



Minutes

The Blue Mountains, Special Meeting of Council

Meeting Date: December 4, 2018
Meeting Time: 1:00 p.m.
Location: Town Hall, Council Chambers
32 Mill Street, Thornbury, ON
Prepared by Corrina Giles, Town Clerk

A. Call to Order

Mayor Alar Soever called the meeting to order with all members in attendance.

Also in attendance Interim Chief Administrative Officer Shawn Everitt, Director of Finance and IT Services Ruth Prince, Director of Planning and Development Services Nathan Westendorp, Director of Infrastructure and Public Works Reg Russwurm, Director of Human Resources Jennifer Moreau, Communications and Economic Development Coordinator Tim Hendry, Health and Safety/HR Coordinator Sarah Traynor, and Library Chief Executive Officer Sabrina Saunders.

▪ Approval of Agenda

Moved by: Rob Potter

Seconded by: Odette Bartnicki

THAT the Agenda of December 4, 2018 be approved as circulated, including any items added to the Agenda, Carried.

▪ Declaration of Pecuniary Interest and general nature thereof

NOTE: In accordance with the *Municipal Conflict of Interest Act* and the Town Procedural By-law 2018-20, Council Members must file a written statement of the interest and its general nature with the Clerk for inclusion on the Registry.

None

B. Council Orientation

B.1 Council Orientation – Solicitor Harold Elston, Elston Watt Barristers & Solicitors

1. Municipal Act

- Role of Council
- Role of Head of Council
 - Role of Mayor as Chair
 - Voting
- Role of Chief Administrative Officer – as the only employee of Council
- Role of Clerk
- Meetings – What is a meeting and quorum
- Requirement for a Procedural By-law

2. Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

3. Closed Session

4. Indemnification By-law

5. Municipal Conflict of Interest

Solicitor Harold Elston of Elston Watt Barristers & Solicitors spoke, providing Council with an orientation session. Mr. Elston noted the four (4) main statutes that govern municipalities are the *Municipal Act*, the *Municipal Elections Act*, the *Conflict of Interest Act*, and *Municipal Freedom of Information and Protection of Privacy Act*.

Mr. Elston further noted that the *Municipal Act* outlines key roles and responsibilities of Council, including: representation, stewardship, accountability and transparency and maintaining the financial integrity of the Town. Mr. Elston further noted that if there is a conflict, Provincial or Federal law will prevail. Mr. Elston noted that joint service agreements are common at the municipal level; as a general principle they are permitted however, if the joint agreement begins to violate or trespass on the jurisdiction of another level of

Mr. Elston noted that the Act gives the Mayor specific duties including, to act as Chief Executive Officer of the Town, to uphold and promote the Town nationally and internationally among others. Mr. Elston noted that Council needs to speak as one voice, generally through the Mayor, therefore the Mayor must promote the decisions made during Council meetings. Mr. Elston noted that a Council member can identify that he or she did or did not vote on a given matter, however, individual Council members cannot undermine a decision of Council.

The Act also defines the role of the Chief Administrative Officer (CAO) who is in charge of the general management of the Corporation. Mr. Elston notes that while it is often stated that the CAO is the only employee of Council, the Act does not state this explicitly. However, the intent behind this sentiment is to give members of Council a direct and consistent link to Staff.

Council questioned who contracted bodies, such as the Integrity Commissioner, report to. Mr. Elston confirmed that, depending on the matter, the Integrity Commissioner would normally report to the Clerk. Interim CAO Shawn Everitt confirmed Mr. Elston's statement.

Mr. Elston confirmed the role of the Clerk, to record impartially the minutes and decisions of Council, and to retain municipal by-laws, the role of Staff, to implement Council's decisions, and the role of Councillors. Mr. Elston noted that the Act is silent on the formal role of Councillors, further noting however, that there is the representative role to consider.

The group discussed the added benefit of allowing some discussion between Senior Management Team and members of Council in advance of Committee of the Whole and Council Meetings. Councillor Uram spoke, noting that municipalities also have Committees of Council that would benefit from coordination between Committee Chairs and Directors.

Council requested an overview of the benefit or procedural reason for operating with a Committee of the Whole structure, rather than a multiple-committee system. Town Clerk Corrina Giles spoke, confirming that, in the past, three standing committees were established, being Finance and Administration, Recreation and Engineering and Public Works, and Planning. Under the multiple-committee system, three members of Council were appointed to each Committee and reported back to Council for direction. Previous Council and staff found the process was inefficient and moved to a Committee of the Whole process.

Mr. Elston noted that the definition of meeting for the purposes of Council is, "any regular, special, or other meeting of Council where quorum is obtained and members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council, local board or a committee". Mr. Elston noted that vigilance is necessary to ensure that four members of Council do not meet informally and conduct discussions which advance business of the municipality. Council requested clarification on what constitutes a meeting. Mr. Elston confirmed that any time there is a quorum of Council, matters of the municipality should not be discussed. Additionally, Council must be aware of the optics associated with grouping together at public events. Council questioned whether the Association of Ontario Municipalities has approached the Ministry of Municipal Affairs

and Housing with respect to providing a broader definition of “materially advancing” for the purposes of the Act.

Mr. Elston provided an overview of Open and Closed meetings of Council. Mr. Elston noted that all meetings shall be open to the public, except that a meeting, or part thereof may be closed to the public if dealing with the security of the municipality’s property, personal matters, acquisition or disposition of land, labour relations, employee negotiations, solicitor/client privilege, information supplied in confidence, a trade secret owned by the municipality, and litigation or potential litigation. Mayor Soever noted that municipalities can securely record Closed Session meetings. Mr. Elston noted that the Ombudsman of Ontario is in favour of audio and/or video recording of Closed Session meetings. This can be a consideration made by the municipality. Mayor Soever questioned whether Council may, once Closed Session is complete, provide a motion directing Staff in Open Session, while being careful to not reveal Closed Session discussions. Mr. Elston replied, noting that while general direction can be given to Staff in Closed Session, motions are only made in Open Session. Mr. Elston noted that the Procedural By-law for the Town outlines the situations where Council will go into Closed Session.

Mr. Elston provided an overview of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), noting that every person has the right to access institutional records and information, further noting there are exemptions to this rule. These exemptions include staff advice, Provincial confidence, solicitor/client privilege and personal information. MFIPPA also deals with pecuniary (financial) interest and the disclosure of said interest.

When a Council member declares a pecuniary interest in a matter before Council, he or she cannot vote on said matter or attempt to cast influence on the matter’s resolution. If a member declares pecuniary interest in Closed Session, he or she must leave the meeting. Mr. Elston noted that there are indirect and deemed pecuniary interests, both of which must be declared.

Exceptions to declaration of pecuniary interest requirements include council remuneration and benefits, interests in common with general electorate, and insignificant and/or remote interests that cannot reasonably influence a member’s vote. Mayor Soever spoke, questioning how the Town can balance MFIPPA requirements with personal privacy, specifically in relation to s. 14(1) and s. 14(2). Mr. Elston noted that the Town Clerk must review each MFIPPA request in detail to determine the correct balance between releasing information and protecting personal privacy. Interim Chief Administrative Officer Shawn Everitt spoke, confirming that the Town places value on personal privacy, further noting that, at the direction of the Integrity Commissioner, additional information for MFIPPA requests will be released.

Mr. Elston commented on the Town’s Indemnification By-law 2016-35 noting that costs, damages, expenses and settlements are outlined under this by-law. Mr. Elston noted that if the Integrity Commissioner found a member of Council breached the Code of Conduct, the Indemnification By-law would not likely cover the Council member as they may not have acted in good faith.

Council thanked Mr. Elston for the information.

B.2 Council Orientation – Sonya Skinner, Chief Administrative Officer, Grey Sauble Conservation Authority

Sonya Skinner, Chief Administrative Officer, Grey Sauble Conservation Authority (GSCA) spoke, also introducing Vickie Rowsell, GSCA Communications and Education Lead, and Mike Fry, Registered Professional Forrester. Ms. Skinner, Ms. Rowsell and Mike Fry provided Council with an orientation session.

Ms. Skinner noted that the permissive *Conservation Authorities Act* sets up Conservation Authorities. Ms. Skinner defined watershed, noting that Conservation Authorities are set up in conjunction with watersheds. Ms. Skinner further noted that the Provincial Policy Statement references the need to consider planning-based matters based on the watershed jurisdiction that the subject land falls within. The GSCA covers five (5) main watersheds, noting that a portion of The Blue Mountains is also covered under Nottawasaga Valley Conservation Authority (NVCA). Ms. Skinner emphasized that Conservation Authorities are not bound by political boundaries.

Ms. Skinner explained that legislation requires that municipalities with over 10,000 permanent residents automatically have two (2) members assigned to the Conservation Authority Board; due to the size of Town of The Blue Mountains, the Town has one (1) representative on the GSCA Board.

Ms. Skinner noted that GSCA provides comments on planning and Town matters in an effort to understand natural heritage systems, the vision for the municipality, and to undertake proactive planning measures. Ms. Skinner noted that GSCA works with Provincial Ministries and the municipalities within its jurisdiction in an effort to mitigate flooding and natural hazards. GSCA also has power to regulate development on flood plains and proactively undertake flood forecasting measures. GSCA does not duplicate services provided by municipalities or natural heritage service. Ms. Skinner advised that every five (5) years, GSCA publishes a 'Watershed Report Card' which provides insight into the health of the natural resources. The 'Watershed Report Card' was circulated to Members of Council. More specifically, the 'Watershed Report Card' identifies water quality, forest cover and wetlands with a perspective on trends and the cumulative effects of Council decisions. Ms. Skinner noted that stewardship is important which involves coordinating various interest groups across the Conservation Authority's jurisdiction. This includes tree planting, invasive species monitoring and applying for grants to cover various initiatives.

Ms. Skinner noted that an important priority for GSCA is to protect drinking water, further noting that Source Protection Plans are in place to identify water intakes and dictate the risk management activities required to ensure the ongoing safety of the source water intended for drinking water. Ms. Skinner noted the Board of Directors set policy and strategy and determine the focus for the GSCA.

Mayor Soever spoke, questioning whether the population, for the purposes of the GSCA, is calculated based on the census information; Ms. Skinner agreed. Ms. Skinner provided an overview of the GSCA 2018 Budget, noting that last year, the municipal levy for The Blue Mountains was \$341,733 which accounts for approximately 26% of the entire levy amount for GSCA. Covered within this budget are 29 staff and summer staff.

Mayor Soever spoke, noting that the Town does not have a Town-wide drainage plan. Ms. Skinner noted that GSCA has identified the need for additional flood plain research and engineering to ensure that developments do not continue to experience drainage issues. Ms. Skinner further noted that additional funding would need to be obtained to initiate a comprehensive drainage study or undertake larger drainage investigations. Ms. Skinner noted the GSCA Strategic Plan is in place to develop more expertise and increase ability to do real-time monitoring, noting further that four (4) additional monitoring stations have been added in The Blue Mountains in Summer 2018.

Councillor Rob Sampson spoke, agreeing that drainage issues are an ongoing concern in The Blue Mountains, further noting that a similar issue is experienced where developers are removing mature trees. Councillor Sampson noted that the Town should explore how to facilitate the preservation of mature trees by adding a clause to the Master Development Agreement. Director of Planning and Development Services Nathan Westendorp confirmed that Town staff are actively working on an updated Tree Canopy Policy and Tree Conservation By-law, further noting that a Municipal-wide Drainage Plan project is being

discussed between the Planning and Development Services and Infrastructure and Public Works Departments; this Municipal-wide Drainage Plan is being put forward for consideration in the 2019 Budget.

Deputy Mayor Bartnicki noted that in the 'Watershed Report Card', the Town received a 'C' grade on wetlands. Ms. Skinner clarified that this 'C' grade was received in relation to the Little Beaver River. The Little Beaver River is a small watershed, which empties into the Georgian Bay very quickly. Ms. Skinner noted that the 'C' grade is in relation to the rate at which the Little Beaver River empties. Deputy Mayor Bartnicki commented on drainage improvements for agriculture and its impact on watersheds and wetlands. Ms. Skinner commented that wetlands should not be sub-drained for the purposes of agriculture. Ms. Skinner noted that sub-drainage efforts impact the drainage patterns on the land and permits are required prior to undertaking any sub-drainage works. Deputy Mayor Bartnicki noted that the draft Grey County Official Plan (GCOP), which has been sent to the Province for approval, does not contain language regarding off-setting. Ms. Skinner noted that GSCA did provide input into the draft GCOP, but largely in relation to core green areas and linkages.

Councillor Potter questioned whether GSCA has encountered situations where fill has been placed within a watershed area. Ms. Skinner agreed that soils dumped in wetlands has been an ongoing problem however, these issues have not, to date, been related to contaminated soils being dumped in watersheds in The Blue Mountains.

Councillor Jim Uram noted that occasionally the Province updates the hazard lines and flood lines and questioned whether similar updates are forthcoming. Ms. Skinner replied that she is not aware of any. Ms. Skinner further noted that there is currently a Hydraulics and Hydrology Study ongoing for the Craigeith/Camperdown area which includes a risk assessment component that will result in redrawing the flood lines, following public engagement.

Councillor Andrea Matrosovs questioned the type of data tracking used to monitor Permits to Take Water (PTTW). Ms. Skinner advised that PTTW are taken out under Ministry of Environment, Conservation and Parks. The Ministry does not normally ask for Conservation Authority input when granting PTTW.

Council thanked Ms. Skinner for the information.

C. Adjournment

Moved by: Rob Sampson

Seconded by: Andrea Matrosovs

THAT this Special Meeting of Council does now adjourn at 3:57 p.m. to meet again at the call of the Chair, Carried.

Alar Soever, Mayor

Corrina Giles, Town Clerk