

AGENDA

THE FORTY-FIRST MEETING OF THE ONE HUNDRED AND TWENTY-FIFTH COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS

COUNCIL CHAMBERS 6:00 P.M. CLOSED SESSION
CITY HALL 7:00 P.M. REGULAR SESSION OCTOBER 17TH, 2005

ROUTINE PROCEEDINGS AND GENERAL ORDERS OF THE DAY

OPENING PRAYER

DISCLOSURES OF INTEREST

MINUTES

DEPUTATIONS

COMMITTEE OF THE WHOLE

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATIONS

UNFINISHED BUSINESS

NEW BUSINESS

BY-LAWS

PUBLIC NOTICE

NOTICES OF MOTION

ADJOURNMENT

CLOSING PRAYER

THE LORD'S PRAYER

Alderman T. Shackelton

DISCLOSURES OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on October 11th, 2005.

DEPUTATIONS

COMMITTEE OF THE WHOLE

Council will resolve itself into Committee of the Whole to deal with the following business.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE - Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS**BUSINESS CONCLUDED****PERSONNEL AND LABOUR RELATIONS COMMITTEE** - Chairman D. Warden**UNFINISHED BUSINESS****NEW BUSINESS****BUSINESS CONCLUDED****FINANCE AND ADMINISTRATION COMMITTEE** - Chairman C. Barwick**UNFINISHED BUSINESS****NEW BUSINESS****Reserve Transfer**

Report CC-39-05 of the Deputy City Clerk. Pages 5 to 7

Elgin County Pioneer Museum

Report CC-42-05 of the City Clerk. Pages 8 to 18

Allocation of Renewal Funds - 2005 M.T.O. Request

Report ES91-05 of the Supervisor of Roads and Transportation. Pages 19 to 24

BUSINESS CONCLUDED**COMMUNITY AND SOCIAL SERVICES COMMITTEE** - Chairman B. Aarts**UNFINISHED BUSINESS****NEW BUSINESS****Colin McGregor Justice Building - New Signage - Province of Ontario**

Report TR-42-05 of the Manager of Facilities and Property. Pages 25 & 26

BUSINESS CONCLUDED**PROTECTIVE SERVICES AND TRANSPORTATION COMMITTEE** - Chairman T. Shackelton**UNFINISHED BUSINESS****NEW BUSINESS****Lease of Airport Lands - St. Thomas Municipal Airport**

Report CC-41-05 of the Airport Superintendent. Page 27

MTO Authorized Security Statement and Signatory Application Statement - Ticket Issuance

Report CC-40-05 of the Deputy City Clerk. Pages 28 to 30

BUSINESS CONCLUDED

REPORTS PENDING

AMENDMENT TO BY-LAW 44-2000(REGULATION OF WATER SUPPLY IN THE CITY OF ST. THOMAS) - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. THOMAS AND ST. THOMAS ENERGY INC. (PROVISION OF WATER METER READING/BILLING AND COLLECTION SERVICES) - J. Dewancker

ESDA SERVICING MASTER PLAN AND CLASS ENVIRONMENTAL ASSESSMENT - J. Dewancker

ENVIRONMENTALLY SENSITIVE LAND USE - P. Keenan

DRIVEWAY RECONSTRUCTION - MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES - J. Dewancker

FUTURE USE OF VALLEYVIEW PROPERTY - ELYSIAN STREET - E. Sebestyen

FOREST AVENUE SIDEWALK - J. Dewancker

COMMUNITY SAFETY ZONE REVIEW - D White

COUNCIL

Council will reconvene into regular session.

REPORT OF COMMITTEE OF THE WHOLE

Planning and Development Committee - Chairman H. Chapman

Environmental Services Committee - Chairman M. Turvey

Personnel and Labour Relations Committee - Chairman D. Warden

Finance and Administration Committee - Chairman C. Barwick

Community and Social Services Committee - Chairman B. Aarts

Protective Services and Transportation Committee - Chairman T. Shackelton

A resolution stating that the recommendations, directions and actions of Council in Committee of the Whole as recorded in the minutes of this date be confirmed, ratified and adopted will be presented.

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATONS

Bill 23, Transparency in Public Matters Act, 2005

A request to endorse a resolution has been received from the Association of Municipalities of Ontario regarding Bill 23, Transparency in Public Matters Act. Pages 31 to 38

Ontario Good Roads Association - Nominations for Southwest Zone Representative

A letter has been received from J.W. Tiernay, Executive Director, Ontario Good Roads Association, inviting nominations to the Board of Directors. Nominations are due by October 31, 2005.

UNFINISHED BUSINESS

NEW BUSINESS

BY-LAWS

First, Second and Third Reading

1. A by-law to confirm the proceedings of the Council meeting held on the 17th day of October, 2005.
2. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Doug Tarry Limited. (#34T-05502 - Lake Margaret - Phase VII - 45 Lots for Single Detached Dwellings)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas, George Scoyne, and George Bergsma. (Assignment of lease - St. Thomas Municipal Airport - Part 6 & 18, Reference Plan 11R-65)

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

A resolution to close the meeting will be presented to deal with a labour relations matter.

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER



Corporation of the
City of St. Thomas

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Report No.

CC 39-05

File No.

Directed to: Chairman C. Barwick and Members of the Finance and Administration Committee

Date
October 6, 2005

Department: City Clerks Office

Prepared By: Richard Beachey, Deputy City Clerk

Attachment

CC-60-04

Subject: Reserve transfer

Recommendation:

That Report CC 39-05 be received for information and;

That \$16,560.39 be transferred from the General Property Reserve into the Animal Shelter Reserve Fund

Origin:

The Treasury Department has requested that the funds received from the Township of Southwold previously placed in the General Property Reserve be transferred into the Animal Shelter Reserve Fund. Due to prior Council resolution regarding this, a new resolution is required.

Analysis:

In July 2004, the City was provided a donation of \$10,000.00 from the Estate of Doreen May McDonald. Council directed that this money be set aside in a separate interest bearing reserve fund for quality of life improvements for shelter animals. This reserve fund became the Animal Shelter Reserve Fund.

In January 2005, the Township of Southwold paid \$16,560.39 to participate in the City pound. These funds are to be used for building capital and were set aside in the General Property Reserve.

The consolidation of these funds, although for different purposes, will provide an easier accounting of funds available for the shelter.

Financial Considerations

The transfer of \$16,560.39 into an interest bearing reserve fund will provide an additional income available to the shelter.

Alternatives:

The Committee may:

1. Transfer the funds.
2. Not transfer the funds.

Respectfully submitted,


Richard Beachey
Deputy City Clerk

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



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Corporation of the
City of St. Thomas

Report No.

CC 60-04

File No.

Directed to:

Chairman T. Shackleton and Members of the Protective Services and Transportation Committee

Date

December 23, 2004

Department:

City Clerks Office

Attachment

Prepared By:

Richard Beachey, Deputy City Clerk

- Southwold fax dated December 21
- Memorandum dated December 21
- Memorandum dated December 20

Subject:

Use of St. Thomas animal control shelter by Township of Southwold

Recommendation:

1. That the Township of Southwold be permitted to participate in the City of St. Thomas pound beginning in 2005 and;

that for this participation, the Township of Southwold be required to pay a one time capital contribution to the City of St. Thomas in the amount of \$16,560.39 due upon receipt and;

that for this participation, the Township of Southwold be required to pay a yearly charge for pound building expenses on the basis of the number of dogs from that municipality in a year as a percentage of the total dogs entered in the pound for the year and;

that any adoption fees for a dog from the Township of Southwold be retained as revenue by the City of St. Thomas and;

should the Township of Southwold wish not to participate in the in the St. Thomas pound, they be charged a boarding fee for each dog entered into the pound at a rate of \$10.00 per day for each day or part thereof that a dog is in the pound.
2. That the capital contribution in the amount of \$16,560.39 from the Township of Southwold for participating in the City of St. Thomas pound, be placed in the general property reserve.

Origin:

On the morning of Monday December 20, 2004 City Clerk, Wendell Graves, received a telephone call from Dianne Caryn, Administrator, Clerk-Treasurer of the Township of Sourhwold, requesting emergency assistance for the temporary housing of dogs from that municipality as their previous arrangement ceased rather immediately.

The Township was granted temporary assistance pending a possible agreement.

Analysis:

The first consideration for anything beyond a very temporary arrangement should be is there space for the animals from the Township of Southwold? In discussing this matter with the Animal Control Officer, it was noted that the highest number of dogs entered into the City pound other then the City animals, came from the Municipality of Central Elgin where 60 were entered in 2003. At an average rate of 5 dogs per month this would present no crowding issues at the pound facility. Southwold has yet to confirm the number of stray dogs from their municipality as provided by their former contractor, but realistically it should not be higher then Central Elgin.

Given the availability of space at the pound, the next consideration should be financial. In any discussion of this matter, the contributions from the City of St. Thomas, Municipality of Central Elgin, Town of Aylmer and the Township of Malahide that were made in 2002 for the pound reconstruction must be considered. The amounts contributed by these municipalities are listed below and are detailed in the attached memo from December 21.

Municipality	Population %	Amount
City of St. Thomas	55	\$126,405.43
Central Elgin	19	38,976.89
Malahide	14	28,719.87
Aylmer	12	24,617.49
Total	100	\$218,772.11

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Utilizing the same population rationale now as was utilized in 2002 for the capital contributions, based on a 1996 Southwold population of 4431, a capital contribution of \$16,560.39 should be made by the Township of Southwold.

The Township of Southwold should also cover ongoing building expenses in a like manner to the other municipalities. These ongoing building expenses such as telephone, utilities and building maintenance amounted to about \$6,100 per year (2003) and are split up on the basis of the number of dogs from a municipality in a year as a percentage of the total dogs entered into the pound.

In the event an agreement with Southwold is not possible on the basis of the suggested capital contribution and ongoing building expenses, the Township should be charged a transient boarding rate of \$10.00 per day or any part thereof that a dog is at the pound.

Financial Considerations

A capital contribution will place the pound facility in good position for future capital expenses. The ongoing yearly charges will also assist with building expenses.

A daily charge of \$10.00 will provide greater revenue to the pound.

Alternatives:

The Committee may:

1. Permit the participation by Southwold in the pound conditional on the payment of the capital contribution and ongoing building maintenance expenses.
2. Permit the participation by Southwold in the pound on the basis of a daily charge of \$10.00, or some other amount, for each day or part thereof, that a dog from the Township of Southwold is in the pound.
3. Inform the Township of Southwold that no further participation in the pound facility can be allowed.

Respectfully submitted,

Richard Beachey
Deputy City Clerk

Reviewed By: Treasury Env Services Planning City Clerk HR Other



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Corporation of the
City of St. Thomas

Report No.
CC-42-05

File No.

Directed to: Chairman Barwick and Members of the Finance and Administration Committee

Date
October 11, 2005

Department: City Clerks Department

Prepared By: Wendell Graves, City Clerk

Attachment
October 5, 2005
correspondence from
County of Elgin

Subject: Elgin County Pioneer Museum

Recommendation

THAT: Council receive Report CC-42-05 relating to the Elgin County Pioneer Museum as information and further;

THAT: A meeting be requested with County Officials to provide the opportunity to discuss the proposed By-law for the museum and the City's future role.

Background

The information, as attached, has come to the City defining a repositioning of the governance of the Elgin County Pioneer Museum.

The following points summarize some highlights from a By-law which is to be considered by County Council latter this month.

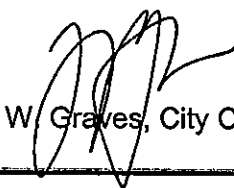
1. The name of the museum will be changed from "The Elgin County Pioneer Museum" to the "Elgin County Museum".
2. The governance of the museum will be managed through Elgin County Council and an advisory committee will be established. Of significance under this structure is that the City will no longer appoint anyone to the museum and the composition of the advisory committee does not automatically designate that there will be a City representative.
3. The ownership of the assets which had been donated to the former Elgin County Pioneer Museum shall be the property of the Corporation of the County of Elgin.

Further, as a point of information, the preliminary design has been completed to renovate the fourth floor of the Elgin County Administration Building to accommodate the museum.

In 2005 the City provided a grant to the museum of \$2000 and also had the opportunity to make an appointment to the Museum Board.

Given the proposed changes to the governance and the City's participation to date with the museum it would seem appropriate if a meeting be arranged with County and City officials so the County could directly update the City and provide background relating to the new structure.

Respectfully,

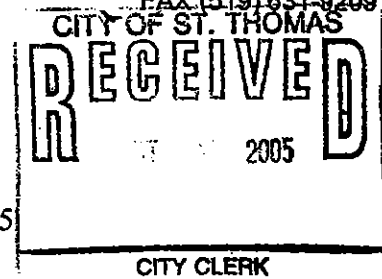

W. Graves, City Clerk

Reviewed By: _____
Treasury Env Services Planning City Clerk Comm Services Other

ELGIN COUNTY LIBRARY
CATHY BISHOP
Director of Library Services
cbishop@elgin-county.on.ca



450 SUNSET DRIVE
ST. THOMAS, ON N5R 5V1
PHONE (519) 631-1460
FAX (519) 631-9209



October 5, 2005

Mr. Wendell Graves
City Clerk
Corporation of the City of St. Thomas
P.O. Box 520
545 Talbot Street
St. Thomas, Ontario
N5P 3V7

Dear Mr. Graves:

Further to our recent conversation, I have enclosed a copy of a report and draft by-law regarding the Elgin County Pioneer Museum.

As discussed, the City's representative on the Museum Board is fully aware of the proposed new governance structure and has been for some time.

In essence, we do not anticipate requiring a City representative beyond the current term as we plan to relocate the museum out of the city to the fourth floor of the County Administration Building under a revised governance structure.

We appreciate that these changes may necessitate the City reviewing its business relationship with the Museum, particularly as it relates to grass cutting and horticultural activities.

Please don't hesitate to contact me if I can be of further assistance.

Yours truly

Cathy Bishop
Director of Library Services

REFERRED TO	
CITY COUNCIL	AM
FOR	
DIRECTION	<input type="checkbox"/>
REPORT OR COMMENT	<input type="checkbox"/>
INFORMATION	<input type="checkbox"/>
FROM	MARK McDONALD

CB/cr

Encl.

c.c. Mark McDonald



REPORT TO COUNTY COUNCIL

FROM: Brian Masschaele, Manager of Archives
Cathy Bishop, Director of Library Services

DATE: 14 September 2005

SUBJECT: Museum Facility Design and Draft By-law

INTRODUCTION

Spriet Associates have completed a preliminary design for the renovation of the fourth floor of the Elgin County Administration Building as the future home of the Elgin County Pioneer Museum. Staff have also completed a draft by-law to govern the Museum's future operations. This report presents both of these documents for the information of County Council and recommends that staff convene an information session for the County's museum partners.

DISCUSSION:

Facility Design

Spriet Associates have completed a preliminary design to renovate the fourth floor of the Elgin County Administration Building as the future home of the Elgin County Pioneer Museum according to the terms of the agreement with the Federal and Provincial governments under the Sports, Culture and Tourism Partnerships Initiative. The approved budget for this project is \$400,000, inclusive of all fees. The design concept is attached as Appendix A. This design is based upon space allocations and facility standards developed by staff and the Province's Museum Advisor, as well as feedback received from County museums on services to be provided. The following are some of the features of the design:

- ❖ Incorporation of features from 32 Talbot Street;
- ❖ Environmental and security controls for preserving the museum's collections;
- ❖ A large exhibit area with room for both permanent, rotating and travelling displays;
- ❖ A roof hatch for receiving large artifacts;
- ❖ Sufficient curatorial space for staff and volunteers;
- ❖ 3,300 square feet of artifact and archival storage space;
- ❖ An educational/meeting area.

Staff are confident that this design will enable the Museum to preserve, exhibit and promote its current collections while at the same time providing those services requested by County museums as outlined in the report to County Council presented on March 22nd, 2005 entitled "Museum Proposal". Initially, these services include:

- ❖ Development of a comprehensive database to document artifacts throughout the County for use by all museums and the public;
- ❖ Cutting edge technical & marketing co-ordination;
- ❖ Flexible curatorial assistance;
- ❖ Transportation co-ordination.

Spriet Associates will be developing architectural drawings based on the attached design, incorporating any comments received from members of Council. They will also be issuing a tender for general construction in October 2005 for County Council's approval. It is hoped construction will proceed by November for completion by March 31st, 2005.

Draft By-Law

After extensive consultation with County museums and community groups, such as Women's Institutes, staff have completed a draft by-law to govern the Museum's operations from its new location on the fourth floor. The by-law is attached as "Appendix B". The following are major features of the by-law:

- ❖ Changing the name from Elgin County Pioneer Museum to Elgin County Museum;
- ❖ Adopting a new mission statement and statement of purpose to reflect the Museum's dual mandate of providing existing programming and outreach services to County museums;
- ❖ Establishing a new model of governance which vests in County Council all executive authority in order to bring administration of the museum in line with other County departments;
- ❖ Creating the Elgin County Museum Advisory Committee, comprised of seven members, which will replace the former Elgin County Pioneer Museum Executive Committee and which will provide important, advisory support to the Museum.

Issues of governance, and in particular the composition of the Advisory Committee, generated the most feedback from other County museums and community organizations. Staff have responded to this feedback and are now proposing a modified composition to the committee than originally presented in the "Museum Proposal" report. The following are highlights of changes made to the composition of the Advisory Committee:

- ❖ County Council has the authority to appoint an individual who is representative of, or employed by, another museum located within the County of Elgin and who will act as a liaison with County museums. It became clear during the consultation meeting held with County museums on April 13th, 2005 that it was going to be difficult to find a suitable geographic representation based on an east/central/west distribution of representatives. Concerns were also raised about the nomination process given that County museums do not have a formal association with voting procedures. This modified approach eliminates these issues by giving Council the authority to appoint an individual who can best represent the interests of the museum community regardless of their location.
- ❖ Women's Institutes and the International Order of the Daughters of the Empire raised concerns about their lack of representation given their founding role in the Museum and their on-going volunteer support. Staff have responded to this feedback by recommending that their representation be maintained at previous levels. This will hopefully encourage these groups to remain active in the Museum's affairs as they are a vital source of support.
- ❖ The St. Thomas-Elgin Tourist Association has confirmed that it wishes to be represented on the committee.

Staff are confident that this draft by-law provides the governing framework for a new, dynamic institution out of which further policies and procedures can be developed. Staff have received the approval of the Province's Museum Advisor on this draft by-law.

Museum Planning – Next Steps

Staff recommend that an information session be convened for the benefit of interested County museums during which the attached facility design and draft by-law can be presented. Should Council approve, staff anticipate that this session will take place in early November. After this session is completed, staff will be bringing the by-law back to County Council for final approval.

CONCLUSION:

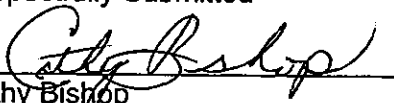
Spriet Associates have completed a preliminary design for renovation of the fourth floor of the Elgin County Administration Building as the future home of the Elgin County Pioneer Museum. Staff have also completed a draft by-law to govern the Museum's future operation. Both of these documents are presented for Council's information.

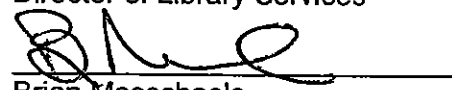
RECOMMENDATION:

That "Appendix A – Elgin County Museum Preliminary Design" and "Appendix B – Draft By-Law for the Operation of the Elgin County Museum" be received as information;

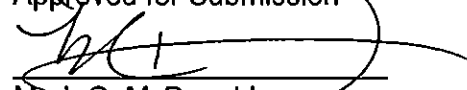
AND THAT staff convene an information session with County museums as soon as possible to apprise them of these documents.

Respectfully Submitted –


Cathy Bishop
Director of Library Services

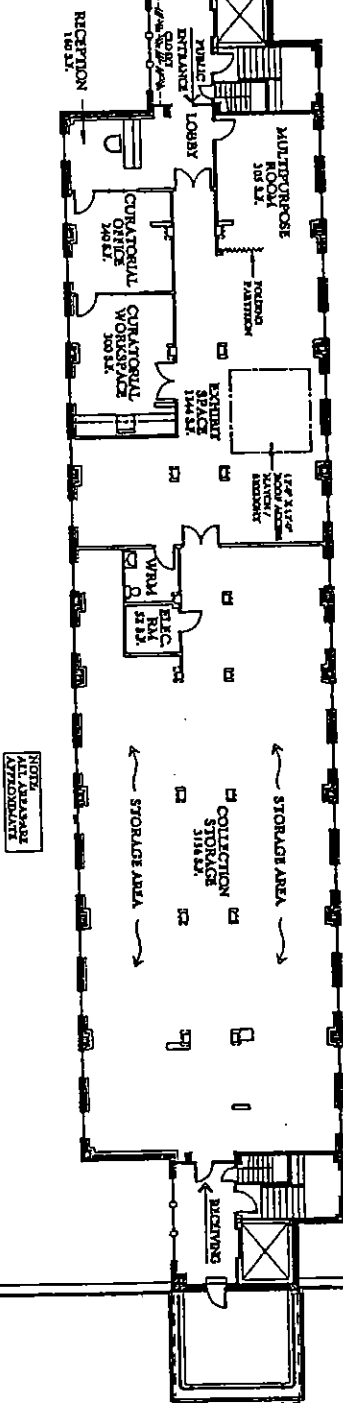

Brian Masschaele
Manager of Archives

Approved for Submission


Mark G. McDonald
Chief Administrative Officer

SPRIET ASSOCIATES
architects - engineers

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FOURTH FLOOR PLAN

JOB # 200511
SEPTEMBER 2, 2005

PROPOSED ELGIN COUNTY MUSEUM
ELGIN COUNTY ADMINISTRATIVE BUILDING

"Museum Facility Design and Draft By-Law Report – "Appendix B"

COUNTY OF ELGIN

By-Law No. XX-XX

**"BEING A BY-LAW TO PROVIDE FOR THE OPERATION OF
THE ELGIN COUNTY MUSEUM"**

WHEREAS by section XXXX of *The Municipal Act* xxxx and Regulation 877, Ontario Heritage Act (R.R.O. 1990); and,

WHEREAS it is both desirable and timely to reconstitute the mandate, governance, policies and procedures for the Elgin County Pioneer Museum given its re-location to the fourth floor of the Elgin County Administration Building; and;

WHEREAS it is also necessary to address matters pertaining to property and assets of the Museum.

NOW THEREFORE the Municipal Council of the Corporation of the County of Elgin hereby enacts as follows:

1. **NAME** – The name of the Museum shall be changed from "The Elgin County Pioneer Museum" to the "Elgin County Museum".
2. **ASSETS** – The lands, buildings, furniture, equipment, goods, chattels, artifacts and objects of any nature whatsoever whether acquired by or donated to the former Elgin County Pioneer Museum and/or the Elgin County Museum, including objects and artifacts held in trust by the Museum prior to the enacting of this by-law, shall be the property of the Corporation of the County of Elgin. Ownership of the artifacts is assigned unto the Corporation of the County of Elgin, its successors, administrators and assigns absolutely.
3. a) **STATEMENT OF PURPOSE** – The principle objectives of the Museum are two-fold:
 - i.) to acquire, document, preserve, display and interpret for the benefit of the public those artifacts donated to, or maintained by, the Museum which relate to the history and development of the geographic County of Elgin in order to encourage public interest in the history of the County;
 - ii.) to provide leadership and professional support to museums located within the County of Elgin in the promotion of a heritage network within the County, including documentation of resources, coordination of exhibits, marketing, training and advisory services.

4. GOVERNANCE AND STAFFING

- (a) The Museum and its staff shall be governed by Elgin County Council through the Director of Library Services (or designate as established by Council) in accordance with the County's policies and procedures. This includes: authority for recruiting, supervising and evaluating museum staff; establishing the budget and financial administration; facility maintenance; hours of operation; and final approval of all written policy governing operations and defining programs.
- (b) The Museum shall have professional staff with responsibility for the acquisition, documentation, care and custody of all artifacts, outreach services, displays, management of volunteers and publicity pertaining to the Museum's operations.
- (c) The County shall have an advisory committee, to be called the Elgin County Museum Advisory Committee, which shall be constituted to act in an advisory capacity to County Council and staff on an as needed basis on matters including (but not limited to):
 - I. Admission and membership fees;
 - II. Ideas and research on exhibitions;
 - III. Feedback on potential acquisitions;
 - IV. Fundraising activities, publicity and special events;
 - V. Review of draft policies and procedures;
 - VI. Liaison with County museums;
 - VII. Liaison with allied organizations such as Women's Institutes, International Order of The Daughters of The Empire and the St. Thomas-Elgin Tourist Association;
 - VIII. Establishment and organization of related advocacy groups and friends organizations.

Representation

The Advisory Committee shall be comprised of seven members appointed annually by the Council of the County of Elgin at its December session and to be appointed in the following manner:

One member of Elgin County Council;

Two appointees from Elgin County Women's Institutes; one from East Elgin and one from West Elgin;

One appointee on behalf of Elgin-St. Thomas branches of the International Order of The Daughters of the Empire;

One appointee on behalf of the St. Thomas-Elgin Tourist Association;

One appointee, to be named by Elgin County Council, who is representative of, or employed by, another museum located within the County of Elgin and who will act as a liaison with County museums;

One appointee, to be named by Elgin County Council, as an "at large" member who shall be a person interested and knowledgeable about the affairs of the Museum.

The Director of Library Services (or designate) and Museum staff shall also attend meetings as non-voting members.

Officers

The Advisory Committee shall appoint a Chairperson, Vice-Chairperson and Secretary from its members at its first meeting in each year;

The Chairperson shall be the presiding officer of the committee. He or she shall arrange for meetings, establish the agenda and preside at all meetings;

The Vice-Chairperson shall assume the duties of the Chairperson in his or her absence and shall have when acting so all the authority and responsibility of the Chairperson;

The Secretary shall maintain a record of proceedings of the committee, provide notice of meetings, report attendance, disseminate minutes and be generally responsible for the correspondence of the committee.

Term of Office

The members of the Advisory Committee shall continue in office until their successors are appointed. With the exception of the representative on Elgin County Council, who shall be appointed on an annual basis, members shall be appointed for a term of three years and provisions shall be made in the initial appointments for members to serve for terms of one, two and three years so that the expiration of members' terms is on a "staggered" basis, with succeeding terms to be for a period of three years.

In the event that a member is absent from three successive meetings of the Advisory Committee without being excused by resolution of the committee, such member shall be deemed to have resigned from the position and the committee shall forthwith notify such members by certified service mail and proceed to request the appointing body to fill the vacant position on the committee.

Rules of Procedure

1. Members shall be recognized by the Chair before speaking;
2. No member shall speak a second time on the same topic until others have had an opportunity to speak to the item;
3. The Chair of the committee shall be encouraged to speak last, following the members of the committee;

4. The Chair reserves the right to limit debate after having provided members with sufficient opportunity to speak.

Meetings Per Annum

The Advisory Committee shall meet no less than two times per calendar year, with an appropriate meeting schedule to be determined by the Chair in consultation with the committee at the beginning of each calendar year.

5. Statement of Ethical Behaviour and Pecuniary Interest – Staff, members of the Advisory Committee and volunteers are obligated to conduct their affairs in accordance with the Employee Code of Ethics as established by Elgin County Council and professional codes of ethics for museum practice. All individuals associated with the Museum shall avoid conflicts of interest, pecuniary or otherwise. If a conflict is declared, individuals shall absent themselves from all discussions on the particular matter.
6. That By-Law No. 02-25 is hereby repealed.

READ a first and second time this th day of xxxx 2005.

READ a third time and finally passed this th day of xxxx 2005.

Mark G. McDonald,
Chief Administrative Officer.

James McIntyre,
Warden.

MISSION STATEMENT

The Elgin County Museum exists to promote Elgin County's rich historical and agricultural heritage to all Canadians by acquiring, documenting, preserving, exhibiting and interpreting artifacts pertaining to the history of the County of Elgin; and to provide leadership and support to County museums in the promotion of a heritage partnership.

b) The Museum shall carry out its statement of purpose and mission through the following activities:

ACQUISITION - The Museum is committed to acquiring artifacts pertaining directly to the history of the County of Elgin or its citizens. All acquisitions must meet the terms of clearly defined acquisition policy approved by Elgin County Council. Sufficient space and resources will be devoted to managing all acquisitions in accordance with museum standards and professional practice.

DOCUMENTATION – The Museum is committed to properly documenting all artifacts in its collection in order to record provenance, transfer of ownership and context of use. Such documentation will include use of instruments such as temporary receipts, deeds of gift and accession registers.

PRESERVATION – The Museum is committed to ensuring the long-term preservation of artifacts under its care. Every effort will be made to store artifacts in a suitable repository wherein temperature, relative humidity, lighting and air quality are all controlled according to museum standards as defined by the Canadian Conservation Institute. Adequate security systems will be in place. Staff will furthermore promote the responsible care, handling, conservation and/or reproduction of all artifacts in accordance with preservation policies and procedures.

EXHIBITION – The Museum is committed to providing ample space for thematic, permanent and travelling exhibits which will be made accessible to the general public in a secure environment and within suitable hours. Ample resources will be devoted to producing and providing public access to such exhibits, both on-site and through use of available technology.

INTERPRETATION – The Museum is committed to interpretation and educational programs to encourage wide-spread interest in the history of the County of Elgin. Programs, displays, activities and events will be developed to appeal to groups such as elementary and secondary school students, senior citizens and the public at large.

OUTREACH – The Museum is committed to engaging the general public and the museum community in its operations. Outreach activities include advertising, soliciting volunteers, forming partnerships with other County museums, participating in educational opportunities and facilitating professional development. Suitable resources will exist for promoting the Museum and its activities within the community.



Corporation of the

City of St. Thomas

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Report No.

ES91-05

File No.

05-014-00

Directed to: Chairman Cliff Barwick and Members of the Finance and Administration Committee

Date

October 10, 2005

Department: Environmental Services Department

Attachments

Prepared By: Dave White, Supervisor of Roads & Transportation

MTO Request for Allocation of Renewal Funds

Subject: Allocation of Renewal Funds – 2005 M.T.O. Request

RECOMMENDATION

It is recommended that:

1. The Mayor, Clerk and Treasurer be authorized to sign the attached Request for Allocation of Renewal Funds; and,
2. That the Request for Allocation of Renewal Funds be submitted to the Ministry of Transportation; and,
3. That Council endorse this request for Transit Renewal Funds; and,
4. That a copy of Council's endorsement be sent to the Ministry of Transportation with the forms.

Report:

Origin

At the regular meeting of Council on April 11, 2005, staff was authorized to award Tender No. 05-072 and purchase a diesel powered community transit bus for the sum of \$77,742.00 plus taxes from Crestline Coach Limited.

Analysis

This vehicle is considered a REPLACEMENT vehicle and as such, one third of the total vehicle base cost (or \$25,914) is within the Request for Allocation of Renewal Funds and two thirds of the total vehicle cost (or \$51,828 + the p.s.t. from the total vehicle base cost) will come from the Dedicated Gas Tax Funding.

Staff received the Subsidy Request form from the M.T.O. by email on September 30, 2005. This form is required to be completed and, through the process indicated in the recommendations, to be submitted to MTO sometime in October. The M.T.O.'s renewal funds are to assist the municipalities in the purchase of transit equipment. The attached forms include the formal request to the M.T.O. for payment of Renewal Funds to the City of St-Thomas along with revised long-term plans for vehicle replacement.

The forms require the signature of the Mayor, City Clerk and Treasurer. Once signed and sealed, the forms can be sent to the M.T.O. for the request for subsidy.


Alternatives

None at this time.

Financial Implications:

In the unlikely event that MTO would not approve this application, an additional \$25,914 would be required from the Dedicated Gas Tax Fund or the operating budget.

Respectfully submitted


Dave White, Supervisor of Roads and Transportation
Environmental Services

Reviewed By:  Treasury  Env Services Planning City Clerk HR Other

The Corporation of the City of St. Thomas

annual statement of transit vehicles

owned by/operated on behalf of the Corporation as of December 31, 20 04 .

Accessibility – low floor conventional bus, specialized van, etc.

Engine Type – conventional diesel, natural gas, propane, electric battery, electrified system

Additional Notes:

(Please note: Use additional pages if necessary and use separate sheets for Conventional and Specialized Transit Vehicles)

Type of Transit vehicle	Vehicle I.D. No.	Make	Age / Lifespan	Accessibility Yes or No	Engine Type	Vehicle Model	Serial Number	Year of Manufacture	Year of Purchase	Anticipated Year of Retirement
L. Floor	8601	Orion	19	Yes	Conv Diesel	II	2B129A7XG5005072	1986	2002	2005
L. Floor	9001	Orion	15	Yes	Conv Diesel	II	2B1259875L5005481	1990	2002	2006
L. Floor	9701	Champion	8	Yes	Conv Diesel	SOLO	4S7LT9J0XTC018725	1997	1997	2007
L. Floor	9702	Champion	8	Yes	Conv Diesel	SOLO	4V2NN0496WC025619	1998	1997	2007
Convention	9801	Ford	7	No	Conv Diesel	Cutawy	1FDXE40F3WHA36394	1998	2002	2007
Lift Equip	0301	Ford	2	Yes	Conv Diesel	Cutawy	1FDXE45F23HB82712	2003	2003	2009
Lift Equip	0302	Ford	2	Yes	Conv Diesel	Cutawy	1FDXE45F43HB82713	2003	2003	2009
Lift Equip	0401	Ford	1	Yes	Conv Diesel	Cutawy	1FDXE45F63HB75925	2004	2004	2010
Specialize	9701	Ford	8	Yes	Conv Diesel	Cutawy	1FDLE40F0VHA40173	1997	1997	2006
Specialize	9702	Ford	8	Yes	Conv Diesel	Cutawy	1FDLE40F9VHA40172	1997	1997	2006
Indicators	Total Transit Vehicles 10		Average age 7.8	% Accessible 80	% Low emission					



The Corporation of the City of St. Thomas
(Use separate sheets for Conventional and Specialized Transit Vehicles)

Municipal Official Responsible for Public Transportation	Date Estimate Prepared (yyyy-mm-dd)
Dave White	2005-10-04

Request for an Allocation of Vehicle Program Funding**Conventional Transit Vehicles for the Year 2005**

Pursuant to the Ontario Transit Vehicle Program – Guidelines and Requirements (the “Guidelines and Requirements”),
the Council of the Corporation of the

City _____ of St. Thomas _____ (the “Corporation”)

(hereby requests an allocation of vehicle program funding for the year 20 05 , for conventional transit vehicles in:

the amount of \$ 77,742.00

The Council of the Corporation understands and agrees that the said funding shall be expended in accordance with the Guidelines and Requirements and for conventional transit vehicles. A detailed estimate of how the allocation is proposed to be spent (Form ON-T-1, pg 2) is attached hereto.

Furthermore, by submitting this request for an allocation of vehicle program funding, the Council of the Corporation acknowledges and agrees that the Corporation shall be bound by all the terms and conditions set out in the Guidelines and Requirements.

This request for an allocation of vehicle program funds has been authorized by a resolution of the Council of the

of the City _____ of St. Thomas _____
dated _____ 20 _____

Authorized Signatures:_____
Treasurer_____
Head of Council_____
Clerk

(Seal)

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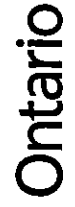
The Corporation of the City of St. Thomas

budgeted expenditures for the replacement, expansion and major refurbishment of conventional transit vehicles and requirement of vehicle program funding for the year 2005 .

Eligible Conventional Transit Vehicle Replacement, Expansion and Major Refurbishment

1. Conventional Transit Vehicle Replacement		Budgeted Expenditures	
(1) Cutaway (lift equipped with 2 Wheel chair positions)		\$77,742.00	
2. Conventional Transit Vehicle Expansion			
Sub-total		\$77,742.00	A
3. Conventional Transit Vehicle Major Refurbishment			
Sub-total			B
Budgeted Conventional Transit Vehicle Expenditures		Total	
		\$77,742.00	C
4. Estimated Conventional Transit Requirement of Vehicle Program Funding		Estimates	
Conventional Transit Vehicle Replacement/Expansion	33.3 % of A	25,914.00	D
Conventional Transit Vehicle Refurbishment	33.3% of B		E
5. Estimated Conventional Requirement of Vehicle Program Funding (D+E)		Total	
		\$25,914.00	F

Copy the amount of estimated vehicle program funding requirements set out in row 5 above to form ON-T-01 pg 1.



of St. Thomas

[illegible]

Municipal Official Responsible for Public Transportation	Date Estimate Prepared (yyyy-mm-dd)
Dave White	2005-10-04



Corporation of the

City of St. Thomas

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Report No.

TR-42-05

File No.

Directed to:

Chairman Bill Aarts and Members of the Community and Social Services Committee

Date

2005-10-11

Department:

Treasury – Facilities and Property Section

Attachment

Prepared By:

C. Frank Lattanzio, Manager of Facilities and Property

Proposed Signage

Subject:

Colin McGregor Justice Building - New Signage - Province of Ontario

Recommendation:

That report no. TR-42-05 be received as information.

Report:

The Province of Ontario through the Ontario Realty Corporation has initiated a program to update and standardize signage for buildings conducting courts through out the province.

This program identifies buildings with standard bilingual signs.

The following page has a picture of the existing Colin McGregor Justice Building sign and an illustration of the proposed one. The new one includes the provincial trillium logo and bilingual lettering.

This upgrade will have no financial impact on the City of St-Thomas as the costs will be borne by the Ontario Realty Corporation.

Respectfully,

Manager of Facilities and Property

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the
City of St. Thomas

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Report No.

CC-41-05

File No.

Directed to: Alderman Terry Shackelton, Chairman, Protective Services
and Transportation Committee

Date
October 7, 2005

Department: City Clerk's

Attachment

Prepared By: Dale B. Arndt – Airport Superintendent

Subject: Lease of Airport Lands - St. Thomas Municipal Airport

Recommendation:

That we concur with the assignment of lease of airport lands (Parts 6 & 18, Reference Plan 11R-165) at the St. Thomas Municipal Airport from Mr. George Scoyne to Mr. George Bergsma.

Origin:

Request from Mr. George Scoyne to transfer their small lot hangar to Mr. George Bergsma, 60 Wellington St. Delaware Ontario, N0L 1E0.

Analysis:

Mr. George Scoyne in his letter dated October 7, 2005, wishes to transfer the hangar to Mr. George Bergsma.

Similar requests have been made by individuals wishing to assign their lease of airport lands. The initial term of this lease is 20 years computed from the 1st day of September 1998. (Approximately 13 years remain)

All maintenance issues related to hangar have been addressed and completed by Mr. Scoyne.

I know Mr. Bergsma as a current customer, renting tie down space for his aircraft at the St. Thomas Airport.

I agree with the proposed lease transfer to Mr. Bergsma.

Existing Policy:

Council has authorized the assignment of lease of Airport Lands from one hangar owner to another provided that the perspective purchaser has met with Council approval.

Financial Consideration:

An administration fee of \$200.00 has been charged and received from Mr. Scoyne.

Respectfully submitted,

Dale B. Arndt,
Airport Superintendent

Reviewed By:

Treasury

Env
Services

Planning

City
Clerk

Comm
Services

Other



Corporation of the
City of St. Thomas

Report No.

CC 40-05

File No.

Directed to: Alderman T. Shackelton and Members of the Protective Services and Transportation Committee

Date

October 6, 2005

Department: Clerk's Department

Attachments

- Requester Employee Security Statement
- Authorized Signatory Application Statement

Prepared By: Richard Beachey, Deputy City Clerk

Subject: MTO authorized Security Statement and Signatory Application Statement

Recommendation

That report CC 40-05 in regards to the Ontario Ministry of Transportation Security Statement and Signatory Application Statement be received; and

That the Mayor and Clerk be authorized by by-law to sign the Security Statement and Signatory Application Statement .

Analysis

Treasury staff has informed me that these forms need to be completed at the earliest opportunity in order that ticket processing can continue.

Financial Considerations:

Ticket revenue is in jeopardy if the statements are not executed.

Alternatives:

The Committee may:

1. Authorize the Mayor and Clerk to sign the Security Statement and Signatory Application Statement.
2. Not authorize the Mayor and Clerk to sign the Security Statement and Signatory Application Statement.

Respectfully,

Richard Beachey, Deputy City Clerk
City Clerk's Department

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

REQUESTER EMPLOYEE SECURITY STATEMENT

Employee Name:	
Division:	
Employee #:	

_____ (the "Requester") wishes to receive (continue to receive) confidential and personal information (the "Information") from files and data bases administered by the Ontario Ministry of Transportation ("MTO"). The Requester, and MTO are committed to protecting this Information from unauthorized access, use or disclosure. The following policies have been adopted to address responsibilities for handling and protecting this Information.

1. As an employee of the Requester, you may access this Information only when necessary to perform your duties as such employee in the course of your employment. You must not access or use this Information for personal reasons. (Examples of inappropriate access or misuse of Information include, but are not limited to: making inquiries for personal use or processing transactions on your own records or those of your friends or relatives; accessing Information about another person, including locating their residence address, for any reason not related to your work responsibilities or not authorized by the Requester.)
2. You may disclose Information only to individuals who have been authorized to receive it through appropriate procedures, which have been authorized by MTO. (Examples of unauthorized disclosures include but are not limited to: looking up someone's address for a friend.)
3. You must take reasonable precautions to maintain the secrecy of any password you use to access Information electronically. Reasonable precautions include, but are not limited to: not telling others your password or knowingly allowing them to observe while you enter it at a terminal; and frequently changing your password (and, if you suspect your password has been used by someone else, changing it immediately and notifying the Requester); and selecting random passwords that are not easy for others to guess.
4. You must take reasonable precautions to protect data entry terminals and equipment from unauthorized access. Reasonable precautions include, but are not limited to: not leaving your terminal unattended while you are logged onto the system; exiting the database which contains any Information when you leave your workstation; securing your terminal with a locking device if one has been provided; storing in a secure place any user documentation to programs through which electronic access to any Information may be gained; and reporting any suspicious circumstances or unauthorized individuals you have observed in the work area to the Requester.

I have read and I understand the security policies stated above, and will comply with them and any other security policies issued in the future by the Requester or MTO. I understand that failure to comply with these policies may result in disciplinary action by the Requester and/or civil or criminal prosecution in accordance with applicable statutes.

Employee Signature: _____ Date: _____

Witnessed By: _____ Date: _____
Print Sign

AUTHORIZED SIGNATORY APPLICATION STATEMENT

NOTE: Information furnished on this form is subject to MTO verification.

1. I CERTIFY that the electronic information provided in the Application for Authorized Requester submitted by _____ (the "Applicant") is true and correct.
(organization registered/legal name)
2. I ACKNOWLEDGE AND UNDERSTAND that if this Application is approved, in order to become an Authorized Requester the Applicant will be required to enter into an Authorized Requester Agreement with MTO.
3. I ACKNOWLEDGE AND UNDERSTAND that the provision of false or misleading information in the Application document:
 - (a) will result in a refusal by MTO of the Application, and may result in the refusal by MTO of future applications; and
 - (b) constitutes an Event of Default under the Authorized Requester Agreement for which MTO may terminate the Agreement, or suspend, cancel or revoke access to Licensed Information.
4. AS THE AUTHORIZED SIGNATORY, I AUTHORIZE the Registrar of Motor Vehicles for Ontario, or the Registrar's designee, to investigate any matter or statements contained in the Application.

Executed at:

Municipality: _____ Province: _____

Date: _____ Signature: _____
("Authorized signatory" in Authorized Requestor Agreement)

Please print Authorized Signatory information below:

First Name: _____ Initial: _____ Last Name: _____

Title: _____

Subsection 9(1) of the *Highway Traffic Act (Ontario)* provides as follows:

"Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this act, or by the regulations, or by the Ministry, is guilty of an offence and on conviction, in addition to any other penalty or punishment to which the person may be liable, is liable to a fine of not less than \$100 and not more than \$500, or to imprisonment for a term of not more than thirty days or both. In addition, the person's license or permit may be suspended for a period of not more than six months."

Alert

To the immediate attention of the Clerk and Council

October 4, 2005 – Alert 05/074

PRIVATE MEMBER'S BILL COULD IMPOSE NEW PRESCRIPTIVE RULES ON MUNICIPAL GOVERNMENT OUTSIDE OF THE *MUNICIPAL ACT*

Issue: Standing Committee Hears Bill 123, Transparency in Public Matters Act, 2005

AMO's Response: AMO has requested that reference to municipal governments be struck from this Bill and that accountability matters be dealt with under the *Municipal Act* review, which is being led by Minister Gerretsen, with legislation to come forward later this year. Having numerous pieces of legislation will make for a complex and cumbersome regulatory framework, which could create substantial contingent liabilities for municipal governments and could lead to paralysis of decision-making as a result of the complexity of legislation.

A copy of AMO's written submission to the Committee and the President's verbal presentation are linked to this Alert.

Municipal Assistance Needed: Attached is a model resolution that every municipality is asked to pass quickly and forward to Minister Gerretsen and all MPPs, including their local MPP.

Background:

This is one of a dozen Bills that were carried over when the House was recently prorogued and was recently the subject of a one-day hearing before the Standing Committee on Regulations and Private Bills.

The Bill as originally introduced had stringent new rules related to notice provisions, open meetings, minutes, forms of meetings among other matters and applied to a long list of public bodies, from OMB to Council of Ontario College of Teachers, to Police Service Boards, to a Board of Health, local services boards, public library, universities/colleges, hospital boards and school boards as well as councils.

The sponsoring member, Ms. Di Cocco has indicated that she is going to propose amendments when the Committee meets for clause-by-clause review at a future date. One amendment would be to eliminate all references to the named public bodies other than municipal councils, Boards of Directors, governors or trustees of a hospital (under *Public Hospitals Act*) and district school board or school authority (under the *Education Act*).

Some of the features of the Bill:

- determination of when a meeting is a meeting, including electronic meetings
- open meeting exceptions are similar but not identical to existing exceptions and include closed meetings where “desirability of avoiding public disclosure” outweighs “principle that meetings be open”
- A member of council must be appointed to oversee compliance with public notice and minute keeping requirements, which alters the function of administration
- Complaints may be made to the Provincial Information and Privacy (IPC) Commissioner (within one year), who may facilitate settlement or conduct a review and may initiate a review in the absence of a complaint
- An order of the IPC voids council’s decision or requires a change of practice

These provisions present potentially significant liability situations, particularly where Third Party matters are part of a council decision. A copy of the Bill is linked to this Alert.

Model Resolution Re: Bill 123:

WHEREAS the provincial Standing Committee on Regulations and Private Bills is currently debating Private Members Bill 123 the *Transparency in Public Matters Act*; and

WHEREAS the proposed legislation includes municipal council and committees; and

WHEREAS the proposed legislation adds requirements to notice provisions, open meetings, minutes, forms of meetings, among other matters all of which are addressed in the *Municipal Act*, which would create confusion for council, administration and the public; and

WHEREAS the *Municipal Act* is currently under review and is being informed by input from the municipal and private sectors among others; and

WHEREAS AMO and others have urged the Standing Committee to remove any reference to municipal councils or council committees from this legislation and allow transparency and accountability issues to continue to be regulated under the *Municipal Act*;

THEREFORE BE IT RESOLVED that (name of municipality) urges the Minister of Municipal Affairs and Housing to vote against the Bill if the reference to ‘municipal councils’ is not deleted in the Bill as reported by the Standing Committee; and that (Name of Local MPP) and all provincial members of the legislature be advised of the lack of this council’s support for the inclusion of ‘municipal councils’ in Bill 123.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca

For more information, contact: Brian Rosborough, Director of Policy at 416-971-9856 extension 318, or Sherri Hanley, AMO Senior Policy Advisor, at 416-971-9856 extension 315



Bill 123, Transparency in Public Matters Act, 2005

***AMO's Submission to the Standing
Committee on Regulations and Private Bills***

September 29, 2005

Association of
Municipalities
of Ontario

393 University Avenue, Suite 1701
Toronto, ON M5G 1E6 Canada
tel: 416-971-9856 fax: 416-971-6191
email: amo@amo.on.ca
website: www.amo.on.ca

INTRODUCTION

Together with Premier McGuinty and Minister Gerretsen, AMO believes that it is time for the province to stop micro-managing municipalities and instead pursue a more mature provincial-municipal relationship in Ontario. This was reinforced by the adoption of Bill 92 on June 13, 2005, which recognizes municipalities as partners worthy of consultation on matters of mutual interest. It is also highlighted by the on-going work between AMO and the province under the *Municipal Act* review.

It is our belief that the adoption of Bill 123 would compromise all of the groundbreaking work conducted to date under the *Municipal Act* review and detracts from the intent of Bill 92, which recognizes municipalities as responsible orders of government.

While we support the notion of open and accountable decision-making, we have several areas of concern with the operational impact that this Bill generates and therefore cannot lend our support to the inclusion of municipal governments.

After consulting our members, we have developed this submission to highlight our concerns and recommendations for consideration.

AREAS OF CONCERN

AMO supports openness and accountability in government policy decision-making, but we have concerns with the extent of this legislation. Specifically we have concerns with how this legislation would further micro-manage municipal government, and conflict with the principles that we are promoting for *Municipal Act* review, and how it could compromise informed, responsible decision-making by elected officials.

- ***Compromised provincial-municipal relationship***

August 23, 2004 was a historic day for the maturing provincial-municipal relationship. It was the day that the Memorandum of Understanding (MOU) between the Province of Ontario and the Association of Municipalities of Ontario was signed. It was on this day that the Province of Ontario committed to working as partners with municipalities and recognized them as responsible orders of government. This is emphasized in the following text from the MOU:

"Effective cooperation between Ontario and municipalities enhances certainty and predictability of government performance, and promotes public confidence and sound planning...Ontario recognizes municipalities as responsible and accountable governments with respect to matters within their

jurisdiction...Ontario and municipalities share a common goal of ensuring a clear understanding of responsibility so that Ontario and municipalities are accountable for specific policies and effective performance of their respective roles”.

Given that the MOU recognizes municipalities as an order of government that is accountable and responsible, it is difficult to support legislation that would place municipal governments and their councils in the same light as other public sector bodies. If there has been one clear lesson learned over the years, provincial legislation that takes a one size, fits all approach just doesn't work in a province as diverse as Ontario.

In comparison to the other referenced public sector bodies in the Bill, and in fact the provincial government itself, municipal government decision-making processes are perhaps the most open and accountable. Municipal councils and their respective committees are different from most other public sector bodies since they are elected and these elections are the ultimate measure of democracy, performance and accountability. Municipal business plans are implemented through capital budgets, which are outcomes of public input and debate on service levels and priorities. In fact, municipal budgets and changes to those budgets are subject to notice – a much higher standard than elsewhere. Additionally municipal government decisions are guided by legislative processes that are embodied in a multitude of Acts and often those decisions can be reviewed, such as land use planning matters which can be appealed to the Ontario Municipal Board.

Given the fact that the province has recognized municipalities as partners and orders of government, and that municipal councils are elected, unlike many appointees of public boards, we take issue with the fact that municipal councils and their respective committees have been included in this legislation. Including municipalities in this legislation would be a major step backwards in our joint efforts with the province on a more mature relationship – a mature relationship that extends itself to others

- ***Conflict with the Municipal Act review***

In June 2004, after both the Premier and Minister Gerretsen committed to working towards a more mature provincial-municipal relationship, the Ministry of Municipal Affairs and Housing officially launched consultations on the *Municipal Act*. The review was to take place in two phases – Phase 1 requested submissions from the municipal and business sectors and Phase 2 consisted of more focused work of key stakeholders, of which AMO was a partner.

The municipal sector has invested significant time and energy in these consultations

and the work is progressing to its final stages. In addition to AMO the following municipal associations have been actively involved in the consultations:

- The Association of Municipal Clerks and Treasurers (AMCTO)
- The Ontario Municipal Administrators Association (OMAA)
- The Municipal Law Directors Association of Ontario (MLDAO)

In addition, the government is talking with private sector interests.

In AMO's opinion the *Municipal Act* addresses the majority of the issues raised in Bill 123 since it is currently examining open meetings, electronic meetings, codes of conduct, lobbyist registries, ombudsmen, integrity commissioners, notice provisions and the roles of municipal administrations. Adopting Bill 123 as it relates to municipal government, therefore, would result in confusion and implementation challenges since municipal governments, through the *Municipal Act* and other bodies of legislation, are already subject to numerous rules and regulations about public process. An additional piece of legislation about public process would compromise our efforts to ensure that the legislative framework affecting municipal government is clear, concise, effective and efficient.

Given that the *Municipal Act* review is addressing many of the concerns addressed in Bill 123, we believe that adopting this legislation and including municipal governments and their respective bodies, is not required.

- ***Compromised informed, responsible decision-making***

One of the areas that we are advocating for greater flexibility in the *Municipal Act* is the area of closed meetings. We believe that municipal councils need greater flexibility to go in camera for strategic planning, education sessions or to have the opportunity to ask "dumb" questions that one might not ask in front of an audience. We will continue to advocate this through the *Municipal Act* review, but it is also one of the major reasons why we cannot lend our support to Bill 123.

The scope of municipal issues has grown dramatically in recent years both in volume and complexity. As a result of provincial downloading, municipal governments must be experts in a number of new service areas and keep abreast of constantly changing legislation and regulations. Members of municipal councils are required to make well considered, fully informed decisions on a wide range of subjects such as the property tax system, technical aspects of the safe drinking water system, land ambulance and more. If Bill 123 passes, it will compromise the ability for elected officials to make informed and responsible decisions about these issues, which is sometimes achieved

only by going in camera and receiving technical briefing sessions from staff, even before public input and council debate on an issue publicly at council.

This importance of such an opportunity was emphasized by Justice Lacourciere of the Ontario Court of Appeal in a dissenting opinion in the case of *Southam Inc. v. Hamilton-Wentworth (Regional Municipality) Economic Development Committee*:

"The present issue, however, concerns gatherings of commissioners when no business is transacted; when, rather, they confer together and with each other; and when they collaborate in doing what may be called their "homework". It is important that they do so freely and without restraint. Like all who have the responsibility of making important decisions, they need an opportunity to express, exchange and test ideas, to deliberate freely, off the record, and without the restraint of outside influence. Freedom of discussion and the exchange of ideas is essential to an understanding of a problem. It cannot be satisfactorily accomplished under a spotlight or before a microphone."

Even though the Province has recognized the important work of municipal governments, and acknowledged them as responsible and accountable governments, it is interesting that at this point, municipalities do not have the same flexibility regarding closed meetings as the Province enjoys. While provincial legislation is enacted in a public forum, the legislature, regulations and other policy development is not open to the public in the same manner. Cabinet is a closed body that makes decisions in a closed session. Party caucus meetings are held in private. Contrast the provincial situation with that of municipal government where all meetings shall be open to the public unless they fall into a very narrow list of exceptions.

Municipal governments are much more open in decision making than other orders of government, but it is evident that with increasingly complex issues surfacing, there is a need for more flexibility to be briefed, exchange ideas and ask questions freely, in a closed meeting. Bill 123 would seriously compromise the ability for municipalities to have this opportunity, which in our opinion could unfortunately result in some decisions being made that are not fully informed. In our opinion, this does not serve the public interest.

CONCLUSION AND RECOMMENDATIONS

Although we understand and support greater transparency and accountability in public sector bodies, we do not support municipal governments and their respective bodies being included in this legislation. This legislation compromises the achievement of a mature provincial-municipal relationship by micromanaging municipalities. By micromanaging municipal governments in this way, it fails to acknowledge the

responsibility that comes with being a democratically elected official. More importantly, the Private Members Bill is a one-size fits all approach and does not consider the 'fit' with the current or future elements of the *Municipal Act*. Finally, the Bill has the potential to affect the quality of decisions being made locally if elected officials are not given greater flexibility to exchange ideas, seek clarity and ask questions behind closed doors, before they publicly debate an issue. The last thing this Committee wants to do is to set up a legislative framework that creates paralysis in decision-making.

Based on these issues, we recommend that Bill 123 not proceed in its current form and that municipalities, councils and their committees be removed from this legislation.