

COMMITTEE OF THE WHOLE
MINUTES

February 9, 2011

9:00am

Present: Mayor Phil Roberts, Deputy Mayor Doug Shaffner, Councillor Holger Mueller-Sparenberg, Councillor Sherman Hudson, Councillor Pat Power, Councillor Kathie Fearon, Chief of Police Burt McNeil, DOF¹ Melony Robinson, Linda Brown, Monica Mills as recording secretary, Byron Messereau, Carolyn Bosley, Beth Fairn, Lorne Keene, Jerri Costa, Esther Guest, Mike Fearon, Rion Microys, Paula Buxton, Paul Stackhouse, Paul Paquette, Val Stackhouse and Wayne Smith

Regrets: CAO² Boyer

CALL TO ORDER:

After calling the meeting to order at 9:00 am, Mayor Phil Roberts explained that for this and all forthcoming Town meetings, he would adhere to the Town's Policy on Meetings and Procedures. The main point of this is that there is no allowance for spontaneous involvement of the public, so that apart from presentations, petitions and delegations, the public was here to observe but not participate. He added that if the Chair chose to recognize a speaker then he or she would be permitted to speak. Otherwise, if members of the public wished a point to be addressed to Council, they should speak to a member of Council and request that the matter be raised at the next meeting.

APPROVAL OF COMMITTEE OF THE WHOLE MINUTES:

It was moved by Councillor Power, seconded by Deputy Mayor Shaffner that the minutes from January 5, 2011 be approved. Motion carried.

ADDITION TO AGENDA:

- Councillor Mueller-Sparenberg stated that he would like to add one in camera item under the heading, "ADEDA"
- DOF Robinson added in camera item #5, under the heading of personnel.
- Councillor Fearon added that she would like to add item #2 to Business Arising, under the heading of clarification.

APPROVAL OF AGENDA

It was moved by Councillor Fearon, seconded by Councillor Hudson that the agenda for February 9, 2011 be approved as amended. Motion carried.

¹ Director of Finance

² Chief Administrative Officer

PRESENTATIONS:

9:00 am Paul Paquette: Triangulation: Appendix A

Mayor Roberts introduced the next presentation as a combination of two. Both presenters are linked with the Board of Trade.

9:15 am Carolyn Bosley: Proposal from ADBOT³ regarding the website and the monthly newsletter, Appendix B

Following her presentation, Ms Bosley stated that the suggestion that members of the Board of Trade with businesses outside of town should have free website listing had come as a formal recommendation from the ADBOT. Mayor Roberts requested that ADBOT keep the Council informed.

Mayor Roberts recognized Beth Fairn from the Board of Trade for her presentation.

Ms Beth Fairn also presented on behalf of the Board of Trade, referring to the Town's new Policy on the Reduction of Motor Vehicle Emissions. Generally, the business community was pleased with the forthcoming reduction of speed limit from 50 kph to 40 kph in the downtown area; however, there were concerns with proposals to reduce the number of parking spots and to close downtown streets to traffic on occasional "car-free days". Mayor Roberts thanked her for her presentation and said the concerns raised would be considered by Council.

BUSINESS ARISING - COW

ITEM	DECISION / ACTION	RESPONSIBILITY	TARGET DATE
1. Response to CCAR ⁴ (Tab 1)	For review. Mayor Roberts presented a draft response, which he felt addressed the main concerns, for Council's consideration. Councillor Fearon suggested that the topics of zero-based budgeting and simplification of the budget format raised by the group also be addressed. The Mayor agreed to this. The Mayor stated that once he had made these additions, pending Council approval, a copy would be sent to Carole Milligan and Paul Paquette, the presenters of the original	Council	

³ Annapolis District Board of Trade

	material.		
2. Clarification on the Minutes	Councillor Fearon asked that the minutes of the previous meeting be clarified to make clear that she was not opposed to Natal Day fireworks, that she had simply raised the topic for discussion. The Mayor agreed to make this clarification, which would have to be ratified by Council at the next meeting.		

NEW BUSINESS - COW

ITEM	DECISION / ACTION	RESPONSIBILITY	TARGET DATE
1. Capped Assessment Program Review 2010: Summary Report (Tab 2)	For discussion. Council gave consideration to a report showing that the present capped assessment system is progressively skewing the system, and that ultimately the owners of lower-assessed properties were subsidizing owners of higher-priced ones. Councillor Mueller-Sparenberg agreed that the Province needs to find a fairer formula, and that he would continue to fight for that.		
2. PVSC ⁵ Invitation (Tab 3)	Invitation from PVSC to attend a briefing session regarding their strategic plan and their 2011-2012 budget. Council was notified that the PVSC is holding an information session in Bridgetown on 21 February, and the Mayor suggested a member of Council should attend.		

⁴ Concerned Citizens of Annapolis Royal

⁵ Property Valuation Services Corporation

	Councillor Mueller-Sparenberg agreed to attend.		
3. Request to UNSM ⁶ from Town of Mahone Bay to alter Municipal Government Act (Tab 4)	A resolution from the Mahone Bay Council to the UNSM requesting that councillors should be permitted to be "present" at meetings via teleconferencing was considered. After some discussion, Council felt it could not support the request as the potential for abuse by persistently absent members was too high.		
4. Funding request from UNSM (Tab 5)	A request for financial support for the Women in Local Government was considered and rejected as there is no provision for such expenditure in the budget.		
5. Application to ADPC ⁷ for information kiosk (Tab 6)	The Chair asked Beth Fairn to comment on construction of an information kiosk. This is a Board of Trade project with funding from the Town and ADEDA. Design is now underway, and she will keep Council informed.		
6. Minister's Awards for Leadership in Crime Prevention (Tab 7)	It had been suggested that Council nominate our Police Department for the 2011 Minister's Awards for Leadership in Crime Prevention. After receiving some details from Chief Burt McNeil, It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that Council approve the nomination of the Annapolis Royal Police Department for the Minister's Awards for Leadership in Crime Prevention . Motion carried. Councillor Power suggested that the matter should be brought to the Board of Police Commissioners for further consideration before being brought to Council on 21 February.		

⁶ Union of Nova Scotia Municipalities

⁷ Annapolis District Planning Commission

7. Annapolis Royal Volunteer Fire Department (Tab 8)	Council considered a circular letter from the ARVFD ⁸ requesting funding for their 200 th anniversary. DOF explained that the Town is already contributing, in the form of a grant application. She added that the Town continues to receive donations to the Fire Department.		
8. Adapting to Climate Change: An Introduction to Canadian Municipalities, Government of Canada (Tab 9)	For information. Annapolis Royal is featured on pages 30 and 31.		
9. Policy on Meetings and Procedures (Tab 10)	The Mayor asked the meeting to give consideration to the present Policy for purposes of revision. There were two areas of confusion: Sections 1D and 43, which seem to contradict each other; and the definition of "petitioner" (with advice from the Town solicitor that this refers to the person or persons actually presenting, not to each individual signatory), which need clarification. The policy will be discussed at Council's meeting on February 21, 2011.		
10. Municipal Heritage Property Act (Tab 11)	Review of draft letter regarding changes. Mayor Roberts noted that the letter was drafted by the CAO, but it was unclear if it was the revised letter or the original. It was decided that the letter could not be approved until clarification was received.	CAO Boyer	
11. ABCC ⁹ funding announcement and economic development workshop, January 28, 2011 (Tab 12)	Mr Paul Stackhouse asked to be permitted to speak as ADEDA Citizen Representative for the Town and was recognized by the Chair. He wished to clarify that he was been present at the announcement of \$900,000 federal funding for the ABCC, and that, although it had not been specifically an ADEDA initiative, they had helped	CAO Boyer	

⁸ Annapolis Royal Volunteer Fire Department

⁹ Annapolis Basin Conference Centre

	coordinate and send out invitations for the event. He stated that this was indeed a good news story for the region, and showed that if we wished to secure federal funding, we need to present a united front. Mayor Roberts thanked Mr Stackhouse for this clarification.		
--	--	--	--

GENERAL / CORRESPONDENCE (FOR INFORMATION ONLY)

- Press Release- New CARP Executive Director (Tab 13), Mayor Roberts commented that he hoped that the new CARP director would be attending the next Environment Committee meeting as CARP has been a very good resource for the Environment Committee.
- Bridgetown and Annapolis County Reader (Tab 14). For information.
- Letter from Family Matters: Annapolis County Family Resource Centre (Tab 15) For information, Mayor Roberts stated that they are requesting a donation; however, there is no room in the current budget.
- Press Release from the Department of Seniors. (Tab 16)
- Article, *Are We Sinking?* From Saltscapes (Tab 17)
- Shrinking Budgets and Growing Risks Manual (Tab 18).

GENERAL DISCUSSION:

-It has been decided by PHAC that the new Park and Walk signs will be made of crezon and this information will be brought to Council.
 -FCM Conference in Halifax and the Heritage Conference in Truro. It was agreed that, funding permitting, Councillors Mueller-Sparenberg and Power would attend the FCM Conference and Councillor Fearon the Heritage Conference. Both are in June. It was also noted that the UNSM Conference this year will be held in Digby.

IN CAMERA:

It was moved by Councillor Hudson, seconded by Deputy Mayor Shaffner to go in camera to discuss the following items at 10:00 am. Motion carried.

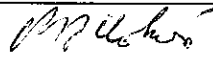
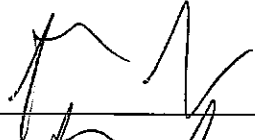
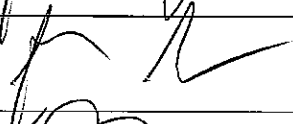
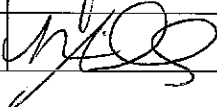
- Item 1: Acquisition, sale, lease and security of municipal property
- Item 2: Negotiations
- Item 3: Personnel

NEXT MEETING

March 9, 2011 at 9:00 am.

ADJOURNMENT

It was moved by Councillor Hudson, seconded by Deputy Mayor Shaffner that the Committee of the Whole meeting be adjourned at 11:00am.

<i>Action:</i>	<i>Date</i>	<i>Signature</i>
Reviewed by Mayor Roberts	2011. 02. 28	
Changes made by Administrative Assistant Monica Mills	March 1, 2011	
Approved for website by CAO	March 21, 2011	
Sent to webmaster	March 1, 2011	

Feb 12-

Presentation to Committee of the Whole for February 9, 2011 based on the meeting of the Committee of the Whole, January 5 & 17, 2011 – Roles within Municipal Government

Thank you for allowing me the time to make this presentation.

Angela Chartier's comment, to Council on January 17, 2011, about Council & CARR getting along with each other made me reflect on the level of disharmony and disconnect between Council and its citizens.

Section 4.5 on Human Resources in the Local Government Resource Handbook March 2005 by Service Nova Scotia and Municipal Relations, which can be found on line, proved to be useful in distinguishing the roles of Council and the roles of the CAO.

On the Separation of Policy-making and Administration Roles it states that:

"...When a municipality chooses to adopt a CAO system, there is a definitive separation between the policy-making and administration aspects of local government."

"Council is the elected branch of municipal government, and its role is to represent the community at large and ensure that the wishes of the constituents are considered when developing a vision for the future direction of the community."

"The administration implements the resolutions and policies approved by Council and carries out the day to day business of the municipality..."

"This separation between the administrative and policy aspects of a municipal government ensures that any subsequent actions are in keeping with Council policies."

"However, the prime responsibility of a CAO is to implement the policies of the elected officials for whom they work."

"Once adopted by Council, the CAO is responsible for the implementation and enforcement of those by-laws and policies."

"The CAO and his or her staff are responsible for ensuring that Council has the necessary information to make good decisions when debating policy."

http://www.gov.ns.ca/snsmr/muns/manuals/PDF/LGRH/LocalGovernmentResourceHandbook_4.5.pdf

There are 6 examples taken from the Minutes of Council meetings of January 5th and 17th of this year that raise serious concerns and confusion

1) Voice Recording of Meetings

There is confusion over what is policy and what is practice.

In March 2010, Council made the following recommendation:

I quote - 1. Minute keeping – *It was suggested that the Town purchase a voice recording system to be used at all meetings to ensure exact documentation of motions and discussions. The tapes should be kept on file for a period of one year – end of quote*

We know that the practice was in place. We also know that a voice recording system can be purchased for \$80 at the Source. Why was the CAO not able to implement a voice recording system that worked? And why did the Mayor and Councillors not acknowledge that the practice existed and why did Council not follow up with the practice established as of March 2010? Council failed in its role as overseer of its chief employee.

2) Insertion of a phrase

If the aforementioned practice had been in place my second item a misrepresentation in the minutes of Jan 5th would have been averted.

I am referring to the following quote: *THERE IS ALSO A NEED TO REDUCE THE TAX BURDEN. - DELETE THE FOLLOWING which was not part of my presentation and some felt that Council should be lobbying to have tax assessments reduced.*

It would appear to me that Council needs to investigate how such an insertion occurred. Incidents like these, leads the citizens to question the honesty and integrity of the Council and staff. Until Council finds out how the insertion occurred, Council must hold the CAO responsible for the subsequent modification of the minutes. One of the CAO's tasks is to ensure the accuracy of the Minutes so that Council has the necessary information to make proper decisions."

3) ON THE ISSUE MARKETING BUDGET ITEM OF \$15,000 - Omission to the minutes of CoW Jan 5th 2011

There is the total absence of the fact that Val Stackhouse asked the CAO 3 times what the \$15,000 was used for, before it was finally disclosed that the \$15,000 Marketing Budget item was to be used for contract salary purposes.

The way the minutes were originally written, indicates that the discussion ended with the exchange between myself & Councillor Mueller-Sparenberg. This is in fact not the case. The discussion ended afterwards, specifically with the exchange between Val Stackhouse and the CAO, when the CAO, finally disclosed that the \$15,000 Marketing Budget item was to be used for contract salary purposes.

It would seem that Council needs to investigate how such an omission occurred. A mistake like this creates a rift, based on honesty, between the Council and Town residents. As chief employee, the CAO should accept responsibility for not correcting the minutes herself, having been a key speaker in that discussion.

However, other questions arise:

Why did the Councillors have a conflicting understanding of how that money was being spent?
When in fact their assumptions were contrary to the actual use of the funds, as eventually disclosed by the CAO when pressed by members of the gallery?

The confusion in the public's mind is, WHO is in charge and WHY is it so difficult to get the actual information. Why does the public have to ask the question 3 times before receiving a straight answer? Furthermore, HOW can staff be so remiss in their duties in providing information to the Councillors and why does Council fail to inform themselves?

4) Another example of the same issue is the Natal Day Budget Item

"DOF Robinson stated that \$5,000.00 of the budget was for fireworks "

Councillors were unaware of the individual costs that make up the total figure of a line item.

A circular discussion took place about the use of the \$5,000.

A fiscally informed Council would go a long way in promoting confidence in tax payers.

If the Town's Strategic Plan were linked to the budget, Council would have known exactly what the expenditures were for.

This also begs the question, that perhaps there is a more efficient way of developing the budget whereby the Councillors are more informed of what makes up each line item.

5) Special Committee of the Whole - January 10, 2011

At the Council Meeting, January 17, 2011 the residents and tax payers were informed that Council had a meeting the previous Monday. The MGA part I, p22, 23 section 19.2 & 19.7 deems this meeting to be illegal or invalid. It was not advertised properly - due notice was not given. In the past, in other circumstances, residents were informed that a meeting could not take place because due notice was not given. Mayor Phil Roberts is fully aware of the requirements as he had them forwarded to me by email.

At the January 17th meeting, the recording secretary, took responsibility for not giving due notice, however, the CAO failed in her duty as chief employee by not answering on behalf of her staff.

The CAO should have been informed that due notice had not been given; it is part of her mandate to know and it was her responsibility to advise Council, her employer. It is unclear whether the Council and the CAO were aware of this, at the time of the meeting. It is hard believe, that the fact that no one was in the gallery did not arouse suspicion, knowing full well that there would be keen interest by the Town's people on the topic being discussed.

That the meeting went ahead without due notice feeds directly into the feelings of disharmony and disconnect between Council and it's citizens.

6) Council Meeting - January 17, 2011

A further example of Council and citizens failure to communicate came in Council's response to CCAR's presentation. Not only did Council fail to address the key issues, the response presented was incomplete and Council members had not had time to sign off on the covering letter.

A question comes to mind: WHY would the CAO deliver incomplete documentation to the Mayor and Council, making them look unprepared and inept?

How could Council have misunderstood the intent of CCAR's request to their "Suggested Actions"? and why did you not request clarification from CCAR and follow up with their offer to meet?

This does not foster harmony or lead the citizens to believe that their Council listens to them.

I have illustrated 6 situations, based on 2 official meetings. There are disconnects occurring as a standard practice on many levels; between Council (the policy makers) and administration / between administration and citizens and also between Council and citizens (the stakeholders).

Council needs to reclaim control of its executive role as the policy-makers and to reinforce that "the prime responsibility of a CAO is to implement the policies of the elected officials for whom they work."

Thank you for your attention.

Appendix B

Proposal for Annapolis Royal Website.

ADBOT understands the need for some kind of fee for businesses outside of Annapolis Royal however, we believe that it would be more appropriate to consider the fee of \$50.00 which is the same as the Upper Clements Park fee which generates a lot of traffic.

We would also suggest that there be a fee for any changes made to the business listings....say \$10.00 a time. We would like the Town council to consider waiving the fees for members of the Board of Trade to promote goodwill with the business community instead of the resulting negativity that could be generated by this type of communication. We do not want to see a separation of interests between the town and the district for which ADBOT represents.

Collaboration is required to ensure a working relationship between the Town and the Area to attract the Tourist, a website that only shows half the picture will not attract people.

It was also suggested that as businesses in town currently get a free listing on the Annapolis Royal website...that perhaps to emphasize the benefit that the fee introduction go out as follows:

"Due to increased costs associated with website hosting, and the decrease in revenues due to the NSPI changes in assessment, the Town of Annapolis Royal will require an annual fee of \$50.00 for business listings on the Town Website and a fee of \$10.00 for any changes to business listings as of April 30th, 2011. These fees will be waived for all businesses within the Town Limits and members of the Annapolis District Board of Trade in good standing."

We (ADBOT) could then provide support to the town....by possibly filtering the listings for the website or providing guidance or deadlines etc to the businesses looking for listings on the website.

If the Town can provide ADBOT with a list of businesses from outside Annapolis Royal which currently have listings on the website, we will use that list to help increase the number of members of the Board of Trade and therefore the revenue of ADBOT and therefore decrease the reliance that ADBOT has on the town as funding source....hopefully businesses outside the town will see this as a direct benefit to membership and continued cooperation with the Town will also be in evidence.