

MINUTES
COMMITTEE OF THE WHOLE - ADMINISTRATION & FINANCE
MONDAY, MARCH 11, 2019
6:30 PM
SPENCERVILLE MUNICIPAL OFFICE

Present: Mayor Sayeau, Chair
Deputy Mayor Deschamps
Councillor Cameron
Councillor Dillabough
Councillor Hunter

Regrets: Jack Bradley, Advisory Member
Dave Robertson, Advisory Member

Staff: Dave Grant, Director of Operations, Acting CAO
Melanie Stubbs, Treasurer
Rebecca Williams, Deputy Clerk

1. Call to Order

Mayor Sayeau called the meeting to order at 6:30 pm.

2. Approval of Agenda

Moved by: T. Deschamps seconded by: J. Hunter that the agenda be approved as presented.

Carried

3. Disclosure of Pecuniary Interest & the General Nature Thereof – None

4. Business Arising from Previous Committee of the Whole – Administration & Finance Meeting (if any) – None

5. Delegations and Presentations

a) Stephen Ault – Introduction & Municipal Conflict of Interest Act

Mr. Ault and Mr. Leroy, the Township solicitors, provided Committee with an overview of what encompasses the Municipal Conflict of Interest Act (MCIA) for municipal councils in Ontario. Mr. Leroy outlined the basic principles of the Act, noting that the MCIA is there to provide transparency and public confidence in municipal government. Mr. Leroy explained what is considered a “conflict” under the MCIA and three types of interests defined within the MCIA. Mr. Ault explained

to Committee the legal exemptions set out in the MClA, which exempt members from being required to declare an interest on a specific matter being discussed at Committee/Council.

There was a general discussion with respect to possible conflicts of interest that may arise with Council and when members should be declaring an interest, for example if a member is on the board or member of a citizen run organization that may receive funding from the Township through the grants and donations program. Members discussed the difference between a real conflict versus a perceived conflict in the world of politics and the need for public accountability and transparency. It was noted that there is a gray area when an issue or item is not legally considered to be a conflict, however the public may view it as a conflict. Mr. Ault noted that Council must use their best judgement on perceived conflicts and suggested that if a member is unsure to seek legal counsel from the Township solicitor or the Township Integrity Commissioner.

Committee thanked Mr. Ault and Mr. Leroy for the information.

6. Discussion Items – None

7. Action/Information Items

a) Auditor Response Letter

Committee reviewed the revised drafted letter as a result of the discussion being deferred from the February 25 Council meeting. There was consensus from Committee that the response letter be signed by the Mayor and sent to the auditors.

b) Procedural By-law Update

Committee reviewed the report and noted the three suggested updates to the by-law. Members confirmed that the confirmation by-law would receive all three readings at once instead of requiring first and second reading to receive unanimous support before proceeding to third and final reading.

Moved by: J. Hunter seconded by: S. Dillabough that Committee recommends that Council adopt the updated Procedural By-law as attached.

Carried

c) Severance Appeal – Bessette

Committee reviewed the report and enquired why the condition of an engineering study should be removed from the severance application. It was noted that the owner of the properties has objected to the condition and after review by the Township planner, it was determined that the condition to complete an

engineering study was not required. It was noted that the severances are reconfiguring the lot lines, but do not result in the creation of a new lot, even though both lots are undersized in accordance with the zoning by-law. Members discussed the configuration of the lots, specifically the right of way that runs through the south lots and how that may affect dwelling and holding tank. It was noted that the right of way has been in place for many years, with neighbours including provisions within their deeds to address the concerns. Staff confirmed that the health unit reviews severances and have not raised any concerns with respect to the holding tank or well locations.

Moved by: H. Cameron seconded by: T. Deschamps that Committee recommends that Council remove the following condition on severances B-126-18 and B-127-18:

“Completion of an engineering study demonstrating the feasibility of continued on-site servicing for both parcels.”

Carried

d) Hiring By-law 2015-17 as Amended by 2018-16 – Procedure Outline

Staff outlined to Committee the hiring procedures that are followed when hiring staff in both union and non-union positions as well as senior management positions. It was noted that the only change between the 2015 to 2018 by-law was the removal of a single sentence: “when hiring a senior management position, Council will make the final hiring decision based on recommendation of the hiring team”. It was noted that the sentence was removed due to lame duck during the 2018 election cycle.

Members noted their concerns with respect to certain job posting not being advertised in the local newspapers, as prescribed in the hiring policy. There was a brief discussion with respect to what other resources and websites job posting may be advertised or shared on, such as AMCTO and local job boards.

Committee debated if Council should be involved in the hiring process of all staff positions. Members noted that the authority and task has been delegated to the appropriate members of staff. Members briefly discussed the implications of Council being too involved with the hiring process and how it may be viewed in the political and public sphere. Members discussed the need for the applications to be received by the Township in confidence, and if Council were to receive further detailed information the privacy of the applicants could be jeopardized.

It was noted that Council is notified of any resignations, replacements, and new hires in the monthly CAO’s administration report. Members suggested that the department manager could notify Council of a job posting and when the position is filled instead of waiting for the information to be included in the CAO’s report. Committee noted that no updates to the policy is required, however more timely

notifications to Council, along with job postings in the local newspapers need to take place.

8. Inquiries/Notices of Motion – None

9. Mayor's Report

Mayor Sayeau reported on the following:

- Noted that Committee will be discussing matters in relation to the Ontario Job Site Challenge during closed session, with more details to come within 2 weeks.

10. Question Period – None

11. Closed Session

Moved by: J. Hunter seconded by: T. Deschamps that Committee moves into closed session at 7:51pm in order to address a matter pertaining to:

- Receiving advice that is subject to solicitor/client privilege, including communications necessary for that purpose; Specifically: 730 Truck Stop
- A proposed or pending acquisition or disposition of land for municipal or local board purposes; Specifically: Edwardsburgh Land Bank and Closed Session Minutes dated July 9, 2018

Carried

Committee recessed for 5 minutes to clear the chambers.

Moved by: T. Deschamps seconded by: J. Hunter that the closed meeting does now adjourn and the open meeting of Committee does now resume at 8:31pm.

Carried

Moved by: H. Cameron seconded by: S. Dillabough that Committee approves the minutes of closed session dated July 9, 2018.

Carried

Mayor Sayeau reported that Committee reviewed the minutes of July 8, 2018, received legal advice with respect to the 730 Truck Stop insurance claim and directed staff to execute the necessary documents as per the legal advice received and briefed Committee on the potential acquisition of land in relation to the nomination to the Ontario Job Site Challenge.

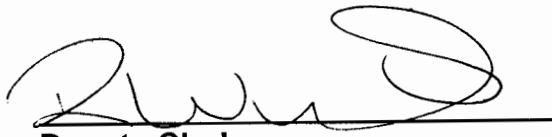
12. Adjournment

Moved by: S. Dillabough seconded by: H. Cameron that Committee does now adjourn at 8:33 pm.

Carried

These minutes were approved in open Council this 25th day of March, 2019.


Chair


Deputy Clerk