



City of Kenora Committee of the Whole Agenda

Tuesday, May 12, 2020

9:00 a.m.

Electronic Attendance / City Hall Council Chambers

Due to the COVID-19 Pandemic, Council will be meeting electronically as permitted by Council's Procedural Bylaw. Citizens and our Media Partners are encouraged to attend the virtual meeting via the Public Live Stream Event at:

<https://video.isilive.ca/kenora/>

A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its May 19, 2020 meeting:-

- Amend the 2020 Capital & Operating budget to withdraw funds from the financial computer systems Reserve in the amount of \$36,685 to offset the cost of capital budgeting software
- Update the Schedule of Rates to be used in connection with the Lake of the Woods Cemetery
- Amend the 2020 Operating & Capital Budget to withdraw funds from the Equipment Reserve in the amount of \$280,000.00 plus HST for the purchase of a recycle trailer

B. Declaration of Pecuniary Interest & the General Nature Thereof

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance

C. Confirmation of Previous Committee Minutes

That the Minutes from the last regular Committee of the Whole Meeting held April 14, 2020 be confirmed as written and filed.

D. Deputations/Presentations

None

E. Reports:

1. Administration & Finance

Item Subject

1.1. 2020 Q1 Investments

- 1.2. 2020 Q1 Contracts
- 1.3. March 2020 Financial Statements
- 1.4. COVID-19 Preliminary Financial Impacts
- 1.5. Budget Amendment – Budget Software

2. Fire & Emergency Services

Item Subject

No Reports

3. Operations & Infrastructure

Item Subject

- 3.1 Budget Amendment – Recycle Trailer

4. Community Services

Item Subject

- 4.1 Cemetery Rate & Fee Review
- 4.2 COVID-19 Impacts to Beaches & Boat Launches
- 4.3 COVID-19 Reopening of Public Tenders
- 4.4 COVID-19 Tenant Concessions
- 4.5 Muse Bylaw

5. Development Services

Item Subject

- 5.1 Doug Lafreniere Developments Site Plan Agreement

Proclamations

- Children’s Mental Health Week – May 3-9, 2020

Other:

Next Meeting

- Tuesday, June 16, 2020

Motion - Adjourn to Closed Meeting:

That this meeting now be adjourned to a closed session at _____ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- i) Disposition of Land (2 matters-Railway St Development, WON Servicing)
- ii) Labour Relations (2 matters-CUPE Local 191 Negotiations, Staffing)
- iii) Personal Matter about an Identifiable Individual (1 matter-Muse Development)

Adjournment.



April 30, 2020

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Edie, Manager of Finance/Treasurer

RE: Investments including Kenora Citizens' Prosperity Trust Fund –Q1

Recommendation:

That Council hereby accepts the 2020 first quarter investment report that includes details of the Kenora Citizens' Prosperity Trust Fund and other City of Kenora investments.

Background Information:

Kenora Citizen's Prosperity Trust Fund (KCPTF):

In 2008, City Council approved the establishment of the Kenora Citizens' Prosperity Trust Fund. The proceeds of disposition from the sale of the KMTS entities of \$40,896,446 were transferred to this Fund.

In order to offset lost net revenues as a result of the sale of the KMTS entities, the City required an annual return of \$1,100,000 in income from the Trust, in addition to the elimination of long term debt payments which occurred in 2007. This amount has been reduced in the last few years to reflect a decline in returns on investments. The City has been reducing the amount of the annual return taken from the KCPTF due to the decrease in returns in the last few years. In 2019 the amount transferred to the City is \$975,000 and in 2020 the budgeted amount is \$975,000. This transfer has not been deducted from the investment values below. Any erosion of the balance of the Trust will result in an additional burden on City taxpayers.

The first KCPTF portfolio is with the ONE Public Sector Group of Funds and accounts for over 30% of the Trust Fund. The market value of this investment at March 31, 2020 is \$14,301,868 (December 2019 \$16,626,913). This portfolio is held in bond, universal corporate bond and equity funds that are all monitored to ensure that they remain within the Ontario Provincial legislation for municipal investments. The year to date actual return on these ONE fund investments for 2020 is -42.07% (December 2019 13.95%). This rate reflects the total return including market impact. The return on book value for year to date 2020 is 1.19% (December 2019 1.18%). Currently the universal bond fund is generating 4.01%, the bond fund is generating 7.25% and the equity fund is generating -79.3% on a cumulative basis (including market impact). There is also a balance of \$213,059 in the high interest savings account (HISA) fund. The HISA earns a rate of 2.415%.

The second and largest KCPTF portfolio is managed by Manulife Asset Management with RBC Dexia Investor Services as custodians. The City receives quarterly reports and information. The March 31, 2020 report is attached. The market value of these investments is \$20,165,290 (December 2019 \$21,500,744). Securities held in this portfolio are largely bank and federal and provincial government issues. The year to date

return on these funds is 1.74%. The rate of return since inception is 2.66%. These returns also take the market impact into account.

In addition, the KCPTF holds \$12,898,106 (at December 31, 2019) in debt from the City of Kenora. The rate of return on this debt is 3%. The DTR IV debt interest rate is 3.32%.

Other Investments:

The City of Kenora maintains investment portfolios separate from the Kenora Citizen's Prosperity Trust Fund. These investments are entirely held in the ONE Public Sector Group of Funds and the market value at March 31, 2020 is \$21,889,300. This portfolio is held in bond, universal corporate bond and equity funds that are all monitored to ensure that they remain within the Ontario Provincial legislation for municipal investments. The year to date return for this portfolio is -22.99%. The year to date return on book value is 1.64%.

Budget: There is no expected budget impact as a result of this report.

Risk analysis:

The risk associated with this report is moderate. The risk impact is that the Funds do not earn the required 3% on investments. The shortfall of investment income is within the moderate range.

Communication Plan/Notice By-law Requirements:

For information only

Strategic Plan or other Guiding Document:

Report is required per policy CS 4-2.



April 25, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: Contracts & Expenditures Approved January – March 2020

Recommendation:

That Council hereby accepts the 2020 January – March Contracts & Expenditures Approved report.

Background:

Per the Procurement Policy, the Manager of Finance/Treasurer (or Deputy Treasurer) may award a tender, contract or purchase for greater than \$30,000 provided that:

- a) The purchase is included in the City's budgets, and is within the budgeted amount;
- b) The total cost of the contract does not exceed the following authority limits:
 - i. Operating expenditures not exceeding \$100,000;
 - ii. Capital expenditures not exceeding \$250,000, with the exception of;
 - iii. Capital expenditures for equipment outlined specifically in the capital budget not exceeding \$500,000;
- c) The award is made to the bidder whose bid achieves the highest score as a result of the evaluation;
- d) The term of the contract does not exceed the lesser of either the current operating year or the remainder of the term of Council; and
- e) The award is made to the bidder submitting the lowest end cost, compliant bid. If the lowest end cost bid is not chosen the reason for the choice must be documented on the purchase order.

A report shall be submitted quarterly to Council to advise of the award of any tenders, contract or purchases under this section. This report is attached.

Budget:

There is no expected budget impact as a result of this report.

Risk Analysis:

The risk associated with this report is low. Internal controls have been established to ensure that these payments are legitimate and conform to the City's procurement policy.

Communication Plan/Notice By-Law Requirements: N/A

Strategic Plan or other Guiding Document:

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

Approvals >\$30k
January 1 - March 31, 2020

Department	Date	Supplier	Description	Project #	GL amount approved	Budget	Notes
343 - Handi Transit Vehicles	20/03/2020	Overland Coach	24' 2020 Glaval Accessible Bus	20.342.01	133,224.37	160,839	
381 - Docks	27/02/2020	Docks and Lifts Unlimited	10 floating docks	U20.381.01	50,472.96	60,000	
				Total	183,697		



April 25, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: March 2020 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at March 31, 2020.

Background:

Attached for your information, please find the March 2020 summary expense and user fee statements for the City of Kenora and the Council department. At the end of March, the year is 25% complete, and therefore should be 75% of the budget remaining.

Overall:

- Expenses at the end of March 2020 were slightly below budget with 79.01% remaining to be spent. Water & Sewer 80.36% and Solid Waste 82.56% left in the budget.
- User fee revenues to the end of March 2020 are behind the budget with 79.33% left to collect. Water & Sewer 77.81% and Solid Waste 81.53% is left to collect at the end March.

Expenditures:

- **General Government** - The General Government expenses to date are close to budget with 76.79% remaining in the budget.
 - **Mayor and Council** – With the Doctors recruitment donation and the Triple Play donation made, most of the Mayor & Councils donations budget has been spent for the year.
 - **Administrators Office** – No contracted services or legal budget has been spent to date, leaving this department under budget.
 - **Human Resources** – Under budget as no training, travel, or computer maintenance budgets have been spent to date.
- **Protection** – The Protection Segment expenses to date are close to budget with 76.15% remaining in the budget.
 - **Police Building** – Over budget as expected, building expected to be disposed of during year therefore only a portion of the year was budgeted for.
 - **Emergency Measures** – Very few expenses recorded to date.
 - **911 Emergency Access** – This department typically has one invoice per year which is the Central Emergency Reporting Bureau contracted services with OPP. This invoice was paid for in April.

- **Health and Safety Committee** – 7 different Health and safety training courses were budgeted for in 2020, only 1 has been completed by the end of March 2020.
- **Transportation** – The Transportation Department expenses to date are under budget with 80.07% remaining in the budget.
 - **Bridge Maintenance** – Minimal spend on bridge maintenance to date. \$25,000 in contracted services expected during the summer months.
 - **Paved/Surface Treated/Loosetop Roads** – Under budget at the end of March as expected, as work is typically completed on these departments during the summer months.
 - **Winter Control Maintenance** – Winter control maintenance is over budget at the end of March with 49.11% remaining. This is significantly better than last year at the same time there was only 20.71% remaining. The reason for some of this difference is that the winter sand/salt for February and March have not yet been recorded.
 - **Safety Devices** – A large expense in this department is the line painting contract. This department will be underspent until the line painting contract is completed and paid.
 - **Docks** – No expenses have been spent on docks maintenance at the end of March, we expect these expenses to increase moving into the summer months.
 - **PW Barsky Facility** – Barsky facility is currently over budget. Some wages from roads employees has been coded to this department for work at the building. Contracted services is currently over budget as there was work done for mechanical optimization. Funding for this work is expected to offset these costs.
- **Environmental** – The Environmental Department expenditures is under budget with 83.82% remaining. 80.36% left in the budget in Water & Sewer and 82.56% remaining in Solid Waste.
 - **Storm Sewers** – Very little storm sewer work completed at the end of March.
 - **Recycling Facility** – Under budget, as most of the City's expenses related to recycling are from contracted services related to volume of recycled materials. This significantly increases in the summer months.
 - **4 R Initiatives** – Much of this budget already spent on Recycled Poly bags for the year.

Water & Sewer

- **Sanitary System** – Wages currently under budget as more time has been spent in waterworks than sanitary system, this should even out throughout the year.
- **Water Standpipe and Booster** – Under budget as no materials and supplies or contracted services have been purchased to date.
- **Water Treatment Plant** – Materials and supplies currently below budget, also this property has significant taxes associated with it that typically don't get recorded until after the final tax deadline.

Solid Waste

- **Hazardous Waste Days** – No spending to date as Hazardous waste days have not yet started for the year.

- **Health Services** – Health Services are all close to budget at this time.
- **Social and Family Services** – Social and Family Services expenses are right on budget for the year, with the exception of Pinecrest as these payments are remitted 3 times per year with the first payment being April 1st.
- **Community Services** – Overall Community Services expenses are below budget with 79.08% remaining.
 - **Parks departments** – These departments are all currently under budget as most of the expenses for these departments incur in the summer months.
 - **Harbourfront** – Nothing spent in this department to date as the majority of expenses relate to the flowers contract which does not begin until April.
 - **KRC External Facilities** – Under budget as much of this work is in the spring, summer and fall.
 - **Recreation programs** – These programs have not yet started for the year.
 - **Teams & Clubs** – The outdoor rink Community clubs submit their forms to receive the \$8,000 funding every year to the City, at the end of March we have not received forms from any of the clubs.
- **Planning & Development** – Planning & Development expenses are under budget with 84.12% left in the budget.
 - **Planning Operations** – Planning Operations is slightly under budget at this time as a City planner was budgeted for the full year however at March 31 a Planner had not yet been hired for the City of Kenora.
 - **Development Services** – In 2020 you will see this new department related to work from our Development Services Manager and Research and Special Projects Officer.
 - **Starter Company** – Over budget as there were a significant number of grants paid out in March.

User Fees:

- Overall, user fees are close to budget projections with 79.33% collected at the end of March.
- **General Government**
General Government is right on budget at the end of March with 75.78% left to be collected.
- **Protection to Persons and Property**
Protection to Persons and Property is under budget at the end of March with 82.64% remaining to be collected.
 - **Provincial Offences** revenue is dependent on the fines assessed in this area. First quarter revenues will not be calculated and recorded until April.
- **Transportation Services**
Transportation user fees are under budget with 83.59% left to collect.
 - **Docks & Wharfs** – Docks revenue started to come in during March, it is expected that there will be more in April, however we may see less revenues than last year at the same time due to the uncertainty that COVID-19 brings.

- **Metered parking** – Metered parking is also under budget however we typically see this department increase in the summer months. We are down significantly from prior year at this time which is likely due to COVID-19 causing a reduction in traffic and parking.
- **Environmental Services**
Environmental services user fees are under budget with 79.44% remaining to be collected. 77.81% of Water & Sewer User fees are also still to be collected and Solid Waste still have 81.53% left to collect
 - **Blue box collection** – Under budget as these user fees are recorded on a quarterly basis.

Water & Sewer

- **Water and Sewer** user fees are close to budget with 78.21% and 77.41% not yet collected respectively. These revenues in the past have typically been a month behind budget however our new billing system records the bills on the billing read end date so these revenues should be closer to actual now on these financial statements.

Solid Waste

- **Garbage Collection** – Bag tag sales are up compared to the same month last year.
- **Transfer Facility** – Tipping fees are below budget at this time, however we are in line with what was received at this time last year.

- **Community Services**

Community Services are right on budget with 75.37% left to collect. This is typically expected in these departments as the arenas and pool are seasonal and bring in more during the winter months. Compared to last year we are a little below budget which would be expected with the closure of recreation centre due to COVID 19. Parks & ball field user fees typically won't see anything until May.

- **Planning and Development**

Planning and Development user fees are under budget with 86.41% remaining to be collected. User fees in planning and development vary from year to year and depend on activities and developments in the community.

- **Tourism Facilities** – This includes all of the rentals of the white cap pavilion, we typically won't see any revenue here until the warmer months. This budget was reduced from prior year as there were many events in 2018 that did not return in 2019, and we don't expect them again in 2020.

Please let me know if you have any questions, or would like to see any of the department statements in further detail.

Strategic Plan or other Guiding Document:

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

ERM Assessment: Monitoring financial statements on a monthly basis mitigates some of the uncertainty related to projected costs vs actual expenditures.



May 4, 2020

City Council Committee Report

To: Mayor and Council

Fr: Charlotte Edie, Manager of Finance/Treasurer

Re: COVID-19 Preliminary Overview of Potential Financial Impacts

Recommendation:

Discussion only – no recommendation required.

Background:

The purpose of this report is to provide an early indication of the potential financial impacts of the COVID-19 outbreak on the City of Kenora. Although the magnitude of the impact is not known, this report outlines areas where we will see financial repercussions.

Financial Markets

COVID-19 is causing an unprecedented amount of uncertainty and volatility in financial markets. Over the last 2 months North American stock markets are down, the price of oil has dropped, Government of Canada bond yields have reached historic lows and the Canadian dollar has weakened. As detailed in the quarterly investment report our equity investments have taken a hit but have started to rebound.

City of Kenora Direct impacts

Only after 2 ½ months into 2020 we are finding that many revenue and expense budget lines are expected to be impacted. While it is still too early to quantify all the potential impacts, expected variances are listed below:

- Recreation facilities: Loss of revenues from mid-March on including summer ice rental, ball field rentals and room rentals. This will be offset by savings in wages for employees taking the layoff as well as other operating costs. In the short term the utility costs of the Keewatin Arena are being recovered.
- Wage reductions: For those employees taking the lay off and are receiving the 95% top up, the cost savings are \$500 per week per person. There are 40 employees in this program.
- Energy costs: Hydro rates have been reduced to the off peak rates. We should see a reduction in these costs for this reason in addition to the savings with several City buildings being closed.
- Fuel: Short term savings in vehicle fuel costs due to price drop.
- Operational savings: There are savings to be recognized in almost every department with respect to travel, conference expenses, mileage and office supplies.
- Investment returns: For now the City is experiencing lower investment returns due to market volatility. The projection to the end of the year is not predictable.

- Parking: With the closure of businesses in the downtown core we will experience a reduction in parking fees. This may also be the case for docking fees as well.
- Transit: The closure of businesses will also more than likely result in a reduction in transit revenue with people making fewer trips into town.
- POA: POA revenues will be reduced due to lower ticket volumes and court closures.
- Transfer station: There is potential for reduced tipping fees if construction activity is cut back and with the closure of businesses.
- Museum: Program and admission revenue will be lost which will be offset by some expenditure savings already discussed.
- Libraries: There will be revenue lost due to closure to be offset by some operating expenditure savings.
- Economic Development: Reduced collection of Accommodation Tax revenue.
- Building permits: If construction activity is materially reduced, there will be a reduction in permit revenue. Also, there will be a lower amount of supplementary taxes collected.
- Penalties and interest: The waiving of penalties and interest on property taxes and utility bills until August will reduce investment income.

The list above is not exhaustive but rather an early view of potential financial impacts.

Cash Flow implications

Finance has been monitoring cash flow and will continue to analyze the City's position to ensure there is sufficient liquidity to provide for the ongoing operations. The following will have an impact on our cash flow:

- The deferral of the final tax bill from the 3rd week in July to the end of August will delay cash inflows. Also, since we will not be charging interest on utility bills until the end of August it is anticipated cash inflow from these bills will slow down as well.
- Our quarterly payments to the school boards have been deferred by a quarter to be caught up at the end of the year. This will partially offset the slowdown in property tax collections.
- For now capital projects are scheduled to continue however this may change as government directives are rolled out.

Government Assistance

To date the programs available to municipalities are few and their impacts are not significant. They relate to the delay of remittances without penalty (for WSIB, EHT and HST) and school board remittances. The benefit of these delays is reflected in the interest that can be earned by holding these payments and earning interest on them. Finance continues to monitor Federal and Provincial announcements. It is anticipated that there will be some form of assistance but the format and amounts are not known at this time.

Budget: N/A

Risk Analysis: Not identifiable at this time.

Communication Plan/Notice By-law Requirements: None.

Strategic Plan or other Guiding Document: Information only.



April 25, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: Budget Amendment – Capital Budget Software

Recommendation:

That Council hereby approves an additional allocation of \$36,685 to be funded through the Financial computer systems Reserve for the purchase of capital budgeting software; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2020 Capital & Operating budget at its May 19, 2020 meeting to withdraw funds from the financial computer systems Reserve in the amount of \$36,685 to offset the cost of capital budgeting software; and further

That Council give three readings to a by-law to amend the 2020 budget for this purpose.

Background:

In the past, the City had been using software from Public Sector Digest (PSD) to enter and track projects for capital budgeting purposes. This software is now no longer supported by PSD and an alternative capital budgeting option needs to be adopted. In an effort to find efficiencies and improve the capital budgeting process, the City would like to obtain dedicated capital budgeting software. The City's current Asset Management Plan software was obtained through Public Sector Digest and the company also offers a capital budgeting solution.

Budget: The 2020 Capital & Operating budget will be amended by \$36,685 and funded through the financial computer systems reserve. There is sufficient dollars available in the computer systems reserve for this purchase.

Risk Analysis: As per the requirements in the City's ERM Policy, there is a low operational risk. The risk will be mitigated by allocating reserve funds for the project.

Communication Plan/Notice By-law Requirements: Resolution required.
Distribution to C. Edie, J. Ranger.

Strategic Plan or Other Guiding Document:

2-1 The City will ensure that our municipal infrastructure assets are managed and maintained using available resources through a robust asset management plan and process, with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.



April 22, 2020

City Council Committee Report

To: Mayor and Council

**Fr: Jeff Hawley, Operations and Infrastructure Manager
Jerry Derouard, Fleet Division Lead**

Re: Budget Amendment – Recycle Trailer

Recommendation:

That Council hereby approves an additional allocation of \$280,000 plus HST to be funded through the Equipment Reserves for the purchase of a recycle trailer; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2020 Operating & Capital Budget at its May 19, 2020 meeting to withdraw funds from the Equipment Reserve in the amount of \$280,000.00 plus HST for the purchase of a recycle trailer; and further

That Council give three readings to a by-law to amend the 2020 budget for this purpose.

Background:

The Environmental services uses three 51' foot compaction trailers to haul cardboard (OCC), newsprint and co-mingle from the Kenora Transfer Station to Cascade located in Winnipeg. Environmental services also transports Dryden's recyclables. These three trailers are required in order for the City to maintain this level of service. The City of Kenora owns two of these trailers with Dryden owning the third. The City of Kenora maintains all three trailers through the Fleet Division. Each trailer averages 28,000km a year and is expected to have a 12 year life expectancy. This trailer and the trailer that Dryden owns are up for replacement in 2021 through the ten year projected capital budget.

On April 16, 2020, the landing gear in unit #422 (2010 Universal compaction trailer) went through the cross members of the trailer floor where it is attached. After further review, it is deemed that most of the cross members of the trailer are heavily corroded which has significantly reduced its life expectancy. The estimated cost for repair from Kenora Truck Service is \$13,200. However, based on the extensive corrosion on the remainder of the trailer, Fleet does not support this option as other major failures on this trailer are apt to occur.

Budget: The trailer purchase was in the 2021 budget for \$190,000 from the Equipment Reserve. An additional \$90,000 is required for the purchase of the recycle trailer.

Communication Plan/Notice By-law Requirements:

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

Strategic Plan or Other Guiding Document:

Goal #2 Strengthen our Foundations 2-1 - The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards

all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.



May 12, 2020

City Council Committee Report

To: Mayor and Council

**Fr: Shaun Clifford, Parks and Facilities Division Lead
Stace Gander, Community Services Manager**

Re: Cemetery Rate Increases

Recommendation:

That Council gives three readings to a bylaw to authorize a new Schedule of Rates to be Used in Connection with the Lake of the Woods Cemetery; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to update the Schedule of Rates to be used in connection with the Lake of the Woods Cemetery; and further

That this By-Law shall come into effect and be fully implemented upon approval by the Bereavement Authority of Ontario; and further

That By-law Number 23-2017 be hereby repealed.

Background:

The current Lake of the Woods Cemetery Schedule of Rates was approved in February 2017 as a result of the installation of a new private columbarium and a rate review of neighboring communities. Rates and fees has not changed since this time.

In December 2019 the City of Kenora purchased and installed two new columbarium's. As part of this project, City staff undertook a market review to validate Cemetery pricing. In addition, the new columbarium offered a family niche which had not previously been offered at the Kenora Cemetery.

Another factor influencing the review is the level of subsidizing required to operate the cemetery.

The Kenora Cemetery is classified as a large cemetery by the Bereavement Authority of Ontario. As a result, our rates must be assessed relative to other cemeteries of that classification.

Summary of rate changes and comparable community:

<u>INTERMENT RIGHTS:</u>	Current Rates	Proposed Rates	Thunder Bay
Single Grave	\$ 535	\$ 930	\$ 980
Cremated Remains Plot	\$ 310	\$ 450	\$ 680
Cremation Upright Monument Lot for 2			
Family Columbarium Headstone (Four crypts) <i>(New Item)</i>		\$ 900	
<i>Columbarium One</i>			
- Bottom Two Rows	\$ 795	\$ 925	\$ 2,215
- Middle Two Rows	\$ 970	\$ 1,090	\$ 2,320
- Top 3 Rows	\$ 1,190	\$ 1,315	\$ 2,440
<i>Columbarium Two - New</i>			
- Bottom Two Rows		\$ 1,700	
- Top Four Rows		\$ 1,800	

Budget: On average over the last three years the Cemetery has required to be subsidized at a rate of approximately \$ 175,000 per year. The recommended price increases are expected to generate approximately \$35,000 per year and add funds to the perpetual care and maintenance fund.

Communication Plan/Notice By-law Requirements: City Clerk, Accounts Receivables, Cemeterian, public notice via renewal notices, Bereavement Authority of Ontario.

Strategic Plan or other Guiding Document:

This is a housekeeping matter administrative in nature to update our Schedule of Rates for the Cemetery.

The Corporation of the City of Kenora

By-law Number ~~23 - 2017~~

A By-law to Establish a Schedule of Rates to be Used in Connection with the Lake of the Woods Cemetery

Whereas the Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora; and

Whereas the Cemeteries Act, (Revised,) R.S.O. 1990, Chapter C-4, provides that an owner of a cemetery may make by-laws for regulating the operation of the cemetery;

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. That the attached Lake of the Woods Cemetery Schedule of Rates be hereby adopted.
2. That By-Law Number ~~75-2014~~23-2017, as amended, of the City of Kenora is hereby repealed.
3. That this By-Law shall come into force and be in effect on ~~April 1, 2017.~~

By-law read a First and Second Time this ~~21st day of February, 2017~~

By-law read a Third and Final Time this ~~21st day of February, 2017~~

The Corporation of the City of Kenora:-

~~David S. Canfield, Mayor~~

~~Heather Kasprick, City Clerk~~

Lake of the Woods Cemetery – Schedule of Rates

Interment Rights:

Single Grave	\$ 535.00 <u>930.00</u>
Double Plot	\$ 1,070.00
Cremated Remains Plot	\$ 310.00 <u>450.00</u>
<u>Family Columbarium Headstones (4 crypts)</u>	<u>\$ 900.00</u>
<u>Columbarium One :</u>	
- Bottom 2 rows	\$ 795.00 <u>925.00</u>
- Middle 3-2 rows	\$ 970.00 <u>1090.00</u>
- ___ Top 3 rows	\$ 1,190.00 <u>1315.00</u>
<u>Columbarium Two:</u>	
- Bottom 2 rows	<u>\$ 1,700.00</u>
- Top 4 rows	<u>\$ 1,800.00</u>
Private Columbarium	\$ 550.00
New Plots with concrete foundation surcharge	\$ 225.00 <u>250.00</u>

OPENING & CLOSING COSTS:

Full Burial	\$ 710.00 <u>750.00</u>
	<u>Summer & \$950.00</u>
	<u>Winter</u>
<u>Double Full Burial</u>	<u>\$ 1,065.00</u>
Cremated Remains	\$ 315.00 <u>450.00</u>
Double Cremated Remains	\$ 472.50
Columbarium	\$ 150.00
Double Columbarium	\$ 225.00
Private Columbarium	\$ 150.00
Late Working Charge	\$ 125.00 /hr
Saturday Opening & Closing costs:	
Full Burial (Interment Fee +)	\$ 500.00 (extra)
Cremation (Interment Fee +)	\$ 250.00 (extra)

CRYPTS:

Single - 4.5 x 12 ft (No Foundation, foundation by purchaser) \$1,835.00

PLOT:

Double - 9 x 12 ft (No Foundation, foundation by purchaser) \$3,675.00

Disinterment Fees:

200% of Opening and Closing Costs

Inscription Fee:

For Columbariums Only \$ ~~599.00~~700.00

Marker Care & Maintenance:

Flat Marker	\$ 50.00
Upright Monument (To 4 ft in height or width)	\$ 100.00
Upright Monument (Over 4 ft in height or width)	\$ 200.00

Foundation Preparation:

Flat Marker	\$ 75.00
Upright Monument (To 4 ft in height or width)	\$ 100.00
Upright Monument (Over 4 ft in height or width)	\$ 200.00
Bench	\$ 100.00

Headstone Installation (By City Staff):

Flat Marker	\$ 50.00
Upright Monument (To 4 ft in height or width)	\$ 100.00
Upright Monument (Over 4 ft in height or width)	\$ 150.00

Name Searches:

Individual Names	\$ 10.00 per name
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Miscellaneous Rates:

Temporary Metal Grave Marker	\$ 10.00
Rough Box – Handling Fee	\$ 100.00
Vault – Handling Fee	\$ 200.00
Administration Fee (per contract)	\$ 25.00

Cemetery Tours:

Regular Day Tours	\$ 3.00 /person
Night Tours	\$ 5.00 /person
School Tours	No charge

Tours On Request:

Regular Working Hours	\$ 50.00 + \$3.00 per person
Saturday or Evening Hours	\$ 100.00 + 5.00 per person

** All fees are subject to H.S.T. where applicable.



May 12, 2020

City Council Committee Report

To: Mayor & Council

Fr: Stace Gander, Community Services Manager

**Re: Approach to Manage Beaches & Boat Ramps during Social
Distancing Restrictions**

Information to Council:

Under the current COVID restrictions, public health authorities have implemented protocols in an effort to protect citizens and reduce the spread of COVID. To this end, the City of Kenora has implemented precautionary measures to support the protocols of public health officials while attempting to strike a balance with the need for people to enjoy green spaces and waterways in the City of Kenora. This report is intended to provide Council with information about how City of Kenora staff plan on supporting distancing protocols at City boat ramps and beaches.

Beaches

All City of Kenora beaches will be open. The expectation is that citizens will practice social distancing guidelines that are well publicized by public health authorities and supported by local and national media outlets. To support this education, the City is in the process of purchasing social distancing signs. Signs will be posted at higher volume walkways and trails to reinforce the messaging that has been prevalent for months.

Example of sign:



Beach washrooms typically open by Mid May. City staff are looking at options for more frequent cleaning cycles related to COVID requirements. This could include increasing the contract with our contractors or having a staff person rotate through the washrooms and log related activity.

If there are a high volume of reports related to individuals not practicing proper distancing, staff will need to evaluate other options which could include closing beaches or some type of enforcement.

Boat Ramps

The only boat ramp that is currently not available to the public is the boat ramp at the Keewatin Memorial Arena. That is related to the temporary emergency COVID facility and the need to reduce traffic in the immediate area to the fullest extent possible during this time.

All remaining City boat ramps will remain open. Temporary marina closures directed from the Provincial level on Lake of the Woods are expected to increase pressure on City boat launch facilities in the short term. Similar to the beaches, the expectation is that citizens will practice established social distancing measures communicated by health care officials. To support that messaging, the City of Kenora will be posting high visibility signs similar to the ones noted for the beaches. In addition, By-law enforcement will assign two Summer Students to patrol the boat ramps to help support messaging and engage citizens who aren't. One Student will rotate through the two remaining boat ramps in Keewatin (the Keewatin Wharf and ramp located on the Winnipeg River). A second Student will rotate between boat ramps in Kenora (Rec. Centre, Matheson Street Pier and Anicinabe Park).

There has been much communicated in the media about everyone doing their part during these extraordinary times. City staff are attempting to mitigate risk to the community by social media messaging reinforcement, signage posted in the immediate proximity at specific beach and ramp locations and through by-law enforcement officers. There is the potential for individuals to not follow guidelines and messaging. Staff will have to monitor the situation and be prepared to act should these means prove unsuccessful.



May 12, 2020

City Council Committee Report

To: Mayor & Council

Fr: Stace Gander, Community Services Manager

Re: Reinstate - Public Tenders

Recommendation:

That Council accept staff recommendation to re-open the process of Public Tenders related to projects in the 2020 Capital budget.

Background:

At the April 14, 2020 Committee of the Whole meeting, City staff brought forward a recommendation to suspend the public tendering process due to travel restrictions being imposed related to the COVID pandemic.

With the ease of restrictions (near-border towns) and positive cases being identified in the Kenora region, self-isolation is no longer a constraint for the majority of contractors.

If staff determine that a restriction would be in place due to travel, staff will use other digital means to conduct pre-bid site reviews.

Budget: There are no budget concerns

Communication Plan/Notice By-law Requirements: Kenora Recreation Staff, Public

Risk Analysis: There is no risk associated with this report and staff would work with user groups on available ice times to accommodate new requests.

Strategic Plan or other Guiding Document:

2-9 – The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.



May 12th, 2020

City Council Committee Report

To: Mayor and Council

Fr: Stace Gander, Community Services Manager

Re: Request for Lease Concessions as a result of COVID 19

Recommendation:

That Council provide staff direction on which option Council feels is most suitable to respond to requests for lease concessions by City of Kenora tenants impacted by restrictions connected to essential service and travel restrictions due to COVID 19.

Background:

In March 2020, the Province of Ontario started to impose restrictions on workplaces by declaring certain types of work activity as being deemed essential, or non-essential. This has led to some of the tenants who lease facilities or have land leases with the City of Kenora being unable to operate their businesses. In addition, some tenants whose business is dependent on tourists have also seen financial impacts due to travel restrictions, event cancellations or health related travel restrictions of customers all related to COVID 19 that have put pressure on their cash flow. City staff have been approached by several impacted tenants who have requested that City Council give some consideration to financial relief.

In preparation for this report, City staff have spoken to a local insurance broker to determine if business interruption coverage was an option for impacted companies. The response received was that because COVID 19 is considered an act of God, even if a company had business interruption insurance, insurers would not accept a claim.

City staff also looked at Federal programs such as the CECRA however the City as a landlord does not qualify for rent relief programs such as this.

City staff also polled other Treasurers in Ontario whose municipalities were faced with similar tenant requests in an effort to understand what options were being considered.

Based on the above and recognizing the City of Kenora's dependence on seasonal tourism, staff have developed the following options.

Options for Council's Consideration:

Option A

1. Status quo – no concessions.

Option B

Tenants operating 12 months per year impacted by closure due to non-essential business

1. **Waiver** of rent/lease payments for non-essential/travel restricted business or services (not operating) until the end of the month in which restrictions are lifted.

2. **Deferral** of rent/lease payments for non-essential businesses on a pro-rated basis starting April 1 and for a period of two or potentially three months depending on when the Province lifts non-essential service restrictions. Repayment of deferred rent/lease payments in equal installments over the last six months of 2020.
3. **Reduction** in monthly rent/lease by 50% **with deferral** and payments in equal installments over the last six months of 2020. (In recognition that the City continues to have operating costs involved with some of its facilities even in the event of closure)

Option C

Seasonal Business (Directly Related to Tourism)

Seasonal businesses that are City of Kenora tenants essentially operate for a three to four month period. While rent/lease is calculated on an annual basis, the companies are able to generate income on a shorter timeframe. With this in mind, the following options have developed.

1. **Waiver** of rent/lease payments for on a prorated basis dependent on the number of months of travel restrictions (Eg: one month of not operational equals 25% rent reduction, two months equals 50% rent reduction.) until the end of the month in which restrictions are lifted. (Supporting documentation would be required.)
2. **Deferral** of rent/lease payments. Repayment of deferred rent/lease payments in equal installments over the last six months of 2020.
3. **Reduction** in rent/lease tied to the reduction in income. For example, a 25% reduction in income for a particular month would result in a reduced rent/lease payment by 25%.

Note: In the event that a tenant were to receive financial support related to their rent/lease payments through a Provincial or Federal COVID financial support program, the expectation would be that the City of Kenora would be reimbursed for any amount waived rent/lease payment.

Staff are seeking Council direction to either support or amend this initiative, as appropriate.

Budget: Based on the worst case scenario (two months for seasonal and three for non-essential) the anticipated financial impact of \$55,000 to \$75,000.

Risk Analyses: As per the requirements in the City's ERM Policy, there is a risk to the community well-being if certain businesses are unable to manage through the financial challenges related to COVID.

Communication Plan/Notice By-law Requirements: Impacted tenants who have come forward prior to the May 19th, 2020 meeting of Council will be communicated to directly on Council's decision.

Strategic Plan or other Guiding Document:

This issue is tied to the Declaration of a State of Emergency by the Mayor.



May 1, 2020

City Council Committee Report

To: Mayor and Council

**Fr: Heather Pihulak, City Clerk
Stace Gander, Community Services Manager**

Re: Muse Board Bylaw

Recommendation:

That Council gives three readings to a bylaw to authorize a bylaw respecting the Muse Board; and further

That bylaw number 49-2019 be hereby repealed.

Background:

In April 2019 a report was brought to Council by the Museum Director to make changes to the bylaw which established the control and management of the Lake of the Woods Museum, add the new Art Centre, which ultimately consolidated the Board and renamed it to the Muse.

During the report amendment review, the Clerk's department noticed that many other areas of the bylaw needed to be updated to reflect current practice and reporting structures. The Clerk had already been reviewing other Board and Committees Terms of Reference and Governance models that needed updating with the new transparency legislation to ensure compliance with each Board & Committee.

The Clerk consulted with our solicitor to ensure that with the addition of the Art Centre that the Board could indeed be deemed one board and what that composition would look like. After this thorough review with our legal counsel it has been determined that the Muse Board bylaw needed to be completely rewritten as a municipal service board establishing the parameters of how that board is entitled to operate. Section 196 of the Municipal Act, 2001 authorizes municipalities to establish municipal service boards, and in particular section 198 thereof, provides that a municipality may give a municipal service board the control and management of such services and activities of the municipality as the municipality considers appropriate and shall do so by delegating the powers and duties of the municipality to the board in accordance with the Municipal Act, 2001, subject to any limits on and duties related to the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power.

Of particular concern it was important that the new bylaw reflected that Council retains ownership and control of all assets of the Muse and any disposal of assets is at the sole discretion of Council. This has been clarified within the new bylaw.

Under the new bylaw, while the Muse Board will draft and develop policies for the Muse, it will be Council that has the discretion for approvals of these policies based on recommendation of the Board and staff. This will be no different than any other Board

or Committee (outside of the Library which is regulated under an independent Act) which currently operates under Council's appointment policy.

It has been clarified that the Muse staff are City employees who report directly to the Manager of Community Services and have an administrative supporting relationship to the Board.

This bylaw clarifies that administration must work within the approved annual budget by Council for both capital and operating expenses and restricts any reserve spending to budget amendments, which include reports to Council that are approved through Council similar to other City departments.

Quorum requirements have been updated to reflect section 7 of the Municipal Conflict of Interest Act being a majority of the members of the Muse Board shall constitute a quorum.

While the intent of the new bylaw is to retain the guidance and recommendations of the Muse Board, Council needs to clarify and ensure that the department is in fact a City department which must follow the same policies and procedures as all other City departments and operate within annual allocated budgets.

Budget: N/A

Risk Analysis: There is a medium risk associated with this report. While the actual amendments themselves appear relatively administrative in nature, there is an elevated risk leaving the bylaw in the current state with existing wording. It increases the risk of disposal of assets, meetings that can be held with very few members in attendance which could result in decisions being made that is detrimental to the City. These changes are required to strengthen the security of Council and ensure the ultimate care and control of the Muse remains with Council.

Communication Plan/Notice By-law Requirements: Bylaw

Strategic Plan or other Guiding Document: Administrative

The Corporation of the City of Kenora

By-Law Number -- - 2020

A by-law to revise By-law 49-2019, being a by-law respecting The Muse Board

Whereas the *Municipal Act, 2001*, and in particular, section 196 thereof, authorizes municipalities to establish municipal service boards; and

Whereas the *Municipal Act, 2001*, and in particular section 198 thereof, provides that a municipality may give a municipal service board the control and management of such services and activities of the municipality as the municipality considers appropriate and shall do so by delegating the powers and duties of the municipality to the board in accordance with the *Municipal Act, 2001*, subject to any limits on and duties related to the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power;

Whereas Council by By-law 49-2019 established The Muse Board as a municipal service board to, subject to the limits established by Council, control and manage the Lake of the Woods Museum and the Douglas Family Art Centre and deems it advisable and expedient to revise this by-law and to continue The Muse Board under the provisions hereof;

Now Therefore the Council of The Corporation of the City of Kenora enacts as follows:

Definitions

1. In this By-law, unless the context requires otherwise,

“Art Centre” means the Douglas Family Art Centre;

“Board Member” means a member of The Muse Board;

“By-law” means this By-law, including its schedules;

“City” means The Corporation of the City of Kenora or, where referring to a geographic area, the City of Kenora;

“Council” means the council of the City;

“Museum” means the Lake of the Woods Museum;

“The Muse” means the facilities known as the Lake of the Woods Museum and the Douglas Family Art Centre; and

“The Muse Board” means the municipal services board established by By-law 49-2019 and continued hereunder.

Purpose

2. The Muse Board is continued as a municipal services board under section 196 of the *Municipal Act, 2001* to:
 - a) control and manage, subject to the limits established by Council, a museum, and in particular, the Lake of the Woods Museum, for the purpose of collecting, preserving, researching, exhibiting and interpreting the material culture, photographs and documents and artifacts of historical, scientific and cultural interest that serve to illustrate the human history of this region, including, without limitation, the region’s first people and the founding, settlement and development of Rat Portage, Kenora, Keewatin, Jaffray Melick and Lake of the Woods for the purpose of the education, enjoyment and entertainment of the public;
 - b) control and manage, subject to the limits established by Council, an art centre, and in particular, the Douglas Family Art Centre, for the purpose of collecting, preserving, researching, exhibiting and interpreting the visual arts as defined by the Exhibit Policy and Collections Management Policy of the Douglas Family Art Centre; and including without limitation, the following:
 - a. serving as a public exhibition centre for the visual arts, for the purposes of education, enjoyment and entertainment; and
 - b. promoting, presenting and encouraging activities in the visual arts;
 - c) serve as a resource centre for local and area history and matters related to the collection and presentation of the visual arts;
 - d) encourage interest, discussion, exchanges of views and ideas, appreciation and support of arts and history, and participation by the presentation of opportunities to engage in the foregoing; and to
 - e) provide a significant tourist attraction which will draw maximum use by the general public.

Property

3. All assets that are, subject to the limits established by Council, controlled and managed by The Muse Board are controlled and managed in trust and as agent for the City, which retains ownership of all such assets.
4. For the purpose of establishing, maintaining and operating the Muse, Lots 14, 15, 16 and part of Lot 13, Block 1, Plan 3 and the buildings, structures, equipment and other real and personal property thereon are, subject to the limits established by Council, placed by the City under the management and control of The Muse Board. Such real and personal property shall be used for a museum and an art centre complex and related parking.
5. The City shall remain the owner of all real and personal property placed, subject to the limits established by Council, under the management and control of The Muse Board.
6. Title to all real property acquired and all buildings and other structures and improvements constructed thereon for the purposes of the Muse shall be in the name of the City.
7. The eight parking spaces adjacent to the right-of-way abutting Lot 13 shall, subject to the limits established by Council, be controlled and managed by The Muse Board and all revenue from the rental of these spaces shall go directly to The Muse Board to advance its purposes.

Disposal of Assets

8. In the event that a decision is made by Council to permanently close the Lake of the Woods Museum in its entirety and/or the Douglas Family Art Centre in its entirety, The Muse Board shall make recommendations to Council as to the disposition of the assets of the facility to be permanently closed, with Council making the decision with respect to the disposition of such assets.
9. With respect to Lake of the Woods Museum assets, in the event that a decision is made to permanently close the Lake of the Woods Museum in its entirety, the Disposal of Assets Statement set out in Schedule "B" to this By-law (which was created solely to meet governance standards established by the Ministry of Tourism, Culture and Recreation) shall be applied to address the disposal of such assets.
10. With respect to Douglas Family Arts Centre assets, in the event a decision is made to permanently close the Douglas Family Art Centre in its entirety, Council may use the Disposal of Assets Statement set out in Schedule "B" to this By-law as a guideline to assist it in addressing the disposal of such assets.

Management and Control, Subject to the Limits Established by Council

11. Subject to the limits established by Council in this By-law and otherwise from time to time, the control and management of the Lake of the Woods Museum and the Douglas Family Art Centre is delegated to The Muse Board.
12. The Muse Board shall be governed by the constitution which is attached as Schedule "A" to this By-law.
13. The Muse Board shall formulate and recommend to Council policies and regulations relating to the operations of the Lake of the Woods Museum and the Douglas Family Art Centre. Council may, in its discretion, accept or reject such recommendations in whole or in part and no policies or regulations shall come into effect until approved by Council. Council may also formulate new policies and regulations independently and/or revoke policies and/or regulations. The Muse Board shall implement all policies and regulations approved by Council.
14. In accordance with subsection 391(1.1) of the *Municipal Act, 2001*, The Muse Board may impose fees or charges on persons for services or activities provided or done by or on behalf of The Muse Board; for costs incurred by it for goods or services or activities provided or done for participation in or admittance to any part of the Museum and/or the Art Centre's programs, services and facilities; and for the use of Museum and Art Centre property.
15. Persons employed for purposes of the Lake of the Woods Museum and/or the Douglas Family Art Centre are City employees and shall act in accordance with all City policies.
16. With respect to the Muse Director, notwithstanding that he or she consults with and assists The Muse Board, the Director of The Muse Board reports to the Manager of Community Services for the City. The Manager of Community Services for the City shall conduct annual performance reviews for The Muse Director, but, in doing so, will consider input provided by The Muse Board.
17. In accordance with the applicable City of Kenora Recruitment Policy (Policy #HR1-01 at the time of passage of this By-law), The Muse Board may participate in the recruitment process for the hiring of a qualified and competent Muse Director only. All other employees of the Muse are hired in accordance with Human Resources Policies of the City and The Muse Board will be made aware of the successful candidates.

Limits on Authority

- 18.** Notwithstanding any other provision in this By-law, The Muse Board is not authorized to do any of the following, all such authority remains solely with Council:
- a) incorporate, amalgamate with another entity, apply to continue under the laws of this or another jurisdiction, merge, consolidate or re-organize, whether statutorily or otherwise;
 - b) take any steps to permanently close the Lake of the Woods Museum and/or the Douglas Family Art Centre or to wind up or dissolve The Muse Board;
 - c) subject Muse assets to any lien, charge, encumbrance or security interest;
 - d) guarantee any indebtedness of any person;
 - e) incur any debts, liabilities or obligations that have not been approved by Council through its budget process;
 - f) expend any of The Muse reserve funds;
 - g) expend any monies raised through Muse fundraising efforts;
 - h) acquire any property, except in the name of the City;
 - i) acquire any real property or sell or otherwise transfer or dispose of any real property; or
 - j) subject to the limits established by Council from time to time, sell or otherwise dispose of any personal property that is under the management or control of The Muse Board, other than items such as souvenirs and used office equipment sold or disposed of in the ordinary course of business.
- 19.** The Muse Board shall not incur, or purport to incur, any debt, liability or obligation on behalf of The Muse Board or the City, without having previously obtained the consent of Council to do so.
- 20.** The Muse Board acts as a whole and no member of The Muse Board has authority to incur, and shall not purport to incur, any debt, liability or obligation on behalf of The Muse Board or the City, without having previously obtained the consent of The Muse Board or Council, as the context requires.

Reporting to Council

21. The Muse Director, on behalf of The Muse Board, shall, through the Manager of Community Services, submit an annual operating and capital budget to Council for its approval and all expenditures made by The Muse Board shall be expenses approved by Council through the budget process, unless Council expressly and in writing approves otherwise.

Board Minutes

22. The City shall designate a person to be responsible for the recording of Board minutes.
23. The official copy of the minutes and financial records of The Muse Board shall be delivered by The Muse Director to the City Clerk for safekeeping and shall be stored at City Hall, 1 Main Street South, Kenora, ON, or at such other location as Council may require. A copy of the minutes and the financial records may be stored at the Lake of the Woods Museum at 300 Main Street South, Kenora, ON, and/or at such other location as Council may require.
24. The Muse Board shall, without undue delay, submit to Council all open and closed minutes and resolutions from meetings of The Muse Board and an audited statement.

Members of The Muse Board and Terms of Office

25. The Muse Board shall consist of nine (9) members appointed or re-appointed by Council, one of whom shall be a Member of Council appointed to represent Council. For greater certainty, a Member appointed by Council is a voting member of The Muse Board.
26. All appointments are at the pleasure of Council, and in no case shall an appointment be for a term of more than four (4) years.
27. Notwithstanding section 26, a Board Member may be re-appointed to The Muse Board for more than one term.
28. Unless Council provides otherwise, Muse Board Member appointments and re-appointments shall be in accordance with the City's Boards & Committees Policy, subject to any modification, to the extent necessary, required in order to comply with the appointment restrictions established in section 196 of the *Municipal Act, 2001* and this By-law.
29. In addition to meeting the criteria established in the City's Boards and Committees Policy, Muse Board Members must be members in good standing of the Muse.

30. Muse Board Member appointments may, at any time, be revoked at the pleasure of Council.
31. Any member of The Muse Board may terminate his or her term on The Muse Board by submitting his or her resignation in writing to the Chair and the Vice-Chair of the Board. Within seven (7) days of receipt of such resignation, shall be forwarded to the City Clerk.
32. Unless Council provides otherwise, meeting attendance requirements for Muse Board Members and consequences for absences from such meetings shall be in accordance with the City's Boards & Committees Policy.
33. Vacancies on The Muse Board shall be filled in accordance with the City of Kenora's Boards and Committees Policy and this By-law. For greater certainty, decisions respecting the filling of vacancies rest solely with Council.
34. Board member time, knowledge, and resources are valued and important contributions to the Muse. Members of The Muse Board are under a duty to attend Muse events and to support Muse fundraising efforts.
35. The Muse Director, while not a member of The Muse Board (and, thus, having no voting rights), shall attend Board Meetings, open and closed, to provide support to The Muse Board at such meetings.
36. The Manager of Community Services of the City, while not having voting rights, may attend all meetings, open and closed, of The Muse Board.

Officers

37. The Muse Board shall appoint a Chair, Vice-Chair, and a Secretary-Treasurer and may appoint such committee members to sub-committees as are required to carry out The Muse Board's mandate.

Signing Authority

38. Each of the Chair, the Vice-Chair, the Secretary-Treasurer, the Muse Director and the Manager of Community Services of the City shall have signing authority for The Muse Board for the duration of their respective appointments to these positions. For greater certainty, such authority shall expire upon such person's resignation or upon the expiration of such person's term.
39. Two persons with signing authority, with one to be the Chair, the Vice Chair or the Secretary-Treasurer and the other to be the Muse Director or the Manager of Community Services for the City, are required to sign any document on behalf of

The Muse Board or to otherwise bind The Muse Board to any commitment or obligation.

Meetings

40. A minimum of nine (9) Muse Board meetings shall be held annually.
41. The Muse Board may hold its meetings at such time and place as it may from time to time determine.
42. The Muse Board Chair shall preside at all meetings. In the event of the Chair's absence, the meeting shall be presided over by the Vice-Chair.
43. Special or emergency Muse Board meetings may be called by the Chair, on his or her own initiative, at the request of any Muse Board Member, or at the request of the Muse Director and notice of the meeting shall be telephoned or electronically sent to each Muse Board Member, to the Muse Director and Manager of Community Services not less than three (3) days before the requested meeting.
44. A Muse Board meeting must be called if a requisition is signed by at least three (3) members of the Board.
45. In extenuating circumstances, the Chair of The Muse Board may call a meeting on shorter notice than the time period prescribed in section 43.
46. Reasons for the calling of the special or emergency meeting, including why it is being called on short notice, if applicable, shall be provided by the Chair with the notice of the calling of the meeting.
47. Unless otherwise provided in this By-law or in the Constitution of The Muse Board, meetings shall be conducted according to the most recent edition of *Robert's Rules of Order Newly Revised*.

Quorum

48. Subject to section 7 of the *Municipal Conflict of Interest Act*, a majority of the members of the Muse Board shall constitute a quorum.
49. Meetings may be held and motions may be voted upon in person or by electronic means. With respect to an electronic vote, such vote must be approved by The Muse Board in advance of the vote.

Remuneration

- 50. All Muse Board Members shall act in all of their capacities with The Muse Board without remuneration.
- 51. Board Members may be reimbursed for reasonable expenses incurred by them on behalf of The Muse Board, provided that such expenses were incurred in good faith for the purposes of The Muse Board and such expenses are authorized in the budget of The Muse Board.

Board Member Conduct

- 52. Members of The Muse Board shall carry out their duties in good faith and with the best interests of The Muse Board in mind.
- 53. With regards to their conduct, in addition to this By-law and The Muse Board Constitution, Board Members are governed by all applicable laws and policies, including but not limited to the *Municipal Conflict of Interest Act*, Part V.1 of the *Municipal Act, 2001* and the Code of Conduct of the City for members of council and local boards.

Amendments to the Bylaw

- 54. The Muse Board may, by resolution, authorize requests to the Council for amendments to this By-law. The Council, after considering such requests, may determine, in its discretion, to approve or deny any such requests, in whole or in part.

Repeal

- 55. When this By-law to revise By-law 49-2019 comes into effect, By-Law Number 49-2019 is repealed.

Effective Date

- 56. This By-law shall come into force and take effect on the final passing hereof.

By-law read a First & Second Time this --- day of May, 2020

By-law read a Third & Final Time this --- day of May, 2020

The Corporation of the City of Kenora:

Daniel Reynard, Mayor

Heather L. Pihulak, City Clerk

Schedule “A”

The Muse Board Constitution

1. Name and Location

- i. The Muse is comprised of the Lake of the Woods Museum and the Douglas Family Art Centre and is governed by a municipal services board established by The Corporation of the City of Kenora (the “City”) and known as The Muse Board.
- ii. The Muse is located on the traditional territory of the Anishinaabeg, dating back over 8,000 years. It is land covered by Treaty #3, signed October 3, 1873, and the Treaty Adhesion signed by the Métis in 1875.
- iii. The operations of the Muse are to be primarily carried out in the City of Kenora and the surrounding area.

2. Purpose

The purposes of The Muse Board are to:

- a) control and manage, subject to the limits established by Council, a museum, and in particular, the Lake of the Woods Museum, for the purpose of collecting, preserving, researching, exhibiting and interpreting the material culture, photographs and documents and artifacts of historical, scientific and cultural interest that serve to illustrate the human history of this region, including, without limitation, the region’s first people and the founding, settlement and development of Rat Portage, Kenora, Keewatin, Jaffray Melick and Lake of the Woods for the purpose of the education, enjoyment and entertainment of the public;
- b) control and manage, subject to the limits established by Council, an art centre, and in particular, the Douglas Family Art Centre, for the purpose of collecting, preserving, researching, exhibiting and interpreting the visual arts as defined by the Exhibit Policy and Collections Management Policy of the Douglas Family Art Centre; and including without limitation, the following:
 - a. serving as a public exhibition centre for the visual arts, for the purposes of education, enjoyment and entertainment; and

- b. promoting, presenting and encouraging activities in the visual arts;
- c) serve as a resource centre for local and area history and matters related to the collection and presentation of the visual arts;
- d) encourage interest, discussion, exchanges of views and ideas, appreciation and support of arts and history, and participation by the presentation of opportunities to engage in the foregoing; and to
- e) provide a significant tourist attraction which will draw maximum use by the general public.

3. Responsibilities of The Muse Board

The Muse Board is an agent of The Corporation of the City of Kenora (the “City”) and was established as a municipal services board by by-law of the Council of the City. The assets of the Muse are owned by the City.

In addition to the duties and responsibilities set out in the by-laws of the City authorizing the establishment of The Muse Board and which relate to the control and management of the Muse by The Muse Board, The Muse Board shall, subject to the limits established by Council, be responsible for all of the following with respect to the control and management of the Muse:

- a) developing, evolving and pursuing the vision and mission of the organization;
- b) creating an organizational strategic plan and overseeing achievement of organizational goals;
- c) promoting and executing good governance through accountability and stewardship, Muse Board recruitment, education and development;
- d) cultivating and maintaining positive governmental relations;
- e) pursuing and maintaining financial sustainability;
- f) recommending policies and regulations;
- g) providing legal, regulatory and fiduciary oversight;
- h) recommending Terms of Reference for all standing and ad hoc committees to Council for Council’s consideration;

- i) reviewing and considering recommendations from the standing and ad hoc committees;
- j) ensuring that Muse Board Members have the necessary skills and practices to fulfill their functions and responsibilities; and
- k) contributing to the management and performance of the Muse Director.

4. Standing Committees

Subject to Council approval of their establishment and their Terms of Reference, The Muse Board may establish the following three (3) Standing Committees:

1. the Museum Advisory Committee - See Schedule "C" for Terms of Reference
2. the Art Centre Advisory Committee - See Schedule "C" for Terms of Reference
3. the Indigenous Advisory Committee - See Schedule "C" for Terms of Reference

Council may, in its discretion, revoke its approval of a Standing Committee, require it to be disbanded and/or require any changes to its Terms of Reference.

5. Additional Committees

Subject to Council approval of their establishment and their Terms of Reference, additional ad hoc committees may be established by The Muse Board and:

- a) each committee of The Muse Board shall develop and function in accordance with their respective objectives and regulations according to the Terms of Reference established and approved by Council; and
- b) there shall be a minimum of one (1) Muse Board Member on each committee.

Council may, in its discretion, revoke its approval of any ad hoc committee, require it to be disbanded and/or require any changes to its Terms of Reference.

6. Finances

- a) The financial year of The Muse Board shall be from January 1 to December 31.
- b) The financial accounts of The Muse Board shall be audited by auditors appointed by the City at the time that the other City accounts are being examined. A copy of the audited financial statements shall be provided to the City Treasurer, without undue delay, upon approval by The Muse Board.
- c) The Muse Board shall be carried on without purpose of gain for its members.

7. Code of Conduct

- a) Each member of The Muse Board shall adhere to the highest standards of ethical and professional conduct required of persons representing the public, the City and The Muse Board and, without limiting the generality of the foregoing, each member of The Muse Board shall adhere to the Code of Conduct of the City that governs members of council and members of local boards.
- b) Although a member of The Muse Board may comment on or disagree with any topic, issue and direction taken by the Board within a meeting of The Muse Board, once a decision is made by The Muse Board, in the interests of public relations and public confidence in The Muse Board, any and all comments made outside the confines of the Board's meetings should be supportive and should not undermine the credibility and reputation of The Muse Board or the City.
- c) The Chair of The Muse Board or, alternatively, the Muse Director shall be the sole spokesperson in any cases of public comment, reports to the media, and public presentations beyond standard committee reports. The Chair may delegate this responsibility to anyone as circumstances dictate or as the occasion may arise.
- d) Muse Board Members shall comply with the policies of the Muse and all applicable law, including the *Municipal Conflict of Interest Act*, the *Municipal Act, 2001*, the *Municipal Freedom of Information and Protection of Privacy Act*, and all other relevant federal, provincial and municipal legislation.

8. Public Accessibility and Confidentiality

- a) Meetings of The Muse Board are deemed "public".
- b) Consistent with section 239 of the *Municipal Act, 2001*, any meeting may move in-camera, or be closed to the public when the subject involves:
 - i. the security of the property of the City or The Muse Board;

- ii. personal matters about an identifiable individual, including municipal or Muse Board employees;
 - iii. a proposed or pending acquisition or disposition of land;
 - iv. labour relations or employee negotiations;
 - v. litigation or potential litigation, affecting the City or The Muse Board;
 - vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
 - vii. a matter in respect of which a Council, Board or committee or other body may hold a closed meeting under another Act.
- c) In addition, a meeting of The Muse Board or a Muse Board committee may be closed to the public if the following conditions are both satisfied:
- i. the meeting is held for the purpose of educating or training the members; and
 - ii. at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of The Muse Board or Muse Board committee.
- d) Minutes of decisions only shall be recorded and maintained of all in-camera sessions and may be approved at any subsequent open meeting of The Muse Board.

9. Amendments to the Constitution

The Muse Board shall complete a comprehensive review of the Constitution every four (4) years and shall make recommendations to Council regarding amendments to the Constitution.

Any amendments to the Constitution recommended by The Muse Board must be ratified by Council by bylaw before they come into force and effect.

Schedule “B”

Disposal of Assets Statement for the Lake of the Woods Museum

This Disposal of Assets Statement was created solely to meet governance standards established by the Ministry of Tourism, Culture and Recreation.

In the event that a decision is made to permanently close the Lake of the Woods Museum in its entirety, this Disposal of Assets Statement sets out how the City will dispose of the Lake of the Woods Museum collection of historically significant assets and of funds that were specifically designated for collection, acquisition and development.

1. General

The City and The Muse Board, the City's agent, will proceed as follows to implement this Disposal of Assets Statement.

Every effort shall be made to ensure that historical objects, archival material and heritage structures remain in the public domain.

The City and The Muse Board shall attempt to transfer all assets to another governmental or not-for-profit agency located in the Kenora area, whose mandate is consistent with that of the Lake of the Woods Museum.

The City and The Muse Board shall seek a successor agency that will carry out its responsibilities at a level consistent with generally accepted museological standards, with the Ministry of Tourism, Culture and Recreation Community Museum Standards at the applicable time intended to serve as a minimum standard.

The new organization shall be required to meet all requirements of municipal, provincial and federal regulations governing the operation of museums.

The City and The Muse Board shall not approve disposals directly to a City employee, a former City employee, a member of The Muse Board, a former Member of The Muse Board, a member of any Muse Board Committee or Advisory Board, a member or former member of City Council, a Muse Board volunteer, or the family members or other representatives of such persons.

The City and The Muse Board shall not sell the museum collection to reduce liabilities prior to transfer to another agency.

2. Historical Objects

The disposal of historical objects, everything else being equal, shall proceed in the following preferred order:

- a) transfer of the museum collection in total to another governmental or not-for-profit agency;
- b) donation of collections of objects to other publicly funded museums and related repositories;
- c) donation of individual objects to other publicly funded museums and related repositories;
- d) sale by public auction.

For those objects that were accepted into the Muse's collection with conditions attached by the donor, a thorough search of collection records shall be completed to identify such conditions so that every reasonable effort can be made to ensure that such conditions are honoured by the City, The Muse Board and/or any successors.

Objects originally acquired with the financial assistance of government grants or funding programs shall be gifted only to other public agencies.

Upon approval of a recommendation to dispose of parts of a collection and/ or individual objects, the City and The Muse Board shall make public, through the appropriate professional museum associations, a list of items to be disposed of that may be of significance to another institution. Such notice shall be made at least two months in advance of the proposed date of disposal.

Disposals to museums and related repositories shall only be considered if those repositories meet a level consistent with generally accepted museological standards, with the Ministry of Tourism, Culture and Recreation Community Museum Standards at the applicable time intended to serve as a minimum standard.

The City and The Muse Board shall not dispose of historical objects by returning them to the original donors as a gift; however, the original donor may purchase the object(s) at current fair market value at public auction should a sale occur.

For objects being sold at public auction, the City and The Muse Board shall seek tenders for the sale of the objects by reputable auctioneers. The City and The Muse Board shall ensure that the place, date and time of any sale(s) at which objects from The Muse Board's collection are being sold are widely advertised.

All monies realized from the sale of disposed historical objects shall be deposited in a reserve fund, to be administered by the City.

The City and The Muse Board shall not transfer or donate objects which pose a threat or risk to others without first advising the receiver of the risk. The Muse Board and the City shall not sell objects at public auction which pose a threat or risk to others.

Prior to disposing of an object, other than transferring the entire Lake of the Woods Museum collection to another agency, accession numbers shall be removed from all objects.

Disposals shall adhere to all applicable municipal, provincial and federal laws and international agreements and treaties.

3. Structures

The City and The Muse Board and respective successors shall honour any heritage designation or easement affixed to real property, including structures, and, should it be deemed necessary and advisable to do so, the City and The Muse Board shall seek a registration of a restrictive covenant or notice on the title of the designated heritage structure(s) which is to be transferred in order to protect against demolition and to ensure that changes made to the structure respect the historical integrity of the building.

All monies realized from the sale of disposed heritage structures shall be deposited in a reserve fund, to be administered by the City.

4. Heritage Accounts

All monies in the Lake of the Woods Museum's Heritage Account and Collection and Exhibition Development Fund shall be deposited in a reserve fund, to be administered by the City.

**Schedule “C”
To Bylaw Number 49-2019**

Art Centre Advisory Committee – Terms of Reference

Museum Advisory Committee – Terms of Reference

Indigenous Advisory Committee – Terms of Reference

The Corporation of the City Of Kenora

By-Law Number 49 – 2019 EXISTING BYLAW

A By-Law to Ratify the Control and Management of the Lake of the Woods Museum and the Douglas Family Art Centre, Consolidated and known as 'The Muse'

Whereas the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to establish Municipal Service Boards; and

Whereas the Municipal Act, 2001, S.O. 2001, c. 25, as amended, Section 198, provides for the control and management of such services and activities of the municipality and delegates the powers and duties of the municipality to the board in accordance with the Act; and

Whereas Council deems it appropriate to provide for the control and management of the Muse, Comprised of the Lake of the Woods Museum and the Douglas Family Art Centre under the powers and limitations contained within limiting to the effect outlined within the Municipal Act;

Now Therefore the Council of the Corporation of the City of Kenora enacts as follows:

Definitions

"Art Centre" – shall be understood to be the Douglas Family Art Centre

"The Muse" – shall be comprised of the operation and buildings of the Lake of the Woods Museum and the Douglas Family Art Centre

"Museum" – shall be understood to be the Lake of the Woods Museum

Purpose

1. That the Muse, comprised of the Lake of the Woods Museum and the Douglas Family Art Centre has been created to:
 - a) Maintain a museum for the purpose of collecting, preserving, researching, exhibiting and interpreting the material culture, photographs and documents that best serve to illustrate the human history of this area, including the region's first people and the founding, settlement and development of Rat Portage, Kenora, Keewatin, Jaffray Melick and Lake of the Woods for the purpose of education, enjoyment and entertainment.
 - b) Maintain an art centre for the purpose of collecting, preserving, researching, exhibiting and interpreting the visual arts as defined by the Exhibit Policy and Collections Management Policy of the Douglas Family Art Centre.
 - c) Serve as a public exhibition centre for the visual arts, for the purposes of education, enjoyment and entertainment.
 - d) Promote, present and encourage activities in the visual arts.
 - e) Serve as a resource centre for local and area history and matters related to the organization's visual arts collection and presentation.
 - f) Encourage interest, appreciation and support of arts and history, and participation by presenting opportunities to engage, provoke and enrich.

- g) Provide a significant tourist attraction which will encourage maximum use by the general public.

Property

2. That for the purpose of establishing and maintaining a museum and art centre, the Corporation of the City of Kenora will provide Lots 14, 15, 16 and part of Lot 13, Block 1, Plan 3 and the buildings thereon for the use of a museum and art centre complex, grounds and parking.
3. That the eight parking spaces adjacent to the right-of-way abutting Lot 13 are under the control and management of the Board and all revenue from the rental of these spaces go directly to the Muse.

Disposal of Assets Statement

4. That within the Governance Standards established by the Ministry of Tourism, Culture and Recreation, in the event a decision is made to permanently close the Lake of the Woods Museum and/or the Douglas Family Art Centre, Schedule B to this bylaw will address such disposal of assets.

Management and Control

5. That the direction, control and management of the museum and art centre shall be vested in the Muse Board appointed the Council of the City of Kenora, in accordance with the City's Boards & Committees Policy.
6. That the name of this Board shall be The Muse Board.
7. That this Board shall be governed by a constitution attached herein as Schedule "A".
8. That subject to the approval of Council, the Board shall formulate policies, rules, and regulations relating to the Museum and the Art Centre.
9. In Accordance with the Municipal Act, 2001, S.O. 2001, as amended, section 391 (1.1) the Board may impose fees or charges on persons for services or activities provided or done by or on behalf of the Board; for costs payable by it for services or activities provided or done by for participation in or admittance to any part of the museum and Art Centre's programs, services and facilities; and for the use of its property including property under the Boards control.
10. That employees of the Lake of the Woods Museum and the Douglas Family Art Centre are City of Kenora employees and act in accordance with all City of Kenora policies. The Director of the Muse reports to the Board and the Manager of Community Services for the City of Kenora. The Board in partnership with the Manager of Community Services shall conduct annual performance reviews for the Director only.
11. In accordance with the City of Kenora Recruitment Policy #HR1-01, the Board may participate in the recruitment process of a qualified and competent Museum Director

only. All other employees of the Muse are hired in accordance with Human Resources Policies and the Board will be made aware of the successful candidates.

Board Membership

12. The Muse Board shall consist of nine (9) members appointed by the Council of the City of Kenora for a term at the pleasure of Council. Of these nine members, one member must be a member of Council, representing the Council of the City of Kenora.
13. Applicants must meet the criteria established in the City of Kenora Boards and Committees Policy, and in addition to:
 - a) Board members must be in members in good standing of the Muse.
14. Board members may serve a maximum of two (2) consecutive terms and may be reappointed to the Board following a waiting period of one (1) year.
15. Any member may terminate their term on the Board by submitting their resignation in writing to the Chair and the Vice-Chair of the Board.
16. Vacancies on the Board shall be filled in accordance with the City of Kenora's Boards and Committees Policy.
17. Board members should attempt to attend The Muse events and support fundraising efforts and should be aware that their time and resources are valued contributions to the organization.
18. The Director shall be a support member of the Board with no voting rights.

Term of Office

19. That Board Members shall be appointed in accordance with the City of Kenora Boards & Committees Policy.
20. A Board member who misses three (3) consecutive meetings without notice or apology or who misses (5) meetings throughout the year will be deemed to have resigned from the Board and a replacement member will be sought.

Officers

21. That the Board shall appoint a Chairperson, Vice-Chairperson, and a Secretary-Treasurer, and may appoint such committee members to sub-committees as required to carry out the Board's mandate. Each of these officers shall have signing authority for the museum and the art centre for the duration of their appointment and shall expire upon resignation or expiration of their term.

Meetings

22. A minimum of nine (9) Board meetings will be held annually.
23. The Board may hold its meetings at such time and place as it may from time to time determine

24. The Chair shall preside at all meetings. In the event of the Chair's absence, the meetings shall be presided over by the Vice-Chair.
25. Special or emergency Board meetings may be called by the Chair at the request of any Board member or the Director and notice of the meeting shall be telephoned or electronically sent to each Board member not less than three (3) days before the requested meeting. A board meeting must also be called if a requisition is signed by at least three (3) members of the Board. In extenuating circumstances the Chair may call a meeting on shorter notice, upon consultation with members of the Board. The reason for the meeting shall be provided by the Chair.

Meetings shall be conducted according to Robert's Rules of Order Revised, where not consistent with this Constitution.

Quorum

26. That a majority of the members of the Board shall constitute a quorum.
27. Motions may be voted upon in person or by other electronic means as approved by the Board, in advance of the vote.

Reporting to Council

28. That the Museum Director, on behalf of the Muse Board, shall submit an annual operating and capital budget to Council for their approval.
29. The Director, or designate, will be responsible for the maintenance of the minutes of the Board.
30. A copy of the minutes and the financial records will be stored at the Lake of the Woods Museum at 300 Main Street South, Kenora, ON.
31. That the Board shall submit to Council, all minutes and resolutions from meetings and an audited statement.

Remuneration

32. That all Board Members shall act in their various capacities without remuneration.

Act in Good Faith

33. That in carrying out the provisions of this By-law, the Board shall at all times be the agent of the City of Kenora and while acting in good faith within the limits of the authority of this By-law, the Board and any member thereof, shall not incur any liability by reason of anything done or left undone by the Board; provided, however, that nothing in this paragraph shall authorize or empower the Board to incur any debt, liability, or obligation for which the City shall become liable without having previously obtained the consent of Council.

Amendments to the Bylaw

- 34. That any changes to this By-law must be approved by the Muse Board and referred to City Council for approval.
- 35. That By-Law Numbers 80-2000, 74-2002 and 106-2008 be and is hereby repealed.
- 36. That this By-Law shall come into force and effect upon the approval of Council.

By-law read a First & Second Time this 16th day of April, 2019

By-law read a Third & Final Time this 16th day of April, 2019

The Corporation of the City of Kenora:

Daniel Reynard, Mayor

Heather L. Pihulak, City Clerk

**Schedule “A”
To Bylaw Number 49 – 2019**

The Muse Board Constitution

1. Name and Location

- i. The name of the organization is The Muse and is comprised of The Lake of the Woods Museum and The Douglas Family Art Centre.
- ii. The Muse is located on the traditional territory of the Anishinaabeg, dating back over 8,000 years. It is land covered by Treaty #3, signed October 3, 1873, and the Treaty Adhesion signed by the Métis in 1875.
- iii. The operations of The Muse are to be chiefly carried out in the city of Kenora and the surrounding area.

2. Purpose

The purposes of The Muse are to:

- a) Maintain a museum for the purpose of collecting, preserving, researching, exhibiting and interpreting the material culture, photographs and documents that best serve to illustrate the human history of this area, including the region’s first people and the founding, settlement and development of Rat Portage, Kenora, Keewatin, Jaffray Melick and Lake of the Woods for the purpose of education, enjoyment and entertainment.
- b) Maintain an art centre for the purpose of collecting, preserving, researching, exhibiting and interpreting the visual arts as defined by the Exhibit Policy and Collections Management Policy of the Douglas Family Art Centre.
- c) Serve as a public exhibition centre for the visual arts, for the purposes of education, enjoyment, and entertainment.
- d) Promote, present and encourage activities in the visual arts.
- e) Serve as a resource centre for local and area history and matters related to the organization’s visual arts collection and presentation.
- f) Encourage interest, appreciation and support of arts and history, and participation by presenting opportunities to engage, provoke and enrich.
- g) Provide a significant tourist attraction which will encourage maximum use by the general public.

3. Responsibilities of the Board

The Muse is owned by the Corporation of the City of Kenora and was established by-law of the Council of the City of Kenora.

The Board shall be responsible for:

- a) Developing, evolving and pursuing the vision and mission of the organization.
- b) Creating an organizational strategic plan and overseeing achievement of organizational goals.
- c) Promoting and executing good governance through accountability and stewardship, Board recruitment, education and development.
- d) Cultivating and maintaining positive governmental relations.
- e) Pursuing and maintaining financial sustainability.
- f) Establishing and approving policy.
- g) Providing legal, regulatory and fiduciary oversight.
- h) Managing board and committee recruitment and succession.
- i) Establishing Terms of Reference for all standing and ad hoc committees.
- j) Deliberating and making decisions on recommendations from the standing and ad hoc committees.
- k) Ensuring that Board members have the necessary skills and practices to fulfill their functions and responsibilities.
- l) Contributing to the performance management of the Director.

The Board may delegate any of its responsibilities to the committees which shall function within any reasonable requests or regulations approved by The Board.

4. Standing Committees

There shall be three (3) Standing Committees:

1. The Museum Advisory Committee - See Schedule C Terms of Reference
2. The Art Centre Advisory Committee - See Schedule C for Terms of Reference
3. The Indigenous Advisory Committee - See Schedule C for Terms of Reference

5. Additional Committees

Additional ad hoc committees may be formed as The Board requires.

- a) Each committee of The Board shall develop and function in accordance with their respective objectives and regulations according to the Terms of Reference established and approved by The Board.
- b) There shall be a minimum of one (1) Board member on each committee.

6. Finances

- a) The financial year shall be from January 1 to December 31.
- b) The financial accounts of the Board shall be audited by auditors appointed by the City of Kenora at the time that the other City accounts are being examined. A copy of the audited financial statements shall be provided to the City Treasurer upon approval by The Muse Board.

- c) The Muse shall be carried on without purpose of gain for its members, and profits to The Muse shall be used for the betterment of the organization.

7. Code of Conduct

- a) Each member of The Board shall adhere to and practice the highest standards of ethical and professional conduct required of persons representing the public, the Corporation of the City of Kenora and The Muse.
- b) Although a member of The Board may comment on or disagree with any topic, issue and direction taken by The Board within a meeting of The Board, once a decision is made by The Board, in the interests of public relations and public confidence in The Board and The Muse, any and all comments made outside the confines of the meetings should be supportive and not undermine the credibility and reputation of The Muse.
- c) The Chair of The Board or the Director shall be the sole spokesperson in any cases of public comment, reports to the media, and public presentations beyond standard Committee reports. The Chair may delegate this responsibility to anyone as circumstances dictate or as the occasion may arise.
- d) Board members shall comply with The Muse policies, as well as with the Municipal Conflict of Interest Act, the Municipal Freedom of Information and Protection of Privacy Act, and all other relevant federal, provincial and municipal acts and regulations.

8. Public Accessibility and Confidentiality

- a) Meetings of the Board are deemed “public”.
- b) Any meeting may move in camera, or be closed to the public when the subject involves:
 - i. The security of the property of the municipality or The Board.
 - ii. Personal matters about an identifiable individual, including municipal or Board employees.
 - iii. A proposed or pending acquisition or disposition of land by the municipality or Board.
 - iv. Labour relations or employee negotiations.
 - v. Litigation or potential litigation, affecting the municipality or Board.
 - vi. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
 - vii. A matter in respect of which a Council, Board or committee or other body may hold a closed meeting under another Act.
- c) In addition, a meeting of The Board or a committee may be closed to the public if the following conditions are both satisfied:
 - i. The meeting is held for the purpose of educating or training the members.
 - ii. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of The Board or committee.
- d) Minutes of decisions only shall be recorded and maintained of all in camera sessions and may be approved at any subsequent open meeting of The Board.

9. Amendments to the Constitution

Amendments to the Constitution may be affected at any meeting of the Board by 2/3 majority vote of The Board members, provided that notice of a proposed amendment shall have been given to each Board member in writing thirty (30) days in advance.

The Board shall complete a comprehensive review of the Constitution every four (4) years and amendments may be made from time to time by The Board and ratified by the City Council by bylaw.

**‘Schedule B’
To Bylaw Number 49-2019**

Disposal of Assets Statement

That in the event a decision is made to permanently close the Lake of the Woods Museum, the following shall apply to the disposal of the collection, other historically significant assets, and funds specifically designated for collection acquisition and development:

1. General

Every effort shall be made to ensure that historical objects, archival material and heritage structures remain in the public domain.

The Board and the City shall attempt to transfer all assets to another governmental or not-for-profit agency located in the area, whose mandate is consistent with the Lake of the Woods Museum's. The Board and the City shall seek a successor agency that shall carry out its responsibilities at a level consistent with generally accepted museological standards; the currently held Ministry of Tourism, Culture and Recreation Community Museum Standards shall serve as a minimum standard. The new organization shall be required to meet all requirements of municipal, provincial and federal regulations governing the operation of museums.

The Board and the City shall not approve disposals directly to a city employee, a former member of the city's staff, a member of the Museum Board or Advisory Board, a member of City Council, a museum volunteer, or the families or other representatives of such persons.

The Board and the City shall not sell the museum collection to reduce liabilities prior to transfer to another agency.

2. Historical Objects

The disposal of historical objects shall proceed as follows:

- a) Transfer of the museum collection in total to another governmental or not-for-profit agency.
- b) Donation of collections of objects to other publicly funded museums and related repositories.
- c) Donation of individual objects to other publicly funded museums and related repositories.
- d) Sale by public auction.

For those objects that were accepted into the Lake of the Woods Museum's collection with conditions attached by the donor, a thorough search of collection records shall be completed to identify such conditions so they can be honoured by the Board and the City and/ or its successor.

Objects originally acquired with the financial assistance of government grants or funding programs shall be gifted only to other public agencies.

Upon approval of a recommendation to dispose of parts of a collection and/ or individual objects, the Board and the City shall make public through the appropriate professional museum associations, a list of items to be disposed of that may be of significance to another institution.

This notice shall be made two months in advance of the proposed date of disposal. Disposals to museums and related repositories shall only be considered if those repositories meet a level consistent with generally accepted museological standards; the currently held Ministry of Tourism, Culture and Recreation Community Museum Standards shall serve as a minimum standard.

The Board and City shall not dispose of historical objects by returning them to the original donors as a gift; however, the original donor may purchase the object(s) at current fair market value at public auction should a sale occur.

For objects being sold at public auction, the Board and the City shall seek tenders for the sale of the objects by reputable auctioneers. The Board and the City shall ensure that the place, date and time of any sale(s) at which objects from the Lake of the Woods Museum's collection are being sold, are widely advertised.

All monies realized from the sale of disposed historical objects shall be deposited in a reserve fund, to be administered by the City of Kenora.

The Board and the City shall not transfer or donate objects which pose a threat or risk to others without first advising the receiver of the risk. The Board and the City shall not sell objects at public auction which pose a threat or risk to others.

Prior to disposing of an object, other than transferring the entire collection to another agency, accession numbers shall be removed from all objects.

Disposals shall adhere to the applicable provincial and federal laws and international agreements and treaties.

3. Structures

The Board and the City and its successors shall honour any heritage designation or easement affixed to buildings and real property. The Board and the City shall seek a registration of a restrictive covenant or notice on the title of the designated heritage structures which it seeks to dispose, to protect against demolition and to ensure that changes made to the structure respect the historical integrity of the building.

All monies realized from the sale of disposed heritage structures shall be deposited in a reserve fund, to be administered by the City of Kenora.

4. Heritage Accounts

All monies in the museum's Heritage Account and Collection and Exhibition Development Fund shall be deposited in a reserve fund, to be administered by the City of Kenora.

'Schedule C'
To Bylaw Number 49-2019

Art Centre Advisory Committee – Terms of Reference
Museum Advisory Committee – Terms of Reference
Indigenous Advisory Committee – Terms of Reference



April 29, 2020

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Manager Development Services
Melissa Shaw, Planning Analyst

Re: Application for Site Plan Approval – 3 Woods Drive

File No.: D11-17-04

Owners: 2672342 Ontario Inc.

Recommendation:

That the Mayor and Clerk be hereby authorized to execute a site plan agreement between the City of Kenora and 2672342 Ontario Inc. to allow for the development of a 30 unit apartment dwelling, all associated facilities; and further

That the appropriate bylaw be passed for this purpose; and further

That bylaw 55-2020 be hereby repealed.

Background:

On March 31, 2020 the City of Kenora passed by-law 22-2020 to amend a Site Plan Agreement previously approved under By-law 16-2020 to enter into Site Plan Agreement with 2672342 Ontario Inc. and Bank of Montreal for the construction of a 30- unit apartment dwelling. This amendment was made at the request by the Solicitor acting on behalf of the Owners that the counterpart; The Bank of Montreal be named as a party to the Site Plan Agreement. In addition, the property is transferring ownership from D. Lafreniere Developments Inc. to 2672342 Ontario Inc., a request was also made to reflect the new Owner(s) within the Agreement.

As of April 28th, 2020 the Bank of Montreal (BMO) identified concern with being named a part to the previously approved Site Plan Agreement in By-law 55-2020. BMO has requested that they be removed from the Agreement as they have no rights or obligations and may not be the lender at all times in the future.

A corrected Agreement has been attached to this report, and a bylaw shall be passed to reflect these changes.

Budget: No impact. Application fees (\$800.00) paid in accordance with the Tariff of Fees By-law. All remaining costs for registration, etc. will be the responsibility of the developer.

Communication Plan/Notice By-law Requirements: Notice of the complete application and public meeting provided in accordance with City Policy PP-5-1. Notice of meetings, of the Committee of a Whole, and Council provided as per the Notice By-law.

Please provide circulation of decision to: Manager Development Services, Operations Department, Property Owner, Filing.

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

Strategic Plan or Other Guiding Document: The Official Plan, Designation By-law (189-2010) and City Policy (PP-5-1), provides criteria for the evaluation of Applications for Site Plan Approval.



P R O C L A M A T I O N

Children's Mental Health Week May 3-9, 2020

Whereas the citizens of the City of Kenora value their health and mental health and that of their families; therefore, they are proud to support observances such as Children's Mental Health Week; and

Whereas addressing the complex mental health needs of children, youth, and families today is fundamental to the future of our community; and

Whereas the need for comprehensive, coordinated mental health services for children, youth, and families places upon our community a critical responsibility; and

Whereas it is appropriate that a week should be set apart each year for the direction of our thoughts toward our children's mental health and well-being; and

Whereas FIREFLY through its unique approach to serving children and adolescents, is effectively caring for the mental health needs of children, youth and families in our community; and

Whereas citizens and all agencies and organizations interested in meeting every child's mental health needs are urged to unite this week in the observance of such exercises as will acquaint the people of Kenora with the fundamental necessity of programming for children and youth with mental health needs and their families.

Now Therefore, I, Daniel Reynard, Mayor for the City of Kenora, do hereby proclaim May 3rd-9th, 2020 as **Children's Mental Health Week** in and for the City of Kenora.

Proclaimed at the City of Kenora this 12th day of May, 2020.

Mayor Daniel Reynard