

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 16-2011

Date of Meeting: Tuesday, May 10, 2011

Members Present: Mayor Bill Weber
Deputy Mayor Elizabeth Davis-Dagg
Councillor Dave Maguire
Councillor Doug Bonesteel
Councillor Lorie Scott
Councillor Martin Underwood
Councillor Doug Cook
Councillor John Russell

Staff Present: Clerk Carol McKenzie
Planner Patti Richardson

Media Present: Lynda Rapley – Lakeshore Advance
Kimberly Powell-McConaghy – The Standard

1. CALL TO ORDER

The Mayor called the meeting to order at 2:00 p.m.

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Mayor Weber asked members to declare any pecuniary or conflict of interest that they may have with respect to the business itemized on the agenda and none were declared

3. DELEGATIONS, PUBLIC MEETINGS AND PRESENTATION

Pearl Dougall and Tim Ryall, Municipal Advisors with the Ministry of Municipal Affairs attended the meeting to provide a general overview of the role of Municipal Council members and staff. It was stated that local governments are separate, responsible, and accountable levels of government and Ministry staff can provide advice and guidance but do not act as municipal police

A power point presentation provided information on the “Municipal Act” and municipal spheres of jurisdiction were explained, as was the fact that Council exercises its power by resolution or by-law, and that many municipalities will pass confirming by-laws at the end of the meeting to give the resolutions the same authority as a by-law.

A review of the role of the Head of Council, and the members of Council and the Municipal Administration was provided, and it was noted that the “Municipal Councillor Handbook Guide” was available on the Ministry website.

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The Head of Council was described as the “first among equals” and that as the “CEO” of the Municipality, his/her role is to provide leadership to the Council, and ensure that business is carried out efficiently and effectively, and in an accountable and transparent manner.

Members of Council, while elected by the residents in the ward, represent all the residents in Lambton Shores. The Councillor’s role is to develop and evaluate policies and programs, determine services, maintain financial integrity and carry out the duties of Council. Members must work as a team, and can have their own opinions, however, once a decision is made, the Council must move forward together to implement the Council decision.

The power point also covered Section 228 of the Municipal Act which notes which municipal officers must be appointed. A comparison of the roles of the staff and Council members, the Council/staff relationship and potential areas of conflict were also reviewed. It was noted that Council was the policy making body, and that it was the role of staff to implement the policies.

What constitutes a meeting was reviewed, and the generally accepted definition is that “whenever a quorum of Council members is together discussing Municipal business, it is a meeting”. All meetings have to be open to the public, with the only exceptions being for the reasons permitted under Section 239 of the Municipal Act. It was noted that if a “discussion” between members is held via the telephone or email, it is not open to the public and there would not be a record of the meeting; therefore it is not permitted.

The “Municipal Conflict of Interest Act” was reviewed, as it pertains to municipal councils and local boards, and the duties and general responsibilities were outlined. It was also explained that there isn’t a definition of “pecuniary interest” in the Act, however, it pertains to the gain or loss of money, and does include interests of family members. It was emphasised that only the member can determine if he/she has a conflict, and cannot be advised by the Mayor or Clerk or Municipal Solicitor.

Also reviewed was the “Municipal Freedom of Information and Protection of Privacy Act” (MFIPPA) which covers access to government information in any form - email, voice mail, agenda addresses, books, post it notes, etc. There are exemptions in the Act which list when information is not available which is necessary to meet the “protection of privacy” requirements in the Act.

Questions were entertained from Members of Council:

Councillor Underwood questioned if an electronic recording of meetings should be provided to the Town to ensure accuracy of the record, and Mrs. Dougall noted that it would not be a municipal record, and there is no guarantee of accuracy or completeness of the recording. With respect to the content of the tape, the matters had been discussed in open sessions; therefore it would be “public information”.

Mayor Weber noted that the Lambton Shores’ Procedure By-law requires that prior to recording of a “public meeting”, written permission is required. Mrs. Dougall noted that quite often municipalities require permission to be granted so that taping is not intrusive.

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Councillor Bonesteel outlined the municipal process of allowing public discussion at the end, and noted that this was sometimes referred to as “dangerous” and asked for any suggestions the ministry representative may have. Mrs. Dougall noted that Council would need to be cautious that new topics were not added at this time, as there wouldn't be public notice that the issues were being discussed.

Deputy Mayor Davis-Dagg stated that public discussion usually pertained to topics that are ongoing, and that people want to get on the public record to feel they are contributing or to have an opportunity to vent in public. Mr. Ryall did not disagree that it is important for the people to be heard; however, he did note that open public discussion was difficult to “do well”, and that the delegation section of the meeting may provide a better opportunity for the public to provide comments.

Councillor Russell did note that he would like to review delegations and how committees are used.

Deputy Mayor Davis-Dagg stated that as Council agendas are posted on line the morning of the meetings, members of the public don't find out about the agenda items until the day of the meeting. (the noted exception was the statutory notices sent under Provincial Acts such as the Planning Act) Mayor Weber did advise that the members receive their agendas on the Friday, and have the weekend to review the material prior to it being made available to the public. It was discussed that the issue of agenda availability should be discussed in depth during the review of the municipal notice policy.

Councillor Bonesteel asked the role of the Ontario Ombudsman, and his “meeting investigator” role was reviewed. Also questioned was ways in which a municipality can compare its performance with other municipalities, and an overview of the Municipal Performance Measurements Program was provided.

Councillor Scott did question what additional training opportunities were available, which were detailed. Also questioned were best practices for the use of committees, and Mrs. Dougall noted that the operating structure of local municipalities is not prescribed and whatever format meets the municipal needs would be acceptable.

Deputy Mayor Davis-Dagg referenced the meeting definition, and noted that Council had been invited to a meeting of the Warwick Council and there wasn't any notice of this meeting. It was also noted that some Councillor's do get together with groups or residents, and other members feel isolated from the discussions. The ministry representatives noted that the definition of a meeting would need to be reviewed, and if the situation met the definition, it must be open to the public. It was noted that a “meeting” not include 2 Councillors meeting with a group of residents, and Mr. Ryall stated that if he was a Councillor meeting with a prospective developer, he would ensure a member of the planning staff attended as well.

Councillor Russell asked how Council could discuss planning issues in a larger sense without breaking the rules regarding pre-judging applications, and Mr. Ryall suggested the best time to have these kinds of discussions would be during the Official Plan update, as this would give members the ability to review and discuss big picture issues.

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Planner Patti Richardson also advised that Council can bring any issue to the table at any time for discussion.

Mrs. Dougall and Mr. Ryall were thanked for attending, and it was noted that members or the public could contact ministry staff if there were any further questions or concerns.

4. NEW BUSINESS

Councillor Russell advised members that the Ausable River at the cut is blocked at the old river, and noted that our contractor is in the area now and asked if Council would support taking \$10,000.00 from the funds allocated to study the ice jam to alleviate this jam.

The need to obtain approval prior to work commencing was discussed, as was the fact that there may not be sufficient information available to make a decision on this issue. Mayor Weber noted that an application could be submitted, to initiate the process, however, it would not compel the Municipality to proceed with the works.

**11-0510-01 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That staff be authorized to submit an application for permission to dredge that gravel ridge in that portion of the "Cut" channel near the old Ausable River Channel, and that Lambton Shores advance the funds for this work, and that a "user pay" policy for regular maintenance of the river funded by the residents be developed during the strategic plan discussions. Carried

**11-0510-02 Moved by: Councillor Bonesteel
Seconded by: Councillor Underwood**

That the meeting go into a closed session at 4:43 for an update on a legal issue. Carried

The Council rose with no report on the legal issue.

**11-0510-03 Moved by: Councillor Scott
Seconded by: Councillor Russell**

That the meeting adjourn at 4:47 p.m. Carried