



COMMITTEE OF THE WHOLE

Tuesday, April 3, 2018

6:30 p.m.

Health Centre Meeting Room

555 King Street West

Prescott, Ontario

Pages

1. CALL TO ORDER

Chaired by Mayor Brett Todd

2. APPROVAL OF AGENDA

Suggested Motion

"THAT the agenda be adopted as presented."

3. DECLARATIONS OF INTEREST

4. PRESENTATIONS

5. DELEGATIONS

6. COMMUNITY AND PROTECTIVE SERVICES

Chaired by Councillor Leanne Burton

6.1 Staff Report 17-2018 - Appointment of an Emergency Response Information Officer

1

Suggested Motion

"THAT Committee of the Whole recommend that Council appoint the Katie Allard as the Emergency Management Information Officer in accordance with the provisions of the Emergency Management and Civil Protection Act, R.S.O. 1990."

7. FINANCE & CORPORATE SERVICES

Chaired by Councillor Teresa Jansman

7.1 Staff Report 18-2018 - Restricted Acts of Council (“Lame Duck” Periods)

3

Suggested Motion

"THAT Committee of the Whole receive this report for information; and

That the Municipal Clerk be directed to prepare the necessary by-law, for the next meeting of Council, delegating authority to the Chief

Administrative Officer and the Director of Finance/Treasurer from July 27, 2018 to December 3, 2018 to:

- 1. Be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and*
- 2. Be the authority to appoint/remove any officer and for the hiring/dismissal of any employee of the Town of Prescott; and*

That this by-law shall come into force only in the event that it is determined by the Municipal Clerk that Council is in a “Lame Duck” position."

8. TOURISM & HERITAGE

Chaired by Councillor Fraser Laschinger

9. TRANSPORTATION & ENVIRONMENTAL SERVICES

Chaired by Councillor Lee McConnell

10. PLANNING

Chaired by Councillor Mike Ostrander

11. ECONOMIC DEVELOPMENT

Chaired by Councillor Ray Young

12. NEW BUSINESS

12.1 Action Item List

7

13. PERIOD FOR MEDIA QUESTIONS

14. CLOSED SESSION

14.1 2018 Community Awards

Suggested Motion

*"THAT Committee of the Whole move into Closed Session at _____
to address matters pertaining to:*

14.1 2018 Community Awards

*- personal matters about an identifiable individual, including municipal or
local board employees; and*

*That the CAO, Treasurer, Clerk, and Executive Assistant remain in the
room."*

15. RISE AND REPORT

16. ADJOURNMENT



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	April 23, 2018
Strategic Plan		

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report No. 17-2018

Date: April 3, 2018

From: Pierre Mercier, Chief Administrative Officer

Re: Appointment of an Emergency Response Information Officer

RECOMMENDATION:

That Committee of the Whole recommend that Council appoint the Katie Allard as the Emergency Management Information Officer in accordance with the provisions of the Emergency Management and Civil Protection Act, R.S.O. 1990.

BACKGROUND / ANALYSIS:

All municipalities in Ontario are required to establish and maintain an emergency management program in accordance with, and be in compliance with, the requirements under the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9., Ontario Regulation 380/04. The Act establishes the minimum standards for emergency management programs required by municipalities and specifies the requirement in the Act for mandatory emergency management programs.

The purpose of this report is to seek Council’s approval to appoint Katie Allard as the Town’s Emergency Management Information Officer. Ms. Allard would replace Councillor Young in the position as the Act requires that the Information Officer cannot be a sitting member of Council. Ms. Allard is comfortable in relating information to the members of the press and is also proficient on all social media platforms.

FINANCIAL IMPACTS

There are no financial impacts associated with the appointment.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	April 23, 2018
Strategic Plan		

Pierre Mercier
Chief Administrative Officer



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	April 23, 2018
Strategic Plan		

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report No. 18-2018

Date: April 3, 2018

From: Pierre Mercier, Chief Administrative Officer

Re: Restricted Acts of Council (“Lame Duck” Periods)

RECOMMENDATION:

That Committee of the Whole receive this report for information; and

That the Municipal Clerk be directed to prepare the necessary by-law, for the next meeting of Council, delegating authority to the Chief Administrative Officer and the Director of Finance/Treasurer from July 27, 2018 to December 3, 2018 to:

- a) Be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- b) Be the authority to appoint/remove any officer and for the hiring/dismissal of any employee of the Town of Prescott; and

That this by-law shall come into force only in the event that it is determined by the Municipal Clerk that Council is in a “Lame Duck” position.

BACKGROUND / ANALYSIS:

On April 4, 2016, the Ontario Minister of Municipal Affairs and Housing introduced Bill 181, the *Municipal Elections Modernization Act, 2016* (MEMA). The MEMA received Royal Assent on June 9, 2016.

Recent changes to the *Municipal Elections Act* through Bill 181 could have an impact on the Town as it relates to the “Lame Duck” period due to the change in the nomination



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	April 23, 2018
Strategic Plan		

period for the 2018 Municipal Election. The nomination period has been shortened from past elections and is now from May 1, 2018 with a deadline (Nomination Day) of Friday, July 27, 2018. These changes mean that Council could be in a “Lame Duck” position longer than in previous elections. Council could potentially be in a “Lame Duck” position for a slightly more than four months until the new Council is sworn in.

Section 275 of the *Municipal Act*, S.O. 2001, C. 25, sets out the restricted acts that Council cannot take after Nomination Day (July 27th) and after Voting Day (October 22nd) if the Council is in a “Lame Duck” position.

Lame Duck Position

As noted above, the determination of whether Council is in a “Lame Duck” position occurs twice during the municipal election process:

- a) **Between July 27, 2018 to October 22, 2018** – The determination shall be based on the 2018 Candidates election nominations that have been certified by the Municipal Clerk on July 27, 2018. If fewer than 6 of the 7 (75%) current Council members submit their candidacy for election to Council, the restrictions set out in the *Municipal Act, 2001*, will apply.
- b) **Between October 22, 2018 to November 30, 2018** – If the election results declared by the Clerk determines that fewer than 75% of the incumbent Council members have been returned to Council, the restrictions set out in the *Municipal Act, 2001*, will apply.

The following is a brief summary of the provisions pursuant to Section 275 of the *Municipal Act, 2001*, Restricted Acts Provision:

Restrictions

If a Council is in a “Lame Duck” position, the Council shall not take on the following actions:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- d) Making any expenditures or incurring any other liability which exceeds \$50,000.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	April 23, 2018
Strategic Plan		

Clauses 'c' and 'd' above do not apply if the disposition or liability was included in the most recent budget adopted by Council before Nomination Day of the 2018 Municipal Election.

Land Matters

Pursuant to Section 275(3) (c), a municipality can close a real estate transaction during the “Lame Duck” period only if the Council passed a by-law approving the execution of the agreement of purchase and sale in advance of the “Lame Duck” period.

Expenditures

A contract could be awarded by a “Lame Duck” Council in excess of \$50,000 so long as the amount was included in the approved 2018 annual budget. However, the “Lame Duck” Council would not be able to award a contract if the amount of the tender or bid exceeds the amount included in the budget.

Emergencies

Section 275(4) (4.1) states that there is nothing that prevents a municipality from taking any action in the event of an emergency.

Delegation of Authority

Section 275(6) provides that the authority of a municipality can be delegated to a person or body prior to Nomination Day for the election of the new Council.

Determination of Restricted Act of Council – “Lame Duck” Position

In order to determine if Council is in a “Lame Duck” position, the Municipal Clerk will follow Section 275 of the *Municipal Act, 2001* and advise Council at the first meeting in August 2018, after Nomination Day, if the Council is in a “Lame Duck” position.

After Election Day, if necessary, the Clerk will report on the Town of Prescott election results to determine if Council is in a “Lame Duck” position.

At the Inaugural Council Meeting in December 2018, the by-law delegating authority to the Chief Administrative Officer and the Director of Finance/Treasurer in regards to Restricted Acts will expire and a newly elected Council will be sworn in for the Town of Prescott.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	April 23, 2018
Strategic Plan		

FINANCIAL IMPLICATIONS:

No financial impacts are anticipated by the granting of delegated authority as the administration will continue to be guided by the approved budget.

ALTERNATIVES:

The alternative is to not delegate authority to the Chief Administrative Officer and Director of Finance/Treasurer in the event of a "Lame Duck" Council.

Pierre Mercier
Chief Administrative Officer

ACTION ITEM LIST – FROM JANUARY 2017

Date	Department	Item & Action	Status
Prior to January 2017	Finance	RFPs for Building Services, Banking and Audit Services	Cleaning Tender, Building Services, Audit Services complete.
Prior to January 2017	HR	Employee Policies (banked hours, sick days, carryover, further education, etc.)	In progress
January 9, 2017	CAO	Schedule an Economic Development Session & Review of Strategic Plan	In progress
January 16, 2017	Clerk's	Report on Use of Ranked Ballots in the 2018 Municipal Election	2019
January 23, 2017	CAO/Operations	Report and resolution of support re: Municipal Fire Service as Critical Infrastructure as part of the Province's Infrastructure Strategy	In progress
January 23, 2017	Finance	Report on Property Taxation for Railway Right-of-ways	In progress
March 27, 2017	CAO/Clerk's	Regional school closures and Wellington Elementary School Update	In progress
April 3, 2017	Operations	Centennial Park Improvements	In progress

Date	Department	Item & Action	Status
September 18, 2017	CAO	Official Plan	In progress
September 18, 2017	Operations	Traffic Light Removal	All material ordered. Spring installation.
September 18, 2017	Operations	Fire Hall Construction	In progress
September 18, 2017	Operations	Street Sign Installation	In progress - ongoing
November 20, 2017	CAO	Canadian Empress docking	In progress
March 5, 2018	By-Law	Animal Control By-law Update	In progress
March 26, 2018	CAO/Clerk	School Board Properties report	In progress