



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**REGULAR COUNCIL MEETING**

**DRAFT MINUTES**

**Thursday, February 11, 2021, 9:30 A.M.**

**PRESENT:** D. O'Mara, C. Dwyer, B. Leudke, J. Harding, M. Youngs, J. Shymko,  
J. Koistinen *arrived at 6:36 p.m.*

**STAFF:** C. Davidson, S. Fournier, S. Pandolfo, B. Turcotte, J. Sanderson,  
P. Elliot, K. Hearn

**CALL TO ORDER AND ROLL CALL**

Mayor O'Mara called the meeting to order at 6:32 pm.  
There were 8 people in the audience. The Mayor called the Roll.

**ADOPTION OF THE AGENDA**

**21-027**

MOVED BY: J. Shymko

SECONDED BY: M. Youngs

BE IT RESOLVED THAT the Regular Council Agenda dated February 11, 2021 be adopted as presented.

**CARRIED**

*During the meeting s.16.1 2021-M-012 Arena Discussion was moved under Memo 2021-M-015 Notice of Motion Winter Equipment*

**DECLARATION OF CONFLICT OR PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

The Mayor requested disclosure of pecuniary interest. Administration reported that none were received prior to the meeting. There were no other disclosure made.

**REPORT FROM CLOSED SESSIONS**

**ADOPTION OF THE MINUTES OF PREVIOUS MEETINGS**

**DRAFT Regular Council Meeting - January 21, 2021**

**21-028**

MOVED BY: C. Dwyer

SECONDED BY: J. Shymko

BE IT RESOLVED THAT the Minutes of the Regular Council Meeting held on January 21st, 2021 be adopted as presented.

**CARRIED**

**DRAFT Special Council Meeting - January 27, 2021**  
**21-029**

MOVED BY: M. Youngs  
SECONDED BY: C. Dwyer

BE IT RESOLVED THAT the Minutes of the Special Council Meeting held on January 27th, 2021 be adopted as presented.

**CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

**DELEGATIONS/PRESENTATIONS**

**Registered Delegations - With Presentations**

**Invited Presentations**

**Registered Delegations - Without Presentations**

**Unregistered Delegations**

*\* 5 minutes per each presenter for a Maximum of 15 Minutes in total for all unregistered presentations\**

Mrs. Lowery noted that she would like to do a registered delegation in future meeting.

**CONSENT AGENDA ITEMS**

**21-030**

MOVED BY: C. Dwyer  
SECONDED BY: B. Leudke

BE IT RESOLVED THAT Council adopt the consent agenda motions presented on the agenda.

**CARRIED**

**Staff Report(s) for Information:**

**Correspondence for Information:**

*Hard copies of all correspondence for information is available at the Municipal office on request. The information items have been circulated to Council prior to the meeting.*

**21-030 B**

MOVED BY: C. Dwyer  
SECONDED BY: B. Leudke

BE IT RESOLVED THAT correspondence items numbered: 8.2.1 to 8.2.3 on this agenda be received by Council for information and be noted, filed, and recorded in the minutes of this meeting;

**CARRIED**

**8.2.1 Ministry of Energy, Northern Development and Mines**

RE: Letter from the Honourable Greg Rickford and Bill Walker

### **8.2.3 Ministry of Municipal Affairs and Housing**

RE: Letter from Honourable Steve Clerk

### **8.2.3 2021 Census**

It was noted that a memo will be prepared at the next Council Meeting.

### **Minutes of Local Boards & Committee:**

#### **21-030 C**

MOVED BY: C. Dwyer

SECONDED BY: B. Leudke

BE IT RESOLVED THAT Council receive Minutes of Local Board and Committee Meetings for Information.

**CARRIED**

### **8.3.1 Board of Management of AuChâteau - December 2020 Minutes**

### **8.3.2 DNSSAB Regular Board - December 2020 Minutes**

### **STAFF REPORTS**

#### **Temagami Fire Department - January Report**

##### **21-031**

MOVED BY: J. Harding

SECONDED BY: B. Leudke

BE IT RESOLVED THAT Council receive the report from Temagami Fire Department for the month of January, 2021.

**CARRIED**

#### **Treasurer Administrator - Report**

##### **21-032**

MOVED BY: J. Shymko

SECONDED BY: J. Harding

BE IT RESOLVED THAT Council receive report from Treasurer/Administrator dated February 11, 2021.

**CARRIED**

#### **2021-M-008 Remuneration Report**

##### **21-033**

MOVED BY: C. Dwyer

SECONDED BY: J. Harding

BE IT RESOLVED THAT Council receive the Statement of the Treasurer on Remuneration paid.

**CARRIED**

#### **2021-M-009 Water Financial Plan**

##### **21-034**

MOVED BY: M. Youngs

SECONDED BY: J. Koistinen

BE IT RESOLVED THAT Council approve the 6 year financial plan provided to OCWA for the purposes of the licence renewals for the Temagami Water Systems.

**CARRIED**

**2021-M-010 Temagami North Water Inspection**

**21-035**

MOVED BY: J. Shymko

SECONDED BY: B. Leudke

BE IT RESOLVED THAT Council invite appropriate representatives of OCWA to the next Council meeting to discuss the need for a water conservation by-law or if assurances that the maximum rates capacity will not be exceeded can be achieved in other methods.

**CARRIED**

**2021-M-011 User Charges 2021**

**21-036**

MOVED BY: J. Shymko

SECONDED BY: B. Leudke

BE IT RESOLVED THAT Council maintain 2021 user charges at the 2020 level due to the economic uncertainty caused by the COVID-19 Pandemic;

AND FURTHER THAT the construction waste delivered to transfer stations by boat would have the one cubic meter fee of \$7.00 applied to each boat load.

**CARRIED**

**2021-M-013 Fire Department Establishing & Regulating Bylaw**

**21-037**

MOVED BY: B. Leudke

SECONDED BY: J. Shymko

BE IT RESOLVED THAT Council receive the draft Establishing & Regulating By-law for Fire Departments, to replace current Fire Department E&R Bylaws, as recommended by Fire Chiefs from the Marten River and Temagami Fire Departments;

AND FURTHER THAT Council consider the draft E&R By-Law for first reading, for approval at the March 4, 2021 Council meeting.

**CARRIED**

**2021-M-017 MFIPPA Legislation**

**Councillor Koistinen left the electronic participation at 7:21 p.m. due to technical issues.**

**21-038**

MOVED BY: C. Dwyer

SECONDED BY: J. Shymko

That that the following motions be passed in support of a request to review and reform of the Municipal Freedom of Information and Protection of Privacy Act:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Temagami, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;

5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments;

AND FURTHER THAT The Corporation of Temagami send a letter to Premier of Ontario Doug Ford, Honourable Lisa Thompson, Minister of Government and Consumer Services , Honourable Steve Clark, Minister of Municipal Affairs and Housing, Patricia Kosseim, Information and Privacy Commissioner of Ontario, Gradon Smith, President, Association of Municipalities of Ontario, AMCTO Legislative and Policy Advisory Committee and Local MPP's Office acknowledging the need for a review and change of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

**CARRIED**

## **COUNCIL COMMITTEE REPORTS**

### **ANNOUNCEMENTS - MAYOR AND COUNCIL**

**Councillor Koistinen returned to the Electronic Participation and took her seat at 7:25p.m.**

Councillor B. Leudke reported on the COVID-19 situation.

Deputy Mayor Dwyer congratulated Temagami First Nation (TFN) and the Temagami and District Chamber of Commerce for their successful FEDNOR funding applications.

Councillor Youngs reported on her attendance to the ROMA conference.

It was noted that a memo will be provided at the next meeting regarding the consultations with the Ministers at ROMA.

Mayor O'Mara reported on the Broadband project. He reported on his attendance to the Temagami Forestry Management Corp, Temagami Dry and the meeting with Mayors across the province regarding the Covid-19 vaccines.

## **CORRESPONDENCE**

### **Action Correspondence:**

#### **2021-M-016 Ombudsman Final Report**

**21-039**

MOVED BY: J. Shymko

SECONDED BY: M. Youngs

BE IT RESOLVED THAT Council receive the report from the Ombudsman dated February 2021;

AND FURTHER THAT Council direct Staff to prepare a report addressing the recommendations made by the Ombudsman.

**CARRIED**

**Resolution from Other Municipalities:**

**2021-M-018 Municipality of Charlton and Dack Resolution**

**21-040**

MOVED BY: C. Dwyer

SECONDED BY: M. Youngs

BE IT RESOLVED THAT Council support Resolution from December 18th, 2021 of the Municipality of Charlton and Dack.

**CARRIED**

**2021-M-019 City of North Bay Resolution**

**21-041**

MOVED BY: J. Koistinen

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT Council support Resolution No. 2021-28 (a) & (b) from January 26, 2021 of the City of North Bay.

**CARRIED**

**2021-M-020 Township of Matachewan Resolution**

**21-042**

MOVED BY: J. Harding

SECONDED BY: J. Koistinen

BE IT RESOLVED THAT Council receive and file Resolution 20-257 from Township of Matachewan.

**CARRIED**

**2021-M-021 Town of Mattawa Resolution**

**21-043**

MOVED BY: M. Youngs

SECONDED BY: J. Koistinen

BE IT RESOLVED THAT Council receive and file Resolution 21-06 from Town of Mattawa.

**CARRIED**

**BY-LAWS**

**COMMITTEE MEETINGS**

**UNFINISHED BUSINESS**

**2021-M-022 Temagami Memorial Park Proposal**

**21-044**

MOVED BY: J. Koistinen

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT Council direct Staff to set aside part of the land located at 26 Lakeshore Drive for the future development of the proposed Temagami Memorial Park;

AND FURTHER THAT Staff draft a lease agreement for this parcel, which will contain the conditions/use of the property, to be reviewed at the next regular council meeting.

**DEFERRED**

**21-045**

MOVED BY: J. Shymko

SECONDED BY: J. Harding

Deferred to March 4, 2020 meeting.

**CARRIED**

**2021-M-023 Waste Management Master Plan**

RE: Waste Management Plan is available on the Municipal Website *www.temagami.ca*

**21-046**

MOVED BY: J. Shymko

SECONDED BY: B. Leudke

BE IT RESOLVED THAT Council receive the Waste Management Master Plan from Tulloch Engineering;

AND FURTHER THAT Council direct Staff to create a review and implementation plan for Council's consideration.

**CARRIED**

## **NEW BUSINESS**

**2021-M-014 Notice of Motion - Civil Union**

**21-047**

MOVED BY: C. Dwyer

SECONDED BY: M. Youngs

BE IT RESOLVED THAT Council direct Staff to prepare a report on the potential economic benefits to local businesses of training and certifying appropriate municipal employees to perform civil unions.

**CARRIED**

**2021-M-015 Notice of Motion - Winter Equipment**

**21-048**

MOVED BY: B. Leudke

SECONDED BY: J. Koistinen

BE IT RESOLVED THAT Council direct Staff to cost analysis of offering a skate/snowshoe/Nordic ski/ toboggan subsidy in lieu of hosting Shiverfest in 2021.

**CARRIED**

**2021-M-012 Arena Discussion**

**21-049**



MOVED BY: B. Leudke  
SECONDED BY: C. Dwyer

BE IT RESOLVED THAT Council direct staff to prepare a report:

- 1- that reveal the cost history for the Arena for the past five years;
- 2- that provide projections for the next five years including Capital and operations;
- 3- that reveal a more detailed survey from the public input; and to
- 4- Invite Tulloch to discuss terms of reference for a study to examine the purposing of the Arena.

**CARRIED**

### **NOTICE OF MOTION**

Mayor O'Mara provided notice of his intention to bring a resolution forward concerning the 2+1 highway test project at the next meeting.

### **QUESTIONS FROM PUBLIC - ITEMS ON THE AGENDA**

Mr. Lowery asked a question related to the Asset Management Plan.

Mr. Goodman asked a question regarding the Waste Management Master Plan.

### **CONFIRMATION BY-LAW**

**21-050**

MOVED BY: B. Leudke  
SECONDED BY: C. Dwyer

BE IT RESOLVED THAT By-law 21-1542, being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of Temagami, be taken as read a first, second and third time and finally passed this 11 day of February 2021;

AND FURTHER THAT the said by-law be signed by the Mayor and Clerk and recorded in the by-law book.

**CARRIED**

### **ADJOURNMENT**

**21-051**

MOVED BY: M. Youngs  
SECONDED BY: J. Shymko

BE IT RESOLVED THAT this meeting adjourn at 9:30 p.m.

**CARRIED**

---

Mayor

---

Clerk