

Special Council Meeting Minutes – June 7<sup>th</sup>, 2008

The Corporation of the Township of Lake of Bays  
**MINUTES**

There was a special scheduled meeting of Council held at 10:00 p.m., on Saturday, June 7<sup>th</sup>, 2008, in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance**

Mayor  
Councillors

Janet Peake  
Ben Boivin  
Margaret Casey  
Virginia (Ginny) Burgess  
Nancy Tapley  
Philip Cote

CAO/Treasurer  
Deputy Clerk  
District Solicitor  
District Deputy Clerk

Don Chevalier (*left the meeting at 10:30 a.m.*)  
Yvonne Aubichon  
David Royston  
Sharon Yeoman

**Regrets**

Councillors

Ruth McEachern Ross

1. **MEETING CALLED TO ORDER**

The meeting was called to order at 10:12 a.m., on June 7<sup>th</sup>, 2008, by Mayor Janet Peake

2. **APPROVAL OF AGENDA**

**Resolution # 2(a)/06/07/08**

**Councillor Cote and Councillor Burgess**

**Be it resolved that the Council Meeting Agenda dated June 7<sup>th</sup>, 2008, be adopted as circulated.**

**Carried.**

Mayor Peake advised that this was the first in a series of public meetings that would be held throughout the District of Muskoka with respect to the selection method for the District Chair position. Mayor Peake noted that public comments would continue to be collected over the next several months as part of Council's decision making on this matter and advised that comments received from this meeting would be posted on the township's website for public consideration prior to the Township of Lake of Bays Council making any decision with respect to this matter. Mayor Peake then asked Mr. David Royston, District Solicitor to explain the current process and why the District Municipality of Muskoka is reviewing the process.

Mr. Royston advised that historically the selection method for the District Chair position, as well as the option of a secret vote, is raised periodically over the years.

Mr. Royston reviewed the current selection method that is set out in a by-law, which involves nominations and a voting procedure whereby following an election the newly-elected District Council representatives from across Muskoka stand and vote openly for one of the nominees for the District Chair position.

Mr. Royston noted the term of Council was extended from three to four years and due to legislative changes, the Chair can now be selected by secret ballot, which was previously prohibited; therefore, District Council has given direction to consult with the public on the follow issues:

- Whether to continue with the current process or an "at large" election of the District Chair; whereby, the Chair would run for election by general vote like all other Council candidates; or
- secret vote by District Council

Mr. Royston indicated that it was not necessary to form an opinion immediately as there would be plenty of opportunity for the public to express their views in writing to the Township, to the various websites or at another public forum.

Mr. Royston recommended that Council not make a decision today, but rather monitor what happens over the next two months and consider the suggestions, comments, etc. that may come forward before making a decision, but indicated that ultimately Councils across Muskoka would be asked the following questions:

If they prefer that the District Chair be selected using the “current process” or move toward the “election at large” process as well as “secret vote” or “not secret vote”.

3. DISCLOSURE OF PECUNIARY INTEREST
4. TENDERS
5. DELEGATIONS

Following Mr. Royston’s comments Mayor Peake opened the floor for public comment and the following public comments were expressed:

**Paul Hutchison, Resident, Peninsula Lake**

Mr. Hutchison advised Council that he has followed this topic and taken part in discussions at the Franklin/Sinclair District Advisory Group Meetings and at the Sinclair Ward Advisory Group Meetings. Mr. Hutchison noted that the general consensus from those advisory group meetings and other lake association members, is favourable to the current method of selection, but with a secret ballot process.

Mr. Hutchison added that there is more interest in electing a local representative who would also represent their interest at the District level and expressed his confidence in the Mayor and District Councillor’s making a wise decision as to who would be an appropriate leader of that Council as Chair. Mr. Hutchison noted that the problem with the current voting system is that there is potential of favoritism toward those Councillor’s who voted openly for the successfully candidate for Chair.

Mr. Hutchison asked Mr. Royston if the issue would be coming back since there would not be an expression from Council at this meeting.

**Mr. Royston explained the consultation process and noted that once all public input is received and considered by the area municipalities, the District will be requesting specific resolutions of decision from them. The matter will then be considered at the District Council level.**

**Ed McRobbie, Representing Oxbow Lake Association**

Mr. McRobbie asked Mr. Royston if the public comments received would be filtered through Council to the District Municipality of Muskoka?

**Mr. Royston recommended that comments be made not just at the public meetings but through the websites also as all comments will be collected and presented to the various Councils so that all information gets through for consideration.**

**Mr. Royston added that Councils often have to make decisions between competing views, which is a tough role. The real decision makers are the members of Council who will take what they have heard, their own experiences with respect to matters, possibly some professional advice and they will ultimately reach the decision that they feel is appropriate under the circumstances and each Council will do that for themselves. This decision will clearly be reflected in the resolution that they pass and the same thing will happen at District Council.**

Mr. McRobbie advised that he could see the danger in the open voting system and understood the advantage of a secret vote, but Oxbow Lake Association is looking for a public vote (a general vote at large), as the District Chair is a very important and influential position and the Association would like a say in who makes those decisions.

Mr. McRobbie continued with “the District is a mystery, they run us and we don’t even know what they do”. “Many of the decisions out of District are things we don’t agree with.” “The District Chair has a large amount of influence and power, he holds a critical vote when there is a tie, but he is not accountable to the residents.” “Past decisions made by the District Chair and elected Councillor’s have gotten District into serious financial trouble and the Oxbow Lake Association want to be able to vote for that person”.

**John Brenciaglia, Resident of Peninsula Lake**

Mr. Brenciaglia concurred with Mr. Hutchison’s statements made in support of the election of the Chair by District Council but by secret vote; adding that he is not in favour of a vote at large because normally several capable candidates are nominated and only one person can be elected, therefore, we would miss out on the caliber of input from the unsuccessful candidates. Mr. Brenciaglia advised of his opposition to a referendum for reasons of cost and that referendums normally attract a very small portion of the public population.

**Bill Wylie, Past President, Oxbow Lake Association**

Noted that Mr. McRobbie has made good representation of the Association’s position in favour of a general vote at large, but expressed his agreement that the public should be electing the District Chair, to stay consistent with democracy in Canada; noting that the Mayor, Premiers, are all elected by the populous as is the Prime Minister. Mr. Wylie felt that the District Chair position could easily be incorporated into election procedures currently done by local municipalities and that cost was not an issue.

**Councillor Casey**

Posed the question to representatives of the Oxbow Lake Association, if this matter had been voted on by the Association membership or discussed and voted on at a board meeting only?

**Mr. Wylie responded that it was decided on at the executive level and has not been presented to the membership at all.**

**David Burgess, Resident of Sinclair**

Mr. Burgess noted that the question was extremely relevant in light of the direction that District has been going in terms of mounting debt problems. Mr. Burgess suggested that a referendum might provoke interest prior to an election and provide a more comprehensive forum for public input.

**Paul Hutchison, Resident of Peninsula Lake**

Mr. Hutchison addressed the tax analysis provided by the Township's CAO/Treasurer noting that over twice as much of the taxes go to the District Municipality of Muskoka and asked if it would be inappropriate to ask for Council to speak to this?

**Mayor Peake then opened the floor for Councillor comments:**

**Councillor Boivin**

Described himself as a true advocate of democracy, but is not sure that an election of the District Chair at large is the answer, as it can become a popularity contest and noted that only 30% of eligible voters cast their vote at the last municipal election. Councillor Boivin stated that he fears an election at large, as candidates could be supported by those with money that could potentially be a reflection of partisanship. Councillor Boivin reserved his opinion on the matter until he has had an opportunity to review all of the input received at the end of the public consultation process.

**Councillor Tapley**

Advised that she has not taken a position on the matter, as she is still listening to her constituents.

Councillor Tapley posed a question to Mr. Royston as to who is responsible for the election cost for the District Chair in a general election should there be a decision to move to a process of electing the District Chair at large?

**Mr. Royston advised that each municipality would be responsible as it is not possible under the current legislation to cost back to the District.**

**Councillor Burgess**

Indicated that she has not formulated a position as yet for she is still receiving opinions from residents. Councillor Burgess advised that she would prefer to withhold her opinion until she has a opportunity to hear or receive resolutions from the five lake associations represented in her area.

**Mayor Peake asked if Council would be sharing the information with the Lake Associations.**

Councillor Burgess thanked Mr. Royston for the report and thought it should be shared with the Lake Associations to make their members aware of what is going on.

Mayor Peake noted that it was determined at District that information presented to the public needs to be consistent so they can make an informed decision, which is why she has not commented, as she wants to hear from the residents of the community.

**Councillor Casey**

Advised Council and public that she is not prepared to make a decision at this time, but can see from the previous two terms as District Councillor how the current system has served the municipalities well but can see the lack of democracy, in that the position is not voted on by the general public. It's the quality of the decision making that is important and that the method selection of the District Chair will ensure that there is good quality. Councillor Casey noted that the public has a responsibility to get involved and to educate themselves as to what is happening and as to how their government works. Councillor Casey noted that one of the ways that the electorate can become involved is by attending the open public meetings at the Township and the District and access websites at the lower and upper tier levels.

**Councillor Cote**

Councillor Cote advised that he has received input from ratepayers in McLean Ward; however, he wished to reserve his comments for now and review comments received through the public consultation process.

**Mayor Peake**

Mayor Peake advised that she has also received a number of comments from constituents with varying opinions on how the District Chair should be selected. In her years on District Council she has seen many good solid business people come forward as candidates under the current process for the position of District Chair and noted that what they are paid is not enormous for what they commit to the people of Muskoka. Mayor Peake suggested that an election at large would be costly because of Muskoka's geography and reiterated her suggestion from a recent District of Muskoka Corporate and Emergency Services Committee meeting that the District Chair be elected by a combination of District and Area Councillors, rather than just District Councillors, which is the current procedure.

**Mr. Royston noted the legal limitations of this approach.**

Mayor Peake advised that the Township of Lake of Bays will place an invitation for public comment on the Township's website, with respect to the selection method for "Chair" of the Muskoka District Council. Mayor Peake encouraged those in attendance to pass this information along to others and to forward their comments to the Township and the District of Muskoka.

6. MINUTES

7. COMMITTEE RESOLUTIONS FOR CONSIDERATION

8. REPORTS AND BY- LAWS

(a) Report re: Selection Method for “Chair” of the Muskoka District Council

9. CORRESPONDENCE

10. MUNICIPAL COUNCILLORS’ REPORTS

11. MAYOR’S REPORT

12. UNFINISHED BUSINESS

13. CLOSED SESSION

(a) A closed session, if deemed necessary, is scheduled to commence at the end of the meeting.

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMING BY- LAW

(a) By-law #08-66, being a by-law to confirm the proceedings of the special meeting of Council held on June 7<sup>th</sup>, 2008.

**By-law #08-66 was read a first, second and third time and finally passed**

16. ADJOURNMENT

**Resolution #16(a)/06/07/08**

**Councillor Casey and Councillor Tapley**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 11:10 a.m. to meet again on June 24<sup>th</sup>, 2008, at 9:00 a.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.**

**Carried**

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Mayor

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Clerk