

MINUTES The Blue Mountains Special Meeting of Council



MEETING DATE: May 31, 2016
MEETING TIME: 1:00 p.m.
LOCATION: Town Hall, Council Chambers
PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

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

Also in attendance were CAO Troy Speck, Director of Infrastructure & Public Works Reg Russwurm, Director of Community Services Shawn Everitt, Director of Planning and Development Services Michael Benner, Director of Finance & IT Services Ruth Prince, Manager of Water & Wastewater Services John Caswell, Communications & Economic Development Coordinator Elizabeth Cornish, Manager of Human Resources Jennifer Moreau, and Chief Librarian Terri Pope.

Council then paused for a Moment of Reflection.

▪ **Approval of Agenda**

Moved by: Michael Martin Seconded by: John McGee

THAT the Agenda of May 31, 2016 be approved as circulated, including any items added to the Agenda, Carried.

▪ **Declaration of Pecuniary Interest and general nature thereof**

No member declared a pecuniary interest on any matter on the Agenda

B. Training Workshop

B.1 Councillor Roles and Responsibilities

Facilitated by: Fred Dean

Fred Dean spoke noting that he is pleased to be in The Blue Mountains and noted he is pleased to see staff present.

Fred noted that the municipality's powers come from the Province through legislation and regulations, further noting there is no inherent jurisdiction, and that the size of the municipality does not matter. Fred spoke regarding single tier municipalities, and two tier municipalities, further noting that two tier municipalities have a county or region and that the powers are divided between the County and the municipality as set out in the Municipal Act.

Fred noted that municipalities have the ability to change its name.

Fred spoke regarding section 5 of the Municipal Act that states the powers of municipalities shall be exercised by by-law, and spoke noting how powers are exercised. Fred confirmed the municipality should have a procedural by-law.

Fred spoke regarding the job description of Council, their duties of office, roles and responsibilities of Council, staff and the public.

Fred noted that Council represents the public and considers the wellbeing and interests of the municipality, develops and evaluates the policies and programs of the municipality. Fred noted that Council determines the services provided by the municipality and maintains the financial integrity of the municipality.

Fred noted that Council exercises corporate powers, acts collectively, and publicly with advance notice. Fred noted that Council members do not have management or administrative functions, further noting this includes the Head of Council.

Fred spoke regarding the role of the Head of Council, further noting that the Head presides over Council meetings, provides leadership to Council. Fred noted that the Head of Council has an obligation to provide information and recommendations to Council with respect to the role of Council respecting the administrative and controllership policies, practices and procedures in place to implement the decisions of council.

Fred noted that the Head of Council provides information and recommendations to Council with respect to the role of Council respecting the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality.

Fred noted that the Mayor attends official events, acts as CEO for the municipality, and carries out the duties of the Head of Council under this or any other act.

Fred noted that the Mayor as CEO shall uphold and promote the purposes of the municipality, promote public involvement with the municipality's activities and acts as representative inside and outside the municipality. Fred noted that the Mayor should promote the municipality locally, nationally and internationally.

Fred then spoke regarding administration, noting that Council may appoint a Chief Administrative Officer who reports to Council and shall be responsible for the general control and management of the affairs of the municipality for the purposes of ensuring the efficient and effective operations of the municipality. Fred confirmed that the CAO performs such other duties as are assigned by the municipality.

Fred then spoke noting the responsibility of municipal staff includes performing research and providing advice to implement Council's decision and establish administrative practices and procedures to carryout Council's decisions.

Fred then spoke regarding statutory officers of the municipality including the Clerk, Chief Building Official, Fire Chief and Treasurer and noted the Province has given statutory duties to these statutory officers.

Fred noted that Councillors are public officials and that Councillors have limited individual powers and have no management or administrative powers.

Fred then spoke noting the public expects the municipality to deliver basic services, respond to emergencies and contribute to community pride. Fred noted that Councillors are ambassadors for the municipality both at home and outside of the municipality.

Fred then spoke regarding Council/Staff relations, confirming that staff should provide clear recommendations to Council, and that Council and staff should respect each other. Fred noted that staff expect Council to be prepared and that Council should not micromanage. Fred noted that staff and Council should have respect for each other's roles, and that Council should protect staff from harassment.

Fred then spoke regarding the trend to implement a public open session at Council meetings, confirming that this is a bad idea, further noting that Council can lose control at meetings when public open sessions are part of Council meetings.

Fred noted that the public are permitted to attend Council meetings, but confirmed that the public are there to observe how decisions are made.

Fred noted that Council decides what services are to be provided and that Council should then leave it to staff to effect the service.

Fred noted that when members of Council are at another meeting, i.e. Library Board or County Council, that the member needs to act for the body they are a part of at that time. Fred confirmed that Council cannot advise the Council member how to vote.

Fred then spoke regarding open and closed meetings, confirming there are limited reasons why Council may go into closed session, further noting that closed meetings are subject to closed meeting investigations.

Fred confirmed that the rules in the Municipal Act, section 239 do not apply to the Library Board, though further noted that the Libraries Act has identical reasons why a Library Board may go into closed session. Fred confirmed there are no closed meeting investigation provisions for the Library Board.

Fred noted that there must be a prior resolution passed before going into closed session and that votes in closed session can only be for the purposes of direction, procedural and adjournment. Fred confirmed that staff require clear direction.

Fred confirmed that closed meeting investigations can be requested by anyone and that the investigation is completed by an independent investigator appointed by the municipality or the Ontario Ombudsman.

Fred confirmed that the Procedural By-law is an important document for the municipality, confirming that it sets out the rules of engagement for the municipality. Fred confirmed that Clerks do not make decisions, further noting that the Clerk provides procedural advice.

Fred noted that Council should have predictable and transparent meetings, and that there should be no additions to the agenda. Fred noted that a Notice of Motion provides the public with information as to what is going on.

Fred noted that Council should not be ambushed by the public, further noting that deputation material should be filed with the Clerk in advance of the meeting.

Councillor McGee questioned how staff become involved in a notice of motion, Fred responded that Council can request a staff report on the notice of motion matter.

Councillor Martin noted that the reasons for closed session could be political in nature and that some members of Council may not wish to participate in a closed session discussion. Councillor Martin questioned how a member of Council can be made aware of reason for the closed session in advance, Fred spoke in response noting that the reason for the closed session should include as much information as possible without disclosing confidential information.

Fred noted that minutes of Council meetings are kept for all meetings, further noting the minutes are without note or comment.

Councillor McGee referenced webcasting of municipal Council meetings, noting this is a new trend. Fred spoke in response noting that yes people watch podcasted Council meetings, noting that this is an example of transparency, further noting that meetings are very different when they are being podcasted. Fred confirmed that Council cannot attend a meeting via podcast.

Councillor Gamble spoke regarding recorded votes when Council wants their position known, Fred spoke in response noting that recorded votes are powerful.

Councillor Seguin questioned if there are other situations when a Council member can request that something be included in the minutes, Fred spoke in response noting that the Clerk's role is to record the minutes without note or comment, further noting that this would be the Clerk's decision.

Fred then spoke regarding confidentiality noting that Council have a duty to act in the best interests of the municipality and to protect the municipality. Fred noted that there are penalties in the Code of Conduct if confidentiality is breached, further noting that Council have an obligation in law to maintain the confidentiality of the municipality.

Fred then spoke regarding provincially imposed procedural rules, referencing the Municipal Act, Municipal Conflict of Interest Act.

Fred noted that Council needs to be prepared, ask questions in advance, and confirmed that Council speaks by resolution and by-law and that the majority prevails.

Fred then spoke regarding the Municipal Conflict of Interest Act, noting that Council have a personal obligation, and that this legislation governs the conduct of Council members and does not apply to staff. Fred confirmed that pecuniary interest means money or financial gain.

Fred confirmed that Council may not ask staff if a member has a pecuniary interest on a matter, further noting that Council should receive legal advice on pecuniary interest.

Fred then spoke regarding the Safe Drinking Water Act, 2002 and the responsibilities of Council and the Senior Management Team.

Fred spoke regarding Council Code of Conduct, and noted that Council can appoint an Integrity Commissioner to investigation complaints under the Code, and that penalties can be imposed.

Fred then spoke regarding Bill 8, Public Sector & MPP Accountability and Transparency Act 2014 confirming this Act is in effect now, further noting that the Ombudsman can investigate complaints received.

Fred noted that the Municipal Elections Act, Municipal Act and Municipal Conflict of Interest Act are being reviewed by the Province.

Fred noted that Council should support ongoing training of staff.

Maurice Pepper of the Library Board spoke noting that the Head of Council has been appointed as the Chairman of the Library Board and questioned if this is appropriate as the Library Board is completely autonomous from Council with the exception of budgets. Fred spoke in response noting this is appropriate as Council appoints persons to the Library Board, and that it is the Library Board that selects the Chair.

Mayor McKean thanked Fred for attending this Special Meeting of Council to provide training to Council.

C. Adjournment

Moved by: Gail Ardiel

Seconded by: Michael Martin

THAT this Council does now adjourn at 4:07 p.m. to meet again at the call of the Chair, Carried.

John McKean, Mayor

Corrina Giles, Town Clerk