



**MINUTES**  
**COMMITTEE OF THE WHOLE**  
Monday, January 14, 2013  
2:30 p.m.  
City Council Chambers

**Action**

**Present:** Mayor D. Canfield  
Councillor C. Drinkwalter  
Councillor R. Lunny  
Councillor R. McMillan  
Councillor L. Roussin  
Councillor S. Smith  
K. Brown, CAO  
C. Edie, Treasurer  
J. McMillin, City Clerk  
**Attending after Deputations:**  
Student Councillor J. McLean  
R. Perchuk, Operations Manager  
C. Neil, Recreation Services Manager  
J. Findlay, EDO  
H. Kasprick, Deputy Clerk  
D. Swartz-Williams, NW Business Ctre Manager

**Regrets:** Councillor R. McKay  
W. Brinkman, Emergency Services Manager  
S. McDowall, HR Manager

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**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 January 21 meeting:-

- Amendment to the 2012 Budget to appropriate funds from Contingency Reserves for payment of a \$32,596.52 invoice for MNR costs associated with Kenora Fire 109.(on HOLD)

**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.**

Councillor Roussin made a declaration with respect to Item #8 under Business Administration relating to Minutes of the Kenora Public Library as his spouse is an employee of the Library.

Councillor McMillan made a declaration with respect to Item #'s 6 and 8 under Business Administration relating to Financial Statements and Minutes of the Kenora Police Services Board as his spouse is a Member of the Board.

**C. Motion for Confirmation of Previous Committee Minutes:  
Moved by R. Lunny, Seconded by S. Smith, and Carried:-**

That the Minutes from the last regular Committee of the Whole Meeting held December 10, and of the Special Committee of the Whole meeting held December 14, 2012 be confirmed as written and filed.

**D. Presentations/Deputations:**

**i) 2:30 p.m.**

**BDO Dunwoody – 2013 Audit Planning**

Claudine Cordeiro and Jennifer Pyzer of BDO attended to communicate certain aspects of the audit for the year ended December 31, 2012 including an update on current developments within the accounting profession.

It was noted that Claudine is the primary contact while Jennifer conducts the actual audit. Jennifer reviewed the final year end letter advising it is largely unchanged, and discussed the highlights of the document as circulated to Members of Council, including: responsibilities of the auditor, audit approach/scope, strategy, materiality, reliance on an expert, management representations, and communication of results.

Councillor Roussin referred to the Auditor General position which the City is not filling and while he agreed we no longer have that position, inquired if that could be a liability issue for the City. He went on to explain he is fine with the current structure but without an Internal Auditor is there a concern from the Auditor's point of view, and also mentioned the Audit Committee is no longer in place. Claudine is not sure that in the absence of this position the City is at risk or that it exposes Members to any liability. She explained Dunwoody can still provide their opinion on the audit without an Audit Committee so from her perspective it's fine as it stands. Jennifer explained they did not rely on the Auditor General in order for them to carry out their requirements of the Audit.

Claudine and Jennifer were thanked for their presentation and left at 2:55 p.m.

**ii) IT Presentation (C. Caron) – New Portal**

Charlotte Caron, IT Supervisor, provided an overview of the new portal through a PowerPoint presentation. She explained it has been a long time in the making with input from a lot of people and all the staff involved putting the new portal together.

Charlotte explained the goal was to try and clean up from the original 2005 site and to cut down on the duplication of posts and keeping items current. She explained the site is more user-friendly and streamlined and easier to maneuver through and of course it highlights great graphics (done by Mike Newton), as well as our new logo and identity.

Charlotte went through the five new simple tabs list at the top of the main page, explaining they have tried to limit the number of drop down boxes so that information flows better and is easier to find. The new tabs include: premier boating; living in Kenora; visiting Kenora, business in Kenora, and City Hall.

The Events Calendar is currently being worked on; some events are posted but it will have different views, including the Council meeting schedule.

Councillor McMillan asked about information on Health Care and Charlotte advised it is posted under 'Living in Kenora.'

All forms will be included on the site, hopefully all 'fillable' ones that will be available to download and complete without having to printing out to complete.

Charlotte illustrated the '20 great things about Kenora' that ended up being 30 great things with the inclusion of pictures and information about what is going on in Kenora.

A secure bill payment section is included, a photo gallery of the area, food and drink, parking and Council.

Councillor McMillan asked with new brand and logo, are we able to include winter photos since we are an all season community, i.e. skiing, snowmobiling, carnival, skating, i.e. rink, etc. and Charlotte explained there are a few things and a section on winter activities in being developed. There is also a section for the LOW Development Commission.

Charlotte explained there are also quick links on the side to access and these were based on top hits, such as Council Minutes for example. The Portal system will rely on SharePoint as much as possible for updating information once rather than having multiple and outdated information on the site. Each Department will eventually be responsible to update and change the data as required.

Charlotte was thanked for the presentation and left the meeting at 3:20 p.m.

## **E. Reports:**

### **Business Administration**

**Lead Councillor Lunny** (Alt. Councillor McMillan)

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## **1. K.D.S.B. Report from Councillor Roussin**

Councillor Roussin advised that there is a KDSB meeting this Thursday, January 17, 2013. He explained there are many informational updates needed regarding the just recently released Social Service Review document. This document references many changes to the current policies and programs approach to providing social services including social housing and homelessness.

Councillor Roussin stated that although there have been numerous uploading costs back to the Province on various programs; potential cost savings to municipalities and unincorporated areas appear to be offset by lower funding under the proposed new bundled services and resulting funding concept. There are also proposed benefit rate increases for many service recipients.

The recent Social Service Review document proposes a new focus for recipients receiving social benefits including housing and homelessness programs. The receiving of social benefits under this document will depend on potential recipients signing into the proposed Pathway to Employment Plan.

The Pathway to Employment plan requires participation by all levels of government and First Nations communities.

The Plan stipulates that potential Social Service recipients must sign into the plan in order to receive benefits. Therefore, there has to be willingness to work and the opportunity for rewards for working rather than depending on just receiving Social Assistance.

Councillor Roussin went on to explain there are approximately 30 specific benefits in the current system that will be greatly streamlined. Some benefits will be eliminated and some incorporated into different programs that will have to become more efficient and effective at lower costs to providers. The Social Service Review document includes 108 recommendations that may well have an impact on homelessness, and KDSB social housing programs.

Councillor Roussin further stated the recently released preliminary statistics regarding the City of Kenora contributions to the KDSB indicates a combined cost of about \$409.00 per household which includes child care and land ambulance services.

In conclusion, KDSB Boards should be focused on getting these services and costs off the property tax base. As Councillor Roussin is Kenora's rep. on DSAB, Councillor McMillan offered his support to Councillor Roussin to carry the banner for Kenora. Mayor Canfield agreed that it is not sustainable and should not be on the taxpayer, noting Ontario is the only Province in Canada with this tax burden.

KDSB will be selecting a new board chair at the January 17<sup>th</sup> meeting. This is standard policy for the Board to elect a new chair annually. Phil Vinet, current chairperson and Mayor of Red Lake has indicated he will be stepping down as Chair.

## **2. Brand Promise and BLT Report**

### **Recommendation:**

That Council hereby adopts the new Kenora Brand, recognizing Kenora as "North America's Premier Boating Destination"; and

That Council hereby adopts the new Kenora Brand Promise, as follows:

*Kenora is North America's Premier Boating Destination. We are the connection to Lake of the Woods and its 14,522 Islands.*

*Through our events and amenities we celebrate our history and build our future.*

*We are stewards of the lake, nurture its pristine environment, and live the lake life.*

;and

That Council hereby acknowledges the Brand Leadership Team as a strategic partner in the implementation of the new Kenora Brand and Promise; and further

That the CAO be directed to update the City's Strategic Plan to incorporate the new Brand and Promise.

**Recommendation approved.**

**JMcMillin**

## **3. Comprehensive Taxi By-law**

### **Recommendation:**

That Council hereby authorizes various updates to the current Taxi By-law to reflect a number of housekeeping changes to By-law Number 88-2009 but does not include a meter rate increase for taxi fares as recently requested by Co-ot Taxi; and

That Council gives three readings to a new comprehensive by-law to License and regulate Taxi Cabs, Limousines and Drays operating within and from the City of Kenora that will take effect and come into force on June 1, 2013, effectively repealing By-law Number 88-2009, as amended at that time; and further

That once adopted, the new by-law be directed to the City Solicitor to forward to the province for approval of the Set Fine Schedule.

**Recommendation approved.**

**JMcMillin**

**4. First Call for Nominations – NOMA**

**Recommendation:**

That the Council of the Corporation of the City of Kenora hereby nominates Mayor David S. Canfield to the position of President for the Northwestern Ontario Municipal Association (NOMA) for the election taking place at the Annual NOMA Conference scheduled April 24 to 26, 2013 in Thunder Bay; and further

That Council's letter of support of this nomination together with Mayor Canfield's written consent be forwarded to NOMA's Executive Director.

**Recommendation approved.**

**JMcMillin**

**5. NOHFC Funding Agreement with BIZ Intern**

**Recommendation:**

That the Council of the City of Kenora give three readings to a by-law to authorize the execution of an agreement between the City of Kenora and Northern Ontario Heritage Fund Corporation (NOHFC) with respect to a Northern Ontario Youth Internship Program Agreement; and further

That the Mayor and Clerk be authorized to enter into the agreement.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**6. November Financial Statements**

**Recommendation:**

That Council hereby accepts the November 2012 Financial Statements of the Corporation of the City of Kenora.

**Recommendation approved.**

**JMcMillin**

**7. NW Business Centre 2012 Q4 Report**

**Recommendation:**

That Council accepts the 2012 Fourth Quarter report for the Northwest Business Centre.

**Recommendation approved.**

**JMcMillin**

**8. Various Committee Minutes**

**Recommendation:**

That Council hereby adopts the following 2012 Minutes from various City of Kenora Committees:

- October 16 & November 20 – Planning Advisory
- December 6 – Kenora Public Library Board
- December 6 – Lake of the Woods Museum Board
- December 10 – Committee of the Whole
- December 11 – Property & Planning
- December 13 – Heritage Kenora
- December 14 – Special Committee of the Whole

That Council hereby receives the following Minutes from other various Committees:

- October 4 – Kenora District Services Board
- October 19 – Northwestern Health Unit Board of Health
- October 31 – Kenora Police Services Board
- November 22 – District of Kenora Home for the Aged
- December 19 – Lake of the Woods Development Commission; and further

That these Minutes be circulated and ordered filed.

**Recommendation approved.**

**JMcMillin**

## Community Services

**Lead Councillor McMillan** (Alt. Councillor Lunny)

Councillor McMillan mentioned the Event Centre Committee is now in place and they have had two meetings and will meet on a regular basis. Councillor McMillan is very impressed with the membership of the Committee; their goal is to present quarterly reports to Committee of the Whole and they now have a resource person working with the Committee.

The Committee fully realizes any applications for funding or plans are to go forward to Council.

## Economic Development

**Lead Councillor Smith** (Alt. Councillor Roussin)

### 1. Canada Day Air Show Festival

#### **Recommendation:**

That as recommended by the Lake of the Woods Development Commission, Council hereby authorizes the issuance of tax receipts for donations towards the Air Show portion of the Canada Day/Air Show (Up, Up & Away) Festival to be held July 1, 2, and 3, 2013 in Kenora.

Karen mentioned there should be an end date for the issuance of tax receipts and made the suggestion of August 1, 2013.

#### **Amended Recommendation:**

That as recommended by the Lake of the Woods Development Commission, Council hereby authorizes the issuance of tax receipts for donations towards the Air Show portion of the Canada Day/Air Show (Up, Up & Away) Festival to be held July 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>, 2013 in Kenora; and further

That no tax receipts be issued after August 1, 2013 for this purpose.

**Recommendation approved as amended.**

**JMcMillin**

**2. Phase III DTR Design Project**

**Recommendation:**

That Council of the City of Kenora hereby approves the application to the Northern Ontario Heritage Fund Corporation (NOHFC) for the Phase III Design Phase Downtown Revitalization Project NOHFC File #950753; and

That Council is committed to funding up to \$125,000 for this project; and further

That Council is willing to cover any project cost overruns if necessary.

**Recommendation approved.**

**JMcMillin**

**Emergency Services**

**Lead Councillor Drinkwalter (Alt. Councillor McKay)**

**1. Kenora Fire 109 – Ninth Street North**

**Recommendation:**

That Council of the City of Kenora hereby accepts the invoice from the

Ministry of Natural Resources pertaining to costs associated with the September, 2012 Kenora 109 Fire; and

That approval be hereby given for the invoice in the amount of \$32,596.52 to be sourced from Contingency Reserves; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2012 Budget at its meeting on January 21, 2013; and further

That Council gives three readings to a by-law for this purpose.

**Discussion:**

This matter was discussed at length and while Members felt the cost was reasonable, some Members suggested the invoice be held over to the 2013 budget process. Councillor Drinkwalter questioned what the deadline is for payment of the invoice and Karen advised she would check on the date.

Karen explained the MNR invoice is provided in accordance with the service agreement between the City and the Ministry and that the City did request MNR assistance with this fire. She further explained this payment would be a 2012 expense and not part of the 2013 budget process.



Mayor Canfield agreed the fire could have been a disaster and we are thankful for the MNR assistance but he indicated in the past the MNR had always carried out these duties at no cost to the City. He further pointed out that a lot of the land affected by this fire was crown land and he has a hard time approving payment for this invoice and doesn't want to set precedence. He stated that once precedence is set we have to pay on a forward basis. Mayor Canfield advised he is going to inquire through NOMA if any other municipality has been in this situation and he would also like to talk with the Minister as well. While he does not begrudge the MNR, it is the fact this is the first time he is aware the City has been billed.

Councillor McMillan suggests paying the invoice and Mayor Canfield take it through to AMO and the province, but in the meantime it be paid in keeping with the agreement. Councillor Smith agrees and that with the service agreement in place it should be paid, and before the due date. She noted it is a small price to pay and it could have been upwards to \$300,000. Councillor Smith stated the fact of the matter is the City has a service agreement and we would have been in a bad place if MNR did not assist with the fire when called upon.

Councillor Lunny commented we should have dialogue with the province first as he's concerned about the precedence and that a good portion of the fire was on crown land.

Councillor Drinkwalter would like to revisit the agreement to make sure we are responsible to pay and consider making changes to the agreement in future but pay at this time if that is where the responsibility lies. It was questioned if it could be authorized for payment but released later.

Karen explained the current contract expires March 31, 2013 and perhaps payment of this invoice should be placed on hold for the time being. She indicated we may be subject to interest after 30 days but she will forward further information to Council as discussed regarding this matter, including any interest that may apply and the due date.

Committee agreed to hold the item.

**HOLD**

## Operations

Lead Councillor McKay (Alt. Councillor Drinkwalter)

### 1. Discharge of Firearms - By-law Amendment

#### Recommendation:

That Council hereby amends the Discharge of Firearms By-law Number 148-2010 by adding the following sections:

#### 2. Definition/Interpretation:

**KBrown**

**HOLD**

(i) **“Registered trap line area”** means an area designated as a trap line area in a Schedule to Part 1 of Ontario Regulation 663/98 (Area Descriptions).

(j) **“Trapper”** means a person licensed by the Ministry of Natural Resources to hunt or trap furbearing mammals and black bear in the area designated in the license.

**5. General Exemption:**

**5.6** A trapper licensed to manage a registered trap line area within the boundaries of the City of Kenora, provided the firearm is limited to a .22 caliber long rifle; and further

That three readings be given to a by-law for this purpose.

**Discussion.**

Councillor Smith question what Act is being referred to regarding the above-mentioned Regulation and whether or not the general exemption is taken directly from the applicable Act; the wording should be consistent with Act. Mayor Canfield did not believe it was necessary to reference the black bear in the definition for Trapper.

**Recommendation to go forward to Monday’s meeting.** Rick will provide updated wording to the Clerk reflecting the above discussion.

(Resolution and by-law).

**2. Water Wastewater Systems Monthly Report**

**Recommendation:**

That Council of the City of Kenora hereby accepts the November 2012 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by Biman Paudel, Water and Sewer Supervisor, Jim Campbell,

Water Treatment Plant Operator and David Nachuk, Wastewater Treatment Plant Operator.

**Recommendation approved.**

**Discussion:**

Councillor Roussin took a few minutes to express concerns and questions with respect to the Water/Waste Water System Report and Section 19 of the Safe Water Drinking Water Act – Statutory Standard of Care which came into force January 1, 2013; while he doesn’t expect answers today he would like to cover his concerns with respect to potential liability issues.

The act expressly extends legal responsibility to people with decision making authority over municipal drinking water systems. This responsibility includes municipal councils.

**RPerchuk**

**JMcMillin**

**JMcMillin**

Further, the Ontario Legislation and Regulation regarding Ontario's drinking water protection safety net references numerous components relating to safety of the drinking water from "source to tap".

Further, the Municipal Act limits the personal liability of Council, but the Council personal liability is different under the Standard of Care imposed under the Safe Drinking Water Act. Under Section 19 of the Act, there is an over-riding provision for liability over the Municipal Act.

Therefore, it appears to Councillor Roussin the resulting liability appears to fall directly on Municipal Council and that is a very onerous concern for him. In order for him as a Councillor, he feels compelled to ask certain questions and insist that appropriate answers be provided to address his concerns to limit his liability under the Safe Drinking Water Act. He also insists that these questions be recorded and that he reserves the right to include further questions and requests for answers at later dates. He has a fiduciary duty to the public for which he would be liable in the event of water contamination.

Questions & Concerns from Councillor Roussin:

- 1) What is the City's, and mine as a Councillor, legal liability/risk position resulting from contamination of water from a line that enters one property address but continues to provide water, across numerous properties with private property easements for water and sewer lines where the contamination occurs at the end user?

Under the Act, liability includes distribution (pipelines). Does the City and my liability end where the City line enters the first property line or to the end user? I would like proof of my liability.

- 2) What is the City's and my liability in terms of City using an accredited and licensed laboratory to carry out the testing or if the City does the testing (my liability)?
- 3) With the City's large deferred sewer and water backlog deficit and the City's "large contingency reserve", what is my liability if a major incident (contamination) happens and it could be proven that there were insufficient funds appropriated to sewer and water? What would be my liability if this was a result of previous Council's errors, oversight or not following staff recommendations to appropriate the required funds when they could have but didn't?
- 4) Should there be an agreement or document (or whatever) by Councillors with management or the department responsible for fulfilling the statutory Standard of Care of the Safe Drinking Water Act?

- 5) As Councillors, should we be required to authorize and endorse the Quality Management System (QMS) policy. I do not have a copy of the QMS policy, should I?
- 6) Are all licenses and other pertinent documents available to council? Should we have a Council briefing of all required documents, plans, system, regulation and reason for same to protect management and Council? Do we bring someone in for this briefing?
- 7) As part of a due diligence to fulfill our fiduciary duty required under the Act, do we sign off on all documents?
- 8) If I am to be liable, should there be special training, or whatever, for Council? Is that training available?
- 9) Is there a need for a municipal water and wastewater service board? Has this option ever been considered?
- 10) Should we consider the option of retaining an accredited agency to operate our system as opposed to City management?
- 11) Does the operation plan include a process for ongoing risk assessment (and health and safety)?
- 12) Should Council be briefed on the completed risk assessment and the contingency or emergency response procedure? Does the City have an approved emergency system plan for the drinking water policy?
- Should Councillors be required to sign off on all documents as having read and endorsed them?
- 13) What is the City's 5 - 10 year rolling plan to address distribution rehabilitation, upgrades and replacement such as:
- i. Street location for the above annually;
  - ii. Time-line for performing work;
  - iii. Cost - annual budget allocation;
  - iv. Date for having a zero deferred deficit.
- Is there a copy of the rolling plan for Councillors?
- 14) a) Is there a water audit and water loss action plan? When was it completed and last upgraded?
- b) Has management identified the cost for pumping and treating water that ultimately is not delivered to the consumer and what the resulting damage and cost of repairing other infrastructure as a result of the leaks?

- 15) What is the role of Council in a drinking water emergency?
- 16) Are there any emerging issues related to our drinking water that Council should be aware of?
- 17) What information should be made available to the public and how?
- 18) Is there a drinking water operator succession plan and is it being followed?

Councillor Roussin suggested these types of liability issues would be good to include in the orientation package for new Council Members. He indicated the questions he has put forth relate to liability issues for his own protection.

**Next Meeting:**

- Monday, February 11, 2013

**Other:**

**Proclamations:**

Mayor Canfield announced the following Proclamations:

January, 2013 as "**National Alzheimer Awareness Month**"

February 10 – 16, 2013 as "**Week of Action Against Poverty.**"

**Changes to Patient Enrolment Models**

**Recommendation:**

Whereas in Northern rural and remote communities Family Practice physician recruitment and retention has been challenging for years; and

Whereas communities must often compete with one another and with the more urban communities in southern Ontario in recruiting and retaining physicians; and

Whereas the new "rules" around signing physicians to PEMS (Patient Enrolment Models) has further disadvantaged "northern communities" (20 physicians on first-come-first served & 20 physicians prioritized by local need; and

Whereas northern communities that have been successful in recruiting FP physicians to their communities are experiencing long delays in receiving approvals for physicians to sign up to FHNs/FHOs; and

Whereas these delays will significantly and negatively impact upon the ability of Northwestern Ontario communities to recruit Family Practice physicians and the rostering of unattached patients;

Therefore Be It Resolved that the Council of the City of Kenora requests the Northwestern Ontario Municipal Association to call upon the Provincial government, specifically the Ministry of Health and Long Term Care, to expedite the approval of applications for the enrolment of Family Practice Physicians into Patient Enrolment Models for Northern communities; and further

Be It Resolved That a copy of this resolution be forwarded to the Kenora District Municipal Association (KDMA), and all NOMA Member municipalities requesting their support.

**Recommendation approved.**

**JMcMillin**

**Adjournment**

The meeting was declared closed at 5:10 p.m.