



The Corporation of  
**THE TOWNSHIP OF LANARK HIGHLANDS**

## **COMMITTEE OF THE WHOLE MINUTES**

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**Tuesday, December 14<sup>th</sup>, 2010**

**2:30 p.m.**

**Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario  
Council Chambers**

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### **ATTENDANCE:**

**Members Present:** Chair, Deputy Mayor, Brian Stewart  
Mayor, Peter McLaren  
Councillor Tom Lalonde  
Councillor Ken Sinclair  
Councillor Bob Sutcliffe  
Councillor Derek Love  
Councillor Bob Mingie

**Staff Present:** Amanda Mabo, Clerk/Deputy CAO  
Robert Bunker, Treasurer

**Members & Staff Absent:** Tom Derreck, Chief Administrative Officer

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### **1. CALL TO ORDER**

The meeting was called to order at 2:30 p.m.  
A quorum was present.

### **2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

None at this time.

**3. APPROVAL OF AGENDA**

- i) Addition under Reports: Borrowing By-Law.

**RESOLUTION #COW-2010-291**

**MOVED BY:** Tom Lalonde  
**SECONDED BY:** Ken Sinclair

“**THAT**, the agenda be adopted as amended.”

**ADOPTED**

**4. APPROVAL OF MINUTES**

**RESOLUTION #COW-2010-292**

**MOVED BY:** Peter McLaren  
**SECONDED BY:** Derek Love

“**THAT**, the minutes of the Committee of the Whole Committee meeting held on December 9<sup>th</sup>, 2010 be approved as circulated.”

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

- i) **Council Orientation.**

- a. **Auditor.**

Howard Allan, Chartered Account Allan & Partners Inc.

H. Allan gave a PowerPoint presentation – *attached, page 8.*

- b. **Insurance Company.**

Carolyn Corkery, Halpenny Insurance Brokers Inc.

C. Corkery reviewed the Insurance Summary – *attached, page 23.*

- c. **Legal Counsel.**

Dave Heeley, Barker Wilson.

D. Heeley, gave an overview on the services provided to the Township, including, but not limited to, tax sales, road closings, administrative law, OMB hearings, legal files, planning agreements, contract reviews and provides legal advice, interpretations and opinions to Council and Staff.

The Committee recessed at 3:49 p.m.

The Committee returned to session at 4:00 p.m.

## 6. REPORTS

- i) **Borrowing By-Law (verbal).**  
Robert Bunker, Treasurer.

The Treasurer informed the Committee that in the past the Township has passed a yearly borrowing by-law in order to allow the Township to borrow by way of overdraft. There has not been a requirement to pass such a by-law for the past few years.

There is currently a requirement to pass a borrowing by-law for the remainder of 2010 and for 2011 in order to offset the funds that have not yet come in for the infrastructure projects, as well as the late payment for the OMPF Grant.

### **RESOLUTION #COW-2010-293**

**MOVED BY:** Bob Sutcliffe

**SECONDED BY:** Bob Mingie

“**THAT**, Staff prepare the necessary borrowing by-law for presentation at the December 16<sup>th</sup>, 2011 Township Council meeting.”

**ADOPTED**

## 7. COMMUNICATIONS

None.

## 8. DELEGATIONS & PRESENTATIONS

- i) **Council Orientation.**

- d. **Human Resources Consultant & Legal Counsel.**

Steve Potter, Stecardan Associates.

Alan Whyte, Cunningham, Swan, Carty, Little & Bonham LLP.

A. Whyte reviewed “What’s New at the Human Rights Tribunal of Ontario” – *attached, page 31.*

A. Whyte reviewed the “Accessibility for Ontarians with Disabilities Act” – *attached, page 35.*

S. Potter overviewed a “Checklist for HR Effectiveness” – *attached, page 39.*

The Committee recessed at 5:06 p.m.

The Committee returned to session at 5:11 p.m.

**9. IN-CAMERA ITEMS**

- i) **CONFIDENTIAL: Identifiable Individual - Administrative Operations.**  
Steve Potter, HR Consultant.

**RESOLUTION #COW-2010-294**

**MOVED BY:** Peter McLaren

**SECONDED BY:** Derek Love

“**THAT**, the Committee move “in, including municipal or local board camera” at 5:14 p.m. to address a matter pertaining to personal matters about an identifiable individual employees regarding administrative operations of the Township.”

**ADOPTED**

A. Mabo, Clerk/Deputy CAO left the “in camera” session at 5:14 p.m.

**RESOLUTION #COW-2010-296**

**MOVED BY:** Peter McLaren

**SECONDED BY:** Tom Lalonde

“**THAT**, the Committee return to regular session at 7:50 p.m.”

**ADOPTED**

The Chair rose and reported that the Mayor is to proceed as directed during the Confidential: Identifiable Individual - Administrative Operations closed session.

**RESOLUTION #COW-2010-297**

**MOVED BY:** Tom Lalonde

**SECONDED BY:** Bob Mingie

“**THAT**, the item CONFIDENTIAL: Identifiable individual – Administrative Operations be added as an addition to the Council Agenda this Thursday, December 16<sup>th</sup>, 2010.

**ADOPTED**

**10. NEW/OTHER BUSINESS**

None.

## 11. DEFERRED ITEMS

*\*The following items will be discussed at the next and/or future meeting:*

### **Community Services**

- **Transfer of Art of Being Green**  
(requested August 2010, deferred to October 12<sup>th</sup>, 2010)  
Tom Derreck, Chief Administrative Officer.
- **Snowmobile Trail in Lanark Village – Final Proposal**  
(requested December 2008)  
Councillor Peter McLaren.
- **Report #CS-XX-2009 Halloween Festival in Lanark Village.**  
(requested August 2009, deferred to August 2010)  
Megan Sergeant, Community Services Assistant
- **Report CS-XX-2010 Supply of Hanging Baskets and Flowers Policy**  
Megan Sergeant, Community Services Assistant
- **Report #CS-XX-2010 Option for Grass Cutting and Maintenance at all Township Owned Properties.**  
(requested May 2010)  
Megan Sergeant, Community Services Assistant
- **Report #CS-XX-2010 Youth Centre use of Municipal Tennis Courts for Basketball.** (requested June 2010)  
Megan Sergeant, Community Services Assistant
- **Report #CS-XX-2010 Basketball Net at Youth Centre/Arena.**  
(requested June 2010)  
Megan Sergeant, Community Services Assistant

### **Corporate Services**

- **Report #FIN-XX-2010 License Fee Disbursement under the Aggregate Resources Act for the Township.**  
Robert Bunker, Treasurer.

### **Building, Planning & Protective Services**

- **Report #FIRE-10-2009 OFM Administrative Review – Priority Listing & Action Plan.**  
Gord Kemp, Fire Chief.
- **Report #FIRE-XX-2009 Hazardous Goods Regulations.**  
Gord Kemp, Fire Chief.

- **Report #FIRE-XX-2009 Recognition of Volunteer Firefighter Policy.**  
Gord Kemp, Fire Chief.
- **Report #CAO-XX-2011 Property Standards By-Law** (deferred to the new Council).  
Chief Administrative Officer.
- **Site Plan Control By-Law** (requested June 2010, deferred to October 12<sup>th</sup>, 2010)  
Jane Almond, Planning Consultant.

**Public Works & Waste Management Committee**

- **Wabalac Road – Year Round Maintenance Agreement** (requested August 2010)  
Scott Cameron, Public Works Superintendent.
- **Report #PWWM-XX-2010 Policy for future development on non-maintained township roads, including maintenance responsibilities** (requested April 2010).
- **ATV's: Request to Allow on Township Roads** (requested December 2008)
- **Set Price of Construction Waste** (Deferred until Staff can obtain pricing and the necessary information on installing weigh scales)
- **Delegation of Enforcement of Winter Parking Restrictions** (requested December 2008)
- **Report #PWWM-19-2010 McKinnon Pit Agreement – Revised Condition**  
(deferred to the New Council, October 2010)

**12. ADJOURNMENT**

The Committee adjourned at 7:51 p.m. on motion by Councillors T. Lalonde and D. Love.

*Amanda Mabo*

**Amanda Mabo,  
Clerk/Deputy-CAO**

# **DELEGATIONS & PRESENTATIONS**

# **Township of Lanark Highlands**

## **The Audit and Reading of Financial Statements**

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# **Township of Lanark Highlands**

- **The Auditing Profession**
  - Provides assurance on the reliability of financial information
  - Enhances its credibility
  - Statutory Audits versus 'Value for Money' Audits

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## **Township of Lanark Highlands**

- **Adding Credibility To Information Implies**
  - Independence from the client
  - Commitment to quality
  - Highly skilled and competent personnel
  - Protection from material misstatements in financial statements

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## **Township of Lanark Highlands**

- **Public Outrage Occurs When:**
  - **Breach of Trust**
    - Undetected financial statement misstatements
    - Undetected management fraud
    - Need for restated financial statement
    - Inept management practices

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## Township of Lanark Highlands

- **Breach of Trust / continued**
  - **Auditors Fail to Protect**
    - Scope of work insufficient
    - Lack of independence
    - Shoddy / inept work
  - **Major Losses**
    - Jobs, pensions
    - Higher taxes
    - Loss of revenue

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## Township of Lanark Highlands

- **The Auditor's Job**
  - **Objective**
    - to express an opinion that the financial statements present fairly, in all material respects, the financial position of the Township as at (a specific date) and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.
    - the Auditor should obtain reasonable assurance that no material misstatements (including material fraud) exists in the financial statements.

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## Township of Lanark Highlands

- **The Auditor's Job / continued**
  - **Process**
    - Auditor designs and performs sufficient procedures to reduce the risk of material misstatement in the financial statements to an acceptable level.

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## Township of Lanark Highlands

- **Current Audit**
  - Examines historical financial information
  - Audit objective is to find errors in excess of materiality
  - To do this, the Auditor focuses on substantive and compliance procedures – for example, Balance Sheet Accounts
    - Completeness and existence
    - Accuracy and valuation
    - Control systems review

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## **Township of Lanark Highlands**

- **Current Audit / continued**
  - Auditor must identify risk – business risk, fraud risk, other significant risk (related party transactions, complexity, significant economic developments, etc.)
  - Auditor must determine control risk – system of internal control, the control environment, the control activities, monitoring.

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## **Township of Lanark Highlands**

- **Reading the Township's  
Financial Statement**
  - **The Audit Opinion**
    - 'Clean' opinion
    - Reservations in the auditor's report
    - Special audit reports

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## **Township of Lanark Highlands**

- **Consolidated Statement of Financial Position**
  - **The Balance Sheet**
    - PSAB determined that commencing January 2009 (with comparative 2008 numbers) municipalities will be required to record the net book value of tangible capital assets on the balance sheet at cost less accumulated amortization – amortization will be recorded as an expense on the Statement of Operations
    - Previously an expenditure was recorded when a capital asset was purchased.

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## **Township of Lanark Highlands**

- **Why The Changes?**
  - Tangible capital assets represent a significant investment for local governments
  - Financial information about these assets is vital for stewardship and accountability
  - It will assist in the costing and development of assets management plan including maintenance and replacement requirements
  - A look at the Township's Current Balance Sheet

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# Township of Lanark Highlands

- Financial Assets
- Liabilities
- Net Financial Assets
- Non Financial Assets
- Accumulated Surplus

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## Consolidated Statement of Financial Position

	2009	2008
<b>December 31</b>	\$	\$
<b>ASSETS</b>		
<b>Financial Assets</b>		
Cash and short term deposits	9,508,377	10,245,057
Taxes receivable	970,088	877,447
Accounts receivable	464,923	236,694
<b>Total Assets</b>	<b>10,943,388</b>	<b>11,359,198</b>

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## Consolidated Statement of Financial Position

December 31	2009 \$	2008 \$
<b>LIABILITIES</b>		
Accounts payable and accrued liabilities	291,170	280,922
Accrued landfill closure and post closure	297,500	224,000
Prepaid property taxes	76,578	119,845
Deferred revenues	532,055	379,900
Debt	1,246,269	1,691,246
<b>TOTAL LIABILITIES</b>	<b>2,443,572</b>	<b>2,695,913</b>

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## Consolidated Statement of Financial Position

December 31	2009 \$	2008 \$
<b>NET FINANCIAL ASSETS</b>	<b>8,499,816</b>	<b>8,663,285</b>
<b>NON FINANCIAL ASSETS</b>		
Tangible capital assets	8,290,098	7,926,125
Inventories	61,619	57,731
	<b>8,351,717</b>	<b>7,983,856</b>
<b>ACCUMULATED SURPLUS</b>	<b>16,851,533</b>	<b>16,647,141</b>

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# Township of Lanark Highlands

## • Consolidated Statement of Operations and Accumulated Surplus

- Revenues
- Expenditures
  - Current Operations
- Revenues Related to Capital
- Accumulated Surplus

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## Consolidated Statement of Operations and Accumulated Surplus

	2009	2008
For the year ended December 31	\$	\$
<b>REVENUES</b>		
Taxation - residential	3,762,993	3,422,528
- commercial	158,921	149,601
- garbage collections	132,765	---
- other governments	54,974	43,787
User charges	511,559	521,911
Government transfers	1,597,467	3,210,756
Licenses and permits	61,796	66,280
Investment income	154,651	359,227
Penalties and interest on taxes	141,910	120,421
Provincial offenses	52,131	40,995
Other	7,169	---
<b>TOTAL REVENUES</b>	<b>6,636,336</b>	<b>7,935,506</b>

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## Consolidated Statement of Operations and Accumulated Surplus

	2009	2008
For the year ended December 31	\$	\$
<b>EXPENDITURES</b>		
<b>Current Operations</b>		
General government	1,148,169	1,057,296
Protection to persons and property	1,143,082	1,128,052
Transportation services	2,594,940	2,700,644
Environmental services	1,285,026	953,469
Health services	200	200
Recreation and cultural services	670,517	396,770
Planning and development	126,578	235,630
	<b>6,968,512</b>	<b>6,472,061</b>
<b>TOTAL EXPENDITURES</b>	<b>6,968,512</b>	<b>6,472,061</b>

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## Consolidated Statement of Operations and Accumulated Surplus

	2009	2008
For the year ended December 31	\$	\$
<b>NET (EXPENDITURES) REVENUES</b>		
<b>FROM OPERATIONS</b>	<b>(332,176)</b>	<b>1,463,445</b>
<b>OTHER</b>		
Grants and transfers related to capital		
Government transfers	498,123	20,760
Donations	30,000	---
Developer contributions	8,445	26,490
	<b>204,392</b>	<b>1,510,695</b>
<b>ANNUAL SURPLUS</b>	<b>204,392</b>	<b>1,510,695</b>
<b>ACCUMULATED SURPLUS, BEGINNING OF YEAR</b>	<b>16,647,141</b>	<b>15,136,446</b>
<b>ACCUMULATED SURPLUS, END OF YEAR</b>	<b>16,851,533</b>	<b>16,647,141</b>

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# Township of Lanark Highlands

## • Consolidated Statement of Change in Net Financial Assets

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### Consolidated Statement of Change in Net Financial Assets

For the year ended December 31	2009 \$	2008 \$
<b>ANNUAL SURPLUS</b>	<b>204,392</b>	<b>1,510,695</b>
Amortization of tangible capital assets	794,238	754,699
Acquisition of tangible capital assets	(1,158,211)	(322,963)
Acquisition of supplies inventories	(3,888)	(57,731)
<b>(DECREASE) INCREASE IN NET FINANCIAL ASSETS</b>	<b>(163,469)</b>	<b>1,884,700</b>
<b>NET FINANCIAL ASSETS, BEGINNING OF YEAR</b>	<b>8,663,285</b>	<b>6,778,585</b>
<b>NET FINANCIAL ASSETS, END OF YEAR</b>	<b>8,499,816</b>	<b>8,663,285</b>

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## Accumulated Surplus

For the year ended December 31	2009 \$	2008 \$
Accumulated Surplus Consists of:		
<b>SURPLUS</b>		
Tangible capital assets	8,290,098	7,926,125
Less: debt	(1,246,269)	(1,691,246)
Invested in tangible capital assets	7,043,829	6,234,879
Unrestricted surplus	9,934	(170,138)
Unfinanced Capital Projects		
Water and sewer	(3,355)	(89,538)
Roads	(209,021)	---
Reserves	9,945,873	10,608,331
Reserve Funds	64,273	63,607
	16,851,533	16,647,141

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## Composition of Reserves and Reserve Funds

For the year ended December 31	2009 \$	2008 \$
Reserves set aside for specific purposes by Council		
• for working capital	371,864	371,864
• for contingency	69,858	59,743
• for acquisition of capital assets	9,056,935	9,723,492
• for fire purposes	206,851	239,851
• for community centre funds	67,078	42,375
• for library purposes	78,441	82,520
• for museum	9,742	9,742
• for recreation	1,408	1,408
• for election	18,000	12,000
• for recreation board purposes	6,463	6,463
• for the former Ward of Darling Township	59,233	58,873
<b>Total Reserves</b>	9,945,873	10,608,331
Reserve Funds		
• for museum purposes	6,588	6,300
• for former Ward of the Village of Lanark	57,685	57,307
<b>Total Reserves and Reserve Funds</b>	10,010,146	10,671,938

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## Five Year Financial Review

December 31	2009	2008	2007	2006	2005
<b>Population</b> (Statistics Canada)	<b>10,210</b>	10,202	10,181	10,180	9,531
<b>Households</b> (MPAC)	<b>3,541</b>	3,541	3,541	3,541	3,263
<b>Taxable Assessment</b>	\$	\$	\$	\$	\$
Residential & farm	<b>506,467</b>	474,239	464,821	458,774	391,385
Commercial & industrial	<b>8,203</b>	7,809	7,743	7,925	7,350
<b>Total</b>	<b>514,670</b>	482,048	472,564	466,699	398,735
Commercial, industrial as % of assessment	<b>1.60%</b>	1.60%	1.70%	1.70%	1.80%

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## Five Year Financial Review

December 31	2009	2008	2007	2006	2005
<b>Rates of Taxation</b>					
<b>Residential</b>					
• for general municipal purposes	<b>0.702051</b>	0.801728	0.727236	0.651684	0.611244
• for county purposes	<b>0.456070</b>	0.473258	0.446378	0.435415	0.479937
• for school board purposes	<b>0.252000</b>	0.264000	0.264000	0.264000	0.296000
<b>Total</b>	<b>1.410121</b>	1.538986	1.437614	1.351099	1.387181
<b>Municipal Purposes</b>					
Multi-Residential	<b>1.650592</b>	1.398397	1.325495	1.262367	1.393209
Commercial	<b>1.082361</b>	0.924453	0.876259	0.834532	0.921023
Industrial	<b>1.646716</b>	1.689485	1.628490	1.585203	1.833878

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## Five Year Financial Review

December 31	2009	2008	2007	2006	2005
<b>Tax Arrears</b>					
• per capita	108.84	88.03	79.72	78.54	84.77
• percentage of current levy	14.39%	12.38%	12.60%	12.86%	13.62%
<b>Taxes Transferred (000's)</b>					
• County	2,397	2,299	2,105	2,014	1,932
• School Boards	1,404	1,384	1,355	1,340	1,305

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## Five Year Financial Review

December 31	2009	2008	2007	2006	2005
<b>Revenues (000's)</b>					
	\$	\$	\$	\$	\$
• Taxation & payments in lieu	4,110	3,616	3,023	2,902	2,736
• Government transfers	1,597	3,211	9,184	1,784	1,669
• Fees & service charges	512	522	631	286	295
• Other	417	587	469	417	281
• Revenues related to capital assets	537	47	---	---	---
	7,173	7,983	13,307	5,389	4,981
<b>Expenditures (000's)</b>					
• Operations	6,969	6,472	5,523	5,699	4,974
• Long term debt					
• interest	69	96	473	291	109
• principal	445	375	---	---	---
• Amortization	794	755	---	---	---

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## Five Year Financial Review

December 31	2009	2008	2007	2006	2005
	\$	\$	\$	\$	\$
<b>Net Long Term Debt (000's)</b>	<b>1,246</b>	<b>1,691</b>	<b>1,896</b>	<b>2,207</b>	<b>2,065</b>
<b>Accumulated Surplus (000's)</b>					
• Unrestricted	10	(170)	---	---	---
• Unfinanced Capital Projects	(212)	(89)	---	---	---
• Reserves	9,946	10,608	8,545	1,387	1,475
• Reserve Funds	64	64	389	361	403
• Invested in capital assets	7,044	6,235	---	---	---

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## Township of Lanark Highlands

- **Comments or Questions**

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## Insurance Summary for New Council

### WHAT IS INSURED?

Insurance for your Assets	Insurance Against Liability	Insurance for Individuals
Property	General Liability	Councilors' Accident
Crime	Errors & Omissions	Legal Expense
Automobile	Non-Owned Automobile	Conflict of Interest
	Environmental Liability	Out of Province Emergency Medical Coverage
		Volunteer Accident

### INSURANCE FOR ASSETS:

#### 1. Property Insurance (including Boiler & Machinery):

- Property of Every Description, including Buildings, Contents, Equipment, Computers, Unlicensed equipment - \$22,613,112. Blanket Limit
- Valuable Papers/Accounts Receivable/Extra Expense/Business Interruption (Rental Income)
- All Risks including Flood & Earthquake
- Replacement Cost – same site limitation removed
- Inspections of boilers and machinery objects and certification services as required by law
- \$5,000. Deductible except \$50,000. Flood and 3%/\$100,000. Minimum , whichever is greater for Earthquake occurrences

#### 2. Crime Insurance:

- Employee Dishonesty – Form A - \$1,000,000.
- Money and Securities (Inside & Outside) - \$200,000.
- Money Orders and Counterfeit Paper Currency - \$200,000.
- Depositors Forgery - \$1,000,000.
- Professional Fees / Audit Expenses - \$200,000.
- Computer Fraud or Funds Transfer Fraud - \$200,000.
- Nil Deductible

1

Please refer to actual policies for full coverage details.



### **3. Automobile Insurance**

- Third Party Liability - \$50,000,000.
- Accident Benefits – Basis Benefits
- Direct Compensation – Nil Deductible
- All Perils - \$5,000. Deductible
- Replacement Cost cover provided – vehicles – 20 years or newer except:
  - Fire Trucks – over 20 years, up to and including 25 years old – Guaranteed Amount (purchase price to be used unless professional appraisal provided)
  - Over 25 years – Actual Cash Value

### **INSURANCE AGAINST LIABILITY:**

#### **4. Municipal General Liability**

- \$50,000,000. Per Occurrence / Aggregate applicable to Products & Completed Operations (unless otherwise stated)
- Third party claims for bodily injury, property damage, personal injury
- Wrongful Dismissal – Legal Expense - \$250,000. Any One Claim / Annual Aggregate
- Employee Benefits E & O - \$25,000,000. limit
- Includes Employers /Tenants’ Legal /Contractual /Sewer back-up
- Abuse coverage – not limited to entity
- \$5,000. Deductible Per Occurrence except Per Claimant in respect to Sewer Back-Up
- Wrongful Dismissal - \$5,000. Deductible – Per Claim



#### **5. Errors and Omissions Insurance**

- \$50,000,000. Per Occurrence / Aggregate
- Insures against claims arising from “Wrongful Acts”, including errors, omissions, misleading statements or neglect or breach of duty including Includes administration of employee benefit program
- Includes Council Members, Employees, Committee Members, Appointees, Statutory Officers, Fire Fighters and Boards, Commissions and Committees including Officers and Employees of same.
- Prior Acts covered, provided the Insured had no knowledge of such wrongful acts at the effective date of the policy subject to November 15, 1993 Retro Date
- Covers Claims made policy to cover claims first made during the term of the Policy arising from wrongful acts
- \$5,000. Deductible – Per Claim

#### **6. Non-Owned Automobile**

- Third Party Liability - \$50,000,000.
- Legal Liability for Non-Owned Automobiles - \$250,000. Limit / \$1,000. Deductible
- Excess automobile liability provided for Councilors’, Employees and Volunteers while on municipal business including driving to and from work

#### **7. Environmental Liability:**

- \$2,500,000. Any One Claim / \$5,000,000. Annual Aggregate
- Third party claims for bodily injury, property damage, and clean-up costs caused by environmental impairment.
- Retro Date – November 15, 1993
- \$5,000. Deductible – Per Claim



## Insurance for Individuals

### **8. Legal Expense & Conflict of Interest**

- \$100,000. Any one Claim / \$500,000. Annual Aggregate
- Conflict of Interest – pay on behalf of Insured of legal fees and disbursements incurred in defending proceedings under the Municipal Conflict of Interest Act where there is a finding by a court that there has been no contravention of the Act by the Insured or there has been a contravention of the Act and one or more findings is also made:
  - the contravention occurred by reason of inadvertence
  - the contravention occurred by reason of a bona fide error in judgment; and/or
  - the interest of the member is so remote or insignificant in its nature that it could not reasonably be regarded to likely to influence
- Legal Expense - reimburse legal fees incurred in the defence of charges laid for an alleged offence under any Act. Act means any Provincial Statute with the exception of the Highway Traffic Act and Municipal Conflict of Interest Act
- Nil deductible

### **9. Council Accident**

- Accidental Death and Dismemberment – \$200,000. Principal Sum
- 24 hour coverage
- Weekly Indemnity for total and partial loss

### **10. Out of Province Emergency Medical Coverage**

- \$1,000,000. Lifetime Limit
- Trip Duration – 15 days
- Worldwide Coverage
- Includes Spouse

### **11. Volunteer Accident Coverage**

- \$50,000. Principal Sum – Accidental Death Benefits
- \$5,000. Medical Payments
- Covering Volunteers (only under the age of 80) of the policyholder while on duty
- \$1,000,000. Aggregate Limit of Liability – Per Accident



## GENERAL CLAIMS INFORMATION

### LIABILITY CLAIMS

It is a condition of your policy that any incident that may give rise to a claim should be reported in writing as soon as you are aware that such an incident has occurred.

Below deductible: Claims for property damage liability that fall below your deductible may be handled by the municipality without reporting or you may report them to your local preferred adjuster for handling.

Bodily injury: All claims involving bodily injury to third parties should be reported to the Insurer. However, the following claims MUST be reported immediately that your municipality is aware of such an incident:

- Any Statement of Claim or other legal document, naming you as a party
- Any claim involving a minor
- Fatality
- Spinal injury
- Fractured skull or brain injury
- Loss of sight in one or both eyes
- Paraplegic, quadriplegic
- Amputation
- Permanent loss of use of a limb
- Severe burns
- Extensive scarring or severe facial disfigurement
- All E & O claims, including Building Code infractions, permits & inspection issues
- All environmental impairment liability claims
- All claims involving media, sensitive or other complex issues

### Obtain full details of the incident

- Where incident occurred
- What was the cause of the loss
- Name, address and telephone number of injured party
- Obtain a copy of the police report if applicable or at least the report number and the name of the responding officer
- Name, address and telephone number of any witness
- Photo of location of loss – the photo should be dated as it could be called into evidence
- Statement from employees involved in the accident – signed and dated
- Gather pertinent information that relates to the incident i.e. if slip & fall on icy sidewalk – photo of sidewalk; maintenance records; snow fall records as this data will be require to assist in the defense of a claim
- If a third party contributed to the loss, obtain details of Third Party – name, address and phone number as well as their insurance coverage i.e. a contractor carrying out work on behalf of the Township contributed to the loss - Did the Township have a certificate of insurance on file with pertinent insurance information? Was the Township added as additional Insured to the contractor's policy?



## **DEDUCTIBLE**

Your deductible includes all expenses. “All expenses” means adjusting fees, legal fees, experts fees (engineers, medical, etc), indemnity payments. The municipality is responsible for payment up to and including its deductible amount on each and every claim. The municipality will be billed for these expenses as they are incurred.

Non-reportable claims (Below deductible) – These do not need to be reported to the Insurer. The municipality may choose to handle such claims internally, or they may appoint their adjuster of choice. The adjuster will report to the municipality and all costs will be billed to the municipality as they are incurred.

Reportable claim (above deductible) – Claims that are reported to your broker, will be handled by the adjuster on the underwriter’s instructions. You will be kept informed of the progress of the claim. As expenses are incurred, they will be billed to the municipality. Once the deductible has been reached, the underwriter will pay all further costs of the claim.

## **PROPERTY**

All claims above your deductible should be reported to the Insurer as soon as practicable after the incident. Immediate steps should be taken to secure the premises, and any receipts should be retained.

Obtain details of how loss occurred and estimated damages.

If a third party contributed to the loss, obtain details of Third Party – name, address and phone number as well as their insurance coverage i.e. A contractor was working at one of the Townships’ building, and caused fire damage – did the Township have a certificate of insurance on file with pertinent insurance information.

## **AUTOMOBILE**

It is imperative that when you are involved in an accident that you do the following:

1. Call the police and report the accident – if the police feel the damages are below \$1,000, they will probably not attend the scene but request that you and the other party go to a reporting centre. If the damages are more serious or there are injuries, they will attend the scene. Obtain a copy of the police report or at least the report number and the name of the responding officer
2. Obtain all information from the Third Party i.e. name, address, telephone number and mostly importantly their Insurance Company and Policy Number
3. Furnish the above information to the Third party
4. If possible, take a photo of the accident scene – the photo should be dated as it could be called into evidence



5. Name, address and telephone number of any witness
6. Statement from employees involved in the accident – signed and dated providing full details of the incident – location of accident; what happened;
7. Gather pertinent information than relates to the incident i.e. icy roads; maintenance records of the vehicle; etc. as this data will be require to assist in the defense of a claim



## Broker Services

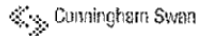
From our experience, we anticipate that some or all of the following broker services will ease day to day operations for the Township. The actual services we provide can be tailored to suit your unique needs.

- a) Design and implement a client – focused risk management program maximizing our services to meet the Townships’ needs in an efficient cost effective manner
- b) Provide an annual report outlining highlights and/or reasons for any changes in the program/coverage and will include recommendations for consideration by the Township for additional services to be provided in the future
- c) Placement of the recommended insurance program coverage
- d) Provide liability cards to the Township – 15 days prior to renewal
- e) Meet with the Townships’ risk management representatives on a quarterly basis or as needed to review all issues concerning the program.
- f) Attend meetings as required by the Townships’ representatives in the course of an insurable year
- g) Production of risk and premium breakdowns and invoices
- h) Contract Review: Leases, Service Providers, etc. - Review and develop insurance and indemnification contractual requirements and provide recommendations prior to execution of contract
- i) Review Third Parties insurance coverage as required
- j) Insurance Certificate Issuance - Issuing certificates on behalf of the Township – same day service or as otherwise agreed by the municipality
- k) Provide year end and on request loss history reports by policy line and claim category
- l) Risk Exposure Audit - A review of your operations can identify and evaluate potential insurable and uninsurable exposures
- m) New Products Information - We will endeavor to keep you informed of any and all new products and services which may be of interest and relevance to the Township
- n) Provide updated information on insurance market conditions and implications to the Townships’ portfolio – website; email; telephone
- o) Provide general insurance information and advice
- p) Provide other day-to-day services as required.

**What's New at the Human Rights Tribunal of Ontario:  
Strategies for Success**

*Presentation to the Township of Lanark Highlands  
By D. Alan Whyte  
December 14, 2010*

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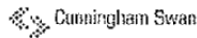
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**June 30, 2008 – the new era in  
human rights in Ontario**

- Direct access
- No involvement of the Commission through the process
- Tribunal actively manages cases and hearings

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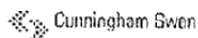
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**The Old System**

- s. 34
- Commission discretion
- Result: delay, uncertainty

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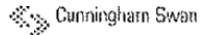
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## Tribunal gate-keeping

- Notice of Intent to Dismiss
- Interim decisions - submissions

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## Preliminary (pre-hearing) Strategies

- Jurisdiction
  - 5 social areas
  - 14 grounds (employment)
  - No prima facie case

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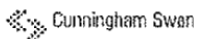
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## Preliminary (pre-hearing) Strategies

- s. 45.1 – “another proceeding has appropriately dealt with”
- Deferral
  - Avoid concurrent proceedings
  - Not invoked automatically

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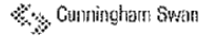
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## Preliminary (pre-hearing) Strategies

- Time limit
  - One (1) year
  - Applicant: delay incurred in good faith
  - Respondent: no substantial prejudice

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## Hearing Strategies

- Request applicant provide:
  - Documents
  - Witness(es)
  - Affidavit(s)
- Request case conference
- Suggest hearing procedure
- Attempt Agreed Statement of Facts
- Request short/bifurcated hearing

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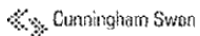
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## Hearing Strategies

- Summary Hearing
  - No reasonable prospect that Application will succeed
  - No documents/witness statements
  - May/may not be a Response filed

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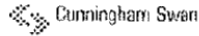
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## Hearing Strategies

- Early principles re Summary Hearing:
  - no prima facie case
  - link between event(s) and ground relied on
  - must consider that Respondent often has information re discrimination

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## Hearing Strategies

- Teleconference option
- *Murray v. Ontario Association of Architects* (October 8, 2010)
- *Smith v. Lakeridge Health Bowmanville* (October 14, 2010)

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## Freedom of Expression

- *Whitely v. Osprey Media and Sun Media* (October 26, 2010)
- Newspaper not a “service”
- Any ambiguity should be resolved in favour of freedom of expression

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**Accessibility for Ontarians with Disabilities Act (AODA)**

Draft Integrated Accessibility Regulation

*Presentation to the Township of Lanark Highlands*  
By D. Alan Whyte  
December 14, 2010

CUNNINGHAM SWAN CARRUTHERS & BURNHAM LLP  **Cunningham Swan**

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**What is the AODA?**

- Introduced in 2005
- Breaks down barriers to accessibility
- Implements Accessibility Standards:
  1. Customer Service
  2. Built Environment
  3. Information & Communication
  4. Employment
  5. Transportation

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**First Regulation:  
Customer Service Accessibility Standard**

- Came into force January 1, 2008
- Compliance of public sector organizations required by January 1, 2010
- Compliance of private sector and non-profit organizations required by January 1, 2012

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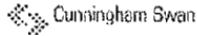
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### Built Environment Accessibility Standard

- Draft released for public review from July 14, 2009 to October 16, 2009
- Finalized proposal now submitted to Minister of Community and Social Services
- Many of the accessibility standards incorporated into the *Ontario Building Code*

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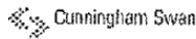
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### Newly Proposed Integrated Regulation

- Combines the remaining three accessibility standards:
  3. Information & Communications
  4. Employment
  5. Transportation
- Released for public review from September 2, 2010 to October 16, 2010

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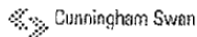
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### Common Requirements of the Draft Regulation

- Establish, maintain and implement policies
- Develop accessibility plans
- Develop and provide training
- Implement an accessible feedback process
- Provide publicly available emergency and public safety information in an accessible format

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**Accessible Information & Communications Requirements**

- Make websites accessible by conforming with an international standard (W3C WCAG 2.0)
- If information not on website, make available (upon request) in an accessible format

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**Accessible Employment Requirements**

- Apply only to paid employment
- Highlights include:
  - Recruitment process
  - Performance management, career development & re-deployment processes
  - Individual accommodation plans for employees with disabilities (upon request)
  - Return-to-work procedures

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**Accessible Transportation Requirements**

- Detailed requirements that apply to:
  - Conventional transportation
  - Specialized transportation
  - Public school transportation
  - Ferry services
  - Taxi Services
- Excluded transportation services:
  - Volunteer or faith-based services
  - Federally regulated transportation services
  - Emergency response vehicles
  - Amusement park rides

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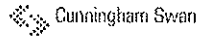
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## Proposed Compliance Timelines

- Government of Ontario
- Broader Public Sector – 50+ employees
- Broader Public Sector – 1-49 employees
- Private and not-for-profit sectors – 50+ employees
- Private and not-for-profit sectors – 1-49 employees

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## Additional Resources

[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

- *Accessibility for Ontarians with Disabilities Act* (under Statutes)
- Accessibility Standards for Customer Service (under Regulations)

<http://www.ontariocanada.com/registry/view.do?postingId=4142&language=en>

- Draft Integrated Accessibility Regulation
- Draft Accessible Built Environment Standard
- Timelines Chart

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## Checklist for HR Effectiveness

### Municipal Government Key Components

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### Effective Municipal Council & Governance Model

- o Identify Roles & Responsibilities under Municipal Act, etc.
- o Identify Mission, Strategic Direction
- o Establish Governance Model
  - Role of Council, Senior Mgt, Staff
  - Extent of Delegated Authority
- o Ensure Competent CAO/Senior Mgt are in place and are empowered.

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### Effective Organizational Structure, Policies and Procedures

- o Identify Organizational Mission, Objectives, Programs and Services
- o Identify Human, Material, Physical, Financial & IT resource constraints.
- o Establish organizational structure and positions that maximize the effective and efficient use of resources.
- o Ensure all HR Policies and Procedures are in writing, are consistent with legislation and Collective Agreement and have received specialist/legal review,

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**Job Design, Compensation and Working Conditions**

- o Job/Position Design & Descriptions
- o Establish pay, benefits and working conditions sufficient to attract and retain qualified staff.
- o Compliant with legislation and best practices. (Pay Equity, Occ. Health & Safety, Harassment, Violence, Employment Standards Act, Collective Agreement, etc.)

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**Internal/External Recruitment**

- o Based on bona-fide position competencies and selection criteria
- o Compliant with legislation and best practices.
- o Employee Career Opportunities (Establish effective balance between internal-external recruitment.)
- o Effective selection process – interviews, tests, references, etc.

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**Staff Training & Development**

- o Comprehensive employee orientation program.
- o Establish and get buy-in to expectations.
- o Effective staff training and development program linked to performance management process
- o Ensure employees have all the essential tools to do the job.

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### **Performance Management**

- o Establish a simple but comprehensive performance appraisal process and form that permits an open and honest exchange between supervisors and employees.
- o Determine link of performance to pay (if any).
- o Confirm expectations at the beginning of the review period.
- o Provide ongoing feedback and communication throughout the review period (no surprises.)
- o Complete annual/regular written performance appraisals - and put them on the employee file!

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### **Valued Rewards**

- o Establish and deliver extrinsic and intrinsic rewards that are valued by employees.
- o Identify incentives.
- o Eliminate disincentives.

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### **Employee Assistance & Support**

- o Employee Assistance Program
- o Employee Counselling Program
- o Effective, efficient but empathetic Leadership, Coaching and Management style.

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## Employee Relations

- o Establish and maintain respectful relationship between Council, management, employees (and union reps.) – always.
- o Pro-active approach to identifying and addressing concerns.
- o Compliance with legislation and Collective Agreement.
- o Appropriate and timely use of HR specialists and HR legal counsel.

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## Positive Atmosphere

- o Establish and maintain a positive organizational culture founded on the mutual respect between employees, management, Council, clients and residents.

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## Thank You

**Steven D. Potter**  
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*Mediation, Facilitation and Training*  
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