers Communications Inc.
Network Implementation – Public Consultations
800, de la Gauchetière West, # 4000
Montreal, Quebec H5A 1K3

Email: rogers.maritimesconsultations@rci.rogers.com

Innovation, Science and Economic Development Canada

John Cabot Building
10 Barter's Hill, 10th floor
St. John's NL A1C 6M1
Telephone: 709-772-4890

Email: ic.spectrumnld-spectredtl.ic@canada.ca

Site Reference: A1284 - Outer Ring Hwy. @ Logy Bay Rd

Health Canada does not set distance limits but companies are required to follow provisions set out in Safety Code 6. As you are aware, the Government of Canada tightly regulates the use of radio frequencies (including wireless communications) to ensure that it is used safely. Strict adherence to Safety Code 6 is a condition of Innovation, Science and Economic development Canada's licensure for all Canadian wireless communications carriers. Any changes, additions, or modifications to the antenna equipment by a carrier are also subject to Safety Code 6 and Rogers attests that the proposed telecommunications tower will comply and respect all Health Canada's Safety Code 6 guidelines, which are among the most rigorous in the world. We invite you to review the following credible sources:

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<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation.html>

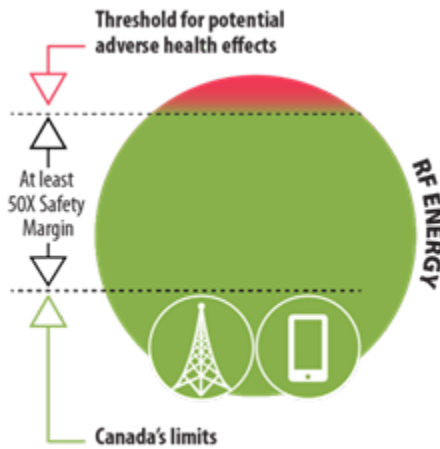
<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

The 50X safety margin from Health Canada is the minimum requirement and the SC6 calculation takes into account among others, the distance between a tower and a certain location. SC6 guidelines must be respected for all new towers or for upgrades to existing structures and Rogers will do so to ensure the safety of the public, including neighboring lots.

I've included the graph and explanation from the ISDE Canada web link <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/safety-and-compliance/facts-about-towers/radiofrequency-energy-and-safety#s5>



What amount of RF exposure is considered safe? Exposure to RF energy below the Canadian limits is safe. The limits are set far below the threshold (at least 50-fold safety margin) for all known established adverse health effects. Health Canada has incorporated several tiers of precaution into the limits to ensure safety, including a conservative threshold for the occurrence of adverse health effects, the use of worst-case exposure scenarios and an additional safety margin beyond the threshold.

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However:

- *IARC did not find a direct link between radiofrequency EMF exposure and cancer*
- *the vast majority of research to date does not support a link between radiofrequency EMF exposure and cancers in humans*

We agree with the World Health Organization that additional research in this area is warranted.

Chad Murphy
 Development Officer I
 Planning, Engineering and Regulatory Services
 City of St. John's
 709-576-8452
cmurphy@stjohns.ca

Karen Chafe

From: [REDACTED]
Sent: Tuesday, January 31, 2023 3:41 PM
To: rogers.maritimesconsultations@rci.rogers.com; CityClerk
Subject: (EXT) Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

To whom it may concern:

My name is [REDACTED] My land [REDACTED] Lot #42 Sugarloaf Place [REDACTED] o
the proposed cell tower installation.

My comments respecting the proposed cell tower are specific to a/ Safety Concerns and b/ Impact on Land Property Value. They are directed to both ROGERS Communications Inc. and/or the City of St. John's for reply.

My land, represented as [REDACTED] was purchased from Metro Board in 1979 as an approved "Residential Building Lot" in keeping with the residential neighborhood that exists along Sugarloaf Road. Land rezoning in 1995 by the City to address concerns by the Dept. of Environment respecting the City's Landfill restricted residential development in the area and imposed limitations on how vacant land may be developed. Recently, the Dept. of Environment provided written guidance to myself and the [REDACTED] land owner of [REDACTED] on how we may address issues that may remove any objection on DOE's part as to our lots being developed (or sold) as residential building lots. We are currently pursuing the work needed to approach the DOE on this matter with follow up with the City. To that end, the proposal by ROGERS raises certain questions and concerns that would likely affect our land's end use and/or resale value.

Questions/Concerns Re Safety:

Are there any limitations within Health Canada's "Safety Code 6" that would prevent such an installation from being installed in close proximity to a potential residential building lot? To that end, the following link indicates that the safe distance from a cell tower is 400m. This distance, given the proposed tower location, would extend well beyond my land coverage area. A reply from ROGERS and the City regarding the recommended safe distance for residency would be appreciated.

<https://radiasmart.com/radia-smart-blog-emf-shield-awareness/what-is-the-safe-distance-from-cell-towers/>

Given the above, would there also be concerns by City Council and its staff generally that would restrict any of the stated "Permitted" or "Discretionary" Uses for my land as outlined under the applicable zoning regulations and guidelines?

Questions/Concerns Re Land's Assessed Value:

How would the proposed installation by ROGERS affect "adjacent" land value within [REDACTED] of the tower? Presumably, the [REDACTED] of this tower to my land would have a detrimental impact on resale value or its assessed value by the City, while there would likely be little to no impact expected on the property values of "distant" residential neighborhoods' being serviced by ROGERS?

I am of the understanding that a reply from ROGERS and the City of St. John's would be forthcoming within the timeframe noted under Section 6...Public Consultation of ROGERS Applications.

Karen Chafe

From: [REDACTED]
Sent: Monday, February 6, 2023 4:54 PM
To: Chad Murphy
Cc: CityClerk
Subject: (EXT) Re: Response to Questions/Concerns Re: Proposed Communications Tower at 42 Sugarloaf Place - DEV2200164

Mr. Murphy

Thank you for your reply to my email of Jan 31st. I have responded to Ms. Jarrold acknowledging that Health Canada's Safety Code 6 would preclude the necessity for any distance limits of their proposed cell tower from my land respecting the possibility of future residential occupancy.

I understand from your reply that the proposal by ROGERS would not impact on any of the Permitted or Discretionary Uses outlined by the City's Municipal Plan Development Regulations under the current Rural Zoning.

Also, can you advise if there have been any changes to the boundary of the Landfill Protection Area, previously known as the Buffer Zone by the Department of Environment particularly as it extended to include the Sugarloaf Road Area? As mentioned previously, we received written guidance in 2021 from DOE as to the way forward to make a case for [REDACTED] and [REDACTED] to be considered as residential building lots as they were purchased in 1979 along with [REDACTED] in keeping with the existing neighborhood. If successful, we would look to apply to the City for relief from the current restrictions of Rural zoning as it presently applies to Lots [REDACTED].

[REDACTED]

On Fri, Feb 3, 2023 at 3:23 PM Chad Murphy <cmurphy@stjohns.ca> wrote:

Good afternoon [REDACTED]

Communication towers are governed and approved by the Federal Government of Canada. The City reviews these applications and using the St. John's Siting Protocol, the city undertakes public engagement to determine whether the proposed location is supported or not supported by Council.

Attached to this email is a response from Rogers to address the health/safety questions you had, which is also governed by Health Canada.

The existing Rural Zone and Permitted or Discretionary Uses would still be applicable to your lot as the Land Use Zone for your property would not change.

In regard to the assessment question, our Assessment Department provided the following information: During the assessment cycle, review of all properties are completed. As part of this review consideration is given to any development that has occurred on a property or within a neighbourhood. During that review assessors will determine the level of impact to a property either positive or negative. Assessment notices are issued annually with an opportunity for the property owner to submit an appeal should they not agree with the assessed value as indicated on the notice. Should you have concerns with the assessment of your property the assessment appeal process is the best means to address those concerns.

Hope this helps to address some of your concerns.

Thanks,

Chad Murphy

Development Officer I

Planning, Engineering and Regulatory Services

City of St. John's

709-576-8452

cmurphy@stjohns.ca

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

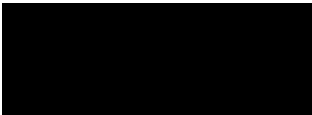
Karen Chafe

From: [REDACTED]
Sent: Tuesday, February 7, 2023 2:01 PM
To: S. Jarrold
Cc: rogers.maritimesconsultations@rci.rogers.com; CityClerk
Subject: (EXT) Re: FW: Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd
Attachments: image001.png; image002.png

Ms. Jarrold

Thank you for the update. I'm comforted that in maintaining its safety margins SC6 also accounts for the distance between the cell tower and neighboring lots. As I'm unfamiliar with the specifics, i.e. equipment, frequencies, directional beam patterns and x-mitting power respecting the proposed cell tower I'm trusting in the provisions of SC6 relative to my land as an "uncontrolled environment" under its definitions. To that end I understand that where needed safety signs would be employed to safeguard the public.

That's all the comments I have. Thank you for your attention to my questions.



On Mon, Feb 6, 2023, 5:59 p.m. S. Jarrold <sjcommunications@videotron.ca> wrote:

Good afternoon [REDACTED]

We acknowledge receipt of your email below. Please find answers to your questions dating this morning:

Question:

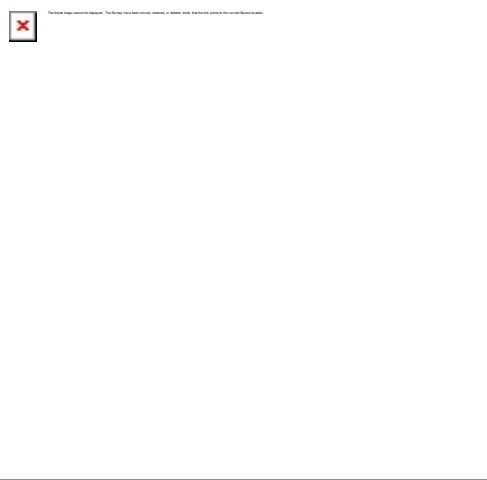
Respecting my safety concern, I've reviewed the additional information and links you provided in relation to Health Canada's Safety Code 6, in particular the imposed 50X safety margin built in for protection of the public in the vicinity of cell towers. As I understand it then, the safety margin provisions of Safety Code 6 would preclude the necessity for any distance limits of ROGERS proposed cell tower from my land being a bordering property? Please confirm if this is the case?

Answer:

The 50X safety margin from Health Canada is the minimum requirement and the SC6 calculation takes into account among others, the distance between a tower and a certain location. SC6 guidelines must be

respected for all new towers or for upgrades to existing structures and Rogers will do so to ensure the safety of the public, including neighboring lots.

I've included the graph and explanation from the ISDE Canada web link <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/safety-and-compliance/facts-about-towers/radiofrequency-energy-and-safety#s5>



What amount of RF exposure is considered safe? Exposure to RF energy below the Canadian limits is safe. The limits are set far below the threshold (at least 50-fold safety margin) for all known established adverse health effects. Health Canada has incorporated several tiers of precaution into the limits to ensure safety, including a conservative threshold for the occurrence of adverse health effects, the use of worst-case exposure scenarios and an additional safety margin beyond the threshold.

Question:

I also understand that Health Canada's Safety Code 6 would capture research outcomes from the ongoing World Health Organization EMF Project and the IARC with respect to radio frequency radiation in protecting public health.

Answer:

Health Canada considers all peer-reviewed scientific studies, including those of the World Health Organization and the IARC and uses a weight-of-evidence approach when reviewing scientific literature to establish the recommended exposure limits in Safety Code 6.

The following web link <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html> states that:

Scientifically-established health effects

We continuously review and consider all peer-reviewed scientific studies that investigate potential biological and adverse health effects, including thermal and non-thermal effects. In 2011, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization, classified radiofrequency EMFs as possibly carcinogenic to humans (Group 2B). This decision was based on limited evidence showing an increased risk for glioma, a malignant type of brain cancer, associated with wireless phone use.

However:

- *IARC did not find a direct link between radiofrequency EMF exposure and cancer*
- *the vast majority of research to date does not support a link between radiofrequency EMF exposure and cancers in humans*

We agree with the World Health Organization that additional research in this area is warranted.

Should you have additional concerns, please forward them to our attention **no later than February 28, 2023 (21 days from the date of receipt of this email)**.

Best regards,

Stephanie Jarrold

Public Affairs and Communications Consultant

On behalf of Rogers Communications

From: [REDACTED]

Sent: Monday, February 6, 2023 8:01 AM

To: S. Jarrold <sjcommunications@videotron.ca>

Cc: rogers.maritimesconsultations@rci.rogers.com; cityclerk@stjohns.ca

Subject: Re: FW: Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

Ms. Jarrold

Karen Chafe

From: [REDACTED]
Sent: Monday, February 6, 2023 9:31 AM
To: S. Jarrold
Cc: rogers.maritimesconsultations@rci.rogers.com; CityClerk
Subject: (EXT) Re: FW: Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

Ms. Jarrold

Thank you for your prompt reply to my comments and concerns.

Respecting my safety concern, I've reviewed the additional information and links you provided in relation to Health Canada's Safety Code 6, in particular the imposed 50X safety margin built in for protection of the public in the vicinity of cell towers. As I understand it then, the safety margin provisions of Safety Code 6 would preclude the necessity for any distance limits of ROGERS proposed cell tower from my land being a [REDACTED] property? Please confirm if this is the case? I also understand that Health Canada's Safety Code 6 would capture research outcomes from the ongoing World Health Organization EMF Project and the IARC with respect to radio frequency radiation in protecting public health.

As for my concern on the impact of the proposed cell tower on adjacent/bordering land value, the adherence by ROGERS to Safety Code 6 removes any major concerns I have on my land's value as a future residential building lot notwithstanding any visual impact it could have viewed from the residential neighborhood along Sugarloaf Rd. In any event, I agree with you... this impact would be minimal.

Thank you again for addressing my comments and concerns.

[REDACTED]

On Wed, Feb 1, 2023 at 6:32 PM S. Jarrold <sjcommunications@videotron.ca> wrote:

Good afternoon [REDACTED]

We acknowledge receipt of your email below, which addresses your concerns with respect to Rogers Communications Inc.'s proposed telecommunications tower project on Lot #42 Sugarloaf Place. Please find below answers that address each of your questions.

Questions/Concerns Re Safety:

Are there any limitations within Health Canada's "Safety Code 6" that would prevent such an installation from being installed in close proximity to a potential residential building lot? To that end, the following link indicates that the safe distance from a cell tower is [REDACTED]m. This distance, given the proposed tower location, would

extend well beyond my land coverage area. A reply from ROGERS and the City regarding the recommended safe distance for residency would be appreciated.

<https://radiasmart.com/radia-smart-blog-emf-shield-awareness/what-is-the-safe-distance-from-cell-towers/>

Given the above, would there also be concerns by City Council and its staff generally that would restrict any of the stated "Permitted" or "Discretionary" Uses for my land as outlined under the applicable zoning regulations and guidelines?

Answer: Safety concerns:

Health Canada does not set distance limits but companies are required to follow provisions set out in Safety Code 6. As you are aware, the Government of Canada tightly regulates the use of radio frequencies (including wireless communications) to ensure that it is used safely. Strict adherence to Safety Code 6 is a condition of Innovation, Science and Economic development Canada's licensure for all Canadian wireless communications carriers. Any changes, additions, or modifications to the antenna equipment by a carrier are also subject to Safety Code 6 and Rogers attests that the proposed telecommunications tower will comply and respect all Health Canada's Safety Code 6 guidelines, which are among the most rigorous in the world. We invite you to review the following credible sources:

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines.html>

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation.html>

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

Questions/Concerns Re Land's Assessed Value:

How would the proposed installation by ROGERS affect "adjacent" land value within [REDACTED] m of the tower? Presumably, the [REDACTED] of this tower to my land would have a detrimental impact on resale value or its assessed value by the City, while there would likely be little to no impact expected on the property values of "distant" residential neighborhoods' being serviced by ROGERS?

I am of the understanding that a reply from ROGERS and the City of St. John's would be forthcoming within the timeframe noted under Section 6...Public Consultation of ROGERS Applications.

Answers: Land Assessment Value:

There is no documented evidence of loss of property value resulting from the proximity to telecommunications facilities. In fact, real estate values are the product of many factors such as the neighborhood, current market conditions, the year of construction, recent renovations, etc. and proximity to a tower is unlikely to be the dominant one.

If you have additional concerns, please forward them to our attention no later than February 23, 2023 (21 days from the date of receipt of this email).

Best regards,

Stephanie Jarrold

Public Affairs and Communications Consultant

On behalf of Rogers Communications

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Karen Chafe

From: S. Jarrold <sjcommunications@videotron.ca>
Sent: Monday, February 6, 2023 5:59 PM
To: [REDACTED]
Cc: rogers.maritimesconsultations@rci.rogers.com; CityClerk
Subject: (EXT) RE: FW: Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

Good afternoon [REDACTED],

We acknowledge receipt of your email below. Please find answers to your questions dating this morning:

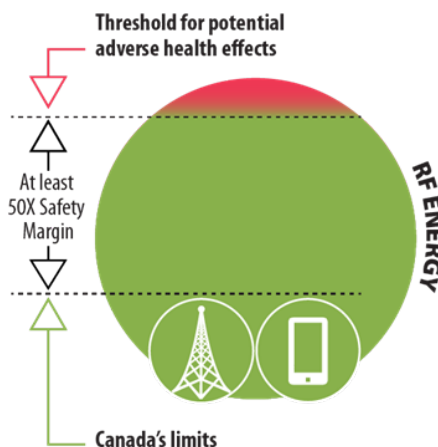
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Answer:

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Best regards,

Stephanie Jarrold
Public Affairs and Communications Consultant
On behalf of Rogers Communications

From: [REDACTED]
Sent: Monday, February 6, 2023 8:01 AM
To: S. Jarrold <sjcommunications@videotron.ca>
Cc: rogers.maritimesconsultations@rci.rogers.com; cityclerk@stjohns.ca
Subject: Re: FW: Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

Ms. Jarrold

Thank you for your prompt reply to my comments and concerns.

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Karen Chafe

From: [REDACTED]
Sent: Thursday, February 9, 2023 3:02 PM
To: CityClerk
Subject: (EXT) Message

In regards to a electromagnetic tower my well water will be also compromised as it was years ago and the person or persons had to leave. I am sure that it has been well documented.

Thank you

[REDACTED]

Sent from [Outlook](#)

Karen Chafe

From: S. Jarrold <sjcommunications@videotron.ca>
Sent: Wednesday, February 1, 2023 6:33 PM
To: [REDACTED]
Cc: rogers.maritimesconsultations@rci.rogers.com; CityClerk
Subject: (EXT) FW: Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

Good afternoon [REDACTED]

We acknowledge receipt of your email below, which addresses your concerns with respect to Rogers Communications Inc.'s proposed telecommunications tower project on Lot #42 Sugarloaf Place. Please find below answers that address each of your questions.

Questions/Concerns Re Safety:

Are there any limitations within Health Canada's "Safety Code 6" that would prevent such an installation from being installed in close proximity to a potential residential building lot? To that end, the following link indicates that the safe distance from a cell tower is [REDACTED]m. This distance, given the proposed tower location, would extend well beyond my land coverage area. A reply from ROGERS and the City regarding the recommended safe distance for residency would be appreciated.

<https://radiasmart.com/radia-smart-blog-emf-shield-awareness/what-is-the-safe-distance-from-cell-towers/>

Given the above, would there also be concerns by City Council and its staff generally that would restrict any of the stated "Permitted" or "Discretionary" Uses for my land as outlined under the applicable zoning regulations and guidelines?

Answer: Safety concerns:

Health Canada does not set distance limits but companies are required to follow provisions set out in Safety Code 6. As you are aware, the Government of Canada tightly regulates the use of radio frequencies (including wireless communications) to ensure that it is used safely. Strict adherence to Safety Code 6 is a condition of Innovation, Science and Economic development Canada's licensure for all Canadian wireless communications carriers. Any changes, additions, or modifications to the antenna equipment by a carrier are also subject to Safety Code 6 and Rogers attests that the proposed telecommunications tower will comply and respect all Health Canada's Safety Code 6 guidelines, which are among the most rigorous in the world. We invite you to review the following credible sources:

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<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf

<https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/cell-phones-towers.html>

Questions/Concerns Re Land's Assessed Value:

How would the proposed installation by ROGERS affect "adjacent" land value within [REDACTED] m of the tower? Presumably, the close proximity of this tower to my land would have a detrimental impact on resale value or its assessed value by the City, while there would likely be little to no impact expected on the property values of "distant" residential neighborhoods' being serviced by ROGERS?

I am of the understanding that a reply from ROGERS and the City of St. John's would be forthcoming within the timeframe noted under Section 6...Public Consultation of ROGERS Applications.

Answers: Land Assessment Value:

There is no documented evidence of loss of property value resulting from the proximity to telecommunications facilities. In fact, real estate values are the product of many factors such as the neighborhood, current market conditions, the year of construction, recent renovations, etc. and proximity to a tower is unlikely to be the dominant one.

If you have additional concerns, please forward them to our attention [no later than February 23, 2023 \(21 days from the date of receipt of this email\)](#).

Best regards,

Stephanie Jarrold
Public Affairs and Communications Consultant
On behalf of Rogers Communications

De : [REDACTED]

Envoyé : 31 janvier 2023 14:11

À : Rogers - Maritimes Consultations <rogers.maritimesconsultations@rci.rogers.com>; cityclerk@stjohns.ca

Objet : Comments re Proposed Wireless Communications Installation Ref: A1284 - Outer Ring Hwy at Logy Bay Rd

To whom it may concern:

My name is [REDACTED] (Sugarloaf Rd). My land [REDACTED] Lot #42 Sugarloaf Place in close proximity to the proposed cell tower installation.

My comments respecting the proposed cell tower are specific to a/ Safety Concerns and b/ Impact on Land Property Value. They are directed to both ROGERS Communications Inc. and/or the City of St. John's for reply.

My land, represented as [REDACTED], was purchased from Metro Board in 1979 as an approved "Residential Building Lot" in keeping with the residential neighborhood that exists along Sugarloaf Road. Land rezoning in 1995 by the City to address concerns by the Dept. of Environment respecting the City's Landfill restricted residential development in the area and imposed limitations on how vacant land may be developed. Recently, the Dept. of Environment provided written guidance to myself and the adjacent land owner of Lot# [REDACTED] on how we may address issues that may remove any objection on DOE's part as to our lots being developed (or sold) as residential building lots. We are currently pursuing the work needed to approach the DOE on this matter with follow up with the City. To that end, the proposal by ROGERS raises certain questions and concerns that would likely affect our land's end use and/or resale value.

Questions/Concerns Re Safety:

Are there any limitations within Health Canada's "Safety Code 6" that would prevent such an installation from being installed in close proximity to a potential residential building lot? To that end, the following link indicates that the safe distance from a cell tower is [REDACTED] m. This distance, given the proposed tower location, would extend well beyond my

land coverage area. A reply from ROGERS and the City regarding the recommended safe distance for residency would be appreciated.

<https://radiasmart.com/radia-smart-blog-emf-shield-awareness/what-is-the-safe-distance-from-cell-towers/>

Given the above, would there also be concerns by City Council and its staff generally that would restrict any of the stated "Permitted" or "Discretionary" Uses for my land as outlined under the applicable zoning regulations and guidelines?

Questions/Concerns Re Land's Assessed Value:

How would the proposed installation by ROGERS affect "adjacent" land value within [REDACTED] m of the tower? Presumably, the close proximity of this tower to my land would have a detrimental impact on resale value or its assessed value by the City, while there would likely be little to no impact expected on the property values of "distant" residential neighborhoods' being serviced by ROGERS?

I am of the understanding that a reply from ROGERS and the City of St. John's would be forthcoming within the timeframe noted under Section 6...Public Consultation of ROGERS Applications.



This communication is confidential. We only send and receive email on the basis of the terms set out at www.rogers.com/web/content/emailnotice

Ce message est confidentiel. Notre transmission et réception de courriels se fait strictement suivant les modalités énoncées dans l'avis publié à www.rogers.com/aviscourriel

Proposed Wireless Communications Installation, Ref A1284-Outer Ring HWY@Logy Bay Rd

This document provides comments on the proposed installation by Rogers of a cell tower at 42 Sugarloaf Place, St. John's. The property location is approximately [REDACTED] Sugarloaf Rd. My property and the properties of the residential homes around me are currently on land that is zoned Rural and not Commercial.

Rogers and the City of St. John's have provided an information package on the proposed installation for the purpose of public consultation. Presumably the purpose of the public consultation is to provide affected parties with the opportunity to review the information package and voice concerns that they may have in relation to the proposed installation.

The following comments detail why the submission is not adequate and points that should be addressed by Rogers and the City.

1. Given the size of the proposed tower and proximity to the residential area of Sugarloaf Road the City should notify all residents of Sugarloaf Road and not just those within 150 m of the proposed tower. Further to this, Industry Canada requires the notification of the public within a distance of 3 times the antenna height, in this case 195 m.
2. Appendix 2 of Rogers submission is not legible making it difficult to determine details of the installation.
3. The coverage area in Appendix 2 does not seem practical. Is this an accurate representation of the geometry of the cell phone coverage from this tower or does it mean something else? Also the coverage area seems rather small for antennas on a 65 m tower on a 50 m hill (height of tower base above East White Hills Road in the defined coverage area). Rogers should provide an accurate coverage map based on frequency bands in use including planned transmitter power and antenna pointing direction.
4. Given the small coverage area required, Rogers should provide a justification for the need of such a large tower in this location. There are other sites in the area that are fully in the industrial commercial(IC) zone of East White Hills Road that could provide the coverage that Rogers states they require and the tower would be more compatible with the environment. Furthermore, keeping within what Rogers has indicated is the Search Area(Appendix 2, Location Map) a location at the westernmost point of the Search Area might be more acceptable.
5. The Simulation photos in Appendix 3 of Rogers submission are misleading. It appears that Rogers has overlaid an image of the proposed tower on Google Streetview photos and puts this forward as representative of what the tower will look like from various locations. These photos are very wide angle representing what a 10 to 12 mm lens would see, however the human eye is better represented by a 45 or 50 mm lens. The use of the very wide angle lens serves to diminish the size of distant objects and significantly under represents the visual size of the

tower. See the attached Streetview pictures of a 57 m Rogers cell tower on Stavanger Dr at a wide angle view(Figure 1) from a position equivalent to that in Rogers Simulation 3 repeated here in Figure 3 for comparison. Figure 2 provides a view that represents what it would look like to the human eye from the same position. Note, Rogers has placed a red arrow on the tower to identify it in Simulation 3, presumably because it's so small in the image(Figure 3). Furthermore, in the next picture (Figure 4) the 57 m tower from Stavanger Dr is superimposed on a picture taken from the position of Simulation 3 with a 45 mm equivalent lens to illustrate what the tower will actually look like from this location. This is very different from what has been put forward by Rogers. Rogers should provide an update to their submission showing what the tower will look like to the human eye at various locations in the residential area of Sugarloaf Rd so that the visual impact of the tower may be properly understood by those affected by its presence. Also note, for the tower on Stavanger Dr the base is at the same level of the road whereas in this case the base of the tower will be 30 m above Sugarloaf Road making for a total height above Sugarloaf Road of 95 m or 312 ft. Is there a tower anywhere in St John's that is this high relative to a residential property [REDACTED] m away?

6. Rogers states that the tower will be located within a CO(Commercial Office) zoned area. This is true but the property is bounded on three sides by property zoned R or RUR (Rural). Furthermore, on Sugarloaf Rd in the proximity of the tower there are 13 private residences so that it is more appropriate to call the area a residential area even through it is currently designated R. Prior to 1995 the area was zoned Rural Residential. It is unlikely that a tower of this size would be accepted in such close proximity to a residential area of the City. If the City agrees with the location of a tower on this site it will further encroach on the residential area of Sugarloaf Rd.

Summary

The present proposal places the tower in close proximity to the residential area of Sugarloaf Rd and abutting a Rural area that has the potential to be developed for non-commercial applications. The submission significantly underplays the visual impact of the tower and its resulting effect on the residents of Sugarloaf Rd. The height of the tower will be 95 m (312 ft) above Sugarloaf Rd and only [REDACTED] m from the nearest residential property. It is doubtful this would be acceptable in any other residential area of the City. Rogers has not provided accurate visual simulations of what the tower will look like along the residential area of Sugarloaf Rd. There are many other locations in the area of East White Hills Rd that should provide the coverage area that Rogers needs as indicated in their submission and that would be compatible with the local environment.



Figure 1 Wide Angle Photo of 57 m(187 ft) on Stavanger Drive

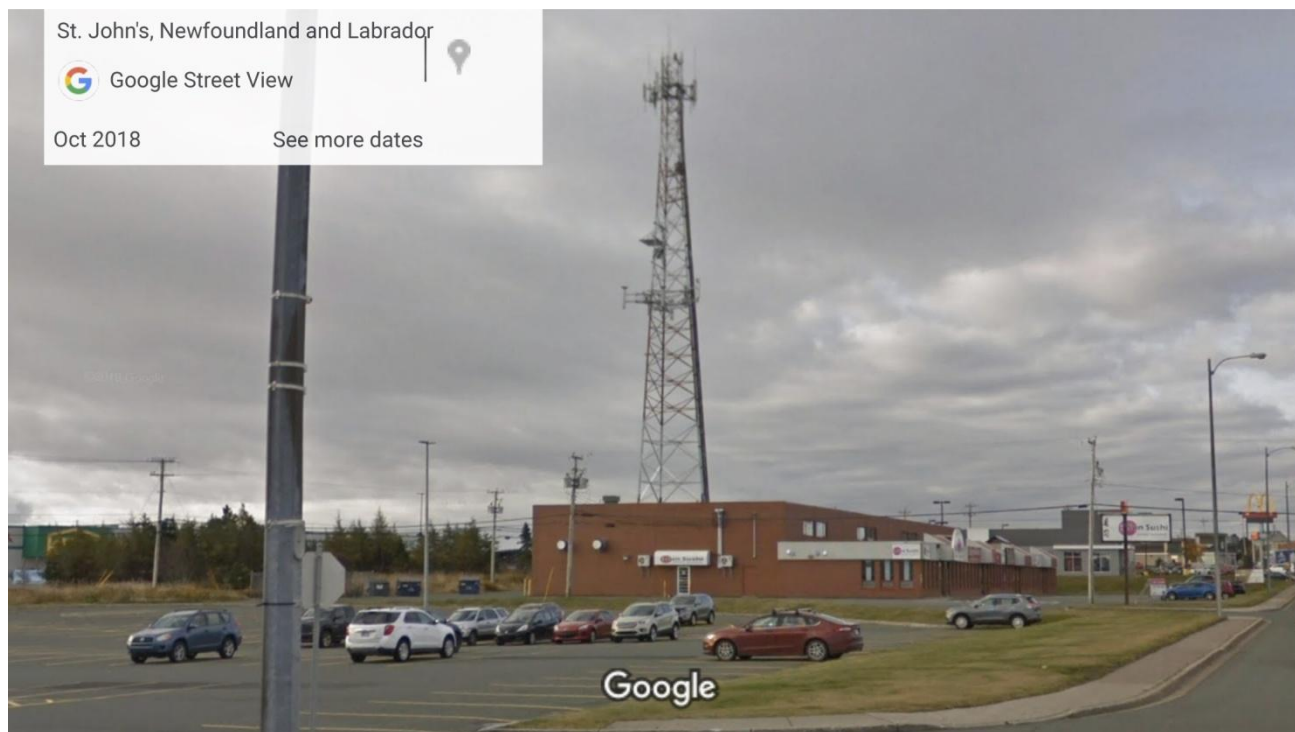


Figure 2 View of 57m(187ft) Tower on Stavanger Drive Equivalent to Human Eye View

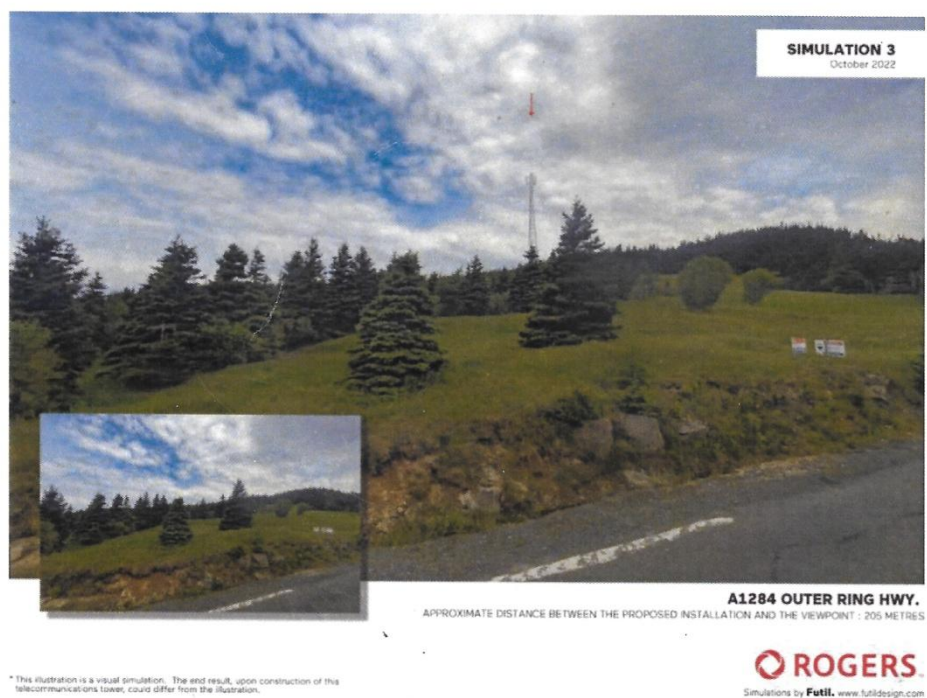


Figure 3 Simulation 3 from Rogers Submission



Figure 4 Simulation of a 65 m Tower viewed from Sugarloaf Road at a distance of 205 m

ST. JOHN'S

Minutes of Committee of the Whole - City Council Council Chambers, 4th Floor, City Hall

February 8, 2023, 9:30 a.m.

| | |
|----------|--|
| Present: | Mayor Danny Breen Deputy Mayor Sheilagh O'Leary Councillor Maggie Burton Councillor Ron Ellsworth Councillor Sandy Hickman Councillor Debbie Hanlon Councillor Jill Bruce Councillor Ophelia Ravencroft Councillor Carl Ridgeley |
| Regrets: | Councillor Jamie Korab Councillor Ian Froude |
| Staff: | Kevin Breen, City Manager Derek Coffey, Deputy City Manager of Finance & Administration Tanya Haywood, Deputy City Manager of Community Services Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services Cheryl Mullett, City Solicitor Ken O'Brien, Chief Municipal Planner Karen Chafe, City Clerk Erin Skinner, Supervisor of Tourism and Culture Christine Carter, Legislative Assistant |
| Others | Kelly Maguire, Communications and Public Relations |

1. Travel Per Diems

Recommendation

Moved By Councillor Ellsworth

Seconded By Councillor Hanlon

That Council approve an increase in the meal per diem from \$53.50 to \$100 per day.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

2.0 Downtown Pedestrian Mall and Parklet Program

Councillor Hanlon reviewed with Council the recommendations for consideration regarding the Downtown Pedestrian Mall and the Parklet Program.

Council agreed to split the motion as presented and will deal with the recommendation to reduce the size of the Downtown Pedestrian Mall separately from the six remaining recommendations.

The reasoning behind the recommended change to reduce the existing footprint for the Downtown Pedestrian Mall was discussed by Council.

Staff outlined in the Decision Note that:

- this modification will alleviate safety concerns with vehicles and pedestrians sharing the same road space
- Continued vehicle access is required to the Courthouse, Colliers Parking lot and private residential parking
- A modified footprint will allow unimpeded access to the Atlantic Place parking garage.
- Allow for improved accessible parking along Water Street.
- Working with GoBus, in conjunction with their safety supervisor and CSJ traffic services division, to identify an accessible drop off area on Water Street west of Clift's Baird's Cove
- Previous attempts to eliminate interactions between pedestrians and vehicles in this area have not been successful.

Members of Council held a very in-depth discussion on the pros and cons of the recommendation to reduce the current footprint of the Downtown Pedestrian Mall.

Some of the points raised by individual members of Council included:

- The potential negative impacts on the businesses that will be removed from the Pedestrian Mall
- The loss of enjoyment by the residents and visitors to the City with a reduced Pedestrian Mall
- The need to seek alternate solutions to address the safety concerns raised and to achieve greater accessibility versus reducing the footprint
- A review could be conducted each year to assess the safety and accessibility issues presented

- Concern for the possible continual reduction of the Pedestrian Mall in the future
- Concert location site could be moved to a different location as to reduce safety issues of vehicles and pedestrians in the Courthouse area, and consider using the George Street stage
- Accessibility is a major concern with the current footprint, try the modification for this coming year to help those who need greater supports for accessing the area. Reassess after this summer and discuss any needed modifications
- The challenges for those with mobility issues who use aids to get around find the current footprint difficult as it is a long walk
- Consider adding more drop-off and pick-up points in the area, in-person wayfinding support and signage for accessible parking locations could also be used
- Consider Harbour Drive as a drop off and pick up location, as it is level and good for rerouting
- Make use of more personnel such as the Commissionaires and barricades to improve safety and accessibility concerns
- Safety is the main reason for this recommendation, and something that should not be disregarded
- Suggest that Staff determine if the challenges can be managed before reducing the size of the footprint.

Recommendation

Moved By Councillor Hanlon

Seconded By Councillor Ellsworth

That Council approve recommendations 1, 3, 4, 5, 6 and 7 noted with the exception of # 2 which will be dealt with separately for the 2023-2025 Downtown Pedestrian Mall and Parklet program.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

Recommendation

Moved By Councillor Hanlon

Seconded By Councillor Ellsworth

Regarding Recommendation # 2

1. Staff recommend a modified footprint for DPM, to include Water Street from Adelaide Street to Cliff's Baird's Cove. This modification will alleviate safety concerns with vehicles and pedestrians sharing the same road space.

- Continued vehicle access is required to the Courthouse, Colliers Parking lot and private residential parking.
- A modified footprint will allow unimpeded access to the Atlantic Place parking garage.
- Allow for improved accessible parking along Water Street.
- Working with GoBus, in conjunction with their safety supervisor and CSJ traffic services division, to identify an accessible drop off area on Water Street west of Cliff's Baird's Cove
- Previous attempts to eliminate interactions between pedestrians and vehicles in this area have not been successful.

Tourism and Event staff recommendation to modify the footprint of the DPM to Adelaide Street to Cliff's Baird's Cove is based on safety and accessibility for all. Safety remains our key priority, and the vehicular access in the area of Cliff's Baird's Cove to Prescott Street has been a concern in previous years. Transportation staff have identified a concern around traffic congestion in the area of Cliff's Baird's Cove. This will have to be monitored and adjustments made where necessary.

For (3): Councillor Ellsworth, Councillor Hickman, and Councillor Hanlon

Against (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION LOST (3 to 6)

3.0 Amendment to Heritage By-Law – Exemption for Registered Charities or Institutions

Councillor Burton provided a brief overview for Council on the amendment to the Heritage By-Law which provides an exemption for Registered Charities or Institutions.

Recommendation

Moved By Councillor Burton

Seconded By Councillor Hickman

That Council agree to adopt the Heritage (Amendment No. 2-2023) By-Law and that a Notice of Motion be given at a future Regular Meeting of Council to commence the amendment process.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

4.0 366-374 Empire Avenue, REZ2100013

Councillor Burton reviewed the information previously circulated to Council on the rezoning request for 366-374 Empire Avenue which would allow for a townhouse development.

Recommendation

Moved By Councillor Burton

Seconded By Councillor Ellsworth

That Council consider rezoning 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) to allow a Townhouse development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

5.0 40 Quidi Vidi Road, REZ2200010

The rezoning request for 40 Quidi Vidi Road was presented by Councillor Burton, noting that this application has been discussed previously by Council.

Councillor Burton added that First Light has held some consultations and communication on this as well.

Members of Council agreed that this a good project and has great potential for the use of the space in this neighbourhood and will be of great benefit to those they serve.

It was also noted that a public meeting will be held on the rezoning application.

Recommendation

Moved By Councillor Burton

Seconded By Councillor Ellsworth

That Council consider a rezoning from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone at 40 Quidi Vidi Road and approve the attached draft terms of reference for a land use report (LUR).

Further, upon receiving a satisfactory land use report, that Council refer the application to a public meeting chaired by an independent facilitator for public input and feedback.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

6.0 Intersection of City Committees and the Youth Engagement Working Group

Councillor Bruce gave an overview of the background of the recommendation coming before Council which will amend City Committee Terms of References by removing the youth representative label. This will also see Staff ensuring that the Terms of Reference for all Committees will reflect the need for age diversity.

These changes will also see greater communication between the Youth Engagement Working Group and City Committees.

Recommendation

Moved By Councillor Bruce

Seconded By Councillor Hanlon

That Council approve the proposed amendment to remove the Youth Representative label from the Terms of Reference for the Advisory Committees, to direct staff to ensure all terms of reference for committees reflect the need to have age diversity and to further direct staff to ensure ongoing communication between the YEWG and City Committees.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, and Councillor Ridgeley

MOTION CARRIED (9 to 0)

Mayor

DECISION/DIRECTION NOTE

Title: Travel Per Diems

Date Prepared: February 6, 2023

Report To: Committee of the Whole

Councillor and Role: Councillor Ron Ellsworth, Finance & Administration

Ward: N/A

Decision/Direction Required: To approve and increase in travel per diems for members of Council and staff

Discussion – Background and Current Status:

Travel per diems are currently the same for both staff and members of Council at \$53.50 per day. This rate has been in effect since at least 2009. Staff in Finance have received feedback that the per diem rate is not sufficient to cover the cost of meals when travelling on City business.

In comparing neighbouring municipalities the following information was obtained:

| | City of St. John's | Conception Bay South | Paradise | Mount Pearl |
|-----------------------|--------------------|----------------------|----------|-------------|
| One set per diem | \$53.50 | \$75 | \$100 | |
| Council/CAO/Directors | | | | \$100 |
| Managers | | | | \$75 |
| All other Staff | | | | \$50 |

Key Considerations/Implications:

1. Budget/Financial Implications: Relatively negligible on the City's overall budget
2. Partners or Other Stakeholders:
3. Alignment with Strategic Directions:

A Sustainable City: Be financially responsible and accountable.

An Effective City: Work with our employees to improve organizational performance through effective processes and policies.

ST. JOHN'S

4. Alignment with Adopted Plans:
5. Accessibility and Inclusion:
6. Legal or Policy Implications:
7. Privacy Implications:
8. Engagement and Communications Considerations:
9. Human Resource Implications: It is unfair to expect any staff or Council member of the City to travel on City business and expend their own personal funds for meals. An increase of the per diem would alleviate some of this inequity.
10. Procurement Implications:
11. Information Technology Implications:
12. Other Implications:

Recommendation:

That Council approve an increase in the meal per diem from \$53.50 to \$100 per day.

Prepared by: Derek Coffey

Approved by:

DECISION/DIRECTION NOTE

Title: Downtown Pedestrian Mall and Parklet Program

Date Prepared: January 17, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Debbie Hanlon, Special Events Regulatory Committee

Ward: N/A

Decision/Direction Required: Seeking Council approval of the recommendations outlined below for the Downtown Pedestrian Mall and Parklet Program, allowing consistency and certainty for both the City and businesses participating in these programs.

Discussion – Background and Current Status: The City has operated the Downtown Pedestrian Mall (DPM) and the Parklet Program for three years. A pedestrian mall (or pedestrian precinct) is defined as a street or part of town where vehicles are not allowed. During this time, the program scope, footprint, and operations have expanded and changed. The safe and effective operation of this program requires engagement and resources from multiple City groups, currently administratively demanding and can cause confusion for businesses when criteria is changes year to year.

In consideration of the ongoing demand from the public for this program, City staff from all involved divisions met to debrief and discuss the future of the DPM and the Parklet Program. All staff agree that long-term program planning and commitment from Council are crucial for the sustainability of the DPM and the Parklet Program.

Seven recommendations are outlined below, which if implemented will contribute to more efficient implementation and management of the program, and in turn a successful event for years to come. These recommendations were based on what we heard from business, members of the public and other regulatory and safety considerations.

Downtown Pedestrian Mall:

1. Staff recommend extended dates for the 2023 – 2025 DPM to coincide with the end of the school year (last Thursday of the week school closes) and to finish on Labour Day Monday of each year.
 - 2023 - Thursday June 22nd – Monday September 4th
 - Start dates for future years in line with the NLESD school calendar.

ST. JOHN'S

2. Staff recommend a modified footprint for DPM, to include Water Street from Adelaide Street to Cliff's Baird's Cove. This modification will alleviate safety concerns with vehicles and pedestrians sharing the same road space.
 - Continued vehicle access is required to the Courthouse, Colliers Parking lot and private residential parking.
 - A modified footprint will allow unimpeded access to the Atlantic Place parking garage.
 - Allow for improved accessible parking along Water Street.
 - Working with GoBus, in conjunction with their safety supervisor and CSJ traffic services division, to identify an accessible drop off area on Water Street west of Cliff's Baird's Cove
 - Previous attempts to eliminate interactions between pedestrians and vehicles in this area have not been successful.

Tourism and Event staff recommendation to modify the footprint of the DPM to Adeladie Street to Cliff's Baird's Cove is based on safety and accessibility for all. Safety remains our key priority, and the vehicular access in the area of Cliff's Baird's Cove to Prescott Street has been a concern in previous years. Transportation staff have identified a concern around traffic congestion in the area of Cliff's Baird's Cove. This will have to be monitored and adjustments made where necessary.

Parklet Program

3. Staff recommend 3-year period for approvals of the Discretionary Use applications for Parklets.
 - 3-year approvals will result in a reduction of administrative time and cost to process applications.
 - A commitment will consistency for business owners when planning parklet infrastructure
4. Staff recommend parklet rates remain as per 2022 program.
 - Presuming the Discretionary Use is approved for 3 years, businesses wishing to lease land for a parklets will enter into a lease for the three years with such lease setting out the period in each year they will lease the land. Businesses may choose to shorten or extend their annual lease period in subsequent years and the annual rental payment shall be adjusted accordingly. However, there shall be no refunds of rent in any year if the business chooses to open later and/or close earlier. The lease may also be terminated by a business.
5. Staff recommend an application period.
 - While late applications will be considered, for business certainty, businesses will be asked to submit their application no later than April 30.
 - This ensures program elements are finalized allowing business to open parklets on time. Such elements include the lease, insurance certificates, plans approvals, ensure safety elements are implemented and to allow for programming into the wayfinding application.

6. Jersey Barrier Safety Requirement

- In 2022, jersey barriers were located alongside parklets to provide an additional safety protection against passing vehicles. It is anticipated approximately 30 jersey barriers will be required for the 2023 parklet program.
- Annual cost to purchase and install and remove these barriers is approximately \$12,000 to \$20,000 (depending on how many new barriers will need to be purchased). Staff recommend this cost is absorbed by the City of St. John's.

7. Staff recommend the development of a new By-Law for building standards of Parklets.

- By-Law will cover standards including accessibility, sight distance, design and construction standards, use of cooking apparatus, use of heating apparatus, etc.
- Without a By-Law the only mechanism for enforcement is the termination of a lease.

Parklet fees previously approved by Council SJMC-R-2022-03-28/128:

1. In 2022, Council approved the implementation of a standard development application fee beginning in 2023. This \$300 fee is paid only when making an application for discretionary use, therefore should a three-year application process be approved, this fee would only be paid once
2. Where applicants also require a lease of City land there is an additional \$300 administrative fee associated with the preparation of the lease.

Key Considerations/Implications:

1. Budget/Financial Implications: Existing budget in place for DPM road closure program and jersey barrier costs included in PERS budget.
2. Partners or Other Stakeholders: Downtown St. John's
3. Alignment with Strategic Directions: A Connected City: Develop and deliver programs, services and public spaces that build safe, healthy and vibrant communities.
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: Increase availability of accessible parking options near the Downtown Pedestrian Mall in consultation with the Accessible Parking Working Group and Inclusion Advisory Committee. Support businesses to increase inclusion and accessibility through the development of education tools and incentives.
6. Legal or Policy Implications: By-Law to be drafted and enacted. Discretionary Use application(s) under Development Regulations will have to be approved by Council. Leases will be drafted for parklets.
7. Privacy Implications: N/A

8. Engagement and Communications Considerations: Should the following recommendations be approved Special Events and Planning, Engineering and Regulatory Services will engage with the Marketing and Communications division to ensure that a comprehensive communications strategy is developed to ensure (a) businesses in the downtown and (b) visitors to the event are fully informed of the timelines, footprint and regulations regarding parklets.
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

Recommendation:

That Council approve the 7 recommendations noted for the 2023-2025 Downtown Pedestrian Mall and Parklet program.

Prepared by:

Approved by:

DECISION/DIRECTION NOTE

Title: Amendment to Heritage By-Law – Exemption for Registered Charities or Institutions

Date Prepared: February 1, 2023

Report To: Committee of the Whole

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

That Council amend subsection 10(3) of the Heritage By-Law as proposed.

Discussion – Background and Current Status:

The current subsection 10(3) of the Heritage By-Law gives Council the discretion to exempt new builds in a Heritage Area from the Heritage Design Standards.

Registered charities have a history of adapting and renovating buildings in Heritage Areas to serve their clientele and the community. Council has been supportive of such work and has demonstrated this support by waiving various fees for registered charities.

Registered charities often secure a portion of their funding, particularly in relation to housing initiatives, from other levels of government. Such funding often comes with time and potentially construction and/or design conditions. Such project conditions may make it difficult or even impossible for a registered charity to utilize funding available to them effectively. Waiving some or all of the Heritage Design Standards where appropriate in the discretion of Council will provide registered charities with the potential to utilize funding more effectively.

The proposed discretionary exemption would not apply to designated Heritage Buildings.

Key Considerations/Implications:

1. Budget/Financial Implications: None
2. Partners or Other Stakeholders: Registered charities and the communities they support
3. Alignment with Strategic Directions:

An Effective City: Achieve service excellence through collaboration, innovation and modernization grounded in client needs.

ST. JOHN'S

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: The Heritage By-Law will need to be amended.
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: The by-law amendment will need to be advertised and gazetted following adoption so that registered charities are aware of the change.
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

Recommendation:

That Council agree to adopt the Heritage (Amendment No. 2-2023) By-Law and that a Notice of Motion be given at a future Regular Meeting of Council to commence the amendment process.

Prepared by: Linda Bishop, K.C., Senior Legal Counsel

Approved by: Cheryl Mullett, City Solicitor

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Amendment to Heritage By-Law re Exemption for Registered Charities and Institutions.docx |
| Attachments: | - Heritage By-Law Amd No 2-2023 - Exemption for Registered Charities or Institutions - Feb 1, 2023.docx |
| Final Approval Date: | Feb 2, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Cheryl Mullett - Feb 2, 2023 - 10:23 AM

BY-LAW NO.

ST. JOHN'S HERITAGE (AMENDMENT NO. 2 – 2023) BY-LAW

PASSED BY COUNCIL ON

Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John's enacts the following By-Law relating to heritage

BY-LAW

1. This By-Law may be cited as the St. John's Heritage (Amendment No. 2 – 2023) By-Law.
2. Subsection 10(3) of the St. John's Heritage By-Law is repealed and the following substituted:

“10(3) Notwithstanding subsection (2), Council may exempt the owner of a newly constructed building or a charitable organization or institution, which is so registered under the Income Tax Act (Canada), from the Heritage Design Standards.”

IN WITNESS WHEREOF the Seal of the City of St. John's has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this ____ day of February, 2023.

MAYOR

CITY CLERK

DECISION/DIRECTION NOTE

Title: 366-374 Empire Avenue, REZ2100013

Date Prepared: February 1, 2023

Report To: Committee of the Whole

Councillor and Role: Councillor Ian Froude, Planning

Ward: Ward 4

Decision/Direction Required:

To consider rezoning 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) Zone to allow a Townhouse development.

Discussion – Background and Current Status:

The City has received an application to rezone land at 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) Zone to accommodate a townhouse development. The applicant is proposing to create a new public cul-de-sac and each lot would be sold individually, so this would not be a private Townhouse Cluster condominium development; but simply privately owned townhouses on a new public street.

The subject properties were rezoned in 2015 from Residential 2 (R2) to Apartment 1 (A1) for the purpose of developing two apartment buildings. The applicant is now asking to rezone to R3 to allow Townhouses. Given the slope of the land down from Empire Avenue toward the rear of the lots, a substantial amount of fill and a large retaining wall would be required to develop the apartment buildings. The applicant believes that townhouses on a cul-de-sac may be a better fit for the neighbourhood. Townhouse is a permitted use in the A1 Zone, but the R3 Zone allows smaller frontage, enabling more townhouses. The property is designated Residential under the Envision St. John's Municipal Plan, so a Municipal Plan amendment is not needed.

The proposed development will require a sanitary sewer lift station and a stormwater detention chamber to be located on the applicant's property. The attached site plan is conceptual and may be altered prior to development approval to incorporate the stormwater chamber. The number of lots may be reduced, however the intent is the same: a rezoning to allow a cul-de-sac with townhouses.

Section 4.1 of the Envision Municipal Plan encourages the City to enable a range of housing to create diverse neighbourhoods with a mix of housing forms and tenures. Further, it promotes higher density development along key transportation corridors to support increased access to housing and transportation options and to reduce service and infrastructure costs. The proposed development meets these policies. The adjacent properties are primarily single-detached houses and apartment buildings. The townhouse proposal will add another housing

ST. JOHN'S

form to the neighbourhood and is located along or near Metrobus transit routes, with significant shopping and park space available at Ropewalk Lane and Mundy Pond nearby.

As per Section 4.9(2)(a) of the Envision St. John's Development Regulations, a land use report (LUR) is required for rezonings. However, as per Section 4.9(3), where the scale or circumstances of the proposed development does not merit a full land use report, Council may accept a staff report in lieu of one. Given that this development is proposing townhousing which is already permitted in the existing A1 Zone, staff recommend accepting a staff report in lieu of a land use report. The staff report will be completed following public consultation.

If Council decides to consider this amendment, staff recommend a public meeting chaired by an independent facilitator. It is further recommended to hold the meeting at the Mews Centre as it is a public facility located nearby.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: A map amendment (rezoning) to the Envision St. John's Development Regulations is required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation as per Section 4.8 of the Envision Development Regulations. A project page will be available on the Engage St. John's website (www.engagestjohns.ca/planning)
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.

11. Information Technology Implications: Not applicable.

12. Other Implications: Not applicable.

Recommendation:

That Council consider rezoning 366-374 Empire Avenue from the Apartment 1 (A1) Zone to the Residential 3 (R3) to allow a Townhouse development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 366-374 Empire Avenue, REZ2100013.docx |
| Attachments: | - 366-374 Empire Avenue - COTW Attachments.pdf |
| Final Approval Date: | Feb 2, 2023 |

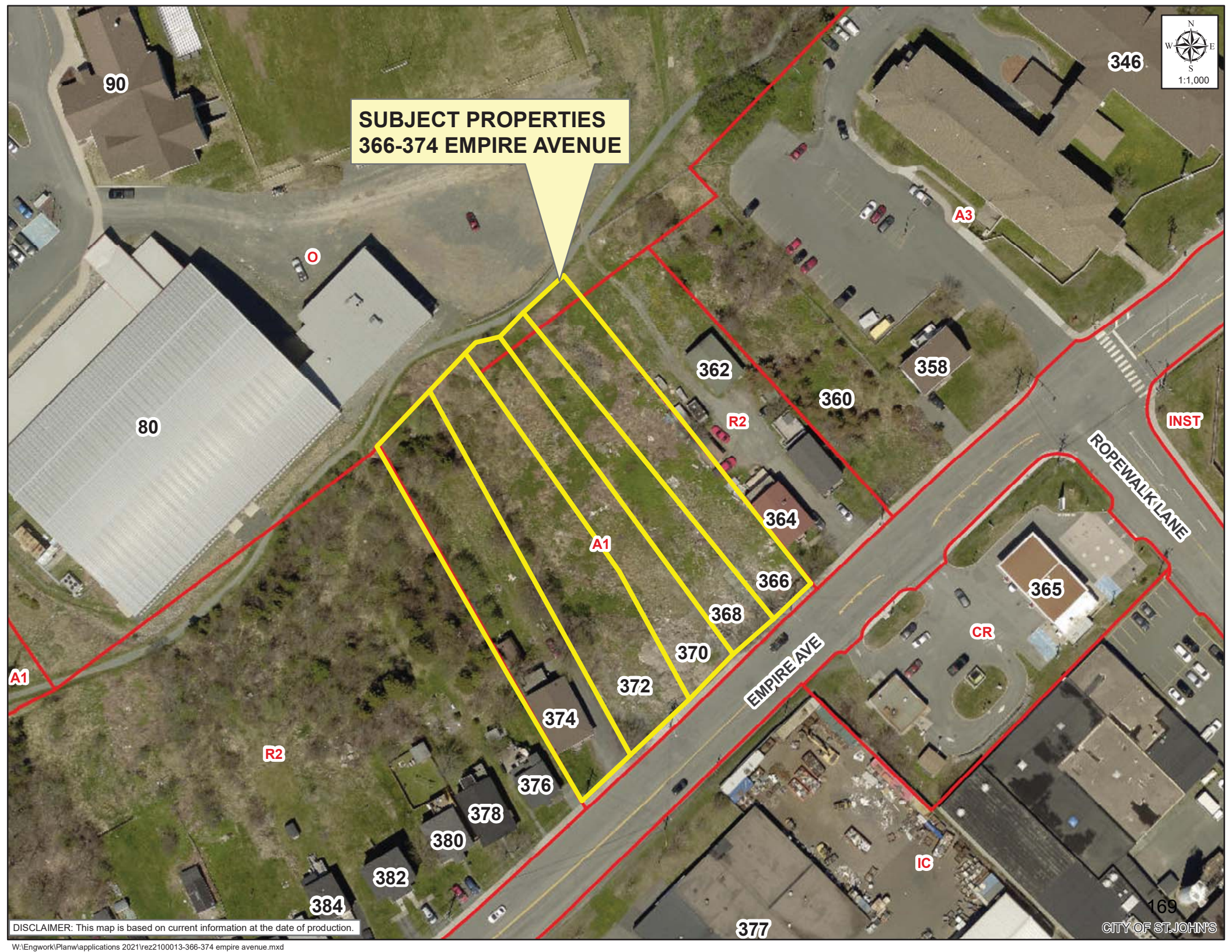
This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Feb 2, 2023 - 11:07 AM

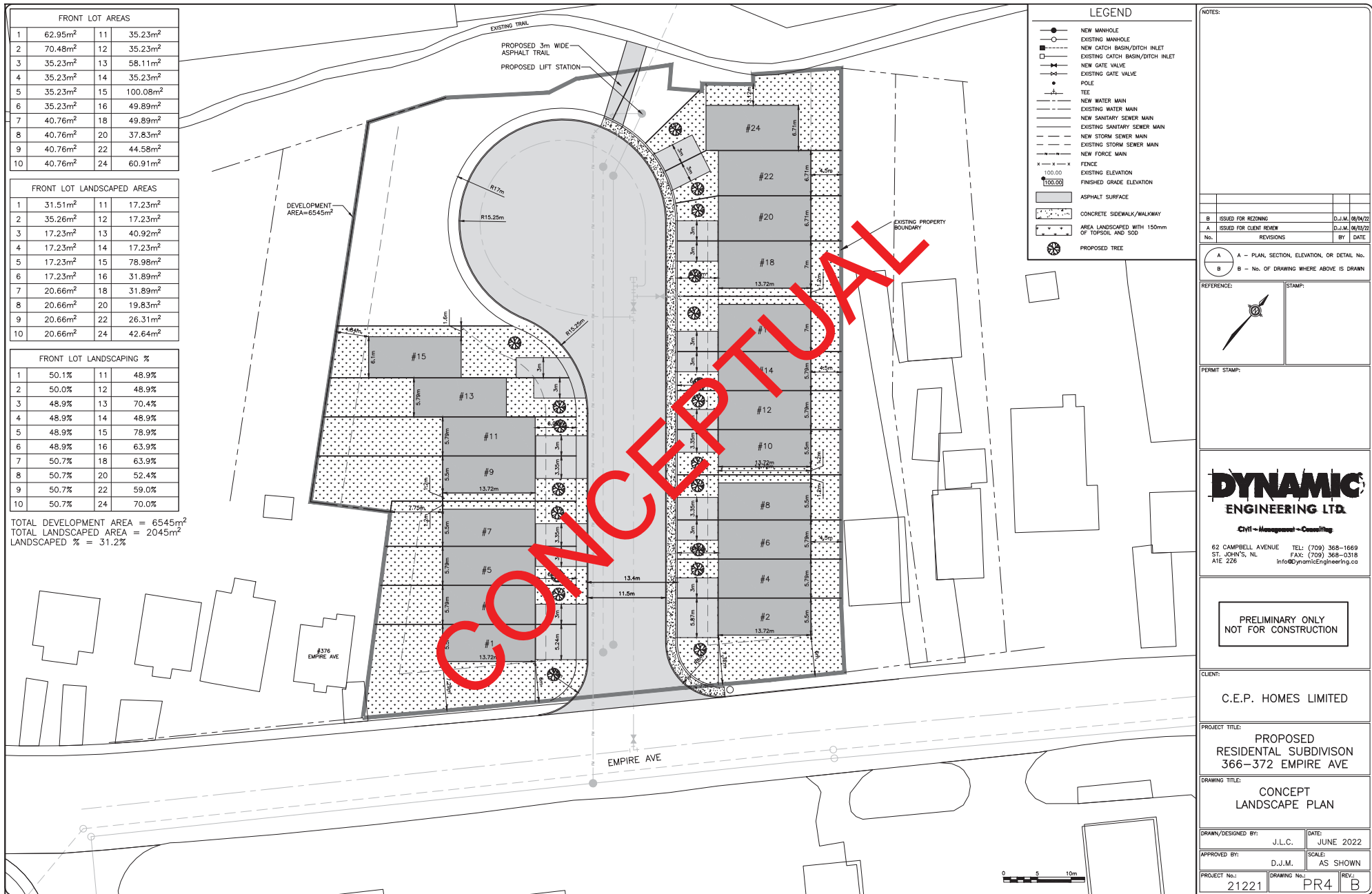
Jason Sinyard - Feb 2, 2023 - 3:02 PM



**SUBJECT PROPERTIES
366-374 EMPIRE AVENUE**



DISCLAIMER: This map is based on current information at the date of production.





DPLX-288-2 STREET SCAPE



DPLX-288-2 STREET SCAPE

 www.rjrobere designplanning.ca

53 Parade St John's NL 753 8169
www.rjrobere.designplanning@nl.rogers.com

C.E.P Homes Ltd.
366-372 Empire Ave
St John's NL

| | |
|---------------------|-----------------|
| date Apr 21 2022 | drawn by rjr |
| DPLX-288-2 | |

A-1



DPLX- 288-2 FRONT ELEVATION

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designplanning.ca

53 Parade St John's NL 753 8169
www.rjrobere.designplanning@nl.rogers.com

C.E.P Homes Ltd.
366-372 Empire Ave
St John's NL

| | |
|---------------------|-----------------|
| date Apr 21 2022 | drawn by rjr |
| DPLX-288-2 | |

A-2

DECISION/DIRECTION NOTE

Title: 40 Quidi Vidi Road, REZ2200010

Date Prepared: February 1, 2023

Report To: Committee of the Whole

Councillor and Role: Councillor Ian Froude, Planning

Ward: Ward 2

Decision/Direction Required:

To consider rezoning 40 Quidi Vidi Road from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone to allow an Office, Clinic and Place of Assembly.

Discussion – Background and Current Status:

The City has received an application from First Light St. John's Native Friendship Centre Inc. to rezone property at 40 Quidi Vidi Road to accommodate an office, clinic and place of assembly. The applicant is proposing to renovate and expand the existing building (the former St. Joseph's Church) to develop the First Light headquarters. This will include a community centre, clinic, and gymnasium which will provide community space, programming, and amenities for the entire community, as well as updated office space and headquarters for the organization. The project will include landscaping and a memory garden dedicated to the survivors of residential schools in the province.

The subject property is zoned Residential 3 (R3) where, of the proposed uses, only an office can be considered. A rezoning to Residential Mixed (RM) is required to accommodate the proposed development. Within the RM Zone, clinic and office are permitted uses, while a place of assembly is a discretionary use. The property is designated Residential under the Envision St. John's Municipal Plan, so a Municipal Plan amendment is not required. The property also falls within Heritage Area 3 and will be subject to the St. John's Heritage By-Law.

As per Section 4.9(2)(a) of the Envision St. John's Development Regulations, a land use report (LUR) is required for applications for amendments or rezonings. Should Council wish to consider this amendment, draft LUR terms of reference are attached for approval. Information on the initial site plan is limited at this stage, and more will be required prior to advertising the amendment for public review. Elements such as a landscape plan, servicing plan and parking plan are required in the LUR.

From Section 8.5.19 of the Envision Municipal Plan, "there are a number of areas of St John's where a mix of commercial, residential and compatible uses co-exist. It is the City's intention to encourage additional areas of mixed-use development, creating neighbourhoods where commercial functions are combined with housing, office space, community services, arts, entertainment facilities and public open space". The proposed development will create a

ST. JOHN'S

greater mix of uses in this neighbourhood, which helps build a sense of place and can help with reduced automobile dependence, more use of public transit, reduced urban sprawl, and better use of existing infrastructure.

Section 6.1. 7 encourages redevelopment that contributes to the public realm through architectural design and provide connections to encourage pedestrian and cycling activity, particularly in areas of heavy pedestrian traffic like downtown and surrounding areas.

Given that the proposed redevelopment of 40 Quidi Vidi Road meets policies in the Envision Municipal Plan, it is recommended that Council consider the amendment and set the terms of reference for a land use report (LUR). Once the report meets Council's terms of reference, staff recommend referring the application to a public meeting chaired by an independent facilitator. The LUR will provide additional information for public review before the public meeting.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations; St. John's Heritage By-Law.
5. Accessibility and Inclusion: The proposed building will be required to meet any applicable accessibility requirements at the building permit stage.
6. Legal or Policy Implications: An Envision St. John's Development Regulations map amendment (rezoning) is required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation, as per the Envision St. John's Development Regulations, will be required after a land use report is submitted. A project page will be available on Engage St. John's (www.engagestjohns.ca/planning).

- 9. Human Resource Implications: Not applicable.
- 10. Procurement Implications: Not applicable.
- 11. Information Technology Implications: Not applicable.
- 12. Other Implications: Not applicable.

Recommendation:

That Council consider a rezoning from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone at 40 Quidi Vidi Road and approve the attached draft terms of reference for a land use report (LUR).

Further, upon receiving a satisfactory land use report, that Council refer the application to a public meeting chaired by an independent facilitator for public input and feedback.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage
Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 40 Quidi Vidi Road, REZ2200010.docx |
| Attachments: | - 40 Quidi Vidi Road - Attachments.pdf |
| Final Approval Date: | Feb 2, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Feb 2, 2023 - 11:19 AM

Jason Sinyard - Feb 2, 2023 - 3:00 PM



SUBJECT PROPERTY

QUIDI VIDI RD

EMPIRE AVE

ST. JOSEPH'S LANE

HOWE PL

R3

R3

R3

COH

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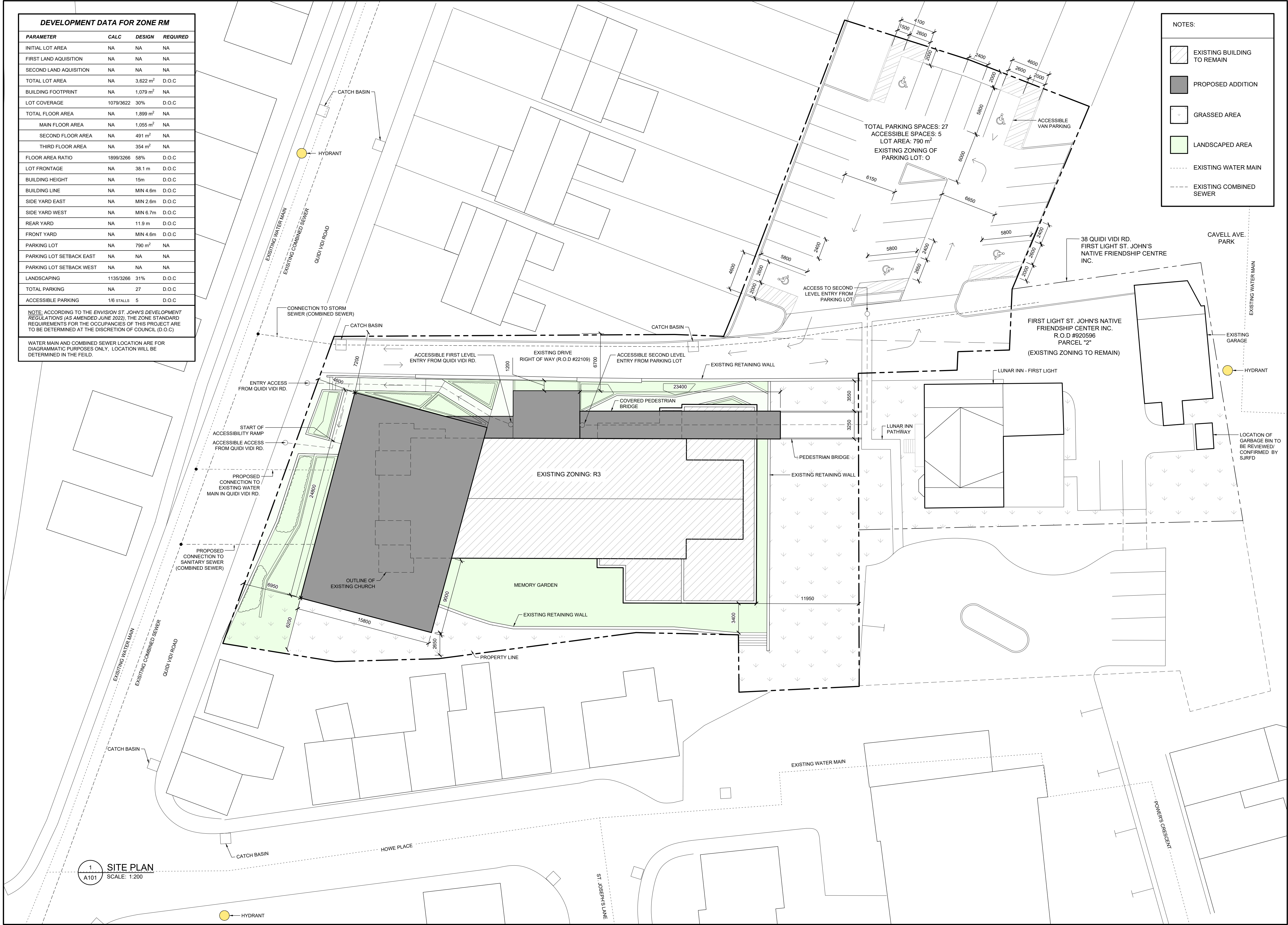
177

CITY OF ST. JOHN'S

| DEVELOPMENT DATA FOR ZONE RM | | | |
|--|------------|----------------------|----------|
| PARAMETER | CALC | DESIGN | REQUIRED |
| INITIAL LOT AREA | NA | NA | NA |
| FIRST LAND AQUISITION | NA | NA | NA |
| SECOND LAND AQUISITION | NA | NA | NA |
| TOTAL LOT AREA | NA | 3,622 m ² | D.O.C |
| BUILDING FOOTPRINT | NA | 1,079 m ² | NA |
| LOT COVERAGE | 1079/3622 | 30% | D.O.C |
| TOTAL FLOOR AREA | NA | 1,899 m ² | NA |
| MAIN FLOOR AREA | NA | 1,055 m ² | NA |
| SECOND FLOOR AREA | NA | 491 m ² | NA |
| THIRD FLOOR AREA | NA | 354 m ² | NA |
| FLOOR AREA RATIO | 1899/3266 | 58% | D.O.C |
| LOT FRONTAGE | NA | 38.1 m | D.O.C |
| BUILDING HEIGHT | NA | 15m | D.O.C |
| BUILDING LINE | NA | MIN 4.6m | D.O.C |
| SIDE YARD EAST | NA | MIN 2.6m | D.O.C |
| SIDE YARD WEST | NA | MIN 6.7m | D.O.C |
| REAR YARD | NA | 11.9 m | D.O.C |
| FRONT YARD | NA | MIN 4.6m | D.O.C |
| PARKING LOT | NA | 790 m ² | NA |
| PARKING LOT SETBACK EAST | NA | NA | NA |
| PARKING LOT SETBACK WEST | NA | NA | NA |
| LANDSCAPING | 1135/3266 | 31% | D.O.C |
| TOTAL PARKING | NA | 27 | D.O.C |
| ACCESSIBLE PARKING | 1/6 STALLS | 5 | D.O.C |
| NOTE: ACCORDING TO THE ENVISSION ST. JOHN'S DEVELOPMENT REGULATIONS (AS AMENDED JUNE 2022), THE ZONE STANDARD REQUIREMENTS FOR THE OCCUPANCIES OF THIS PROJECT ARE TO BE DETERMINED AT THE DISCRETION OF COUNCIL (D.O.C) | | | |
| WATER MAIN AND COMBINED SEWER LOCATION ARE FOR DIAGRAMMATIC PURPOSES ONLY. LOCATION WILL BE DETERMINED IN THE FIELD. | | | |

| NOTES: | |
|--------|-----------------------------|
| | EXISTING BUILDING TO REMAIN |
| | PROPOSED ADDITION |
| | GRASSED AREA |
| | LANDSCAPED AREA |
| | EXISTING WATER MAIN |
| | EXISTING COMBINED SEWER |

- NOTES:
- DO NOT RELY UPON INFORMATION SHOWN ON THIS DRAWING FOR CONSTRUCTION UNLESS IT STATES BELOW THE SHEET HAS BEEN SPECIFICALLY ISSUED FOR THAT PURPOSE AND THE SHEET HAS BEEN STAMPED AND SIGNED.
 - SURVEY INFORMATION PROVIDED BY _____. (DATE OF SURVEY)
 - DO NOT SCALE FROM THIS DRAWING.
 - ALL DIMENSIONS ARE IN MILLIMETRES (mm) UNLESS OTHERWISE NOTED
 - ALL GRIDLINES SHOWN ARE TO EXTERIOR FACE OF CONCRETE FOUNDATION WALLS UNLESS NOTED OTHERWISE.
 - CONFIRM CONDITIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.
 - ENSURE ALL PERMITS AND APPROVALS ARE IN PLACE BEFORE COMMENCING WORK.
 - LOCATE ALL BURIED SERVICES PRIOR TO COMMENCING EXCAVATION WORK.
 - TOPSOIL AND SOD ALL DISTURBED AREAS UNLESS OTHERWISE NOTED.
 - WHERE POSSIBLE, RETAIN EXISTING VEGETATION.



1 SITE PLAN
A101 SCALE: 1:200

NOTES

- DO NOT RELY UPON INFORMATION SHOWN ON THIS DRAWING FOR CONSTRUCTION UNLESS IT STATES BELOW THE SHEET HAS BEEN SPECIFICALLY ISSUED FOR THAT PURPOSE AND THE SHEET HAS BEEN STAMPED AND SIGNED.
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- ALL GRIDLINES SHOWN ARE TO EXTERIOR FACE OF CONCRETE FOUNDATION WALLS UNLESS NOTED OTHERWISE.
- CONFIRM CONDITIONS ON SITE BEFORE PROCEEDING WITH THIS WORK.
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- LOCATE ALL BURIED SERVICES PRIOR TO COMMENCING EXCAVATION WORK.
- TOPSOIL AND SOD ALL DISTURBED AREAS UNLESS OTHERWISE NOTED.
- WHERE POSSIBLE, RETAIN EXISTING VEGETATION.

DRAFT NOT FOR CONSTRUCTION

| | | | |
|-------|----|----------------------|------------|
| STAMP | | NORTH REF. | |
| | | | |
| 5 | CW | REZONING APPLICATION | 2022-11-22 |
| 4 | CW | ISSUED FOR REVIEW | 2021-08-27 |
| 3 | CW | ISSUED FOR REVIEW | 2021-08-17 |
| 2 | CW | ISSUED FOR REVIEW | 2021-05-25 |
| 1 | CW | ISSUED FOR REVIEW | 2021-04-04 |
| No. | By | DESCRIPTION | Date |

| REVISIONS | | | | | |
|--|----------------------------|-------|------------|-------|-------|
| <h2>WOODFORD</h2> <p>architecture</p> <p>11 Rowan Street, St. John's, N.L. A1B 2X2 (709) 755-7917 info@woodfordarchitecture.ca</p> | | | | | |
| CLIENT | FIRST LIGHT | | | | |
| PROJECT | CALEDONIA PLACE RENOVATION | | | | |
| DRAWING | SITE PLAN | | | | |
| DESIGNED | CW | DRAWN | CW | SCALE | 1:100 |
| APPROVED | - | DATE | 2020-09-24 | SHEET | |
| PROJECT NO. | | | | A101 | |
| 2020-006 | | | | | |

**TERMS OF REFERENCE
LAND USE REPORT
APPLICATION FOR FIRST LIGHT HEADQUARTERS (OFFICE, CLINIC,
PLACE OF ASSEMBLY) AT 40 QUIDI VIDI ROAD
PROPONENT: FIRST LIGHT ST. JOHN'S NATIVE FRIENDSHIP CENTRE INC.
JANUARY 31, 2023**

The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

A. Public Consultation

- Prior to submitting a first draft of the Land Use Report to the City for review, the applicant must consult with adjacent property owners. The Land Use Report must include a section which discusses feedback and/or concerns from the neighbourhood and how the proposed development/design addresses the concerns.

B. Building Use

- Identify the size of the proposed building by Gross Floor Area and identify all proposed uses/occupancies within the building by their respective Gross and Net Floor Area.
- Indicate the days and hours of operation of each proposed use, number of employees on site at one time, anticipated numbers of clients on site for the assembly use, and a description of the activities in the space.

C. Building Location

- Identify graphically the exact location with a dimensioned civil site plan:
 - Lot area, lot coverage and frontage;
 - Location of the proposed building in relation to neighbouring buildings;
 - Proximity of the building to property lines and identify setbacks;
 - Identify distance between the buildings;
 - Identify any stepbacks of higher storeys from lower storeys or building overhangs (if applicable);
 - Identify any encroachment over property lines (if applicable);
 - Identify building entrances and if applicable, door swing over pedestrian connections;
 - Information on the proposed construction of patios/balconies (if applicable); and
 - Identify any rooftop structures.
- Provide a Legal Survey of the property.
- Provide street scape views/renderings of the proposed building from Quidi Vidi Road (along the frontage of the property) and include immediately adjacent buildings and spaces to inform scale/massing/context.

D. Elevation, Building Height and Materials

- Provide elevations of the current and proposed building.
- Identify the finish and colour of exterior building materials.
- Identify the height of the building in metres.
- Confirm that the building does not project above a 45 degree angle as measured from the Rear Yard Lot Line and/or Side Yard Lot Line at a height of 12 metres, as per section 7.1.4 of the Development Regulations.
- Identify potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks.

E. Heritage Considerations

- A brief description of the context of the property, including adjacent properties/neighbourhood. Indicate any impacts the proposed building will have on the site, the neighbouring properties and Indigenous heritage in St. John's.

F. Exterior Equipment and Lighting

- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building and identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.

G. Landscaping & Buffering

- Identify with a landscaping plan, details of site landscaping (hard and soft).
 - Indicate through a tree plan/inventory which trees will be preserved.
- Identify the location and proposed methods of screening of any electrical transformers and refuse containers to be used at the site.
- Identify any additional street-level elements, such as weather protection measures at entrances, street furniture, etc.

H. Snow Clearing/Snow Storage

- Provide information on any snow clearing/snow removal operations. Onsite snow storage areas must be indicated.

I. Off-street Parking and Site Access

- A traffic impact analysis is required. The scope includes the following:
 - Evaluation of site access and circulation. The preliminary plans show maintaining two-way access off Quidi Vidi Road but drive aisle widths provided are far below standards. The two-way circulation on the proposed driveway does not meet the City requirements for two-way traffic and will not be permitted as shown. Alternate options/configurations must be explored Sightlines must also be considered as part of this review.
 - A trip generation comparison between existing and proposed use must be provided. If trip generation estimates exceed 100 peak hour trips, further

analysis may be required.

- A parking generation comparison must also be included. The analysis should outline any transportation demand management practices the proposed facility has planned.
- Provide a dimensioned parking plan, including circulation details. Identify the number and location of off-street parking spaces to be provided, including accessible parking spaces.
- Identify the number and location of bicycle parking spaces to be provided.
- Identify the location of all access and egress points, including pedestrian access.
- Identify the required off-street loading space.
- Indicate how garbage will be handled onsite. The location of any exterior bins must be indicated and access to the bins must be provided.

J. Municipal Services

- Provide a preliminary site servicing plan.
- Identify if the building will be sprinklered or not, and location of the nearest hydrant and siamese connections.
- Identify points of connection to existing sanitary sewer, storm sewer and water system.
- The proposed development will be required to comply with the City's stormwater detention policy.

K. Public Transit

- Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements.

L. Construction Timeframe

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan any designated areas for equipment and materials during the construction period.

DECISION/DIRECTION NOTE

Title: Intersection of City Committees and the Youth Engagement Working Group

Date Prepared: January 23, 2023

Report To: Special Meeting of Council

Councillor and Role: Councillor Jill Bruce, Youth Engagement Working Group

Ward: N/A

Decision/Direction Required:

To advise Council of disconnect between the Youth Representatives on City Committees and the Youth Engagement Working Group and to confirm direction, or alternatively, receive further direction from Council on proposed changes.

Discussion – Background and Current Status:

At the October 4th meeting of the Youth Engagement Working Group (YEWG), the disconnect between the youth representatives on other committees and the YEWG was discussed. The terms of reference of all City Advisory Committees (Arts & Culture, Inclusion, Sustainable & Active Mobility and Seniors) requires a Youth Representative between the ages of 18 and 30 as a member, a practice put in place many years ago as a way to ensure there were youth voices on all committees. Staff advised the YEWG that they would like to find a way to find an intersection between the new YEWG and the other committees with youth representation and asked for their feedback on how to connect the groups as one youth member on a committee does not represent the views of all youth.

The YEWG was established in early 2022. As noted in its terms of reference, its purpose is to oversee implementation of the Youth Engagement Strategy approved by Council in October 2020 and provide ongoing advice and guidance on how to best engage youth on City matters. The Working Group provides perspective on topics that are of interest to youth, will recommend the most appropriate engagement tools and methods, and help identify barriers and gaps that might impact youth engagement. In doing so, the Working Group will consider the City's Engage! Policy and other relevant City policies, programs and tools including the City's Online Youth Panel. The Working Group will also consider how the City's established relationships with youth serving agencies can be leveraged to ensure engagement of hard-to-reach youth such as newcomers, youth at risk, and other vulnerable groups.

YEWG members agreed that it would be of benefit to have communication with the youth representatives on other committees but were hesitant to recommend that members sit on multiple groups as time to participate is an ongoing challenge for this demographic. It was suggested that youth representatives on existing committees be extended a standing invitation to attend YEWG. Staff then followed up with the youth representatives on other city

ST. JOHN'S

committees to discuss the issue. A meeting was held between the Co-Chairs of the YEWG and the youth representatives from the Inclusion Advisory Committee and Sustainable & Active Mobility Advisory Committee to determine how to move forward. It was again recognized that sitting on two committees would be onerous on members and it was recommended that youth representatives be provided with agendas of the YEWG with the ability to attend as ex-officio members should they wish to do so.

In their discussions with the youth representatives, all agree that while they do fit the criteria of being between the ages of 18-30, they are representing their own organizations and interests and not necessarily the “youth perspective.” A follow up meeting with staff leads of City committees that have youth representatives noted that there is a disconnect but that it is important for some of these committees to ensure good demographic representation. That said, all recognize that one youth voice on a committee does not truly represent youth.

Staff are therefore recommending that the “Youth Representative” requirement be removed from the Terms of Reference of City committees and instead change them to say that a broad perspective of ages be included on Committees during the selection process. For the YEWG to achieve its intention, they must become the voice of youth for the City. If Advisory Committees would like additional insight from youth, or a project requires a youth view, then the YEWG or the Youth Panel should be engaged for consultation as per their purpose to ensure as many youth as possible are engaged.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: Youth Engagement Working Group, Arts & Culture Advisory Committee, Inclusion Advisory Committee, Senior’s Advisory Committee, Sustainable & Active Mobility Advisory Committee
3. Alignment with Strategic Directions:

A Connected City: Increase and improve opportunities for residents to connect with each other and the City.

An Effective City: Work with our employees to improve organizational performance through effective processes and policies.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: The IAC and SAMAC Youth Representatives were consulted in the process and Staff will include a broad range of ages in the Committee selection process. The key is to ensure variety of demographic.
6. Legal or Policy Implications: N/A

7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: All terms of reference will need to be reviewed and modified.

Recommendation:

That Council approve the proposed amendment to remove the Youth Representative label from the Terms of Reference for the Advisory Committees, to direct Staff to ensure all terms of reference for committees reflect the need to have age diversity, and to further direct Staff to ensure ongoing communication between the YEWG and City Committees.

Prepared by:

Approved by:

Permits List
Council's February 20, 2023, Regular Meeting

Permits Issued: 2023/02/09 to 2023/02/15

BUILDING PERMITS ISSUED

Residential

| Location | Permit Type | Structure Type |
|-----------------------|------------------------------------|--------------------------|
| 20 Mcneil St | New Construction | Single Detached w/ apt. |
| 25 Beacon Hill Cres | Renovations | Single Detached w/ apt. |
| 27 Outer Battery Rd | Renovations | Accessory Building |
| 27 Outer Battery Rd | Renovations | Accessory Building |
| 48 Penetanguishene Rd | Change of Occupancy/Renovations | Subsidiary Apartment |
| 5 Bennett Ave | Change of Occupancy | Single Detached w/ apt. |
| 52 Long Pond Rd | Renovations | Single Detached Dwelling |
| 7 Alice Dr | Change of Occupancy | Home Office |
| 88 Hamilton Ave | Renovations | Single Detached Dwelling |
| 88 Hamilton Ave | Deck | Patio Deck |

This Week: \$573,196.34

Commercial

| Location | Permit Type | Structure Type |
|---------------------|------------------------------------|--------------------------|
| 145 Kelsey Dr | Change of Occupancy | Office |
| 168 Water St | Change of Occupancy/Renovations | Service Shop |
| 27 Outer Battery Rd | Renovations | Patio Deck |
| 296-300 Water St | Renovations | Restaurant |
| 301 Lemarchant Rd | Sign | Service Shop |
| 301 Lemarchant Rd | Change of Occupancy | Single Detached Dwelling |
| 48 Kenmount Rd | Renovations | Retail Store |
| 63 O'leary Ave | Change of Occupancy | Commercial Garage |
| 655 Topsail Rd | Sign | Mixed Use |
| 655 Topsail Rd | Sign | Service Shop |

This Week: \$93,210.00

Government/Institutional

| Location | Permit Type | Structure Type |
|-----------------|--------------------|-----------------------|
|-----------------|--------------------|-----------------------|

This Week: \$0.00

Industrial

| Location | Permit Type | Structure Type |
|----------|-------------|----------------|
|----------|-------------|----------------|

This Week: \$0.00

Demolition

| Location | Permit Type | Structure Type |
|--------------|-------------|--------------------------|
| 16 Mayor Ave | Demolition | Single Detached Dwelling |

This Week: \$1,000.00

This Week's Total: \$667,406.34

REPAIR PERMITS ISSUED:

\$0.00

NO REJECTIONS

| YEAR TO DATE COMPARISONS | | | |
|---------------------------------------|------------------------|-----------------------|---------------------|
| February 20, 2023 | | | |
| TYPE | 2022 | 2023 | % Variance (+/-) |
| Residential | \$5,471,274.10 | \$4,681,267.34 | -14 |
| Commercial | \$7,163,178.10 | \$3,715,903.98 | -48 |
| Government/Institutional | \$303,788.00 | \$0.00 | -100 |
| Industrial | \$0.00 | \$0.00 | 0 |
| Repairs | \$122,759.99 | \$40,815.00 | -67 |
| TOTAL | \$13,061,000.19 | \$8,437,986.32 | -35 |
| Housing Units (1 & 2 Family Dwelling) | 16 | 9 | |

Respectfully Submitted,

Jason Sinyard, P.Eng., MBA
Deputy City Manager
Planning, Engineering and Regulatory Services

MEMORANDUM

Weekly Payment Vouchers For The Week Ending February 15, 2023

Payroll

| | |
|----------------------------------|-----------------------|
| Public Works | \$ 580,515.70 |
| Bi-Weekly Administration | \$ 780,782.43 |
| Bi-Weekly Management | \$ 982,787.70 |
| Bi-Weekly Fire Department | \$ 838,912.54 |
| Accounts Payable | \$3,700,874.10 |

(A detailed breakdown [here](#))

Total: \$ 6,883,872.47

ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

DECISION/DIRECTION NOTE

Title: Arts and Culture Advisory Committee – Approval of New Members

Date Prepared: February 6, 2023

Report To: Regular Meeting of Council

Councillor and Role: Deputy Mayor Sheilagh O'Leary, Arts & Culture

Ward: N/A

Decision/Direction Required:

Seeking Council's approval of the recommended candidates for the current vacancies that exist.

Discussion – Background and Current Status:

The Arts and Culture Advisory Committee is seeking to fill the current vacant positions of music organization representative and community representative.

A call for membership was publicly circulated and a total of 12 completed applications were received for the vacant positions.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions:

A Connected City: Increase and improve opportunities for residents to connect with each other and the City.

A Connected City: Develop and deliver programs, services and public spaces that build safe, healthy and vibrant communities.

4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: The Arts and Culture Advisory Committee is always cognizant of accessibility and inclusion in all aspects of their deliberations.
6. Legal or Policy Implications: N/A

ST. JOHN'S

7. Privacy Implications: N/A
8. Engagement and Communications Considerations: All applicants will be advised of Council's decision to appoint new members.
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

Recommendation:

That Council approve the following individuals to serve on the Arts & Culture Advisory Committee:

Mariana Castro-Carvajal – Music Organization representative (representing MusicNL)
Tom Gordon - Community representative

Prepared by:

Stacey Baird
Legislative Assistant
Office of the City Clerk

Approved by:

Karen Chafe
City Clerk

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Arts and Culture Advisory Committee - Approval of New Members.docx |
| Attachments: | |
| Final Approval Date: | Feb 6, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Karen Chafe - Feb 6, 2023 - 10:17 AM

DECISION/DIRECTION NOTE

Title: SERC – Noise By-Law Extension – Movie Filming

Date Prepared: February 16, 2023

Report To: Regular Meeting of Council

Councillor and Role: Councillor Debbie Hanlon, Special Events Regulatory Committee

Ward: Ward 2

Decision/Direction Required: Seeking Council approval for a noise by-law extension for a small film shoot on February 22-23.

Discussion – Background and Current Status: The filming of a Hallmark movie “Missing Christmas” is requesting a noise by-law extension, to film until 3:00am on February 22 and 23.

- None of the scenes scheduled to be filmed past 11:00pm call for explosions, car chases, or dialogue above the threshold of normal conversation.
- Filming will take place near Bannerman Park at the Colonial Building.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions: N/A
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A
6. Legal or Policy Implications: N/A
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A



10. Procurement Implications: N/A

11. Information Technology Implications: N/A

12. Other Implications: N/A

Recommendation:

That Council approve the requested noise by-law extension on February 22-23.

Prepared by: Christa Norman, Special Projects Coordinator

Approved by: Erin Skinner, Supervisor - Tourism and Events

Report Approval Details

| | |
|----------------------|--|
| Document Title: | SERC - Noise By-Law Extension - Movie Filming.docx |
| Attachments: | |
| Final Approval Date: | Feb 16, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Erin Skinner - Feb 16, 2023 - 10:02 AM

Tanya Haywood - Feb 16, 2023 - 10:09 AM