Rural Municipality of Miltonvale Park Council
MINUTES
Milton Community Hall **7:30 p.m., Wednesday February 19, 2020**

Present: Mayor Hal Parker, Councillors Tamsyn Cosh-MacKenzie, Philip Hooper, Spencer MacDonald, Paul Poole, Andrew Frizzell; and CAO Shari MacDonald

Regrets: Councillor Lindsey Rhynes

1. **CALL TO ORDER**

Mayor Parker called the meeting to order at 7:30 p.m.

2. **DECLARATION OF CONFLICT OF INTEREST**

Councillor Hooper declared a possible conflict regarding a donation to Milton Community Hall.

3. **APPROVAL OF AGENDA**

Motion 2020:07 - Moved by Councillor Spencer MacDonald, seconded by Councillor Tamsyn Cosh-MacKenzie that **the agenda be approved with the addition of "Request from Milton Community Hall" to Correspondence.** Motion carried, 5-0.

4. **PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS -** None

5. **ADOPTION OF MINUTES** – **January 15, 2020**

Motion 2020:08 - Moved by Councillor Philip Hooper, seconded by Councillor Paul Poole that **the minutes of the Council meeting on January 15, 2020 be approved as circulated**. Motion carried, 5-0.

6. **BUSINESS ARISING FROM THE MINUTES**

i. **Hydrants** -The CAO will forward a response to the Charlottetown Sewer and Water Utility, along with $6498.77 to pay for the maintenance of seven additional hydrants for 2019-2020.

ii. **Bylaws**

a. Bylaw 2020-11 -*Records Retention and Disposal Schedule Bylaw*

Motion 2020:09 - Moved by Councillor Tamsyn Cosh-MacKenzie seconded by Councillor Paul Poole that **whereas the Municipal Government Act R.S.P.E.I. 1988, Cap. M 12.1., and related regulations require municipalities to manage and retain municipal records and to provide a schedule for the management and disposal of records and other documents,**

Be it resolved that Bylaw 2020-11, the *Records Retention and Disposal Schedule Bylaw*, be read a second time. Motion carried, 5-0.

Motion 2020:10 - Moved by Councillor Spencer MacDonald, seconded by Councillor Philip Hooper that **whereas Bylaw 2020-11, the *Records Retention and Disposal Schedule Bylaw*, was read a second time at this Council meeting;**

Be it resolved that Bylaw 2020-11, the *Records Retention and Disposal Schedule Bylaw* be hereby approved. Motion carried, 5-0.

Motion 2020:11 - Moved by Councillor Philip Hooper, seconded by Councillor Spencer MacDonald that **whereas the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., and related regulations require municipalities to manage and retain municipal records and to provide a schedule for the management and disposal of records and other documents**

Whereas Bylaw 2020-11, the *Records Retention and Disposal Schedule Bylaw*, was read and approved at two separate meetings of Council held on different days;

Be it resolved that the Bylaw 2020-11, the *Records Retention and Disposal Schedule Bylaw*, be hereby formally adopted. Motion carried, 5-0.

See Schedule A.

b. **Bylaw 2020-12 -Access to Information and Protection of Personal Information Bylaw**

It was noted there was a change from the previous reading in that on page 1, subsection 2(3) within the Definitions section:-"Chief Administrative Officer" or "CAO" means the administrative head of the municipality as appointed by council under subsection ~~**95(2)**~~ of the *Municipal Government Act*, was amended to now read **"**Chief Administrative Officer" or "CAO" means the administrative head of the municipality as appointed by council under subsection **86(2)(c)** of the *Municipal Government Act*.

Motion 2020:12 Moved by Councillor Paul Poole, seconded by Councillor Andrew Frizzell that **whereas the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., and related regulations require municipalities to provide information and to protect personal information,**

Be it resolved that Bylaw 2020-12, the *Access to Information and Protection of Personal Information Bylaw,* be read for a second time. Motion carried, 5-0.

Motion 2020:13 -Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Philip Hooper **that whereas Bylaw 2020-12, the *Access to Information and Protection of Personal Information Bylaw*, was read a second time at this Council meeting;**

Be it resolved that Bylaw 2020-12, the *Access to Information and Protection of Personal Information Bylaw hereby approved*. Motion carried, 5-0.

Motion 2020:14 -Moved by Councillor Paul Poole, seconded by Councillor Spencer MacDonald that **whereas the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1.,**

and related regulations require municipalities to provide information and to protect personal information,

Whereas Bylaw 2020-12, the *Access to Information and Protection of Personal Information Bylaw*, was read and approved at two separate meetings of Council held on different days;

Be it resolved that the Bylaw 2020-12, the *Access to Information and Protection of Personal Information Bylaw*, be hereby formally adopted. Motion carried, 5-0.

See Schedule B.

iii. **Zero-Emission Vehicle Infrastructure Program** – No word has been received yet from Maritime Electric regarding funding approval for the EV Chargers.

iv. **Capital Investment Plan**. **$203,566 –** The contract has been received from Province that includes three projects – 54.2.1 Miltonvale Park EV Charging Stations ($4,000), 54.2.3 Miltonvale Community Park Revitalization ($24,000) and 54.2.4 Miltonvale Park Broadband Completion ($168,566)**,** approved effective Dec 18, 2019. It would be prudent to delay signing until the EV charger project is approved, and confirmation is received that the broadband project will be completed by the Province. A Council motion will be required to withdraw the broadband project and a revised Capital Investment Plan to reallocate $175,566 should be submitted by April 17, 2020 to be reviewed this spring.

The Infrastructure Secretariat confirmed that generators, septic tank risers for the residents and grants for residents to invest in solar energy are ineligible under the Gas Tax. Possible projects to investigate are a windmill, which could be used to form a utility, solar panels at the hall, or a battery back up with inverter, or if the municipality owned the solar installs or generators and rented them to residents. If an addition was made to the hall, a shower/washer and elevator could be useful for the Emergency Reception Center. A compostable toilet was suggested for the Confederation Trail. It was suggested that a generator could be useful for the Eastlink Tower if it were used for municipal communications. Mayor Parker has made contacts with the Canada Winter Games organizers regarding the cots that may be available after the games.

v. **Central Area Development Corporation/Special Planning Area** – It was suggested that Councils affected by the Special Planning Areas send letters to Minister Jamie Fox, Minister of Communities, outlining how the Special Planning Areas have impacted the growth and development of the municipalities. The agricultural industry currently lobbies to keep the Special Planning Areas to protect farmland.

The Central Area Development Corporation will try again to get all the municipalities affected the SPA regulations together and would appreciate Miltonvale Park's support.

vi. **Strategic Planning Session –** The CAO will contact the Department of Transportation regarding the possibility of installing an area for parking near the Confederation Trail by Miller Drive.

vii. **Records Storage Room** – Unfortunately the carpenter recently broke his leg, and it is expected that the project will be delayed at least four months.

7. **Reading of correspondence**

i. ***Coastal Communities… At the Ready*** is film which explores coastal communities and climate change impacts and other hazards. ***www.communityconservation.net/coastal-communities-at-the-ready***

ii. The Provincial Government is doing an **After Action Review (AAR)** to review the preparedness, response and recovery for **Post Tropical Storm Dorian**. https://www.surveymonkey.com/r/GQ68JPW

iii. **Green Shores for Atlantic Canada Survey** - Development impacts Atlantic Canadian shorelines. The BC-based Green Shores® program is being customized to Atlantic Canada to minimize the impacts of developments and restore shoreline ecosystems. Waterfront property owners or individuals working on shorelines were asked to complete a survey by February 28, 2020. These were shared on social media.

iv. From FPEIM - A webinar will present QUEST's report on **Building Community Resilience: Key Lessons from Twelve Canadian Communities**. Municipalities and Utilities Partnering for Community Resilience Initiative on February 20, 2020.

v. Frank Cowan Company, the Ontario Recreation Facilities Association and the Technical Standards and Safety Authority are presenting a free information session on **ice arena refrigeration** plant responsibilities and compliance on March 5. This was forwarded to the APM Center.

vi. Rural Mayors were invited to meet with Parliamentary Secretary Gudie Hutchings about the **Universal Broadband Fund** at the FPEIM office on Wednesday, February 12. Mayor Parker attended, and now believes the provincial internet project contract has been signed.

vii. **FPEIM Newsletter** - The 2020 FPEIM Annual Meeting will be held on Monday, April 27, 2020, at the Credit Union Place in Summerside. The deadline for resolutions is 4:00 pm on February 27, 2020. Nominations for awards will be accepted until 4:00 pm on March 30, 2020. The newsletter also shared information on 211 Prince Edward Island, Family Violence Prevention Week, The Blue Communities of Stratford and Cornwall, the FPEIM Trade Program, Upcoming events, and Grants and Programs. A possible resolution could be regarding the Special Planning Areas, or the spreading of sludge near homes.

viii. **APM Centre** - The APM Centre made its annual Capital Fund Request for $4,154, for the fiscal year 2020-21. Future capital plans include, in 2019-20 - Weight Room equipment ($10,000), upgrade parking lot lights to LED ($6,000) Building evaluation - (cold & moisture -$1,110), upgrade arena and gym lights to LED ($6,000); upgrades after building evaluation ($50,000). Plans for 2020 include a water bottle fill station ($5,000), and in 2020/21 - Arena roof repairs ($60,000). In following years, plans include rebuilding compressors 1 and 2, a chiller for the plant,

a new Zamboni, and air conditioning for the weight room. The complete spreadsheet is available at the Council Office.

ix. **Gas Tax Municipal Strategic Component** (GT-MSC) will be open for application submissions until March 20, 2020. Priority projects include Wastewater, Drinking Water, and Capacity Building projects (Growth Management Plans, Official Plans, and Land Use Bylaws) for this intake.

x. The **Epilepsy Association of the Maritimes** (EAM), is promoting **Purple Day**, March 26th, and will provide a proclamation, if desired, and purple ribbons for Councillors to wear throughout March and at the Council meeting.

xi. **Gro for good** provides $2,500 grants to develop sustainable community gardens and green spaces. groforgood.com Deadline Feb. 28, 2020.

xii. **FPEIM** circulated requests for information on flagpoles, water bottle refill stations and insect control on behalf of other municipalities. Our flagpole was purchased at PreBilt, but A&S Scrap Metal might be another source.

xiii. **Milton Community Hall** – The hall is planning to build cupboards in the Green Room and requested their annual grant to assist with the costs of their construction. The hall has also discussed partnering with the municipality for a part-time staff person.

Councillor Hooper left the meeting at 8:03 p.m.

Motion 2020:15 - Moved by Councillor Spencer MacDonald, seconded by Councillor Paul Poole that **as per the Grants Bylaw, that $1,500 be donated to the Milton Community Hall to construct cupboards**. Motion carried, 4-0.

Councillor Hooper returned to the meeting at 8:04 p.m.

8. REPORTS FROM STANDING AND AD HOC COMMITTEES

i. Environment and Community Living

a. Watershed Update – The Cornwall and Area Watershed Group (CAWG) met on February 12. The Province's Fish and Wildlife section are undertaking Partridge and Rough Grouse surveys. CAWG may be holding their annual meeting at the Milton Community Hall in May. There will be monitoring in Coles Brook, evaluating flow meters and water levels. There will also be further electrofishing and salmon studies. Executive Director, Karalee McAskill spoke at a Cornwall Council meeting about trees cut down in the buffer zone in Sundance Cove in the Cornwall Area.

b. Communities 13, Inc.- The annual request for the capital contribution grant remains unchanged at $4,154 and will be included in the budget.

c. Exercise -Line Dancing continues with good attendance. Fitness instructor, Angelie Carter has accepted full-time employment with UPEI, and can no longer lead exercise or yoga classes. Michele Gallant will lead fitness classes on Mondays and Fridays at 9 a.m. The municipality is still seeking a yoga instructor.

d. Projects

a. **New Horizons for Seniors 2019-20**– Activities should be completed by February 29, 2020.

i. Quilting/craft afternoons continuing. There will be a session on rug hooking on February 24.
ii. The square-dancing sessions are finished.
iii. Rug braiding has not been scheduled as the woman who offered to lead it was in hospital.
iv. The seniors dance with Phase II was cancelled on February 8, due to the weather.
v. Only one farm tour has been held and the quilt is not finished yet.

b. **New Horizons for Seniors 2020-2021-** The Year in France project received $7000. The proposed workplan includes six basic French language classes, four dance classes, ten movie matinees, a mime class, a speaker on Acadian history, a Tour de France cycling event, a trip to the Evangeline region of PEI (Museum, Bottle House), four art lessons, a cooking class on traditional French cooking, activities with a local school to allow students and seniors to practice French, two community kitchens making French foods, a concert with Acadian music and an armchair travel presentation on France.

e. Park –The new security cameras have been installed.

f. Summer Students – Applications for summer job funding should be submitted in the next week.

g. Premier's Action Committee on Family Violence Prevention (PAC) - Approximately 20 people participated and made about 25 blankets. There is some fabric left for next year. Linda Sullivan spent many hours preparing the fabric. The Milton Community Hall held a Lunch & Learn with speaker Michelle Jay from the PEI Status of Women, which was great addition to the day. The purple ribbon was around the hall for the week.

ii Emergency Measures –

a. **Hurricane Dorian** – The paperwork for the funding has not been submitted. The Provincial EMO is holding a focus groups for Municipal CAOs in Charlottetown on Thursday, March 12.
b. **Emergency Plan** -There were 14 more surveys returned. The municipal table-top exercise with EMO is scheduled for Wednesday, March 25 at 7 p.m.
c. **EMO presentation in Kinkora -** Councillors Poole and MacDonald were not able to attend the EMO presentation in Kinkora; however, they intend to go to the February 26, 2020 meeting in St. Peters.
d. **Emergency Operations Centre-** On Tuesday, February 18, 2020 the PEI EMO activated the Provincial EOC to Level 1, "Enhanced Monitoring" to monitor potential product and services impacts due to the CN Rail shut down. Any EMO alerts will be distributed to all Councillors when they are received. The supply of propane may become an issue on PEI.

iii Finance/Payment of Accounts

a. Remittance –The remittance was paid for January 2020.
b. Reports and Payment of Accounts –Finance Chair Phil Hooper reviewed the circulated financial statements from December 2019 and January 2020. Income until January 31, 2020 is $296,685 with expenses of 201,033, for a net income for the 11 months of $95,652. This income includes $65,860 of Gas

Tax money. There is still one Fire Department installment of $14,685 to be paid before year end.

Motion 2020:16 -Moved by Councillor Philip Hooper, seconded by Councillor Spencer MacDonald that **the financial statements be approved**. Motion carried, 5-0.

c. Insurance – Information was received from the Hyndman Insurance Group, regarding terms from Cowan for the upcoming March 14, 2020 expiry. The policy has increased from $6,259 to $7,331. It was noted that the typical annual premium increase is between 3-5%, but over past five years increases have been much lower.

d. Budget 2020-2021 -The public meeting is scheduled for March 2 at 7:30 p.m. The attached budget was reviewed and will be revised slightly over the coming weeks as accurate figures become available. It was noted that the Personnel committee will be meeting, tentatively on Wednesday, February 26 at 11:00 a.m., to review wages. There was also a concern that there are at least two wells near the City's wellfield area which are failing. Discussion was held regarding adjusting the tax rate on the wellfield property to mitigate the failure of local wells as the water pumped from the area increases. This would require amending the Tax Rates Bylaw. It was suggested the MCEG could be used for communications and a generator, unless one is already available for the communications tower at the Fire Training School.

9. REPORT FROM CAO

The CAO reported that upcoming activities will include creating RFPs for park upgrades, and for auditing services, fine-tuning the budget for 2020-2021, seniors activities (including the quilt), distributing T-4s and charitable receipts, and submitting funding applications for summer positions and reports for the New Horizons for Seniors (NHS) Project and the Special Projects Position. She will also follow up with Central Area Development Corporation regarding the Special Planning Areas, and update WCB information. The CAO completed an Employment Development Agency evaluation, a NHS Social Impact Survey, and a Stats Canada Survey on Job Vacancy and Wages.

For his studies at UPEI, Development Officer Michael Olubiyi must do a short-term, research project and plans a community driven project or an action research project that would benefit Miltonvale Park. His three-month probationary period is over in early March, and Council is very pleased with is performance to date.

10. RECOMMENDATIONS FROM THE PLANNING BOARD

Planning Board Chair, Mayor Parker briefly reviewed planning files.

a. **Permits-Approvals Issued.**
Permit 2020-01 was approved on 01-14-2020 for Parcel 0282004 at 2763 North York River Road, Milton Station to construct a 4,500-square foot warehouse building

MPS-295 received **preliminary approval** on 01-20-2020 at Parcel 689000 at 251 Sleepy Hollow Road, Milton Station, to subdivide one lot, approximately 0.3 acres in size. This lot fronts on the Sleepy Hollow Road.

b. **Compliance with the *Professional Engineers Act* & *Architects Act***
The Architects Act Compliance Declaration Form is required to be completed and submitted by all applicants with the development application form.

c. **Application No. MP-1066 – Parcel No. 283135 -** The Owner proposes to move an 18,216-square foot greenhouse and erect it adjacent to an existing greenhouse on the parcel. Once approval of the Fire Marshal is confirmed, the permit will be issued with a recommendation that an architect be involved.

d. **Application No. MP-1065 - Parcel No. 700443 -** The Applicant has applied for the Bylaw amendment that would permit him to operate outdoor storage in a residential property located in the A1 zone. He is awaiting comments from the Architect Association regarding compliance with the Architects' Act and has been unable to find an architect willing to sign the Architects Act Compliance Declaration Form. This Declaration Form may have repercussions for other home occupations which may require additional storage.

The Planner noted Council may consider a Bylaw amendment that would permit the storage of vehicles as part of a home occupation (pursuant to Section 4.7 Commercial Use on a Residential Property). After following the process in Section 3.15.5 of the bylaw, Council may approve a commercial use and waive the regulations of Section 4.7.1(v) in the Agricultural (A1) zone, if the proposed outdoor storage is not considered to be an obnoxious use, and it would be located in the rear yard and screened from view by means of a landscape buffer of adequate size or architectural screening such as wall, fence or other appropriate structure. Should the applicant decide to proceed with the bylaw amendment and home occupation application (conditional on the amendment being approved), the two applications should be considered simultaneously. The community must follow both processes and provide notification and a public meeting on the amendment as per Section 3.16 and notification of the home occupations as per Section 3.15.5. The Planner believes that the current regulations are still appropriate for the RS1/R1 zones.

The Applicant applied for a temporary permit for the accessory building, moved to the property on November 20, 2019, until June 2020. There were already two accessory buildings on the parcel, which is the maximum allowed for lot area between 1-3 Acres. It is expected the cars on the lots would be registered to the business. There is not expected to be noise or environmental impacts. The owner has stated he will no longer carry out small engine repair on the property.

The Development Officer will contact the Planner regarding Architects not being willing to complete the declaration. If the Architect's Act were complied with, the Planner would recommend proceeding to a Public meeting on the application.

Planning Board recommended Council consider approving a temporary accessory building on PID 700443 with the condition that it must be removed by June 2020.

e. **Parcel No. 658799 – Placement of Fill without a Permit -** The owner of Parcel No. 658799 placed approximately ten loads of fill on Route 2 in Milton Station without a permit. The Planner believes that the owner should move the fill or submit the required surface drainage plan. The owner noted that the fill was to repair ongoing pothole and washout damage at his farm; however, in early January the owner agreed to move out the fill when conditions permit. Planning Board recommended that **the owner of parcel 658799 be given until June 1, 2020 to remove the fill that was placed on the parcel.**

It was noted that MacQuarries Meats, whose barn was destroyed by a fire this past weekend should obtain a demolition permit before demolishing the remainder of the barn. Council passed a motion many years ago that, for a permit after a fire, the fee would be waived.

f. **Parcel No. 557108 – Placement of a Storage Container without a Permit -**A container has been placed on the parcel without a development permit. Several registered mails were sent to the owners without any response, since September 26, 2019. Council is considering referring the matter to legal counsel. Planning Board recommended **the Development Officer visit the property, and if cooperation is not obtained, that the matter be referred to legal counsel.**

g. **Application No. MPS-296 – Parcels No. 283739 & 699919 -** The Applicant wishes to subdivide two parcels into 52 lots (35 single-detached and 17 semi-detached dwellings). The Applicant has allocated approximately 15% of the land for open space. The Department of Environment, Water & Climate Change will identify the environment buffer. Council's open space requirement should not be included within the buffer zone. The Department of the Environment requires a bore analysis in Lot #1 before the application can be processed.

h. **Application No. MPS-295 - Parcel No. 689000** - Preliminary approval was granted on January 20, 2020 to subdivide a lot from the parcel and final approval will be granted when seven (7) copies of the final subdivision plan showing all lots pinned and certified by a licensed PEI Land Surveyor is received.

i. **MPB-01 – Parcel No. 283242 Rezoning -** The owners of Parcel No. 283242 applied to rezone the parcel from Agricultural (A1) to General Commercial (C1). Council approved the Planner's report, as recommended by the Planning Board, which included an inspection by the provincial Fire Marshal to confirm the existing separation of commercial/residential uses on the property meets their standards, and that the storage container be removed or an application resubmitted under the new Bylaw regulations for temporary structures. An application was resubmitted, and the Fire Marshal has reviewed the property. It is believed the owners do not intend to continue to use the house as a residential property.
Planning Board recommends to Council that If the Fire Marshal's report for PID 283242 is positive, the Development Officer issue a temporary permit for the storage, and Council hold a public meeting for re-zoning.

j. **Other Applications and Inquiries**

a. **Parcel No. 281659** – In February 2019, an individual inquired about correcting an apparent error that occurred over 30 years ago. The Development Officer will send a letter to the family requesting an application.
b. **Parcel No. 281626** –The Development Officer will send a reminder letter and application form to the owner, who intended to apply in October to subdivide to correct an issue with the number of dwelling units.
c. **Parcel No. 281089** - The Development Officer was made aware that a dwelling was moved onto the parcel recently. The owner eventually applied for the temporary storage of building, and to rebuild the fire-damaged dwelling; however, more information is needed to process his application.
d. **Parcel No. 843292** – The Development Officer was made aware of a development activity that was ongoing on the parcel on the New Glasgow Road. The owner operates businesses (*www.peiseasalt.com, www.saltoftheearth.ca and Charlie's Place #2 Queen Suite Blue Room www.airbnb.ca*) within the dwelling, and a new accessory building is being developed without a permit. When the application is complete, comments will be requested from provincial departments and the Planner.

e. **Parcel No. 1097781-** The owners operate a commercial business of detailing and polishing of aluminum, stainless, cars and trucks on the parcel without a permit. The parcel was subdivided in 2018, for "single detached dwelling/agriculture." Registered mail was sent to the owners on December 18, 2019, and on February 11, 2020. The owner apparently did not respond because he believes a Planning Board member is operating a business without a permit, and he will only comply when the Planning Board member is in compliance.
f. **Parcel No. 280875** – The Development Officer is investigating whether this lot would be buildable, as it is approximately14,000 square feet, while the provincial minimum lot size is 25,000 sq. ft.
g. **Parcel No. 281345**- An application was submitted for the construction of a new single-detached dwelling and garage and it is being processed.
h. **Pipe** – It was believed that there is wire being laid to the tower at the wellfield that relate to Charlottetown's EMO communications.

Councillor Frizzell left the meeting at 9:02 p.m.

Motion 2020:17 -Moved by Councillor Spencer MacDonald, seconded by Councillor Philip Hooper that **the Planning Board Report and its recommendations be approved**. Motion carried, 5-0.

Councillor Frizzell returned to the meeting at 9:03 p.m.

11. INQUIRIES BY MEMBERS OF COUNCIL

There were no inquiries.

12. ADJOURNMENT

Motion 2020:18 - Moved by Councillor Spencer MacDonald, seconded by Councillor Paul Poole that **the meeting be adjourned,** and Mayor Parker declared it so at 9:03 p.m.

The next Regular Council Meeting is scheduled for March 18, 2020 at 7:30 p.m.

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Mayor CAO

April 15, 2020

Date Approved

DRAFT Budget

Rural Municipality of Miltonvale Park				
BUDGET				
	Budget 2019-20	BUDGET 2019-20	**2020-21**	**2020-21**
	CAPITAL	OPERATING	**CAPITAL**	**OPERATING**
REVENUE				
Grants				
Equalization Municipal Support Grant		25,125		**$ 25,125**
Infrastructure -MCEG in 2019	160		***$ 20,000***	
Gas Tax	32,930		***$ 32,930***	
Canada Day & Special Days/Wk Grant		750		**$ 800**
Seniors Project		6,750		**$ 7,000**
Other grants		-		
Job Funding		4,000		**$ 6,000**
Taxation		183,925		**$ 186,183**
Interest		1,000		**$ 1,250**
Misc. Income		2,000		**$ 2,000**
Recreation		500		**$ 500**
Seniors Income from Activities		6,000		**$ 7,000**
Grants Total	33,090	230,050	***$ 52,930***	**$ 235,858**

Licences and Permits				
Development Fees		4,000		**$ 4,000**
Land rent revenue		2,000		**$ 1,500**
Licences and Permits Total	-	6,000	***$*** **-**	**$ 5,500**
Expense Recovery				
Surplus from Reserves (offset depreciation)		36,050		**$ 36,050**
Province -hydrants				**$ 2,420**
Total Expense Recovery	-	36,050	***$*** **-**	**$ 38,470**
TOTAL REVENUE	33,090	272,100	***$ 52,930***	**$ 279,828**
EXPENSE				
Admin Expenses				
Depreciation - Community		3,550		**$ 3,550**
Amortization of Deferred Grants				
Council & Mayor Remuneration		9,250		**$ 9,250**
Chair & Council Meeting Expenses		2,000		**$ 2,000**
Administrator Wages		32,000		**$ 32,000**
EI Deduction		1,400		**$ 1,400**
CPP Expense		2,500		**$ 2,500**
WCB		700		**$ 700**
Advertising		500		**$ 500**
Interest and bank charges		400		**$ 400**
Insurance		5,500		**$ 6,330**
Office		3,200		**$ 3,500**
Printing		400		**$ 400**
Telephone Internet		3,420		**$ 3,900**
Training		500		**$ 500**
Travel		500		**$ 500**
Election		700		**$ 700**
Meetings		4,000		**$ 4,000**
Grants to organizations/individuals		1,500		**$ 1,500**
Website		2,000		**$ 500**
Admin Expenses Total	-	74,020	***$*** **-**	**$ 74,130**

Facilities and Public Property				
Insurance (Park Shelter)		1,060		**$ 1,000**
Electricity		2,400		**$ 2,500**
Community Park Maint		7,400		**$ 7,400**
Sewer		745		**$ 745**
Community Park Taxes		760		**$ 775**
Community Hall		3,000		**$ 3,500**
13 Communities Incorporated		4,155		**$ 4,154**
Rent (Office)		6,000		**$ 6,000**
Community Pasture		400		**$ 400**
EV Charging Station			***$ 4,000***	
Depreciation -Shelter and ParkEquip		32,500		**$ 32,500**
Facilities & Public Property Total	-	58,420	***$ 4,000***	**$ 58,974**
Fire Protection				
Fire Hydrant Fee		2,810		**$ 10,215**
Fire protection		58,740		**$ 59,593**
Fire Protection Total	-	61,550	**$ -**	**$ 69,808**
Planning and Zoning				
Planning Board		1,000		$ 1,300
Supplies		900		$ 900
Planner		5,500		$ 3,000
Bylaw- Project		500		$ 500
Development Officer		15,500		$ 16,000
Development Officer Mileage		425		$ 500
Emergency Measures		1,940		$ 2,000
Amalgamation -Cooperation		2,000		$ 1,000
Planning and Zoning Total	-	27,765	**$ -**	**$ 25,200**
Community Development				
Community Beautification		4,935		$ 6,600
Community Days - Canada Day		2,700		$ 3,000
Seniors Project		8,500		$ 8,000
Community Promotion - Newsletter		2,000		$ 2,000
Economic Development		500		$ 500
Green Initiative		400		$ 400

Community Development Total	-	19,035	**$ -**	**$ 20,500**
Professional Services & Memberships				
Accountin Fees		4,500		$ 4,500
Federation of Can. Municipalities		380		$ 485
Federation of PEI Municipalities		2,325		$ 2,460
Legal Services		5,500		$ 4,000
Other		155		$ 255
Total Professional Servce & Membership	-	12,860	***$ -***	**$ 11,700**
Recreation and Parks				
Community Park Student Wages		6,000		$ 8,000
Watershed		4,000		$ 4,300
Bursaries		3,200		$ 3,000
Recreation Programs		1,000		$ 1,000
Seniors Recreation		4,000		$ 5,000
Park Admin. & Shelter Supplies		250		$ 300
Park & Playground Dev't	15,000		*$ 24,000*	
Recreation and Parks Total	15,000	18,450	***$ 24,000***	**$ 21,600**
TOTAL EXPENSE	15,000	272,100	***$ 28,000***	**$ 281,912**
NET INCOME	18,090	0	***$ 24,930***	**-$ 2,084**
	to transfer to Capital Reserves			

TAX RATE if unchanged	2020-21		
Non-serviced area	Assessment	tax rate	taxation income
	$ 2,948,100	0.00826	$ 24,351
Non-commercial	$ 55,231,500	0.00166	$ 91,684
Subtotal -non-serviced area			**$ 116,036**
Serviced area			
Commercial assessment	$ 5,276,700	0.00826	$ 43,586
Non-commercial	$ 16,001,300	0.00166	$ 26,562

Subtotal -serviced area			**$**	**70,148**	
TOTAL -both areas	$	79,457,600	**$**	**186,183**	TOTAL MUNICIPAL TAXES
TOTAL COMM Assessment	$	8,224,800			
TOTAL Non-Commercial assessment	$	71,232,800			

Do you raise taxes in serviced area to cover increase fire hydrant fee?
- cost of hydrants in serviced area $6458 before taxes
OPTION A– Increase tax rate of two cents in serviced area adds $ 4,255.60

Serviced area			Tax rate -A			
Commercial assessment	$	5,276,700	0.00846	$	44,641	2 cents
Non-commercial	$	16,001,300	0.00186	$	29,762	
					74,403	

OPTION B – Increase tax rate of three cents in serviced area adds $ 6,383.40 to the taxation income.

Serviced area			Tax rate B			
Commercial assessment	$	5,276,700	0.00856	$	45,169	3 cents
Non-commercial	$	16,001,300	0.00196	$	31,363	
			76,531			

For a $100,000 house, a two cent increase would increase municipal taxes from $166 to $186, while a three-cent increase would raise taxes by $30 from $166 to $196.

Additional activities/infrastructure suggested for consideration.

First Aid course – Provide or subsidize -total cost approx. $55/person
streetlight/shelter/garbage can/bench -trail in North River Rd
Seniors Housing
Sidewalks
Transit extension
Electric van
EMO Communications system
Solar panels at hall
Wi-fi hotspot/internet café
P-T office/activity helper (possibly shared with hall)
FCM Conference or Sustainable Communities Conference
Hall addition/elevator/shower

Schedule A
Rural Municipality of Miltonvale Park
A Bylaw to Manage and Dispose of Records
Bylaw # 2020-11

BE IT ENACTED by the Council of the Rural Municipality of Miltonvale Park as follows:

1. Title

(1) This bylaw shall be known and cited as the "Records Retention Bylaw."

2. Authority

(1) The *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., and related regulations require municipalities to manage and retain municipal records.

(2) Subsection 117(1) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires Council to provide, by bylaw, a schedule for the management and disposal of all records and other documents that are required to be retained by the municipality.

3. Application

(1) This bylaw applies to members of Council, Council Committees, and municipal staff related to the creation, retention, management and disposal of records.

4. Definitions

(1) "Act" means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

(2) "Chief Administrative Officer" or "CAO" means the administrative head of the Municipality as appointed by council under subsection 86(2)(c) of the *Municipal Government Act*.

(3) "Council" means the Mayor and other members of the Council of the Municipality.

(4) "Councillor" means a member of the Council other than the Mayor.

(5) "Municipality" means the Rural Municipality of Miltonvale Park.

(6) "Permanent record" means a record the Municipality is required to retain permanently.

(7) "Record" means information in any form, including electronic form, but does not include a mechanism or system for generating, sending, receiving, storing, or otherwise processing information.

(8) "Regulations" means the Records Retention Regulations pursuant to clause 261(1)(f) of the Act.

(9) "Temporary record" means a record that the Municipality is required to maintain for a minimum period of time in accordance with the schedule in the Regulations.

5. General

(1) The Municipality establishes under this bylaw a records retention schedule for maintenance and disposal of records as contained in Schedule 'A'

(2) The CAO shall administer this bylaw and is responsible for ensuring that records are managed and retained in accordance with the Act and Regulations.

(3) Schedule 'A' may be amended by resolution as permitted in clause 135(2)(c) of the Act but shall comply with all legal requirements for records retention.

6. General Retention and Disposition Requirements

(1) Council shall ensure for each record, that

(a) the record is retained in accordance with the Regulations and this bylaw;

(b) where the record is not stored in the municipal office, the record is stored in a location and manner that is secure and will preserve the integrity of the record; and

(c) documentation, which provides details of the destruction of the record or its transfer to permanent storage, of the final disposition of the record is permanently maintained.

7. Temporary Records

(1) Council shall ensure temporary records

(a) shall be retained in the municipal office for a minimum of two years; and

(b) during this two-year period, shall be accessible within 24 hours.

(2) Temporary records may be moved at the end of the retention period in 7(1)(a) to a storage facility outside the municipality for the remainder of the retention period specified in Schedule 'A' if

(a) the storage facility meets the requirements of 6(1)(b); and

(b) is accessible within three business days.

8. Destruction of Records

(1) Council may,

(a) at the end of the retention period specified for a temporary record, provide for the secure destruction of the record;

(b) authorize the destruction of a duplicate copy of a record at any time, subject to the requirements for retention of duplicate copies in Schedule 'A.'

9. Permanent Records

(1) Council shall ensure permanent records

(a) are retained in the municipal office for a minimum period of five years and, during that period, are accessible within 24 hours; and

(b) are not destroyed.

(2) Council shall, as soon as reasonably possible after the end of the retention period specified in 9(1)(a), move a record to which subsection (1) applies

(a) to permanent storage in a secure facility that will preserve the integrity of the record; and

(b) ensure the record is accessible within three business days.

10. Electronic and Microfilm

(1) Council shall ensure electronic records

(a) are retained and retrievable for the minimum retention period; and

(b) in the case of permanent records, are copied to paper or microfilm for the purpose of transfer to permanent storage.

(2) Microfilm applications of permanent records shall conform to industry-accepted technical standards and established preparation and documentation procedures.

11. Protection of Records

(1) Council shall ensure that reasonable care is taken to protect records against damage, deterioration, unauthorized destruction, sale or other disposition or theft.

12. Schedule Adopted

(1) The schedule to this bylaw is adopted and forms part of this bylaw.

13. Effective Date

(1) This Records Retention Bylaw, Bylaw# 2020-11, shall be effective on April 1, 2020.

First Reading:

This Records Retention Bylaw, Bylaw# 2020-11, was read a first time at the Council meeting held on the 18th day of December, 2019.

This Records Retention Bylaw, Bylaw# 2020-11, was approved by a majority of Council members present at the Council meeting held on the 18th day of December, 2019.

Second Reading:

This Records Retention Bylaw, Bylaw# 2020-11, was read a second time at the Council meeting held on the 19th day of February, 2020.

This Records Retention Bylaw, Bylaw# 2020-11, was approved by a majority of Council members present at the Council meeting held on the 19th day of February, 2020.

Approval and Adoption by Council:

This Records Retention Bylaw, Bylaw# 2020-11, was adopted by a majority of Council members present at the Council meeting held on the 19th day of February, 2020.

14. Signatures

_____ _____

Mayor (signature sealed) **Chief Administrative Officer** (signature sealed)

This Records Retention Bylaw, Bylaw# 2020-11, adopted by the Council of the Rural Municipality of Miltonvale Park on February 19, 2020 is certified to be a true copy.

_____ _____

Chief Administrative Officer Signature **Date**

Note: This Schedule forms part of the bylaw and may only be amended in accordance with Part 5 Division 2 of the Act (Section 135) but shall comply with all relevant legal requirements for records retention.

Schedule A:

RECORDS RETENTION SCHEDULE

Note: The subject matter is listed alphabetically followed by a retention period. The retention period is identified either as "PERMANENT" or expressed as a number of years. Retention periods are labelled as:

(a) CY - a retention period that concludes after the end of a calendar year (i.e. after December 31st of a given year).

(b) FY - a retention period that concludes after the end of a fiscal year as established in section 149 of the *Municipal Government Act*.

(c) closed after information is superseded (replaced or take the place of) or obsolete (no longer in use) (S/O)

In the event of a conflict between this schedule and the *Municipal Government Act* Records Retention Regulations, the Regulations shall apply.

SUBJECT	DESCRIPTION	RETENTION PERIOD (YEARS)	ENDS
Accountants	Working Papers	7	FY
Accounts	Paid (summary sheet)	7	FY
	Payable vouchers	7	FY
	Receivable duplicate invoices	7	FY
Administration	Reports (not part of Minutes)	7	CY
Advertising	Electoral	4	CY
	Other notices- MGA, other legislation	2	CY

Agendas	Part of Minutes	PERMANENT	
Agreement	General	12	S/O
	Development	12	S/O
	Major legal	12	S/O
	Minor legal	12	S/O
Annexations	Correspondence	7	CY
	Final Order	PERMANENT	
Annual Reports	Council, Boards, Commissions	5	CY
Applications	Site plan approval	2	CY
	Subdivision (after final approval)	3	CY
	Part-time employees (after end of employment)	1	CY
Appointments	Other than those in Minutes	3	FY
Assessment	Rolls	PERMANENT	
	Assessment review Board (ARB) Minutes	PERMANENT	
	ARB work file	5	FY
	Appeals	12	FY
	ARB records	7	FY
	Duplicate roll	7	FY
	Review Court records	7	FY
Assessment Appeal	Board file	5	FY
Assets	Asset Management Inventory	20	S/O
	Records of surplus	7	FY
	Temporary files	2	FY
Bank	Deposit books	7	FY
	Deposit slips	7	FY
	Memos (credit/debit)	7	FY
	Reconciliations	2	FY
	Statements	7	FY
Boards	Minutes	PERMANENT	S/O
	Authority & Structure	5	CY
	Correspondence	5	CY
Briefings/Reports	To Council	7	CY
Budgets	Operating (in minutes)	PERMANENT	
	Capital (in minutes)	PERMANENT	
	Working papers	3	FY
Bylaws	All	PERMANENT	
Cash	Receipts journal	7	FY
	Disbursements journal	7	FY
	Duplicate receipts	7	FY
Certificates	Of Title	PERMANENT	
Census	Reports	12	CY
Cheques	Cancelled (paid)	7	FY
	Register	7	FY
	Stubs	7	FY
Claims	Notice of	12	S/0
	Statements of	12	S/0
Committee	Minutes	PERMANENT	
Compensation	Records	10	FY

Contracts	Files (completion of)	12	S/0
	Forms	12	FY
	Major legal	12	S/O
	Minor legal	12	S/O
Council	Minutes	PERMANENT	
Court Cases		12	S/O
Destroyed Records	Index	PERMANENT	
	Signed destroyed records statements	PERMANENT	
Documents	Not part of bylaws	12	S/O
	Agreements, major legal	12	S/O
	Agreements, minor legal	12	S/O
	Contracts legal	12	S/O
	Easements	12	S/O
	Leases (after expiration)	12	S/O
	Notices of change of land titles	12	S/O
Elections	All election documents other than ballot box contents	4	CY
	Ballot box contents	In accordance with the MGA	CY
Engineering	Drawings	PERMANENT	
Employee Benefits	Health, Dental, WCB Claims, etc.	5	CY
Employees	Job applications (hired)	3	CY
	Job application (not hired)	1	CY
	Job descriptions	3 (after position abolished)	CY
	Oaths of Office	1 (after position vacated)	CY
	Personnel file	3 (after cessation of employment) or 6 (after dismissal)	CY
Financial Statements	Interim	10	FY
	Working papers	7	FY
	Final	12	FY
Franchises		PERMANENT	
Income Tax	Deductions	7	FY
	TD1	7	FY
	T4	7	FY
	T4 Summaries	7	FY
Inquiries	From the public	3	CY
Insurance	Claims	12 (after settled)	FY
	Records (after expiration)	12	FY
Land	Appraisals	1 (after sold)	
Leases	After expiration	7	S/O
Legal	Opinions	12	S/O
	Proceedings	12	S/O
Legislation	Acts (after superseded)	1	CY
Licenses	Applications	3	CY
	Business (after expired)	5	CY

	Literature	2	CY
Local Improvements	Records	PERMANENT	
Maps	Base (original)	PERMANENT	
	Contour	PERMANENT	
Maintenance Reports		12	CY
Minutes	Council	PERMANENT	
	Boards	PERMANENT	
	Committees	PERMANENT	
Monthly Reports	Road	5	FY
Municipal Affairs	Annual reports	5	FY
Organization	Structure and records	2	S/O
Payroll	Garnishees	7 (after garnish is removed)	FY
	Individual earning records	7	FY
	Journal	7	FY
	Time cards	7	FY
	Time sheets - daily	7	FY
	Time sheets - Overtime	7	FY
	Time sheets - weekly	7	FY
	Employment Insurance	5 (after cessation of employment)	FY
Permits	Development	12	S/O
Petitions		10	CY
Plans	Official	PERMANENT	
	Amendments	PERMANENT	
	Subdivision	PERMANENT	
Policy	After superseded	5	CY
Progress Reports	Project	5	CY
	Under contract (final payment)	7	S/O
Property Files		Until sold +10	FY
Prosecution	All	12	S/O
Publications	Local reports	3	CY
Purchase	Land	Until Sold +12	FY
Receipts	Books	7	FY
	Duplicate cash	7	FY
	Registration	7	FY
Receptions & Special Events (non-historic)		3	CY
Reports	Accident	12	S/O
	Accident statistics	12	S/O
	Field	12	S/O
Requisitions	Copies	2	FY
	Duplicate	7	FY
	Paid	7	FY

Resolutions	Minutes	PERMANENT	
Subdivision	After Final Approval	12	CY
Street	Sign Inventory Register	PERMANENT	
Tax Recovery	Records	PERMANENT	
Taxes	Arrears	7	FY
	Final Billing	12	FY
	Municipal Credits	7	FY
	Receipts	7	FY
	Rolls	PERMANENT	
	Sale Deeds	PERMANENT	
Termination	Employees	7	CY
Tenders	Files	12	FY
	Successful	12	FY
	Purchase Quotations	12	FY
	Unsuccessful	10	FY
Traffic	Streets	7	CY
Training and Development Files		5	CY
Trial Balances	Monthly	5	FY
	Year End	7	FY
Vendors	Acknowledgments To	2	FY
	Contracts	12	FY
	Suppliers Files	12	FY
Vouchers	Duplicate	7	FY
Weed Control Reports	Until updated	1	CY
Zoning	Bylaws	PERMANENT	
	Bylaw Enforcement	5	CY

Schedule B
Rural Municipality of Miltonvale Park, PEI
A Bylaw to Regulate Access to Information and Protection of Personal Information
Bylaw # 2020-12

BE IT ENACTED by the Council of the Rural Municipality of Miltonvale Park as follows:

15. Title

(1) This bylaw shall be known and cited as the "Access to Information and Protection of Personal Information Bylaw."

16. Definitions

(1) "Act" means the Municipal Government Act.

(2) "Applicant" means a person applying for access to information under the Act or this bylaw.

(3) "Chief Administrative Officer" or "CAO" means the administrative head of the municipality as appointed by council under subsection 86(2)(c) of the *Municipal Government Act*.

(4) "Coordinator" means an Access to Information and Protection of Privacy Coordinator appointed by Council in accordance with the Regulations and this bylaw.

(5) "Council" means the Mayor and Councillors for the Municipality.

(6) "Development" means development as defined in the *Planning Act* R.S.P.E.I. 1988, Cap P-8.

(7) "Law enforcement" means

(a) policing, including criminal intelligence operations,

(b) a police, security or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred, or

(c) proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings, or by another body to which the results of the proceedings are referred.

(8) "Municipality" means the Rural Municipality of Miltonvale Park.

(9) "Personal information" means personal information as defined in clause 1(i) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I, 1988, Cap. F-15.01, but does not include a person's address.

(10) "Record" means any information that a municipality is required to provide access to under subsection 147(1) of the *Municipal Government Act.*

(11) "Regulations" mean the Access to Information and Protection of Personal Information Regulations under the Act.

(12) "Third party" means a person, a group of persons or an organization other than an applicant or a municipality.

17. General

(1) Records shall be available for public inspection at the office of the municipality during regular office hours.

(2) Council shall not appoint a person to act as the Coordinator who is

(a) a member of Council; or

(b) the CAO of another municipality.

(3) The Coordinator's duties shall include

(a) accepting and processing applications for access to information;

(b) clarifying and responding to access to information applications, including deciding whether to grant or refuse the application for access to information;

(c) providing education and training to members of Council and employees of the municipality with respect to the bylaw and the Act as it applies to access to information and the protection of personal information;

(d) assisting municipal staff in conducting searches in response to access to information applications;

(e) preparing fee estimates; and

(f) providing a written annual report to the Council of the municipality which includes, at a minimum,

(i) the number of applications for access to information,

(ii) the number of applications where access to information was granted, and the number of applications where access to information was denied.

18. Application process for access to information

(1) An application for access to information shall be made by the applicant, in writing, to the Coordinator.

(2) An application for access to information shall

(a) provide sufficient detail to enable the Coordinator to identify the information sought, and

(b) indicate whether the applicant is requesting a photocopy of the information or to examine the information.

(3) An application for access to information made under subsection 4(1) may be made by an application in electronic format where the Coordinator consents to receiving the application by electronic means.

(4) Subsequent communications between an applicant and the Coordinator may be by electronic means where both the Coordinator and the applicant consent to communicate by that means.

(5) The Coordinator may exempt an applicant from the requirement for requests to be made in writing for requests to access the records referred to in subsection 6(2) of this bylaw.

19. Entitlement to access

(1) Subject to subsection 5(2) of this bylaw and subsection 6 (3) of the regulations, an applicant is entitled to access records and the Coordinator shall provide records that were created or collected by the municipality which, at a minimum, includes access to the types of information referred to in subsection 147(1) of the Act.

(2) An application for access to information that contains personal information of another individual or information of a third party, or information not referred to in subsection 6(2) of this bylaw shall be made to the Coordinator in accordance with the requirements of section 4.

20. Records available for inspection

(1) Subject to the restrictions on information set out in subsection 6(3) of the Regulations, access to information includes, but is not limited to, records in relation to the following matters:

(a) assessment information;

(b) approved financial plans;

(c) approved annual financial statements;

(d) auditor reports;

(e) minutes of all meetings of the council and council committees;

(f) bylaws or proposed bylaws which have received first reading;

(g) resolutions of the council and council committees passed at open meetings of the council or council committee together with any relevant information that was taken into consideration in the decision to pass the resolution;

(h) permits which have been issued;

(i) approvals which have been granted;

(j) all grants, contributions and donations, with the name of each recipient;

(k) all contracts, except a contract

(i) in respect of which the release of information could jeopardize an individual's safety or security, or

(ii) the disclosure of which could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiating position of a municipality;

(l) all compensation, expenses and other payments made annually to each council member pursuant to section 82 of the Act;

(m) strategic plans;

(n) all policies;

(o) all documents that have been tabled or adopted at open meetings of the council or council committees that

(i) are not included in clauses (a) to (n),

(ii) do not fall within the scope of subsection 119(1) of the Act, and

(iii) are not subject to solicitor-client privilege.

(2) The following records shall be available within two business days upon request:

(a) current approved financial plans,

(b) current approved annual financial statements,

(c) audited financial reports,

(d) approved minutes of all council and council committee meetings,

(e) resolutions contained in the register referred to in clause 93(3)(i) of the Act

(f) current strategic plans,

(g) all policies,

(h) bylaws or proposed bylaws that have received first reading,

(i) all compensation, expenses and other payments made annually to each council member, council committee member and all members of any boards or other bodies established by council for the previous year.

(3) For records not included in subsection 6(2) of this bylaw to which access is authorized by the Act, the bylaw or any other Act; and where the information is reasonably accessible to the municipality, the Coordinator shall, within 30 days of the application for access to information,

(a) provide the applicant with a written estimate of any fees that may be charged for copies of the record or document containing the information; and

(b) subject to the payment of any fees and deposit required under section 20 of this bylaw, allow the applicant access to the information.

(4) Where, in the opinion of the Coordinator, the requested information cannot reasonably be accessed within 30 days of the date of receipt of the application, the Coordinator

(a) shall inform the applicant, in writing, when the information will be accessible; and

(b) provide the applicant with a written estimate of any fees that will be charged for copies of the record or document containing the information.

(5) Where the Coordinator refuses the application for access to information, the Coordinator shall provide the applicant with written notification of the reasons for the refusal and the provision of the Act or bylaw on which the refusal is based.

21. Application of bylaw

(1) This bylaw applies to information that was created or collected on and after the coming into force of the Act by or otherwise under the control of the municipality.

(2) This bylaw also applies to information that was created or collected prior to the coming into force of the Act by or otherwise under the control of the municipality, where that information was required to be public under previous legislation, including but not limited to:

(a) minutes of all meetings of council;

(b) audited financial statements,

(c) approved budgets;

(d) bylaws; and

(e) any information required to be shared publicly under section 23.1 of the *Planning Act*.

22. Inspection of records or documents

(1) The inspection of records or documents containing the information requested by an applicant shall be made under the supervision of an employee of the municipality.

(2) Subject to any fees that may be charged, copies of records or documents shall be provided by the municipality to an applicant on the request by the applicant as a photocopy of the record or document or by an electronic version of the record or document if available.

23. Records not available

(1) Notwithstanding anything contained in this bylaw, no person, other than members of council or staff authorized by the CAO, shall have the right to inspect or obtain a copy of any record that:

(a) is subject to solicitor-client privilege;

(b) is a record of a closed meeting of council or a council committee where the matters discussed related to:

(i) commercial information which, if disclosed, would likely be prejudicial to the municipality or parties involved;

(ii) information received in confidence which, if disclosed, would likely be prejudicial to the municipality or parties involved;

(iii) personal information, other than a person's address, that is protected under the Act;

(iv) relates to confidential human resource matters relating to specific employees;

(v) is a matter still under consideration, on which the council has not yet publicly announced a decision, and about which discussion in public would likely prejudice a municipality's ability to carry out its negotiations;

(vi) relates to the conduct of existing or anticipated legal proceedings;

(vii) relates to the conduct of an investigation under, or enforcement of, an Act or bylaw; or

(viii) is information which, if disclosed, could prejudice security and the maintenance of the law.

(2) The minutes of a closed meeting shall be made available to the public and shall be restricted to

(a) the date of the meeting;

(b) the type of matter under subsection 119(1) of the Act that was discussed during the meeting; and

(c) who was present at the meeting.

(3) The municipality shall make public, when confidentiality is no longer required, any matter which has been considered at a council or council committee meeting closed to the public pursuant to subsection 119(4) of the Act.

24. Personal information contained within records

(1) No personal information, except a person's address, that is included in any of the types of records listed in subsection 6(2) of this bylaw shall be disclosed except

(a) to the person whose personal information it is;

(b) to a person authorized in writing by that person; or

(c) in accordance with this bylaw.

(2) A person's address shall only be disclosed where the person's address is pertinent to the matter being considered by council, including matters such as:

(a) an application made pursuant to an official plan and bylaw where the address is the subject of the application;

(b) a matter dealing with the enforcement of a bylaw where the address is the subject of the discussion.

25. Authority to collect personal information

(1) No personal information may be collected unless

(a) the collection of that information is expressly authorized by or under an enactment of Prince Edward Island or Canada or a bylaw of the municipality;

(b) the information relates directly to and is necessary for operating a program or activity of the municipality; or

(c) the information is collected for the purposes of law enforcement.

26. Manner of collection of personal information

(1) All personal information shall be collected directly from the individual to whom it relates unless

(a) the information may be disclosed to the municipality under the *Freedom of Information and Protection of Privacy Act*;

(b) another method of collection is authorized by that individual or by an enactment or bylaw referred to in clause 12(1)(a);

(c) the information is necessary to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the municipality and is collected in the course of processing an application made by or on behalf of the individual the information is about, or to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the municipality and is collected for that purpose;

(d) the information is collected for the purpose of collecting a fine or a debt owed to the municipality;

(e) the information is collected for the purpose of managing or administering personnel of the municipality;

(f) the information concerns an individual who is designated as a person to be contacted in an emergency, or other specified circumstances;

(g) the information is collected for the purpose of determining suitability for an honour or award; or

(h) the information is collected for the purpose of law enforcement.

(2) Where personal information is collected directly from an individual under subsections 11(1) or 12(1), the individual is to be informed of

(a) the purpose for which the information is collected;

(b) the specific legal authority for the collection; and

(c) the contact information of an employee of the municipality who can answer the individual's questions about the collection.

27. Use of personal information

(1) Where an individual's personal information is used by the municipality, the municipality shall

(a) make every reasonable effort to ensure that the information is accurate and complete; and

(b) retain the personal information in accordance with the records retention bylaw of the municipality.

(2) For greater certainty, a reference in this section and in sections 14, 16 and 17 to the collection, use or disclosure of personal information by the municipality includes the collection, use or disclosure of the personal information by

(a) an employee of the municipality;

(b) a volunteer, including a volunteer firefighter;

(c) a person appointed to conduct an inquiry under subsection 217(2) of the Act;

(d) a supervisor appointed under subsection 219(2) of the Act; and

(e) an official trustee appointed under subsection 220(1) of the Act.

28. Correction to personal information

(1) An individual has the right to request that the coordinator correct personal information where the individual believes there is an error or omission in the individual's personal information.

(2) The coordinator is prohibited from correcting or otherwise altering an opinion included in an individual's personal information, including a professional or expert opinion.

(3) A request for a correction to personal information shall be made in writing by the individual whose personal information it is, or by an authorized person on that individual's behalf.

(4) A request for a correction to personal information shall provide sufficient detail to enable the coordinator to identify the personal information that is the subject of the request.

(5) A request in writing may be satisfied by a request in electronic format where the coordinator consents to receiving the request by electronic means.

(6) Subsequent communications between an individual making a request for correction and the coordinator may be by electronic means where both the coordinator and the individual consent to communicate by that means.

(7) The coordinator shall make the correction requested in accordance with the procedure specified in section 15 unless prohibited by law from doing so.

29. Record of a request to correct personal information

(1) Following a request to correct personal information

(a) where a correction is made in response to a request under subsection 14(1), the coordinator shall make a notation either on the record or document in question or attached to it that a correction has been requested and made; or

(b) where no correction is made in response to a request under subsection 14(1), or a correction is prohibited under subsection 14(2), the coordinator shall make a notation that there was a request to make a correction to the individual's personal information either on the record or document in question or attached to it.

(2) Within 60 days after the request under subsection 14(1) is received, the coordinator shall give written notice to the individual that

(a) the correction has been made under clause 15(1)(a); or

(b) no correction has been made under clause 15(1)(b).

(3) The coordinator shall notify any third party to whom personal information has been disclosed within the preceding year that a request to correct that personal information has been made and the decision that was made in response to the request.

(4) Notwithstanding subsection (3), the Coordinator may dispense with notifying a third party as required in that subsection if

(a) in the opinion of the Coordinator, the request to correct the personal information and the decision that was made is not material; and

(b) the individual who requested the correction is advised and agrees in writing that notification is not necessary.

(5) Where the personal information that is the subject of a request for correction was collected by another party or another party created the record or document containing the personal information, the coordinator may, within 30 days from receiving the request to correct the personal information under section 14, transfer the request to that party.

(6) Where a request is transferred under subsection 15(5), the Coordinator shall notify the individual of the transfer as soon as possible.

30. Protection of personal information

(1) The CAO shall ensure that personal information is protected by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, disposal or destruction of personal information

(2) In order to ensure that personal information is protected, the municipality may use personal information only :

(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;

(b) if the individual to whom the information pertains has identified the information and consented, in writing, to the use;

(c) for a purpose for which that information may be disclosed by the municipality under section 17; or

(d) to the extent necessary to enable the municipality to carry out its purpose in a reasonable manner.

31. Disclosure of personal Information

(1) The municipality may disclose personal information only:

(a) for the purpose of complying with the Act or the bylaw;

(b) for the purpose of complying with an enactment of Prince Edward Island or Canada;

(c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;

(d) if the individual the information is about has identified the information and consented, in writing, to the disclosure;

(e) for determining an individual's suitability or eligibility for a program or benefit, including determining if an individual remains eligible or suitable for a program or benefit that individual is already participating in;

(f) if the information is necessary for the delivery of a program or service of the municipality;

(g) for the purpose of managing or administering personnel of the municipality or to a representative of a bargaining agent who has been authorized, in writing, by the employee to whom the information pertains to make an inquiry; or

(h) to a law enforcement agency in Canada to assist in an investigation

(i) undertaken with a view to a law enforcement proceeding, or

(ii) from which a law enforcement proceeding is likely to result.

(2) The municipality may disclose personal information about an individual

(a) when the information is available to the public;

(b) if the information is of a type that is routinely disclosed in a business or professional context and the disclosure is

(i) limited to the individual's name and business contact information, including business title, address, telephone number, facsimile number and email address, and

(ii) does not reveal other personal information about the individual or personal information about another individual; or

(c) if the CAO believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person.

(3) For the purposes of sections 16 and 17, a use or disclosure of personal information is consistent with the purpose for which the personal information was collected or compiled if the use or disclosure

(a) has a reasonable and direct connection to that purpose; and

(b) is necessary for performing the statutory duties of, or for operating an authorized program of, the municipality that uses or discloses the personal information.

(4) Notwithstanding any other provision of this bylaw in relation to the protection of personal information

(a) the municipality may disclose personal information in an individually identifiable form for a research purpose, including statistical research, only if

(i) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form,

(ii) the provision of information is not harmful to the individual the information is about and the benefits to be derived from the provision of information are clearly in the public interest,

(iii) the CAO has approved conditions relating to the following:

(A) security and confidentiality,

(B) the removal or destruction of individual identifiers at the earliest reasonable time, and

(C) the prohibition of any subsequent use or disclosure of the information in individually identifiable form without the express authorization of the council; and

(b) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, the Act, the bylaw and any other bylaws, policies and procedures of the municipality relating to the confidentiality of personal information.

(5) The only personal information that a municipality shall disclose to an applicant in relation to a third party is information authorized to be disclosed under the Act or the bylaw made in accordance with the Regulations.

(6) The Coordinator may refuse to disclose to an applicant

(a) information, including personal information about the applicant, if the disclosure could reasonably be expected to

(i) threaten anyone else's safety or mental or physical health, or

(ii) interfere with public safety;

(b) personal information about the applicant if, in the opinion of a physician, psychologist, psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety; and

(c) information in a record or document that reveals the identity of an individual who has provided information to the municipality in confidence about a threat to an individual's safety or mental or physical health.

32. Complaints

(1) An individual who believes that the individual's personal information has been collected, used or disclosed, or has not been corrected, in contravention of the Act or the bylaw may, in writing, file a complaint with the Council of the municipality and request that a review of the matter be conducted.

33. Adjudicator

(1) Upon receiving a complaint and a request for a review of the matter referred to in subsection 18(1), the Council of the municipality shall, by resolution and as soon as practicable, appoint an adjudicator.

(2) The adjudicator referred to in subsection 19(1) shall be an independent third party.

(3) All costs associated with the review of the complaint by the adjudicator, including the fees and expenses of the adjudicator, shall be the responsibility of the municipality.

(4) The adjudicator has authority to decide all questions of fact and law arising during the course of the review.

(5) The individual requesting the review and the municipality shall be given the opportunity to make representations to the adjudicator.

(6) No person, other than the individual who requested the review and the municipality is entitled to be present during, to have access to or to comment on representations made to the adjudicator, except with the written consent of both parties.

(7) The adjudicator has the authority to decide whether the representations may be made orally, in writing or both.

(8) The individual who requested the review and the municipality may be represented by legal counsel or an agent.

(9) The adjudicator's review shall be completed within 90 days after the Council of the municipality receives the request unless the adjudicator

(a) notifies the individual who requested the review and the municipality that the adjudicator is extending that period; and

(b) provides an anticipated date for the completion of the review.

(10) Upon completion of the review, the adjudicator shall issue a decision, in writing, including reasons for the decision, ordering one or more of the following:

(a) that the municipality not correct the personal information of the individual who requested the review;

(b) that the municipality correct the personal information of the individual who requested the review;

(c) that the municipality stop collecting, using or disclosing personal information in contravention of the Act or the bylaw;

(d) that the CAO destroy personal information collected in contravention of the Act or the bylaw;

(e) that the complaint be dismissed.

(11) In addition to the order referred to in subsection 19(10), the adjudicator may make other recommendations that the adjudicator determines appropriate.

(12) The adjudicator shall provide a copy of the decision

(a) to the person who requested the review;

(b) to the CAO of the municipality concerned; and

(c) to the Council of the municipality concerned.

(13) The municipality shall comply with the decision not later than 40 days after being given a copy of a decision of the adjudicator except

(a) the municipality shall not take any steps to comply with the decision of the adjudicator until the end of the period for bringing an application for judicial review of the decision under the *Judicial Review Act* R.S.P.E.I. 1988 Cap. J-3; and

(b) if an application for judicial review is made before the end of the period referred to in clause (a), the decision of the adjudicator is stayed until the application is dealt with by the court.

(14) The adjudicator may, at any time during the review, attempt to informally resolve the complaint referred to in section 18.

34. Fees

(1) At no time shall an applicant be charged fees that exceed the actual cost of the services and materials provided by the Municipality.

(2) An applicant requesting a record or document shall pay to the Municipality the fees set out in Schedule 1 for the purpose of

(a) locating, retrieving and producing the record;

(b) preparing the record for disclosure;

(c) shipping and handling the record;

(d) supervising the examination of records; and

(e) providing copies of the record.

(3) An applicant shall pay a deposit of 50% of the estimated fees prior to the commencement of a search for records.

(4) All fees associated with a request shall be paid before the release of the copies of the records or documents.

(5) Notwithstanding any other provision of this Bylaw, fees do not apply to requests for an applicant's own personal information, except for photocopying fees.

(6) An applicant may, in writing, request that the coordinator waive all or part of the fee for a specified request, and

(a) the Coordinator may waive all or part of the fee, if in the coordinator's opinion

(i) the applicant cannot afford to pay the fee or for any reason it is appropriate, or

(ii) the record or document containing the information relates to a matter of public interest, including public health, safety or environment

35. Effective Date

(1) This Bylaw shall be effective as of April 1, 2020.

36. Approval

First Reading:

This Access to Information and Protection of Privacy Bylaw, Bylaw# 2020-12, was read a first time at the Council meeting held on the 18th day of December, 2019.

This Access to Information and Protection of Privacy Bylaw, Bylaw# 2020-12, was approved by a majority of Council members present at the Council meeting held the 18th day of December, 2019.

Second Reading:

This Access to Information and Protection of Privacy Bylaw, Bylaw# 2020-12, was read a second time at the Council meeting held on 19th day of February, 2020.

This Access to Information and Protection of Privacy Bylaw, Bylaw# 2020-12, was approved by a majority of Council members present at the Council meeting held on the 19th day of February, 2020.

Adoption and Approval by Council:

This Access to Information and Protection of Privacy Bylaw, Bylaw# 2020-12, was adopted by a majority of Council members present at the Council meeting held on the 19th day of February, 2020.

This Access to Information and Protection of Privacy Bylaw, Bylaw# 2020-12, is declared to be passed on this the 19th day of February, 2020.

_____ _____

Mayor (signature sealed) **Chief Administrative Officer** (signature sealed)

This Access to Information and Protection of Privacy Bylaw adopted by the Council of the Rural Municipality of Miltonvale Park on February 19, 2020, is certified to be a true copy.

_____ _____

Chief Administrative Officer Signature **Date**

Schedule 1 – Fees for accessing or copies of records

Type of information	Timeframe	Photocopying / printing	Services/Time	Deposit
Category I – available on demand (bylaw subsection 6(2))	Office hours/as agreed to between applicant and Coordinator if no office hours	Max $0.08 per page	No charge permitted	All fees must be paid up front.
Category II – readily available but not necessarily on hand – (bylaw subsection 6(3)) or available on demand under 6(2) but older than two years	30 days from application to when the fee estimate and access to records or copies if requested must be provided to applicant	Max $0.08 per page	• Fees related to locating, retrieving and producing the information • Fees related to preparing the information for disclosure • Fees related to supervising the examination of information • $30/hour - Estimates for hours required will be provided before the search.	All fees must be paid up front. A deposit of 50% of charges relating to time and services must be paid prior to the beginning of the collection of the requested information.
Category III – Information that cannot reasonably be accessed within 30 days of the application (Bylaw subsection 6(4))	30 days from application the estimate of time and the written estimate of fees must be provided to applicant	Max $0.08 per page	• Fees related to locating, retrieving and producing the information • Fees related to preparing the information for disclosure • Fees related to supervising the examination of information • $30/hour - Estimates for	All fees must be paid up front A deposit of 50% of charges relating to time and services must be paid prior to the beginning of the collection of the requested information

			hours required will be provided before the search.	
Category IV – applicant's own personal information (subsection 10(3) of the Regulations)		Max $0.08 per page	No charge permitted	All fees must be paid up front.