

CORPORATION OF THE COUNTY OF PERTH

BY-LAW No. 3526-2016

A By-law to establish policies for accountability and transparency, public notice, the sale and other disposition of land, hiring of employees, procurement of goods and services, and delegation of powers and duties, as required under subsection 270(1) of the *Municipal Act, 2001*.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 270(1) of the *Municipal Act, 2001* requires that a municipality adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions and the manner in which the municipality will try to ensure that its actions are transparent to the public; circumstances in which the municipality will provide public notice; the sale and other disposition of land; hiring of employees; procurement of goods and services; and the delegation of powers and duties;

NOW THEREFORE the Municipal Council of the Corporation of the County of Perth **ENACTS AS FOLLOWS:**

1. The following attached policies are hereby implemented:

Schedule "A" – Accountability and Transparency to the Public Policy

Schedule "B" – Notice to the Public Policy

Schedule "C" – Sale and Other Disposition of Land Policy

Schedule "D" – Hiring of Employees Policy

Schedule "E" – Procurement of Goods and Services Policy

Schedule "F" – Delegation of Powers and Duties Policy

2. Council Policy CL-3.02, "Delegation of Powers and Duties by Council", adopted by Resolution 2007-585, December 20, 2007, is hereby rescinded.
3. Council Policy CL-4.01, "Public Notice", approved September 4, 2008, revised January 21, 2010, is hereby rescinded.
4. Council Policy CL-4.02, "Accountability and Transparency", adopted by Resolution 2007-498, November 1, 2007, revised January 21, 2010, is hereby rescinded.
5. By-law 2875-2005 "Being a By-law of the Municipal Corporation of the County of Perth to adopt policies with respect to its procurement of goods and services" adopted February 3, 2005, is hereby repealed.
6. By-law 3180-2010 "Being a By-law to establish policies governing the Sale or Disposition of Surplus Land" adopted February 18, 2010, is hereby repealed.
7. This by-law shall come into force and effect on the day of its passing.

8. The short title of this By-law is "Council Policy By-law".

Read a first and second time this 21st day of April, 2016.

Read a third time and finally passed this 21st day of April, 2016.

__Original Signed by__

Meredith Schneider, Warden

____Original Signed by_____

Jillene Bellchamber-Glazier, County Clerk

SCHEDULE “A”

ACCOUNTABILITY AND TRANSPARENCY TO THE PUBLIC POLICY

Table of Contents

Policy Statement _____	1
Definitions _____	1
Purpose _____	2
Application _____	2
Policy Requirements _____	2
Responsibilities _____	4
Monitoring _____	4
Legislative and Administrative Authorities _____	4
Enquiries _____	4

Policy Statement

The County of Perth will promote accountable and transparent municipal governance as guided by the following principles:

- Decision-making will be open and transparent.
- Municipal operations will be conducted in an ethical and accountable manner.
- County resources will be managed in an efficient and effective manner.
- Inquiries, concerns and complaints about accountability and transparency of the County will be responded to in a timely manner.
- Reports on financial information, service standards and municipal performance will be made available to the public to encourage public involvement in County operations.
- New delegations of powers and duties will have an appropriate corresponding accountability mechanism.

Definitions

“Act” means the *Municipal Act, 2001*, as amended;

“Accountability” means that the County is responsible to the public for demonstrating and taking responsibility for its actions, decisions and policies implemented;

“County” means the Corporation of the County of Perth;

“Transparency” means that the County will conduct its business in a manner that is open to the public in an effort to encourage public participation.

Purpose

This policy provides guidance on how the County of Perth ensures that it is being accountable for the actions it undertakes, and ensuring that those actions are transparent to the public in order to ensure that accountability can take place.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all operations for the County of Perth.

Policy Requirements

Requirements for municipal accountability and transparency policies, procedures and practices in the County of Perth include:

- Legislated Accountability and Transparency Requirements
- Financial Accountability and Transparency Framework
- Open Government
- Administrative Accountability Framework
- County Council’s Accountability Framework

Legislated Accountability and Transparency Requirements – there are a number of pieces of legislation that govern how the County of Perth conducts its business to ensure that it is accountable and transparent to the public, including:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy*
- *Ombudsman Act*
- *Provincial Offences Act*
- *Public Sector Salary Disclosure Act*

Financial Accountability and Transparency Framework – the County of Perth provides information about taxation and how funds are used to provide County services to the

public, as well as future financial projections. Tools for reporting financial information include:

- External Auditing and Reporting
- Annual Financial Statements
- Quarterly Variance Reports and Forecasting
- Long-Range Capital and Operating Budgeting
- Annual Budget Visioning Session
- Procurement Policy
- Delegation of Powers and Duties By-law
- Asset Management Plan

Open Government – the County of Perth has developed policies, procedures and practices in order to promote local democracy, including:

- Procedure By-law
- Public Notice Policy and By-law
- Delegation of Powers and Duties Policy and By-law
- Accessible Formats
- Communications Plan and Social Media Policy

Administrative Accountability Framework – staff at the county of Perth follow established policies, procedures and practices that support accountability and ethical behavior, including:

- Respect in the Workplace (Violence Prevention)
- Progressive Discipline Policy
- Performance Standards
- Corporate Financial Policies
- Code of Conduct Policy
- Hiring Policy

Perth County Council's Accountability Framework – council members follow established policies, procedures and practices that support accountability and ethical behavior, including:

- Procedure By-law
- Code of Conduct
- Delegation of Powers and Duties Policy and By-law

Responsibilities

County Council and County of Perth staff are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and the transparency of municipal decision-making and operations.

Monitoring

The Chief Administrative Officer for the County of Perth shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern, the Chief Administrative Officer shall notify:

- For staff, the CAO shall notify the Department Head, or Supervisor Responsible, and/or the Human Resources Manager
- In relation to complaints related to improperly closed meetings, the Meeting Investigator
- For council members, the Warden, as outlined in the Code of Conduct policy

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the County adopt and maintain a policy with respect to ensuring that the municipality is accountable and transparent for its actions and decisions.

The Accountability and Transparency for Perth County identifies the various legislative, policy, procedural, and current practices that council and staff comply with to promote accountability and transparency.

Enquiries

Chief Administrative Officer
County of Perth
Telephone: 519-271-0531 ext. 110

SCHEDULE “B”

NOTICE TO THE PUBLIC POLICY

Table of Contents

Policy Statement _____	1
Definitions _____	1
Purpose _____	2
Application _____	2
Policy Requirements _____	2
Responsibilities _____	3
Monitoring _____	3
Legislative and Administrative Authorities _____	3
Appendix “A” Public Notice Requirements Table _____	4

Policy Statement

The County of Perth promotes accountability and transparency through the establishment of a notice policy that promotes public participation in the local democratic process.

Definitions

“Act” means the *Municipal Act, 2001*, as amended;

“County” means the Corporation of the County of Perth;

“Legislative Powers” includes all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies and exercising decision-making authority;

“Meeting” has the same meaning as defined in the *Municipal Act, 2001*;

“Newspaper” shall mean a document that:

- (a) Is printed in sheet form, published at regular intervals of a week or less and is available through general circulation; and
- (b) Consists primarily of news of current events of general interest

“Notice” means an announcement containing information about a future event;

“Website” means the County of Perth official website at www.perthcounty.ca

Purpose

This policy provides guidance with respect to the circumstances in which the County shall provide notice to the public and the form, manner and times notice shall be given.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all operations for the County of Perth.

1. Notice to the public shall be provided in the circumstances and in the form, manner, and times as follows:
 - i. All circumstances set out and in the form, manner, and times as set out in Appendix “A”, attached;
 - ii. If required by any Act or Regulation, in the form, manner, and times as prescribed by the Act or Regulation;
 - iii. If required by another by-law, in the form, manner and times as set out in the said by-law;
 - iv. If directed by Council, in the form, manner and times as specified by Council;
or
 - v. In circumstances where, in the opinion of the County Clerk, notice is reasonable and necessary, in the form, manner and times as determined by the County Clerk.

No additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by the Council or a Committee of Council.

The notice requirements under this Policy are a minimum requirement and the County Clerk may give notice in an extended manner if, in the opinion of the County Clerk, the extended manner is reasonable and necessary in the circumstances.

Where any of the form, manner or times of notice are not specified in Appendix “A”, an Act, Regulation or by-law, or where Council directs that notice be given, or the County Clerk determines that notice be given, the form, manner or times of the public notice shall be determined by the County Clerk.

Policy Requirements

Council supports accessible public notice for municipal matters which may not otherwise be prescribed to encourage public participation and ensure that the public has

the opportunity to make submissions, attend and/or request to appear as a delegate before Council and/or Committees of Council. Notice provisions for such matters shall provide clear details related to the matter for which notice is being given.

Nothing in this policy shall prevent the County from exceeding the notice provisions as set out in this policy.

Responsibilities

County of Perth staff are responsible for adhering to the parameters of this policy and for ensuring the appropriate notice is provided to the public.

Monitoring

The Chief Administrative Officer for the County of Perth shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern, the Chief Administrative Officer shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the County adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

Municipal Act, 2001

Procedure By-law

Accessibility Policies

Enquiries

Chief Administrative Officer

County of Perth

Telephone: 519-271-0531

Appendix “A” Public Notice Requirements Table

PUBLIC NOTICE REQUIREMENTS TABLE		
Circumstances	Summary	Form, Manner and Times
<p>BUDGET (Section 289, <i>Municipal Act, 2001</i>) Adoption of Annual Operating and Capital Budgets of the County</p>	<p>Public notice of intent to adopt the budget.</p>	<p>Notice of intent to adopt the budget shall be posted on the County’s website at least six (6) days in advance of the Council meeting at which the budget will be considered for adoption.</p>
<p>SCHEDULE OF MEETINGS – REGULAR AND SPECIAL (Section 238 (2)(2.1), <i>Municipal Act, 2001</i>) (Section 240, <i>Municipal Act, 2001</i>)</p>	<p>Public notice to advise of the annual schedule of regular meetings of Council and Committees.</p> <p>Public notice to advise of special or emergency meetings of Council.</p>	<p>Notice of the annual schedule of regular meetings of Council and Committees shall be in accordance with the procedure by-law, and shall be posted on the County’s website.</p> <p>Notice of any special or emergency meetings of Council outside of the annual schedule of regular meetings shall be in accordance with the procedure by-law, and shall be posted on the County’s website.</p>

PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>E OR CHARGE BY-LAW (Section 391, 400(f), <i>Municipal Act, 2001</i>)</p>	<p>Public notice to advise of a Council meeting to consider the enactment of a fee or charge by-law, including the enactment of fees and charges by-laws regarding items in the annual property tax-supported budget, which shall include information about how information about the by-law may be obtained.</p>	<p>Notice to advise of a Council meeting to consider the enactment of fees and charges by-laws, including items in the annual property tax-supported budget shall be posted on the County's website at least six (6) days in advance of the Council meeting at which the fee or by-law is to be considered.</p>
<p>PROPOSAL TO RESTRUCTURE THE MUNICIPALITY (Section 173, <i>Municipal Act, 2001</i>)</p>	<p>Public Notice to advise of the holding of a public meeting prior to Council voting on whether to support or oppose a restructuring proposal.</p>	<p>Notice to advise of a public meeting to consider a restructuring proposal shall be posted on the County's website and shall also be published once in a newspaper of general circulation in the County of Perth at least six (6) days in advance of the public meeting to consult with the public on the restructuring proposal.</p>
<p>CHANGE OF NAME OF THE MUNICIPALITY (Section 187, <i>Municipal Act, 2001</i>)</p>	<p>Public notice to advise of the holding of a meeting to consider the enactment of a by-law to change the name of the municipality.</p>	<p>Notice to advise of a public meeting to consider the enactment of a by-law to change the municipality's name shall be posted on the County's website and shall also be published once in a newspaper of general circulation in the County of Perth at least six (6) days in advance of the public meeting where the matter is to be considered.</p>

PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>DISSOLUTION OR CHANGE TO LOCAL BOARD (Section 216, <i>Municipal Act, 2001</i>)</p>	<p>Notice to a local board to advise of a Council meeting to consider a by-law to dissolve or change the local board.</p>	<p>A notice sent by regular mail to be mailed to the local board at least fourteen (14) days prior to the Council meeting at which the matter is to be considered.</p>
<p>CHANGES TO THE COMPOSITION OF COUNCIL (Section 218 and 219 (1) <i>Municipal Act, 2001</i>)</p>	<p>Public Notice to advise of the holding of a public meeting prior to Council voting on potential changes to the composition of Council.</p>	<p>Notice to advise of a public meeting to consider potential changes to Council composition shall be posted on the County's website at least six (6) days in advance of the public meeting to consult with the public on the restructuring proposal.</p>
<p>NEW PROCEDURE BY-LAW (Section 238, <i>Municipal Act, 2001</i>)</p>	<p>Public Notice to advise of a Council meeting to consider enactment of a new Procedure By-law.</p>	<p>Notice to advise of a Council meeting to consider the enactment of a new Procedure By-law shall be posted on the County's website at least six (6) days in advance of the Council meeting at which the matter is to be considered.</p>

PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>PERMANENT HIGHWAY CLOSURE OR PERMANENT ALTERATION – ACCESS DENIED TO ANY PROPERTY</p>	<p>Public notice to advise of a Council meeting to consider the enactment of a by-law to close or permanently alter a highway.</p> <p>Notice to affected property owners to advise of a Council meeting to consider the enactment of a by-law to close or permanently alter a highway.</p>	<p>Notice to advise of a public meeting to consider the enactment of a by-law to close or permanently alter a highway shall be posted on the County’s website at least six (6) days in advance of the Council meeting at which the by-law is to be considered.</p> <p>One notice sent by registered mail, mailed to the last known address of the affected property owner(s), at least fourteen (14) days before the Council meeting at which the by-law is to be considered.</p>
<p>PLANNED PROGRAM DISRUPTION OR PLANNED LIFECYCLE RENEWAL/REPLACEMENT THAT REQUIRE THE CANCELLATION OF EVENT(S) OR PROGRAM(S) OR TEMPORARY CLOSURES OF MORE THAN ONE DAY</p>	<p>Public notice to advise of the commencement of construction and/or temporary closure of space.</p>	<p>Notice to advise the public of the commencement of construction and/or temporary closure of space shall include signage onsite a minimum of seven (7) days prior to the commencement of work, and information about the nature of the work, the estimated timing of construction and contact information shall be posted on the County’s website.</p>
<p>TEMPORARY PROGRAM DISRUPTION OR SERVICE DISRUPTION</p>	<p>Public notice to advise of temporary program disruption or service disruption.</p>	<p>Notice to advise the public of a temporary program or service disruption shall include postings in conspicuous places at the affected premises, other County facilities, and the County’s website, as per the Corporate Accessibility Policy.</p>

SCHEDULE “C”

SALE AND OTHER DISPOSITION OF LAND POLICY

Table of Contents

Policy Statement _____	1
Definitions _____	1
Purpose _____	3
Application _____	3
Policy Requirements _____	3
Responsibilities _____	5
Monitoring _____	5
Legislative and Administrative Authorities _____	5

Policy Statement

The County of Perth shall dispose of surplus real property in an open and transparent manner that maximizes its social, economic and environmental return to the County.

Definitions

“Abutting owner” in the case of the disposal of a closed road or highway, an abutting owner refers to an owner, the front, rear or side of whose property is immediately beside the closed road or highway, but does not include an owner whose property touches either end of the road or the highway. With respect to any other real property disposal, an abutting owner is any owner whose real property touches the County’s real property;

“Act” means the *Municipal Act, 2001*, as amended;

“Appraisal” means a written estimate of current market valuation of the land that is satisfactory to the Chief Administrative Officer of the Corporation of the County of Perth;

“Chief Administrative Officer” means the Chief Administrative Officer of the Corporation of the County of Perth;

“Clerk” means the Clerk of the Corporation of the County of Perth;

“Council” means the Council of the Corporation of the County of Perth;

“County” means the Corporation of the County of Perth;

“Disposition” means the sale, transfer, conveyance or exchange of the fee simple interest in land or the granting of a lease for a term of twenty-one (21) years or longer,

but does not include the granting of an easement or right of way, and “disposal” shall have a similar meaning;

“Land” means any real property owned by the County;

“Market value” means the highest price a willing buyer would pay and a willing seller would accept, both parties being fully informed, and the real property being marketed for a reasonable period of time;

“Meeting” has the same meaning as defined in the *Municipal Act, 2001*;

“Newspaper” shall mean a document that:

- (a) Is printed in sheet form, published at regular intervals of a week or less and is available through general circulation; and
- (b) Consists primarily of news of current events of general interest

“Non-viable real property” means real property for which a building permit cannot be granted because it is either landlocked, or it is of insufficient size and shape to permit development unless developed in conjunction with abutting land;

“Notice” means an announcement containing information about a future event;

“Real property” means land and/or buildings and all improvements thereon;

“Surplus real property” means real property that the County no longer requires to meet its current or future program or operational needs and that has been declared surplus by County Council or its delegated authority;

“Treasurer” means the Treasurer of the Corporation of the County of Perth;

“Value” means the valuation of the fair market value of land, and includes the value assigned by the Municipal Property Assessment Corporation, the opinion of value by a licensed real estate agent, or such other means as may be specifically determined as appropriate by Council or the Chief Administrative Officer;

“Valuation” means an independent appraisal or written opinion of the market value of the land by an appraiser or qualified professional;

“Viable real property” means real property for which a building permit can be granted;

“Website” means the County of Perth official website at www.perthcounty.ca

Purpose

To ensure that transparent and accountable processes are followed in the disposal of all real property and to ensure that returns are fair, reasonable and in the best interest of the County.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to the sale or other disposition of real property by the County of Perth.

This policy applies to all County of Perth employees and any agents or assigns authorized to dispose of real property on behalf of the County.

Policy Requirements

1 General

- 1.1 Where real property is proposed to be disposed of, it shall first be determined to be viable or non-viable by the Chief Administrative Officer.
- 1.2 Subject to Section 1.3, real property shall be disposed of at market value.
- 1.3 Notwithstanding Section 1.2, County Council may, unless prohibited by the *Municipal Act, 2001*, authorize the disposal of real property at less than market value if, in its opinion, it is in the best interests of the County to do so.
- 1.4 All County-owned real property is a corporate asset and not an asset of any individual department. Monies received from the disposal of any real property shall be deposited to the County's respective asset reserve account, unless otherwise directed by County Council.
- 1.5 This Policy shall not apply to the disposal of real property which is the subject of an agreement entered into by the County for the provision of municipal capital facilities pursuant to section 110 of the *Municipal Act, 2001*.

2 Conditions for the Disposal of Real Property

Unless otherwise stated in this Policy, the following conditions must be met before the disposal of any real property:

- 2.1 The real property shall be declared surplus to current or future program or operational requirements of the County; and
- 2.2 At least one (1) appraisal of the real property shall be obtained; and
- 2.3 Notice of the proposed disposal shall be provided to the public.

3 Authority to Declare Surplus

- 3.1 All real property shall be declared surplus by County Council by passing a resolution in an open meeting to declare any such real property surplus to the needs of the County.

3.2 Once the real property has been declared surplus the Clerk shall forward a copy of the council resolution to the Treasurer.

4 Appraisals

4.1 At least one (1) appraisal estimating current market value of the property shall be obtained. Appraisal reports shall remain confidential until the disposal is completed.

4.2 Notwithstanding Section 4.1, the requirement to obtain an appraisal shall not apply to the disposal of real property for the following classes of land:

- i. land 0.3 metres or less in width, acquired in connection with an approval or decision under the *Planning Act*;
- ii. closed highways, road and road allowances;
- iii. land formerly used for railway branch lines if sold to an owner of land abutting the former railway land;
- iv. land that does not have direct access to a highway if sold to the owner of land abutting that land;
- v. land re-purchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- vi. disposal to a municipality as defined by the *Municipal Act*;
- vii. disposal to a local board as defined in the *Municipal Affairs Act*;
- viii. disposal to an authority under the *Conservation Authorities Act*; and
- ix. disposal to the Crown in Right of Ontario or of Canada and their agencies

5 Notice of Proposed Disposal

5.1 Prior to the disposal of any real property the Clerk shall give notice of the proposed disposal to the public by one or more of the following methods:

- Posting of a “For Sale” sign on the real property in question for a period of not less than ten (10) days;
- Advertising the real property for disposal in one newspaper or other appropriate media;
- Posting a notice on the County’s website at www.perthcounty.ca under Public Notices.

5.2 No notice shall be required for real property that is re-purchased by an owner in accordance with Section 42 of the *Expropriations Act*.

5.3 Notice of the proposed disposal of non-viable real estate is provided to all abutting owners.

6 Methods of Sale

Depending on the nature of the land, various methods may be employed for the disposal of land, including: public auction; electronic auction; tender process; listing

through the Multiple Listing Service; listing with real estate firm or broker; direct advertising; direct negotiations with an abutting property owner; other direct negotiations when authorized by Council. County Council shall determine by resolution the method of sale of the surplus real property. Appendix "A" of this policy sets out the procedures for the specific methods of sale.

Responsibilities

County Council approval is required for the disposal of real property where the total amount exceeds the maximum amount pursuant to any delegated authority. County of Perth staff are responsible for adhering to the parameters of this policy and for ensuring the processes outlined within are followed.

Monitoring

The Chief Administrative Officer for the County of Perth shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern, the Chief Administrative Officer shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the County adopt a policy with respect to the sale and other disposition of land

Conservation Authorities Act

Expropriations Act

Heritage Act

Municipal Act, 2001

Municipal Affairs Act

Planning Act

Enquiries

Chief Administrative Officer

County of Perth

Telephone: 519-271-0531 ext. 110

Appendix “A”

Sale and Disposition of Land Policy - Procedures for Disposal and Agreements of Purchase and Sale

I. Procedures for Disposal by Public Auction

Should the Council determine to dispose of the surplus land by public auction, the following shall apply:

- a) The Chief Administrative Officer shall be authorized to retain a licensed real estate auctioneer to conduct the auction;
- b) All costs of advertising being borne by the County on the understanding that the method and format of advertising will be agreed to by the auctioneer and approved by the Chief Administrative Officer prior to publication;
- c) The County shall maintain the right to establish a reserve bid based on the results of an appraisal and on the understanding that the reserve bid will remain confidential until the conclusion of the auction;
- d) The conditions of sale being established, in each case, by the County;
- e) The Chief Administrative Officer shall report the results of the auction to the County Council.

II. Procedures for Disposal by Electronic Auction (E-auction)

Should the Council determine to dispose of the surplus land by electronic auction, the following shall apply:

- a) All costs of advertising being borne by the County on the understanding that the method and format of advertising will be agreed to by the Chief Administrative Officer prior to publication and/or web posting;
- b) The County shall maintain the right to establish a reserve bid based on the results of an appraisal;
- c) The conditions of sale being established, in each case, by the County;
- d) The Chief Administrative Officer shall report the results of the auction to the County Council.

III. Procedures for Disposal by Public Tender

Should the Council determine to dispose of the surplus land by tender, the following shall apply:

- a) Costs incurred or anticipated for disposal of the surplus land, such as legal fees, survey fees, appraisal fees, encumbrances, advertising, and improvements, shall be established;
- b) An estimated bid price shall be established which shall not be less than the appraised value or valuation plus the additional costs referred to in Clause II a)

above. Notwithstanding the foregoing, the Council may accept an amount less than the estimated bid amount;

- c) An advertisement shall be published, as per the notice requirements for the policy, including within a Newspaper or appropriate media and posted on the County's website at www.perthcounty.ca under Public Notices. The advertisement shall include a brief description of the property including a small location sketch and shall specify the final date that offers will be accepted and shall include the following statement "the highest or any offer may not necessarily be accepted";
- d) The tender documents shall be delivered in person to the Clerk by the date specified therein; and
- e) Any tender otherwise acceptable to the County shall be submitted to the Council for approval of the sale price.

IV. Procedures for Disposal by Real Estate Firm or Broker

Should the Council determine to engage a real estate firm or broker to dispose of the surplus land, the following shall apply:

- a) Costs incurred or anticipated for disposal of the surplus land such as legal fees, survey fees, appraisal fees, encumbrances, advertising, commissions and improvements shall be established;
- b) A listing price shall be established which shall not be less than the appraised value plus the additional costs referred to in Clause III a) above;
- c) The Chief Administrative Officer, or designate, shall be authorized to sign the listing agreement or agreement of purchase and sale once approved by Council;
- d) The offers to purchase the surplus land shall be submitted to the Clerk, or designate, on a standard offer to purchase form or form drafted by a lawyer and shall provide for an irrevocable period of at least twenty one (21) days;
- e) The County may make a counter offer subject to the Council approving the sale price; and
- f) All offers otherwise acceptable to the Council shall be submitted to the Council for approval of the sale price.

V. Procedures for Disposal by Direct Negotiation

Should the Council determine to negotiate directly with a landowner to dispose of the surplus land, (other than a mortgagee or chargee) who abuts the surplus land or an owner of other land in close proximity (other than a mortgagee or chargee) who claims legal interest in the property such as, but not limited to: an easement, a right-of-way, possessory title or a restrictive covenant. The following shall apply:

- a) Costs incurred or anticipated for disposal of the Surplus Land such as legal fees, survey fees, Appraisal fees, encumbrances, advertising and improvements shall be established;
- b) An estimated sale price shall be established which shall not be less than the appraised Value plus the additional costs referred to in Clause IV a) above.

Notwithstanding the foregoing, the Council may accept an amount less or higher than the estimated sale price;

- c) In the event that no appraisal is obtained, as per the policy, the estimated sale price shall not be less than that referred to in Clause 2 above; and
- d) All agreements otherwise acceptable to the County shall be submitted to the Council for approval of the sale price.

VI. Direct Sale to the Public

Should the Council determine to dispose of the surplus land directly to the public, the following shall apply:

- a) Costs incurred or anticipated for disposal of the surplus land such as legal fees, survey fees, appraisal fees, encumbrances, advertising and improvements shall be established;
- b) An estimated sale price shall be established which shall not be less than the appraised value plus the additional costs referred to in Clause V a) above. Notwithstanding the foregoing, the Council may accept an amount less or higher than the estimated sale price;
- c) An advertisement shall be published, as per the notice requirements for the policy, including within a Newspaper or appropriate media and posted on the County's website at www.perthcounty.ca under Public Notices. The advertisement shall include a brief description of the property including a small location sketch and shall specify the final date that offers will be accepted and shall include the following statement "the highest or any offer may not necessarily be accepted";
- d) The Chief Administrative Officer, or designate, shall be authorized to sign the agreement of purchase and sale once approved by Council.
- e) The County may make a counter offer subject to the Council approving the sale price; and
- f) All offers otherwise acceptable to the County shall be submitted to the Council for approval of the sale price.

Agreements of Purchase and Sale

In Agreements of Purchase and Sale (the "APS") or e-auction posting for the sale of Surplus Land, the County shall include a provision which states that the Surplus Land in question is being sold strictly on an "as is, where is" basis and that, except as expressly set out in the APS, no representations or warranties of any nature or kind have been made or will be made by the County, or anyone acting on behalf of the County, whether before or after execution of the APS or closing, to or for the benefit of the purchaser with respect to the Surplus Land including, without limitation, any representation or warranty relating to soil or ground water quality in, on or under the Surplus Land.