

Date of report: April 5th, 2012

Council Proceedings at a Glance

Over a year has past and the French River Citizens Association has compiled a list of the items which are considered main events of debate. The following is a synopsis from excerpts of the minutes of Council listed in chronological order.

To view the complete list of the approved minutes, anyone can access the Municipality of French River website at:
<https://frenchriver.civicweb.net/Documents/DocumentList.aspx?ID=19>

To view the Ward Map:
<https://frenchriver.civicweb.net/Documents/DocumentList.aspx?ID=72>

Meeting of 01/19/2011

BE IT RESOLVED THAT By-law 2011-09, being a by-law to provide for the establishment and assumption of Gordon William Drive as a Municipal Highway be read a first and second time; **AND THAT** terms of reference be prepared by Staff to select a legal firm to obtain a second legal advice and then it be brought back to council for the Third Reading.

*Recorded Vote
Carried*

Meeting of 02/02/2011

Closed session

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2)(b) "personal matters about an identifiable individual, including municipal or local board employees " with respect to the performance of the CAO/Clerk, pursuant to section 239 (2)(e) "litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board" with respect to the proposed assumption of Gordon William Drive as a fully maintained Municipal Highway and pursuant to section 239 (2)(f) "advice that is subject to solicitor-client privilege, including communications necessary for that purpose" with respect to receiving legal advice from the appointed municipal legal counsel about personnel matters relating to the CAO/Clerk, about the proposed assumption of Gordon William Drive as a fully maintained Municipal Highway, and about the expropriation of Prévost Road.

Carried

Meeting of 2/16/2011

WHEREAS the Ministry of Labour has issued an order to The Municipality of French River to amend its Violence and Harassment in the Workplace Policy to include provisions for situations where the complaint is against members of Council or the senior staff person.

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby approves the revised Workplace Violence and Harassment Policy as presented by Mr. Ron Swiddle.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby awards the contract to Precision Management Catalysts to provide an orientation training session for the new French River Economic Development Committee (2011-2014)

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs staff to proceed with the necessary steps for establishing an email blast service.

Carried

Meeting of 3/2/2011

Motion to suspend notice requirement to allow introducing a motion without notice.

Motion to waive the rules of the procedural by-law to introducing a motion without notice.

*Recorded Vote
Defeated*

MOTION: WHEREAS The Municipal Act 2001, S.O. 2001, c. 25 as amended to September 01, 2010 Section 223.3 (1) allows a Municipality to appoint an Integrity Commissioner who is responsible for performing in an independent manner the functions assigned by the Municipality with respect to, a) the application of the code of conduct for members of Council and the code of conduct for members of local boards or of either of them; b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards or of either of them; or c) both of clauses (a) and (b); and **WHEREAS** the Council of the Corporation of the Municipality of French River deems it necessary to appoint such an Integrity Commissioner to ensure respect for the code of conduct and the procedures, rules, and policies of the Municipality. **THEREFORE** the Committee of the Whole of the Corporation of the Municipality of French River recommends that Council directs staff to prepare the proper by-laws, motions, terms of reference and any other documentation necessary to establish the Office of Integrity Commissioner, and that a tender for the services of an Integrity Commissioner be issued in accordance to the Municipality's procurement policy and a contract for services be prepared for the appointment of an Integrity Commissioner.

Defeated

MOTION on the upgrading of Gordon William Drive is Ultra Vires which means the motion is beyond the jurisdiction and legislative authority of Council in accordance to Procedural By-law 2009-27 Section 9.21.

ULTRA VIRES: The Chair ruled the motion Ultra Vires and out of order, the motion is in respect of a matter which is beyond the jurisdiction of Council. **WHEREAS** By-law 2011-09 to provide for the establishment and assumption of Gordon William Drive as a Municipal Highway is proposed to receive its Third Reading on March 16, 2011. The Chair ruled the motion Ultra Vires and out of order, the motion is in respect of a matter which is beyond the jurisdiction of Council.

No vote

MOTION: the Committee of the Whole of the Corporation of the Municipality of French River recommends that Council approves that advertising and printing of any municipal information and/or newsletter be done in accordance to the Municipality's Notice Policy and Communications Policy, and **BE IT FURTHER RECOMMENDED** that media who do not respect the Municipality's Workplace Violence and Harassment Policy be excluded from any advertising by the Municipality of French River until that conduct is corrected for a period of not less than one year, and that the use of media for advertising Municipal information be left to the discretion of staff due to Workplace Violence and Harassment concerns.

Recorded Vote

Defeated

Closed Session

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2) (c) "a proposed or pending acquisition or disposition of land by the municipality or local board" with respect to a land leasing proposal in the French River Industrial Park.

No decision reported

Meeting of 3/16/2011

BE IT RESOLVED THAT By-law 2011-18, being a by-law to appoint an Investigator under the Workplace Violence & Harassment Policy be read a first, second and third time and finally passed.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs staff to prepare a development procedure to include what a developer or landowner must do and what inspections are required and at what cost and what municipal standards must be met for a subdivision and/or condominium; and

BE IT FURTHER RESOLVED THAT the procedure also include a development fee and be brought back to council for approval and that upon approval that the procedure be sent to the Sudbury East Planning Board and it become a condition to be met for any application for subdivision and/or condominium.

Carried

Audio and Video Recording of Council Meetings

BE IT RESOLVED THAT Council direct staff to make arrangements to have all Council, Committee of the Whole, Roads Committee and Special Council meetings filmed with the appropriate audio and video recording, and that those filmed meetings be made available to the public on the Municipality's website.

Motion to Defer

Recorded Vote

Carried

Meeting of 4/20/2011

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby upholds the invoice sent to Mr. Robert Thibert for the sorting and tipping fees for an amount of \$2,558.32 (including HST) charged for loads of building

demolition waste hauled at the Noëlville Landfill Site in accordance with the Municipality's Demolition Procedure and the Fees and Related User Charges By-law 2011-02 and that the Municipality assume 50% of the cost.

*Recorded Vote
Carried*

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby receives the correspondence from the French River Citizens Association dated March 24, 2011 regarding the videotaping of public meetings, and that the correspondence be referred to the Communications Committee to make recommendations to Council regarding the requests made.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs the EDC to take the necessary steps to acquire the services of a qualified consultant for the development of an economic development strategic plan.

Carried

Meeting of 5/18/2011

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby agrees to remove Paragraph 4.2 (e) of the Final Acceptance of Works in the Draft Subdivision Agreement for Lakeview Estates Subdivision as requested in the correspondence from Weaver Simmons dated May 9, 2011.

Recorded Vote

Carried

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2) (f) "advice that is subject to solicitor-client privilege, including communications necessary for that purpose" with respect to a wrongful dismissal lawsuit.

*No decision reported
Deferred
Carried*

Meeting of 7/6/2011

MOTION: The Committee of the Whole of the Corporation of the Municipality of French River recommends that Council approves the Subdivision Development Standards Policy as attached.

Deferred

Meeting of 7/20/2011

BE IT RESOLVED THAT The Council of the Corporation of the Municipality of French River hereby directs staff to ask the Sudbury and District Health Unit to proceed with the investigation started with the inspection of the Maurice Family trailer park on June 9, 2011, and provide Council with the course of action the Sudbury and District Health Unit intends to take to follow up to this inspection in order to protect the residents of Prevost Road from any health risks associated with the septage issues at the Maurice trailer park and the water quality of Bear Lake; and

BE IT FURTHER RESOLVED THAT the experts at the Sudbury and District Health Unit be asked to provide the Municipality with a written expert opinion on the septic systems of the trailers encroaching on the Prévost Road allowance to determine if these septic systems conform to any MOE or Building Code standard, if any permits and approvals have ever been issued for these systems and what is the effect of these systems on the environment.

Carried

Closed Session

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2) (b) "personal matters about an identifiable individual, including municipal or local board employees" with respect to Pay Equity and the promotion of an employee as Lead Hand and pursuant to section 239 (2) (e) "litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board" with respect to a wrongful dismissal lawsuit and a Statement

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby appoints Jean Marc Chrétien as Lead Hand in Training for the Public Works Department at Step 3 of the job scale effective June 19, 2011.

*Recorded Vote
Defeated*

Meeting of 8/17/2011

Jean Marc Chrétien, Receipt of correspondence dated July 21, 2011

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby officially receives the correspondence from Jean Marc Chrétien requesting to know why his appointment to the position of Lead Hand in Training was defeated by Council at the July 19th, 2011 Council Meeting.

Recorded Vote

Carried

Meeting of 9/7/2011

MOTION: The Committee of the Whole of the Corporation of the Municipality of French River recommends that, under recommendation of the Economic Development Committee, the Municipality of French River proceed with the tendering process for a serviceability study required for phase 1 of the French River Industrial Park ; **AND THAT** a full environmental impact study be conducted on the Industrial Park Property, and prior to approval of the Environmental Impact Study, a cost estimate be provided to Council for approval.

Recorded Vote

Carried

Meeting of 9/21/2011

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs staff to investigate the LAS Solar Photovoltaic Program in a timely manner by completing the Expression of Interest Form and the Municipal Self-Assessment Form, communicate with Ontario Power Authority and/or Hydro One to see if the electrical services in the industrial park property are adequate and allowable for the program and that a report be provided to Council with the findings.

Carried

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby sets the Terms of Reference for the tendering of a human resources firm and/or law firm to advise Council on its relations with staff, the Council will also be the selection committee for the opening of tenders and selection of the Human Resource Firm and/or law firm; and **FURTHER THAT** the selected Human Resources Firm and/or Law Firm will report to Council and take direction from Council.

Recorded Vote

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs Parisé Law Office to communicate with Paul A. Lefebvre of Weaver Simmons to authorize the requested various amendments to the proposed Lakeview Estates Subdivision Agreement in the correspondence dated August 3, 2011. Councillor Garbutt distributed copies of extracts of the Municipal Act, Section 106.

Recorded Vote

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs Parisé Law Office to communicate with Paul A. Lefebvre of Weaver Simmons to authorize an inclusion of a clause in the proposed Lakeview Estates Subdivision Agreement that would have the effect of removing the obligation to hard surface the roads within the subdivision should the municipality amend its Road Policy to eliminate hard surface of municipal roads as per the letter dated August 17, 2011.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby proceeds with the tendering process for a serviceability study required for phase 1 of the French River Industrial Park; and that Council agrees to accredit and accept the findings of the appointed company that will develop the serviceability study, that Council directs the Economic Development Officer to obtain the MTO Environmental Assessment Impact Study and present it to Council to see if it is adequate, and make it mandatory to do both the serviceability study and Impact Study at the same time if the MTO is not appropriate and further to request cost estimate for both studies to be completed at the same time.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby acknowledges Sucker Creek Road as a public road.

Carried

Meeting of 10/19/2011

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby directs staff to investigate the cost, feasibility, funding, and requirements for adding a third lagoon to the Municipal system.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby approves the Mayor's Expense Report dated June 24, 2011.

Recorded vote

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby approves the Mayor's Expense Report dated July 26, 2011.

Recorded vote

Carried

Meeting of 11/16/2011

BE IT RESOLVED THAT By-law 2011-54, being a by-law to amend By-law 2011-52, to appoint Réjean Parisé (solicitor) as Deputy Clerk for the Special Council Meeting dated November 3, 2011 and the closed session of the Regular Council Meeting dated November 16, 2011 and any other closed session meetings for the purposes of dealing with the Independent Investigation for Complaints of Harassment in the Workplace be read a first, second and third time and finally passed.

Carried

Closed Session

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2)(b) "personal matters about an identifiable individual, including municipal or local board employees", under section 239 (2) (d) "labour relations or employee negotiations" and under section 239 (2) (f) "advice that is subject to solicitor-client privilege, including communications necessary for that purpose" with respect with the following items:

1. Request for a leave of absence from Council (item was deferred in order to receive legal advice)
2. Receipt of Resignation of Michel Monette as Chief Administrative Officer/Clerk and the Terms of Resolution
3. To discuss Interim Personnel Positions and Job Descriptions in the absence of a Chief Administrative Officer/Clerk
4. Continuation of the deliberations on the recommendations relative to the Independent Investigation for Complaints of Harassment in the workplace

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby accepts the request made by Councillor Monique Hébert for a leave of absence from Council until April 2012.

Carried

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby accepts the Resignation of Michel Monette as CAO/Clerk and authorizes the Terms of Resolution.

Carried

Meeting of 12/07/2011

Closed Session

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2) (f) "advice that is subject to solicitor-client privilege, including communications necessary for that purpose" with respect to reviewing legal advice received from the appointed municipal solicitor about a wrongful dismissal lawsuit.

Carried

Meeting of 12/21/2011

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby accepts the recommendations relative to the Independent Investigation for Complaints of Harassment in the workplace prepared by Mason Poratto-Mason LLP, and that the recommendations of the 13 complaints against Mayor and Council members were determined to be unfounded.

Carried

Closed Session

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider directions that should be given to senior staff pursuant to section 239 (2) (b) "personal matters about an identifiable individual, including municipal or local board employees" with respect to the following items:

1. Discuss the options resulting from the resignation of a Council Member (Ward 3)
2. Give direction to senior staff in regards to personnel performance evaluations
3. Discuss recruitment options for the CAO/Clerk Position.

Carried

Meeting of 1/4/2012

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby appoints Larry Bouffard to the Office of Ward 3 Councillor for the remainder of the 2010-2014 Term of Council.

Carried

Meeting of 2/15/2012

Closed Session

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of French River hereby accepts the recommendation relative to the Independent Investigation into a Workplace Harassment Complaint against Mayor and Council members prepared by Mason Poratto-Mason LLP which was determined to be unfounded.

Carried

Meeting of 3/7/2012

Environmental Advisory Committee

The Waste Management Coordinator submitted a report under separate cover regarding the matter approving the draft Septage Plan and determining the uncommitted reserve capacity for the Noëlville Lagoon System.

Meeting of 4/4/2012

Mayor's report – Receipt of letter from Councilor Monique Hebert - resignation due to health reasons.

Resolution - By-law 2012 -13 Enter into an Employment Agreement for the position of the Interim CAO/Clerk – 6 months

Resolution - By-law 2012 -14 Appointment of an Interim CAO/Clerk – new CAO is Mr. Harold Duff – start date April 10th, 2012

Carried

Items yet to be resolved:

- Establishing an email blast service
- Audio and video recording of meetings (Municipal website)
- Prevost Road expropriation
- Public Works lead hand complaint
- Industrial Park Environmental Study
- Industrial Park LAS Solar Photovoltaic Program
- Hydro-Geological and Environmental Assessment studies.
- Rooftop Solar Project
- Municipal Septage Plan (lagoons)
- Municipal Budget