

THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

May 20, 2011

Minutes of a regular meeting of Council held on Friday, May 20, 2011 at 14:00 h. in the Township Hall.

1. CALL TO ORDER & MOMENT OF SILENCE

2. ROLL CALL

The following were present: Reeve Stewart Councillors: Ed Aiston, Dave Foote, Jim Gibson and Robert Reid.

Members of the media; members of the public.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF – None

4. ALTER THE AGENDA SEQUENCE

Resolution # 20/05/11/001

Moved by Councillor Gibson and Seconded by Councillor Aiston

WHEREAS the municipal auditor has travelled from Pembroke to make a presentation to Council and to answer questions concerning the 2010 audited financial statements;

AND WHEREAS members of Council have requested to move the Closed Session of Council and New Business to the top of the agenda due to the seriousness of the content of each portion;

AND WHEREAS this Council routinely alters the sequence of the agenda for various reasons including the accommodation of those making deputations or presentations to council;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to alter the sequence of the agenda for the meeting of Friday, May 20th 2011 as has been presented.

Carried

5. DEPUTATIONS/PRESENTATIONS – Peter Harrington, Municipal Auditor

6. IN CAMERA OR CLOSED SESSION

Resolution # 20/05/11/002

Moved by Councillor Aiston and Seconded by Councillor Gibson

WHEREAS in *the Municipal Act*, R.S.O. 2001 section [239. \(1\)](#) Reads “Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

AND WHEREAS section 239 (2) further states: “**Exceptions**

[\(2\)](#) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(b) personal matters about an identifiable individual, including municipal or local board employees;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

AND WHEREAS the Council of the United Townships of Head, Clara & Maria has determined that the issue at hand is a qualifying exemption under section 239 sub paragraph (2) (b) and/or (e) as it concerns actions taken by an identifiable individual and matters before administrative tribunals.

THEREFORE BE IT RESOLVED THAT this meeting go into an in camera session at 14:15 h to discuss a Code of Conduct Complaint under the Municipal Code of Conduct Policy and a Workplace Harassment Complaint under the Municipal Workplace Harassment and Violence Policy. The information will be received as no further action is required by Council at this time.

At no time will business of Council be advanced during this closed session.

Carried

- i. Code of Conduct Complaint
- ii. Harassment Complaint

Resolution # 20/05/11/003

Moved by Councillor Gibson and Seconded by Councillor Reid

BE IT RESOLVED THAT this meeting come out of closed session at 14:47 h. and the public portion of the meeting continue.

Let it be public record that no business of Council was advanced during this closed session.

Staff was directed to Do Nothing.

Votes were held in camera for the sole purpose of No votes held.

Carried

BUSINESS ARISING FROM CLOSED SESSION: No Council business was furthered during this discussion. It was simply to receive information and offer suggestions for resolution of a problem. No decisions of Council were made.

7. ADDENDUM (NEW BUSINESS) (reports and resolutions prepared)

i. Report #20/05/11/701 – Election Issues and Judge’s Decision
Resolution # 20/05/11/004

Moved by Councillor Aiston and Seconded by Councillor Gibson

WHEREAS the Reeve of the United Townships of Head, Clara & Maria, Tammy Lea Stewart, has demonstrated a complete lack of leadership in resolving the matter of the incomplete and late forms submitted pursuant to the Municipal Elections Act;

AND WHEREAS noting the municipalities of Athens, Thunder Bay, and Niagara Falls, among others dealt with similar situations in an expeditious and collegial manner and at no expense to the individual council members;

AND WHEREAS the Reeve has not only failed to demonstrate collegiality with her fellow members of Council but has aggressively sought their removal from Council;

AND WHEREAS the actions of the Reeve, including the improper use of the municipal solicitor, the improper use of police in such a manner as to intimidate Councillors, the public and staff, have brought the United Townships and their residents into public ridicule;

AND WHEREAS the Reeve has refused to listen to or respond to the will of the public in the above matter in any way;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does publicly censure the Reeve, Tammy Lea Stewart, and noting that she no longer has the confidence of Council, suggest that she tender her resignation immediately.

Defeated

Resolution # 20/05/11/005

Moved by Councillor Gibson and Seconded by Councillor Foote

WHEREAS since April 6, 2011 or thereabouts, the Reeve contacted the Municipal solicitor a number of times without the knowledge of the Municipal Clerk and without Council’s approval in the matter of Councillors Aiston and Gibson’s failure to file form fours by the legislated deadline;

AND WHEREAS the Reeve at no time consulted with the Municipal Clerk or the Councillors involved or Council as a whole at any time throughout this issue to attempt to negotiate a practical solution which would be in the best interests of the municipality;

AND WHEREAS no one member of Council has the authority to contract for or conduct municipal business without the approval and/or consent of Council as decided at a duly held and conducted meeting of Council;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara, and Maria hereby instructs the Municipal Clerk to advise the Municipal solicitor to clearly identify and separate the chargeable items on the solicitor’s invoice to identify those related to work initiated by the Municipal Clerk and those spent on answering the Reeve’s specific questions for all hours charged to the Municipality for the matter of failure to file financial statements under the Municipal Elections Act.

Carried

Resolution # 20/05/11/006

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS the actions of the Reeve with respect to the late filing of Form Fours by Councillors Aiston and Gibson in contacting the Municipal solicitor and the Ministry of Municipal Affairs and Housing was conducted without consultation with or knowledge of the Municipal Clerk or the members of Council involved, in clear violation of section 225 (c) of the Municipal Act which requires the Head of Council to provide leadership to Council;

THEREFORE BE IT RESOLVED THAT from this point forward, Reeve Tammy Lea Stewart must obtain specific instructions from Council by resolution to contact these organizations and

any other outside organization about any issue and that a copy of this resolution be forwarded to the Municipal solicitor and the Ministry of Municipal Affairs and Housing advising them of Council's decision.

Carried

Resolution # 20/05/11/006-A

Moved by Councillor Gibson and Seconded by Councillor Foote

WHEREAS the Reeve has created a hostile work environment for the Municipal Clerk;

AND WHEREAS that hostile work environment has had a detrimental effect on other Municipal staff,

AND WHEREAS the Municipality, as employer, must ensure that steps are taken to remedy the situation;

Be it hereby resolved:

That Councillor Ed Aiston be Council's representative in all dealings with Municipal staff until further notice.

Carried

Resolution # 20/05/11/007

Moved by Councillor Gibson and Seconded by Councillor Foote

Municipal Elections Act, Section 80

WHEREAS Section 43 of the *Election Finances Act*, governing the financial reporting requirements for members of the Ontario parliament provides for a 60 day period following the announcement of non-compliance by a member to comply with the reporting requirements prior to the seat being declared vacant;

AND WHEREAS Section 80 of the *Municipal Elections Act* sets out the penalty to municipal election candidates who have not complied with the financial reporting requirements provides for the automatic vacancy of the seat on Council and the candidate being deemed to be ineligible to be elected or appointed to any position covered by the Municipal Elections Act until after the next municipal election;

AND WHEREAS there is a discrepancy in the standard to which elected representatives are being held to between the provincial and municipal levels in relation to the penalty for non-compliance for election financial reporting;

AND WHEREAS the penalty to municipal candidates appears to be far beyond what would appear to be fair and reasonable, considering that the sentence could amount to 8 years of ineligibility to be elected or appointed;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Head, Clara & Maria supports the position of the Municipality of Elizabethtown-Kitley and strongly requests:

THAT the Province of Ontario immediately amend the Municipal Elections Act to ensure that municipal representatives and candidates are held to the same standard as their provincial counterpart with regard to the penalties applicable for non-compliance to the election financial reporting requirements;

AND FURTHER THAT a copy of this resolution to be forwarded to the Association of Municipalities of Ontario, and to all Ontario municipalities for support and circulation.

Carried

ii. Report #20/05/11/702 – Lawyer's Fees and Municipal Budget

Resolution # 20/05/11/008

Moved by Councillor Reid and Seconded by Councillor Gibson

WHEREAS the Municipality of the United Townships of Head, Clara, and Maria has encountered unforeseen legal expenses in the 2011 budget year;

AND WHEREAS the attendance of a Municipal representative at the AMO conference in London, Ontario is not an absolute priority for the Municipality;

AND WHEREAS amendments to the municipal budget may occur without special notice as per the Municipal Notice By-law;

AND WHEREAS according to the Municipal Procedure By-law decisions of Council may be reconsidered in light of new information;

THEREFORE BE IT RESOLVED THAT notwithstanding the statement of budgeted expenses arising from the January 21, 2011 Council meeting, and the budget adopted at the April 1, 2011 Council meeting, this Council decrees that no representative of the Council of the United

Townships of Head, Clara, and Maria will attend this conference and rescinds its previous approval for this trip.

Carried

iii. Report #20/05/11/703 – Extended Deadline for Filing Financial Reports

Resolution # 20/05/11/009

Moved by Councillor Gibson and Seconded by Councillor Aiston

WHEREAS in the past the Council of the United Townships of Head, Clara, and Maria has deemed it advisable to appoint a representative to the Upper Ottawa Valley Community Policing Advisory Committee;

AND WHEREAS the United Townships of Head, Clara, and Maria has encountered unforeseen legal expenses for 2011;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara, and Maria does hereby agree to cease to send a representative to this advisory committee until further notice in order to save ratepayers the costs of Council time attending and travelling to these meetings;

AND FURTHER THAT a copy of this resolution be forwarded to the detachment advising of this decision.

Carried

iv. Report #20/05/11/704 – Public Meeting for Budget and Taxation

Resolution # 20/05/11/010

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS there has been some misinformation circulating resulting in considerable controversy over the increase to the municipal operating budget for 2011 which certain members of this Council deem important enough to require additional attention;

AND WHEREAS a number of Councillors have been contacted by ratepayers requesting clarification;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to hold and advertise a public meeting as part of the regular meeting of Council to be held on Friday, June 2, 2011 at 2:00 p.m. to present the background of the budget process to the public and provide a venue for Council to answer their questions.

Carried

8. ADOPTION of MINUTES of PREVIOUS MEETINGS (INCLUDING COMMITTEES)

(Resolutions Prepared)

i. Council Minutes - Regular Meeting of April 15, 2011

Resolution # 20/05/11/011

Moved by Councillor Aiston and seconded by Councillor Reid

BE IT RESOLVED THAT the minutes of the regular meeting of Friday, April 15, 2011 be accepted as presented.

Carried

ii. Council Minutes - Special Meeting of April 25, 2011

Resolution # 20/05/11/012

Moved by Councillor Aiston and seconded by Councillor Reid

BE IT RESOLVED THAT the minutes of the special meeting of Monday, April 25, 2011 be accepted as presented.

Defeated

iii. Council Minutes – Special Meeting of May 3, 2011

Resolution # 20/05/11/013

Moved by Councillor Aiston and seconded by Councillor Reid

BE IT RESOLVED THAT the minutes of the special meeting of Tuesday, May 3, 2011 be accepted as presented.

Carried

iv. Economic Development Minutes – for information only

1. March 29, 2011

2. April 26, 2011

v. Canada Day Committee Minutes – March 29, 2011

Resolution # 20/05/11/014

Moved by Councillor Foote and Seconded by Councillor Aiston

BE IT RESOLVED THAT the minutes of the regular meeting of the Canada Day Committee of Tuesday, March 29, 2011 be accepted as presented.

Carried

- vi. Library Board Minutes – for information only
 - 1. Regular meeting – April 11, 2011
 - 2. Special meeting – April 27, 2011

9. CORRESPONDENCE & PETITIONS – none

10. CORRESPONDENCE (Please advise if you feel any item warrants further consideration at a subsequent meeting.)

- i. Welch LLP – re: auditor's report on compliance with agreement for Gas Tax Funding - information
- ii. HCM – Brian Bourgeois – re: request to have collection start earlier so the animals don't spread the garbage – already resolved, information
- iii. County of Renfrew – re: increase to Heads and Beds rate – information
- iv. City of Oshawa – re: School Boards – voting day a PA day - information
- v. Niagara Region – re: amendments to the arbitration system and the Police Act - information
- vi. CAA and OGRA – re: HST Gas Tax revenue dedicated to transportation infrastructure and maintenance – support

Action: Clerk to prepare resolution for next meeting;

- vii. AMO – re: support for Accessible Communities - information
- viii. Town of Amherstburg – re: opposition to shipping of nuclear materials through the Great Lakes - information
- ix. Minister Responsible for Seniors – re: Senior Achievement Awards - information
- x. MNR – re: introducing new MNR District manager for Pembroke – will he be doing a tour of the Municipality?

Action: Clerk to determine;

- xi. Ministry of Citizenship and Immigration – re: Ontario Medal for Good Citizenship - information
- xii. MNR – re: Ottawa Valley Forest – annual work schedule - information
- xiii. RCCFDC – re: Renewable Energy Research Project Presentation - information
- xiv. RCCFDC – re: Community Economic Development 101 & 102 – information
- xv. L1 – Canada Post – re: the future of postal service in Stonecliffe

Action: Clerk to organize for time immediately prior to the next Council meeting; advertise to the public for input;

- xvi. L2 – Eganville Leader – re: special Expo 150 commemorative issue – information

11. STAFF REPORTS (For information only)

- i. Clerk's Report #20/05/11/801 – information
- ii. Road's Report #20/05/11/802 - information

12. FINANCIAL REPORTS

- i. Comparative Income Statement Report #20/05/11/1201

Resolution # 20/05/11/015

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT the Comparative Income Statement dated May 16, 2011 be accepted as presented.

Carried

- ii. Cheque Log Report #20/05/11/1202

Resolution # 20/05/11/016

Moved by Councillor Foote and Seconded by Councillor Aiston

BE IT RESOLVED THAT the Cheque Log dated May 16, 2011 be accepted as presented.

Carried

13. BY-LAWS

- i. Taxation By-law Report #20/05/11/1301 – By-Law #2011-13

Resolution # 20/05/11/017

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT By-Law 2011-13 being a by-law to provide for the adoption of the 2011 tax rates and establishing penalty and interest on overdue taxes be read a first and second time.

Carried

Resolution # 20/05/11/018

Moved by Councillor Foote and Seconded by Councillor Aiston

BE IT RESOLVED THAT By-Law 2011-13 being a by-law to provide for the adoption of the 2011 tax rates and establishing penalty and interest on overdue taxes be read a third time short and passed.

Carried

14. UNFINISHED BUSINESS - none

15. QUESTIONS AND ANSWERS

- i. Has there been official notice of status of railway? No, only heard that they are cleaning up metal from along the rails. Nothing official. Request that rail line be contacted to determine what is happening.

16. CONFIRMATION OF PROCEEDINGS

Resolution # 20/05/11/019

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT By-Law 2011-14 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on May 20, 2011 be read a first time short and passed.

Carried

17. ADJOURNMENT – (Resolution Prepared)

Resolution # 20/05/11/020

Moved by Councillor Foote and seconded by Councillor Aiston

BE IT RESOLVED THAT this meeting adjourn at 16:00 h to meet again Friday, June 3, 2011 at 14:00 h.

Carried

Reeve – Tammy Lea Stewart

Melinda Reith – Clerk

Summary of Mr. Harrington's Presentation

With changes to operating guidelines for municipal auditors it is now mandatory to present to Council to allow each member an opportunity to ask questions or raise concerns.

The first page of the report is also new. It highlights Council's responsibilities, auditor's responsibilities and offers their opinion.

Peter discussed the matter of materiality and the fact that the auditor's was significantly higher than for municipal purposes. While Council may be concerned with discrepancies of \$100 or more, for auditing purposes, it was not until the combined discrepancy reached \$10,000-\$20,000 were auditors seriously concerned.

Peter was pleased to provide an unqualified opinion which means that all is OK from their perspective.

The report shows a municipal surplus of \$1.2 million which includes all tangible capital assets (TCA). It does not represent money available for expenses but instead considers the new TCA rules and allows for depreciation and amortization. Further explained in Note #5.

Page 6 shows the unrestricted surplus which includes Council and the library. Approximately \$93,000 of that is the municipalities and includes reserves, but needs to be adjusted for other expenses.

Observations – there are none in the report? – Are we doing well? Yes, as well as can be expected for a municipality of this size. Council must realize that it is not a comprehensive audit which ensures that every action has been taken and everything is 100% correct. They are not checking for errors. They are checking to ensure that directives of Council have been followed. Were those decisions of Council right? Will not comment on that, beyond the scope of this type of audit. This is not a value for money audit; for a municipality of this size, it would not be cost effective to have one. Are Council's intentions being followed? (policies, resolutions etc.) Yes.

Even though the materiality is \$10-\$20,000 adjusting entries for every error found have been created to ensure that the books are as accurate as possible, no matter the amount. In other locations (such as the County) where there are full time accountants on staff, no adjusting entries are recommended; it is simply a compliance with direction audit. Ours is somewhat different due to staff numbers and level of training; all known errors are accounted for and corrected, none are ignored.