COMMITTEE OF THE WHOLE
MINUTES

Tuesday, November 24, 2015
6:00 p.m.
Lanark Highlands Municipal Office - 75 George Street, Lanark Ontario
Council Chambers

Members Present:
Chair, Deputy Mayor John Hall
Councillor Linda Hansen
Councillor Steve Roberts
Councillor Peter Rodger
Councillor Bill King
Councillor Jeannie Kelso
Mayor Brian Stewart

Staff Present:
Matt Craig, Interim CAO/Clerk
Stacey Blair, Planning Administrator/Deputy Clerk
Robert Bunker, Treasurer

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

3. APPROVAL OF AGENDA

Motion #COW-2015-213
Moved by Councillor Hansen
Seconded by Councillor Roberts
THAT the agenda be approved as presented.

CARRIED
4. **APPROVAL OF MINUTES**

   **Motion #COW-2015-214**  
   Moved by Councillor Kelso  
   Seconded by Councillor King  
   THAT the minutes of the Committee of the Whole meeting held on November 10,  
   be approved as circulated.  

   **CARRIED**

5. **DELEGATIONS & PRESENTATIONS**

   i) Lanark Youth Centre, Warren McMeekin, Executive Director  
   The executive director and a number of young people from the Youth Centre  
   presented the Mayor and Council with a hand crafted paddle which they made in  
   appreciation for Council’s support of the centre.

   ii) Hydro One Not For Sale, David Lundy  
   Materials from the presentation were distributed prior to the meeting and due to  
   the volume were available upon request.

   iii) Closed Meetings, Stacey Blair, Deputy Clerk  
   Presentation attached to minutes.

6. **COMMUNICATIONS**

   i) Mazinaw-Lanark Forest – Planned Operations Update

   ii) OCIF Funding – Ministry of Agriculture, Food and Rural Affairs

   **Motion #COW-2015-215**  
   Moved by Councillor Roberts  
   Seconded by Councillor Kelso  
   THAT the communications dated November 24th, 2015 be received as  
   information.  

   **CARRIED**  

   **STAFF ACTION** – Interim CAO/Clerk to follow up with MPP with respect to  
   unsuccessful application for OCIF funding.
6. REPORTS

Corporate Services

i) Appointment of Committee of Adjustment
   Stacey Blair, Deputy Clerk/Planning Administrator

Motion #COW-2015-216
Moved by Mayor Stewart
Seconded by Councillor Hansen

WHEREAS the Planning Act states that the members of the Committee of Adjustment who are members of Council shall be appointed annually;

BE IT RESOLVED THAT a by-law appointing Council as members of the Township's Committee of Adjustment be passed by Council.

   CARRIED

ii) 2016 Committee/Council Calendar
    Stacey Blair, Deputy Clerk/Planning Administrator

Motion #COW-2015-217
Moved by Councillor Kelso
Seconded by Councillor Rodger

WHEREAS Section 5.13 of Procedural By-law 2012-1205 as amended, provides that the Meeting Schedule will outline the dates of Regular Council and Committee of the Whole meetings and Professional Development Events;

BE IT RESOLVED THAT the 2016 Committee/Council Calendar be approved as presented.

   CARRIED

iii) 2016-17 Insurance Program Renewal
     Robert Bunker, Treasurer

Deputy Mayor Hall declared a conflict as he is related to a person working for one of the insurance companies considered.

Mayor Stewart assumed the role of Chair.
Motion #COW-2015-218
Moved by Councillor Hansen
Seconded by Councillor Rodger

THAT the 2016-17 Insurance Program renewal be awarded to Jardine Lloyd Thompson Canada Inc. at a cost of $107,953 excluding taxes;

AND FURTHERMORE THAT this premium reflect the change in claim deductible from $5,000 to $10,000.

CARRIED

Deputy Mayor Hall resumed the chair.

iv) 2016 Interim Tax Levy
Robert Bunker, Treasurer

Motion #COW-2015-219
Moved by Councillor King
Seconded by Councillor Kelso

THAT a By-Law to provide for a 2016 interim tax levy and to set the tax due dates for 2016 be passed by Council.

CARRIED

v) Borrowing By-law
Robert Bunker, Treasurer

Motion #COW-2015-220
Moved by Councillor Kelso
Seconded by Councillor Roberts

THAT a By-law be passed to provide for temporary borrowing during 2016.

CARRIED

7. INCAMERA ITEMS

8. NEW AND OTHER BUSINESS

9. DEFERRED ITEMS

10. ADJOURNMENT
On a motion of Councillor Kelso and seconded by Councillor King, the meeting adjourned at 7:17 p.m.

Stacey Blair, Planning Administrator/Deputy Clerk

John Hall, Deputy Mayor, Committee Chair
Understanding Closed Meetings

Presented to Lanark Highlands Township Council
By Stacey Blair, Deputy Clerk

Purpose

- To provide information and guidance
- To outline the "rules" of closed meetings
- To answer questions

Outline

- Permission to hold Closed Meetings
- Process
- Accountability

The Municipal Act 2001
- Public Meetings

- The Municipal Act 2001 requires that all meetings be open to the public and that proper notice is provided for those meetings.

- The Act provides a limited number of exceptions for when closed meetings may be permitted

Permission

**Municipal Act, 2001, 239**

- Limited ability to hold closed meetings.
- Reasons include:
  a) Security of property of the municipality
  b) Personal matters about an identifiable individual
  c) Proposed or pending acquisition or disposition of land by municipality
  d) Labour relations or employee negotiations
  e) Advice subject to solicitor-client privilege
  f) Consideration of MFIPPA request
  g) Matter in respect of which council may hold a closed meeting under another Act

Also - 3.1) Educational or training session

Section 239 (2) (a) the security of the property of the municipality or local board;

- Includes intellectual property and security of information including electronic data

- Example: In Camera Minutes
- Security system for the building
Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees;

- Information 'about' an individual
- Does not apply to corporations or business related information about individual
  - Example - discussing medical condition of employee
  - Exception - does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

Section 239 (2) (c) a proposed or pending acquisition or disposition of land by the municipality;

- Allows council to direct staff, lawyer or agent to acquire or dispose of real property
- Decision to acquire or dispose must be done by by-law in open session
  - Example: Directing staff to negotiate price for land purchase

Section 239 (2) (d) labour relations or employee negotiations;

- Allows management staff and council to seek direction or provide updates on labour relations or employment matters
  - Example:
    - Discussion about negotiating staff benefits
    - Discussion about staff contract
  - Exception: Council cannot consider its own remuneration in closed session

Section 239 (2) (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality

- Enables council to receive information and give direction
- Includes court and administrative proceedings
  - Example: Information about potential Ontario Municipal Board hearing

Section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- Entitled to receive advice from lawyer
- Includes any consultation for legal advice whether litigious or not

Section 239 (2) (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

Emergency Management and Civil Protection Act 2.1(7)
- Example: Military training location

Municipal Freedom of Information and Protection of Privacy Act
- Subject matter relates to the consideration of a request under MFIPA
Section 239 (3.1)

> (3.1) A meeting of a council or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

> 1. The meeting is held for the purpose of educating or training the members.

> 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

Procedure

> Section 239 (4) Resolution

> • Resolution must state that Council is moving into closed session, and

> • Resolution must state the general nature of matters to be considered during the closed session

> • Resolution should identify which section of The Act applies

> • Case law – description should maximize information available to public about closed session without undermining reason for excluding the public.

Procedural By-law & Notice

> Procedural By-law 2012-1205:

> • Confidential discussion during a closed session shall be limited to the issue described in the authorizing public resolution and nothing in this by-law confers the power of any Member or Members of Council to make any decision or take any action unless, or until such action is presented and decided upon at a duly called and constituted open meeting of Council.

> • Upon returning to open session, the Chair shall rise and report the following:

> • a statement resulting from the closed session;

> • any declarations of pecuniary interest during the closed session.

When in Closed Session

> • Discussion limited to items referred to in public resolution

> • No consideration of other matters

> • Voting – takes place in open session

> • Exception (when in camera):

> • the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality...

> • Example – ok to pass motion giving CAO direction to negotiate contract. Authorization to sign contract given in open meeting.

Reporting

> • Minutes taken during closed session by Clerk or designate – not a record of "who said what", record of actions taken


Accountability

> • Ensured through Ontario Ombudsman’s Office

> • Information and Privacy Commissioner of Ontario