



Minutes

The Blue Mountains, Special Meeting of Council

Meeting Date: December 7, 2018
Meeting Time: 8:15 a.m Closed Session
9:00 a.m. Open Session
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 save Councillor Andrea Matrosovs. Councillor Matrosovs joined the meeting at 8:35 am

Also in attendance Interim Chief Administrative Officer Shawn Everitt, Director of Human Resources Jenn Moreau, Director of Finance and IT Services Ruth Prince, Director of Planning and Development Services Nathan Westendorp

▪ Approval of Agenda

Moved by: Rob Sampson

Seconded by: Odette Bartnicki

THAT the Agenda of December 7, 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. Closed Session

Moved by: Odette Bartnicki

Seconded by: Rob Sampson

THAT with regard to subsection 239 of the *Municipal Act, 2001*, this Council does now move into closed session in order to address matters pertaining to personal matters about an identifiable individual, including municipal or local board employees, and with regard to Committee Appointments.

Council moved into closed session at 8:17 a.m.

Council moved into public session at 9:00 a.m.

Mayor Soever noted that Council reviewed the applications to various committees in Closed Session and have provided direction to staff.

C. Council Orientation (9:00 am)

C.1 Council Orientation – Suzanne Craig, Integrity Commissioner

- 1. Code of Conduct for Members of Council and Local Boards**
- 2. Integrity Commissioner**
- 3. Municipal Conflict of Interest Act**

Integrity Commissioner, Suzanne Craig, spoke providing Council with an orientation session and spoke regarding municipal accountability and noted elected officials are trustees for the public.

Ms. Craig noted that The Blue Mountains has adopted a Code of Conduct and have appointed a roster of two Integrity Commissioners. Ms. Craig spoke regarding the duties of the Integrity Commissioner, including providing advice and recommendations, education and outreach, annual report, and complaint investigation. Ms. Craig spoke regarding roles and obligations, of Council, the Head of Council, officers and employees, and the purpose and standard of the Code. Ms. Craig spoke regarding the Code of Conduct guiding principles and rules, the role of the Integrity Commissioner, including investigation report and Commissioner recommended penalties.

Ms. Craig then spoke regarding Bill 68: Modernizing Ontario's Municipal Legislation Act, 2016, and its requirements. Ms. Craig spoke regarding the changes to the Municipal Act and the Code of Conduct.

Ms. Craig spoke regarding the expanded jurisdiction of the Integrity Commissioner.

Councillor Potter questioned if the Town is required to have a lobbyist register, Ms. Craig spoke in response noting that the Integrity Commissioner would be the oversight of this, and that there are financial requirements associated with a lobbyist register. Ms. Craig noted that this is something that could be shared with other neighbouring municipalities.

Councillor Sampson questioned if the Integrity Commissioner reports directly to Council, Ms. Craig responding yes. Councillor Sampson noted that Integrity Commissioner decisions do not reference previous Integrity Commissioner decisions, as done in caselaw, and questioned why this is. Councillor Sampson noted that the Integrity Commissioner Association website does not include a library of Integrity Commissioner decisions either, further noting that an assembly of the decisions would be helpful. Ms. Craig spoke in response noting that yes, there should be a reference to previous decisions, further noting that Integrity Commissioners are not bound by precedent, and that there are no standards set yet.

Mayor Soever spoke noting that including reasons in the Integrity Commissioner decisions would be helpful, and questioned if Council is able to introduce standards for the Integrity Commissioner reports. Ms. Craig spoke in response noting that Integrity Commissioner reports are not bound by precedent, further noting this could fetter the decision of the Integrity Commissioner. Ms. Craig noted that she and Ms. Leiper could develop standards as they move forward with their Integrity Commissioner decisions, what can and cannot be included, without fettering their discretion.

Mayor Soever questioned if a member of Council files a Code of Conduct complaint against another member of Council, if the complainant Councillor could be named. Ms. Craig spoke in response noting that confidentiality is in the statute, further noting that the Integrity Commissioner is required to keep certain information confidential. Ms. Craig noted that she could look to the *Municipal Freedom of Information and Protection of Privacy Act* to determine if the identity of the complainant Council member could be released, but noted that the complainant needs to be protected, as well.

Ms. Craig noted that she considers whether a complaint is frivolous or vexatious before proceeding.

Deputy Mayor Bartnicki noted that when complaints are received, that the costs could be significant for the Town, Ms. Craig spoke in response concurring that yes, there will be increased costs to the municipality.

Moved by: Peter Bordignon

Seconded by: Odette Bartnicki

THAT Council direct staff to provide a staff report to Council regarding the review of the Code of Conduct for Members of Council Policy, POL.COR.07.07 in coordination with the Town of The Blue Mountains Integrity Commissioner, Carried.

Mayor Soever spoke regarding penalties, Ms. Craig spoke in response noting that penalties are not enshrined in the *Municipal Act*, but are developed through Integrity Commissioner jurisprudence.

Ms. Craig then spoke regarding the purpose of the *Municipal Conflict of Interest Act* ("MCIA"), the Integrity Commissioner and the MCIA, who enforces the MCIA and alleged contraventions of the MCIA. Ms. Craig spoke regarding MCIA requirements and the obligations of Council members. Ms. Craig spoke regarding exempted pecuniary interest, and a decision to suspend a member's remuneration under the Code of Conduct.

Ms. Craig spoke regarding the Public Registry of declarations of pecuniary interest, and noted The Blue Mountains has a registry in place.

Ms. Craig spoke regarding MCIA penalties, and proactive measures by members.

Ms. Craig spoke regarding the role of Council, and Council Members. Ms. Craig spoke regarding closed meetings, confidentiality and council policies.

Ms. Craig spoke regarding ethics and integrity, accountability and governance, and government ethics.

Councillor Sampson questioned if the Integrity Commissioner can invoke the Public Inquiries Act, Ms. Craig responding yes.

Mayor Soever spoke asking if Council questioning staff can be viewed as harassment and is the Chair complacent if they do not ask the Council Member to stop. Ms. Craig spoke in response that there is usually a pattern of harassment, and that the Chair is not responsible for the actions of another Council Member.

Council thanked Ms. Craig for the information.

D. Reports

D.1 Authorization to Execute Northwinds Beach Pedestrian Access Permit Agreement with Ministry of Transportation, CSPW.18.088

Moved by: Rob Potter

Seconded by: Jim Uram

THAT Council receive Staff Report CSPW.18.088, entitled "Authorization to Execute Northwinds Beach Pedestrian Access Permit Agreement with Ministry of Transportation;

AND THAT Council authorize the Mayor and Clerk to execute the agreement, Carried.

E. Adjournment

Moved by: Rob Potter

Seconded by: Odette Bartnicki

THAT this Special Meeting of Council does now adjourn at 11:11 a.m. to meet again at the call of the Chair, Carried.

Alar Soever, Mayor

Corrina Giles, Town Clerk