

# **The Corporation of the City of Kawartha Lakes**

## **Additional Agenda**

### **Regular Council Meeting**

**CC2019-07**

**Tuesday, February 19, 2019**

**Closed Session Commencing at 1:00 p.m. Open Session Commencing at 2:00 p.m.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Doug Elmslie**

**Councillor Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

Accessible formats and communication supports are available upon request.

<b>10.</b>	<b>Deputations</b>	
*10.1	CC2019-07.10.1	3 - 8
	<b>Committees/Boards/Task Forces Policy and Code of Conduct</b>	
	<b>Item 14.1.1 on the Agenda</b>	
	Joan Abernethy	
<b>17.</b>	<b>By-Laws</b>	
17.1	By-Laws by Consent	
*17.1.8	CC2019-07.17.1.8	9 - 12
	<b>A By-law Imposing Special Annual Drainage Rates Upon Land in</b>	
	<b>Respect of Which Money is Borrowed Under The Tile Drainage Act -</b>	
	<b>Gracie</b>	
<b>20.</b>	<b>Presentations</b>	
*20.1	CC2019-07.20.1	
	<b>Customer Service Council Orientation</b>	
	Ron Taylor, CAO	
	Lee Anna Thornbury, Manager of Customer Services	
	Cheri Davidson, Manager of Communications, Advertising and	
	Marketing	
	Aaron Sloan, Manager of Municipal Law Enforcement	



Request to Make a  
Deputation/Presentation to  
Council/Committee  
City of Kawartha Lakes  
City Clerk's Office  
26 Francis Street, PO Box 9000  
Lindsay, ON K9V 5R8  
705-324-9411

Name: \*

Joan Abernethy

Address: \*

121 William St. N. Unit #3

City/Town/Village:

Lindsay

Province: \*

Ontario

Postal Code:

K9V4A9

Telephone: \*

705-308-6679

Email: \*

joanabernethy@

yahoo.ca

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: \*

Joan Abernethy

Please provide details of the matter to which you wish to speak: \*

February 19, 2019 agenda item 14.1.1  
CAO2019-003 Committees/Boards/Task Forces  
- Policy and Code of Conduct

What action are you hoping will result from your presentation/deputation? \*

- ① An extraction of 14.1.1 so it is not adopted,
- ② A follow-up motion to further amend policies  
CP2018-017 and CP2018-018

Signature:

*John A. McNeely*

Date:

13 February 2018

Please complete this form and return to the City Clerk's Office:  
Fax: 705-324-8110 Email: [agendaitems@kawarthalakes.ca](mailto:agendaitems@kawarthalakes.ca)

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to Section 10 of City of Kawartha Lakes By-law 2014-266. This information may be circulated to members of Council, staff and the general public. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

**Materials to Support a Deputation to Council**  
**re. 19 February 2019 Council Meeting Agenda item 14.1.1 CAO2019-003**  
**17 February 2019**

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Dear Mayor/Councillor,

I will address the proposed revisions of the City's policy on the Expulsion of Members of Committees, Boards and Task Forces, detailed in CAO2019-003, at Appendices A and B.

My comments are about how a specific City policy impacts the role of mayor and council as elected representatives of the people and are not about this or any other specific mayor or council. The matter at issue is not partisan. It affects all of us equally.

On 11 December 2018, Council passed two new policies - CP2018-017 and CP2018-018. They replaced Council Policy 028 CAO 002. CAO2019-003 proposes revisions to those policies.

The old policy protected the Constitutional right of accused persons to answer and to be heard.

It required the City to send Members accused of an offense notice of a proposal to terminate, along with any supporting documentation, by registered mail, prior to Council deliberation.

It explicitly prohibited the waiver of such notice.

It required the accused Member be apprised of 1) his/her/their right to submit materials in response to the proposed termination, and 2) his/her/their right to an oral hearing before Council.

It required Council provide an accused Member the opportunity to be heard before them.

The new policies passed on 11 December 2018 remove these rights.

They deny Members the Charter right to "be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal" (*Constitution Act*, 1982, Section 11.(d)) - that is, they remove from accused Members the right to be presumed innocent until proven guilty according to City policy in a fair and public hearing before Council.

The new policy allows anyone, including any member of the public - an estranged spouse, a disgruntled neighbour, a business competitor - to complain to the Mayor about a Member and for the Mayor and the complainant to determine how to investigate and to investigate, in concert and entirely in secret, without notifying the accused Member, Council or anyone else.

The amendments to CP20180-017 and CP2018-018 proposed at Appendices A and B of CAO2019-003 have made a start at correcting these problems with procedural fairness, but they do not go far enough, in my view, to protect the City from liability.

They allow the complainant to determine the form of investigation. The complainant is an interested party. If the mayor investigates the accused, in secret and in concert with the complainant, the public may reasonably perceive it as a conspiracy to witch hunt.

The only concession the proposed amendments make to the Charter right to procedural fairness is to require the Mayor to "disclose and discuss" the alleged contravention with the accused Member and to give the accused Member "an opportunity(s) to respond accordingly".

But as there is no definition of "discuss" or "opportunity(s) to respond accordingly", it can be interpreted to mean just about anything and does not protect the public interest in fairness.

There is also no requirement that the accused Member be given an opportunity to be heard by the tribunal that will decide the recommendation for expulsion, that is to say, by Council. A hearing by a mayor acting in concert with a complainant who will then share with Council his/her/their recommendation to terminate invites bias and courts injustice.

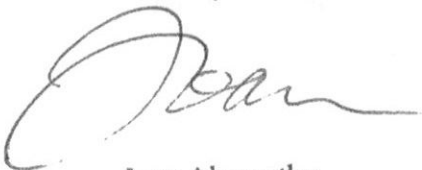
Finally, there is no provision to prohibit waiver of procedural fairness. I think the right of accused persons to answer their accusers is so fundamental a justice right in our democracy that sound policy requires a provision to specifically prohibit waiver.

In addition, I think the policy on the expulsion of Members of Committees, Boards, and Task Forces should all be in CP2018-017 at Section 6 and not require cross-reference to an unnumbered and unidentified paragraph on page 7 of CP2018-018.

For these reasons, I ask Council to extract Agenda item 14.1.1 CAO2019-003 to allow further amendment of CP2018-017 and CP2018-018 to bring them into compliance with the Constitutional right of accused Members to be notified of full particulars of complaints, in writing, to submit materials in answer to the complaint, and to be orally heard by Council.

Please find attached a copy of Council Policy 028 CAO 002 Section 7, so you can compare its provisions to its replacement at Section 6 of CP2018-017 and CP2018-018 on page 7 in the paragraph entitled "Compliance/Contravention" at Appendices A and B of CAO2019-003.

Thank you for your kind consideration of my submission.



Joan Abernethy

- 6.07 The recommendation to Council for termination of appointment of a member of a Committee appointed by Council requires a two-thirds vote of the Committee for approval.
- 6.08 Upon approval of a recommendation to Council for termination of appointment of a Committee member, the Secretary or Department Liaison of the Committee shall prepare a written report outlining the recommendation and all documentation presented concerning the recommendation.
- 6.09 The Clerk shall place the report with the recommendation for termination of the Committee member on the agenda of the next scheduled regular meeting of Council. The Clerk shall invite the attendance before Council of:
1. the member(s) who provided notice for termination of appointment;
  2. the Committee member whose appointment has been recommended for termination; and
  3. any other member of the committee, municipal officer or Person the Clerk may deem necessary to be in attendance.
- 6.10 The comments of those invited pursuant to Section 6.09, the report with the recommendation for termination of the Committee member and all other documentation received with respect to the matter, shall be considered in a meeting of Council closed to the public if permitted under section 239 of the *Municipal Act 2001*.
- 6.11 The Committee member identified in the recommendation for termination of appointment shall be given the opportunity to make a final presentation to Council prior to a vote being taken on the matter.
- 6.12 Adoption of the recommendation for termination of an appointment by Council to a Committee requires the affirmative vote of a simple majority of members of Council.

## **7.0 Termination of Appointment Initiated by Council**

- 7.01 A proposal to Council to terminate the appointment of a Committee member shall not be considered at any meeting of Council unless notice of the proposal to terminate the appointment has been given to the individual being considered. The waiving of this notice is prohibited. The notice shall state both the proposed recommendation to Council for termination of the appointment of the Committee member in question and the reasons advanced in support of the recommendation.
- 7.02 The notice for the termination of the appointment, along with any supporting documentation, shall be sent by the Clerk directly to the Committee member identified in the motion, by registered mail, at least seven (7) days prior the meeting at which the issue will be presented.

- 7.03 A Committee member identified in any notice for termination of appointment shall be advised of his/her entitlement to forward a written response to the Clerk within seven (7) days of receipt of the notice and the aforementioned supporting documentation.
- 7.04 After the period for response, as set out in Section 7.03 has expired, the Clerk shall place the matter and provide Council with any supporting documentation and any written response received on the closed session agenda of the next scheduled regular meeting of Council, or on the agenda of any Special Meeting of Council called for the purpose of its consideration.
- 7.05 The Committee member identified in a notice for termination of appointment shall be given the opportunity to make a presentation to Council prior to a vote being taken on the matter.
- 7.06 The termination by Council of the appointment of a Committee member appointed by Council requires the affirmative vote of a simple majority of Council for approval.
- 7.07 Council has the sole discretion to terminate any City Committee, established by Council, if Council determines that the Committee, is no longer required. No prior notice is required.
- 8.0 Terms of Reference**
- 8.01 The Terms of Reference of any Committee shall be developed using the template as attached to this policy as Appendix "A". Any amendments or revisions to the Terms of Reference are required to be submitted to the relevant Standing Committee for approval by both the Committee and ultimately Council.



**RATING BY-LAW**

*Tile Drainage Act, R.S.O. 1990, c. T.8, s.8*

THE CORPORATION OF THE  
City of Kawartha Lakes  
BY-LAW NUMBER 2019-

A by-law imposing special annual drainage rates upon land in  
respect of which money is borrowed under the *Tile Drainage Act*.

WHEREAS owners of land in the municipality have applied to the council under the *Tile Drainage Act* for loans for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS the council has, upon their application, lent the owners the total sum of \$9,600.00 to be repaid with interest by means of rates hereinafter imposed;

The council, pursuant to the *Tile Drainage Act*, enacts as follows:

1. That annual rates as set out in the Schedule 'A' attached hereto are hereby imposed upon such land as described for a period of ten years, such rates shall have priority lien status, and shall be levied and collected in the same manner as taxes.

First Reading 2019-Feb-19  
yyyy/mm/dd

Second Reading 2019-Feb-19  
yyyy/mm/dd

Provisionally adopted this 19 day of February, 2019

Andy Letham  
Name of Head of Council

Signature

Cathie Ritchie  
Name of Clerk

Signature

Third Reading 2019-Feb-19

Enacted this 19 day of February, 2019

Andy Letham  
Name of Head of Council

Signature

Corporate Seal

Cathie Ritchie  
Name of Clerk

Signature

I, Cathie Ritchie, clerk of the Corporation of the City of Kawartha Lakes certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Cathie Ritchie  
Name of Clerk

Signature

Corporate Seal

The Corporation of the      City      of      Kawartha Lakes

Schedule 'A' to By-law Number      2019-

Property Owner Information*			Description of Land Parcel to Which the Repayment Charge Will be Levied					Proposed date of loan (YYYY-MM-DD)	Sum to be loaned \$	Annual rate to be imposed \$
William Gracie	Patricia Gracie	0	Lot:	Pt Lot 15	Con:	9		2019-Mar-01	\$ 9,600.00	\$ 1,304.33
-	-									
914 Post Road		Reaboro	ONT	Roll #:	1651	006	003 12901			
0	0	0	Lot:		Con:					
-	-									
			Roll #:							
0	0	0	Lot:		Con:					
-	-									
			Roll #:							
0	0	0	Lot:		Con:					
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			Roll #:							
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			Roll #:							
0	0	0	Lot:		Con:					
-	-									
			Roll #:							
* If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer in the last blank space provided.Only the owner(s) of the property may apply for a loan.									TOTAL *	\$ 9,600.00 \$ 1,304.33

# TILE DRAINAGE DEBENTURE

*Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 2(1)*

\$9,600.00

No. 2019-03

The Corporation of the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Kawartha Lakes \_\_\_\_\_ hereby promises to pay to the Minister of Finance, the principal sum of \_\_\_\_\_ \$9,600.00 \_\_\_\_\_ of lawful money of Canada, together with interest thereon at the rate of \_\_\_\_\_ 6 \_\_\_\_\_ per cent per annum in ten equal instalments of \_\_\_\_\_ \$1,304.33 \_\_\_\_\_ on the 1st day of \_\_\_\_\_ March \_\_\_\_\_, in the years \_\_\_\_\_ 2020 \_\_\_\_\_ to \_\_\_\_\_ 2029 \_\_\_\_\_, both inclusive.

The right is reserved to The Corporation of the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Kawartha Lakes \_\_\_\_\_ to prepay this debenture in whole or in part at any time or times on payment, at the place where and in the money in which this debenture is expressed to be payable, of the whole or any amount of principal and interest owing at the time of such prepayment.

This debenture, or any interest therein, is not, after a Certificate of Ownership has been endorsed thereon by the Treasurer of this Corporation, or by such other person authorized by by-law of this Corporation to endorse such Certificate of Ownership, transferable.

Dated at the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Kawartha Lakes \_\_\_\_\_ in the Province of Ontario, this 1st day of \_\_\_\_\_ March, 2019 \_\_\_\_\_, under the authority of By-law No. \_\_\_\_\_ 2006-184 \_\_\_\_\_ of the Corporation entitled "A by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*."

*Corporate Seal*

Andy Letham

Name of Head of Council

Signature

Carolyn Daynes

Name of Treasurer

Signature

# OFFER TO SELL

*Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 5(8)*

TO THE MINISTER OF FINANCE

The Corporation of City of Kawartha Lakes  
hereby offers to sell Debenture No. 2019-03 in the principal amount of \$9,600.00  
to the Minister of Finance as authorized by Borrowing By-law No. 2006-184 of the Corporation.

The principal amount of this debenture is the aggregate of individual loans applied for and each loan is not more than 75 per cent of the cost of the drainage work constructed.

An inspector of drainage, employed by the Corporation, has inspected each drainage work for which the Corporation will lend the proceeds of this debenture and each has been completed in accordance with the terms of the loan approval given by council.

A copy of the Inspection and Completion Certificate for each drainage work, for which the Corporation lend the proceeds of this debenture, is attached hereto.

March 01, 2019

Date

Carolyn Daynes

Name of Treasurer

Corporate Seal

Signature of Treasurer