

CORPORATION OF THE MUNICIPALITY OF CALVIN

1355 Peddlers Drive, RR #2
Mattawa, Ontario P0H 1V0

Phone: 705-744-2700
Fax: 705-744-0309
Email: clerk@calvintownship.ca

December 12, 2019

NOTICE OF REGULAR MEETING

To: Mayor and Council

The Regular Meeting of Council will be held in the Calvin Community Centre at 7 p.m. on Tuesday December 17, 2019.

If you are unable to be in attendance it is greatly appreciated that you notify the undersigned in advance.

Thank you.

Best regards;

Cindy Pigeau
Clerk-Treasurer

CORPORATION OF THE MUNICIPALITY OF CALVIN

AGENDA
REGULAR COUNCIL MEETING
Tuesday December 17, 2019 at 7:00 p.m.
Calvin Community Centre

1. **CALL TO ORDER**
2. **WRITTEN DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST**
3. **PETITIONS AND DELEGATIONS** None
4. **REPORTS FROM MUNICIPAL OFFICERS** None
5. **REPORTS FROM COMMITTEES**

6. **ACTION LETTERS**
 - A) Minutes of Council Meeting Adopt Minutes of Friday, December 6/19
 - B) Minutes of Council Meeting Adopt Minutes of Tuesday, December 10/19
 - C) Payment of Disbursements 2019 Resolution to Authorize Accounts Payable for the Balance of 2019
 - D) Transfer Trust Funds Resolution to Move to Proper Trust Accounts for 2019 Year End
 - E) By-Law No. 2019-029 A By-Law to Confirm the Proceedings of Council for 2019
 - F) Township of Springwater Resolution of Support for the Joint and Several Liability Consultation Letter sent to the Province of Ontario
 - G) Strategic Plan Discussion of Mission and Vision Statements and Begin the Next Stage of Gathering Information

7. **INFORMATION LETTERS**
 - A) Ontario Provincial Police News Bulletin
Municipal Policing Bureau

8. **INFORMATION LETTERS AVAILABLE** None

9. **OLD AND NEW BUSINESS**

10. **ACCOUNTS APPROVAL REPORT**

11. **CLOSED PORTION**

12. **BUSINESS ARISING FROM CLOSED SESSION**

13. **NOTICE OF MOTION**

14. **ADJOURNMENT**

CORPORATION OF THE MUNICIPALITY OF CALVIN
MINUTES OF THE SPECIAL MEETING FRIDAY, DECEMBER 6, 2019

This special meeting of Council was held this date at the Calvin Community Centre. Present were Mayor Pennell, Deputy Mayor Cross, Coun Maxwell, Coun Olmstead, Coun Grant and Cindy Pigeau.

Regrets: None

Guests: None

The meeting was called to order at 6:00 p.m. by Mayor Pennell

PECUNIARY/CONFLICT OF INTEREST: Councillor Dean Grant declared a conflict of interest on Agenda Item No. 11, Item Title: Closed Portion

PRESENTATIONS/DELEGATIONS: None

REPORTS FROM MUNICIPAL OFFICERS None

REPORTS FROM COMMITTEES None

At 6:01 p.m. Council moved to Closed Portion – As per Section 239 (2) (e) for litigation or potential litigations, including matters before administrative tribunals, affecting the municipality or local board and Section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

At 6:31 p.m. Council returned to the Open Meeting.

2019-225 ADOPT COUNCIL REPORTS

Moved by Councillor Olmstead and seconded by Councillor Maxwell that Council Reports

C2019-39 which adopts Minutes of the Closed Meeting of Tuesday, October 8/19, and

C2019-40 which provides Directives to Staff RE: Response to Solicitor regarding requests and approval of approach,

C2019-41 which adjourns the Closed Portion of the meeting.

Carried

2019-226 ADJOURNMENT

Moved by Coun Cross and seconded by Coun Maxwell that this special meeting of Council now be adjourned at 6:34p.m.

Carried

Mayor

Clerk

CORPORATION OF THE MUNICIPALITY OF CALVIN
MINUTES OF THE REGULAR MEETING TUESDAY DECEMBER 10, 2019

The regular meeting of Council was held this date at the Calvin Community Centre. Present were Mayor Ian Pennell, Deputy Mayor Sandy Cross, Coun Dan Maxwell, Coun Heather Olmstead, Coun Dean Grant, Chris Whalley, Dean Maxwell, Jacob Grove and Cindy Pigeau.

Regrets: Guests: 2

The meeting was called to order at 7:00 p.m. by Mayor Pennell

PECUNIARY/CONFLICT OF INTEREST: Councillor Dean Grant declared a conflict of interest on Agenda Item No. 10, Item Title: Accounts Approval Report for the following reason: "Invoice issued for material from company WWS that my parents own."

PRESENTATIONS/DELEGATIONS: None

2019-227 MINUTES OF COUNCIL MEETING

Moved by Coun Maxwell and seconded by Coun Olmstead that the Minutes of the regular meeting of Council held on Tuesday November 26, 2019 be hereby adopted and signed as circulated.

Carried

2019-216 BY-LAW 2019-027-TO ESTABLISH MUNICIPAL BUILDING PROCEDURES, REGULATION AND PRESCRIBE PERMIT FEES AND OTHER FEES AS APPLICABLE TO BUILDING AND RELATED MATTERS.

By-law No. 2019-027 being a by-law to establish Municipal Building Procedures, Regulation and Prescribe Permit Fees and other Fees as Applicable to Building and Related Matters. This By-law received 1st and 2nd readings on November 26, 2019 and the 3rd and final reading on Tuesday, December 10, 2019 and finally passed before an open Council on this date.

Carried

2019-217 BY-LAW 2019-028-TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH THE SOLICITOR GENERAL FOR THE PROVISION OF POLICE SERVICES IN THE CORPORATION OF THE MUNICIPALITY OF CALVIN

By-law No. 2019-028 being a by-law to authorize the execution of an agreement with the Solicitor General for the provision of Police Services in the Corporation of the Municipality of Calvin. This By-law received 1st and 2nd readings on November 26, 2019 and the 3rd and final reading on Tuesday, December 10, 2019 and finally passed before an open Council on this date.

Carried

2019-228 MUNICIPALITY OF CALVIN – ICE BUILDING AND MAINTENANCE MANUAL

Moved by Coun Maxwell and seconded by Coun Olmstead that The Corporation of the Municipality of Calvin hereby incorporates the attached "Municipality of Calvin – Ice Building and Maintenance Manual" into practice; And Further that the manual should be reviewed on an annual basis to incorporate any changes that may be required due to changing technology, climate, staff and/or volunteers.

Carried

2019-2229 LETTER OF SUPPORT FOR TOWN OF MATTAWA RE: MULTI-CULTURAL COMMUNITY CENTRE/HUB

Moved by Coun Cross and seconded by Coun Grant That the Municipality of Calvin hereby supports the Resolution passed by the Town of Mattawa as follows: WHEREAS the Town of Mattawa is nominating the redevelopment of the Mike Rodden Arena and Community Centre into a Multi-Cultural Community Centre/Hub; AND WHEREAS this new facility would be fully accessible and offer Multi-cultural spaces

that would bring together a variety of different services, social and cultural activities to reflect local community needs; AND WHEREAS the Mattawa Community , Culture & Recreation Complex proposes to replace and consolidate municipal buildings and recreational facilities which have been extended well beyond their life cycle resulting in extensive repair and maintenance costs in order to meet Provincial standards and expected service levels; AND WHEREAS the redevelopment of the Mike Rodden Arena and Community Centre is being identified as a priority lifecycle activity with the Town of Mattawa's Asset Management Plan that is currently being updated (2019); AND WHEREAS the proposed Indigenous Communal Entrance of the Mattawa Community, Culture and Recreation Complex would greatly enhance the recognition and celebration of the long standing local Algonquin First Nation culture; AND WHEREAS the residents of the neighbouring Township of Papineau-Cameron, the Municipality of Mattawan and the Municipality of Calvin utilize the current facility for social, family and cultural activities; AND WHEREAS the Township of Papineau-Cameron and the Municipality of Mattawan currently participate on a shared service and user fee basis of the current facility and will continue to do so should the Town of Mattawa be successful in securing funding for this redevelopment project; THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Municipality of Calvin endorses the application by the Corporation of the Town of Mattawa to the Investing in Canada Infrastructure Program – Community, Culture and Recreation Funding Stream – Multi-Purpose Category Intake for the Development of the Mattawa Community, Culture and Recreation Complex; AND FURTHER BE IT RESOLVED THAT this resolution be circulated back to the Town of the Mattawa indicating our support.
Carried

Councillor Dean Grant left the table at 8:52pm

2019-230 DISBURSEMENTS

Moved by Coun Olmstead and seconded by Coun Maxwell that the disbursements dated December 5, 2019 in the amount of \$108,709.39 and December 09, 2019 in the amount of \$29,693.15 be hereby authorized and passed for payment.

Carried

Councillor Dean Grant returned to the table at 8:55pm

2019-231 CLOSED PORTION

Moved by Coun Cross and seconded by Coun Grant that this portion of the meeting be now closed as Per Section 239(2) (d) of Municipal Act for the purpose of labour relations or employee negotiations as well as Per Section 239 (2)(b) of the Municipal Act for the purpose of personal matters about an identifiable person, including municipal or local board employees.

Carried

At 8:56pm Council moved to Closed Portion.

At 9:48pm Council returned to the Open Meeting.

2019-232 ADOPTION OF COUNCIL REPORTS FROM CLOSED PORTION

Moved by Coun Cross and seconded by Coun Olmstead that Council Reports:

C2019-42 Adopt Minutes of Last Closed Portion Held on Friday, December 6/19, and

C2019-43 Landfill Attendant Position

C2019-44 Wage Review for Chief Building Official

C2019-45 Adjourn Closed Portion

Be hereby approved and adopted as presented.

Carried

2019-233 ADJOURNMENT

Moved by Coun Cross and seconded by Coun Grant that this regular meeting of Council now be adjourned at 9:50 p.m.

Carried

Mayor

Clerk

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

Date: December 17, 2019

No. _____

MOVED BY _____

SECONDED BY _____

“That authorization is hereby given for the balance of all 2019 accounts payable to be paid by the Mayor and the Clerk-Treasurer or Administrative Assistant.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEAS</u>	<u>NAYS</u>
Coun Cross	_____	_____
Coun Grant	_____	_____
Coun Maxwell	_____	_____
Coun Olmstead	_____	_____
Mayor Pennell	_____	_____

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE: December 17, 2019

NO. _____

MOVED BY _____

SECONDED BY _____

“That all internal trust funds in the general accounts be moved to the proper trust fund accounts in preparation for the 2019 year end.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2019-029

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL.

WHEREAS it is the desire of Council to confirm all proceedings, motions and by-Laws:

NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF CALVIN HEREBY ENACTS AS FOLLOWS:

1. THAT the Confirmatory Period of this By-Law shall be for all Regular and Special Council meetings from January 1, 2019 up to and including December 31, 2019;
2. THAT all By-Laws passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed;
3. THAT all resolutions passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed;
4. THAT all other proceedings, decisions and directives of the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BEFORE AN OPEN COUNCIL THIS 17th DAY OF DECEMBER, 2019.

MAYOR

CLERK-TREASURER

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE: December 17, 2019

NO. _____

MOVED BY _____

SECONDED BY _____

“That the Municipality of Calvin hereby supports the Resolution dated September 26, 2019 passed by the Township of Springwater regarding Joint and Several Liability Consultation in its entirety.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEAS</u>	<u>NAYS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

September 26, 2019

Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto ON, M7A 2S9

Re: Joint and Several Liability Consultation

Please be advised that in response to your letter dated July 12, 2019, the Township of Springwater provides the following comments in regards to Joint and Several Liability.

1. Please describe the nature of the problem as you see it?

In response to the Province's request for consultation, the Township has a significant issue with Joint and Several Liability (JSL) and the impact it has on the municipality.

a. No Requirement of Proof

JSL is a tool that is used by the legal industry without any discretion to the point that this municipality feels that its use is negligent and in fact unethical. Most law suits that municipalities see are frivolous and vexations as lawyers cast their nets wide and attempt to use shotgun justice for their clients that are more than often the sole cause of a claim. A statement of claim does not require any proof that there is fault. A plaintiff only has to state who they think is involved and a significant amount of court time is spent determining who should be a party to the legal claim.

b. No Consequence for Being Wrongly Identified in a Statement of Claim

To add to this, there is no consequence that lawyers and their clients face for submitting a claim against a municipality when it is clear that a municipality is not involved. Municipalities incur significant administrative costs in managing these claims and the municipalities and their insurers pay significant costs to go through a lengthy process to prove that a claim was made in error (intentionally) only to find that a judge sees no reason to compensate a municipality for cost for incorrectly being named in a lawsuit by a plaintiff. Municipalities are seen as having deep pockets by the legal industry as well as the judicial system that makes decisions on these claims. Proof of innocence is often furnished to the plaintiff and lawyer by a municipality immediately upon notification of a pending legal action of statement of claim. This information is ignored by the plaintiff's lawyer. A plaintiff and their lawyer should have to reimburse a municipality for

all administrative and legal costs when the municipality is cleared of liability. Judges rarely compensate municipalities for being wrongly named in a legal action.

A recent example from 2019 occurred when a statement of claim was made against the Township of Springwater for an accident on a County Road (not the jurisdiction of Springwater). After legal and administrative costs totaling more than \$5,000, Springwater was dismissed from the claim. Unfortunately no costs were assigned to the plaintiff for wrongly naming Springwater in the statement of claim. The current system is broken and Springwater tax payers are left paying the bill.

2. *What are the problems that you need addressed to benefit your community?*

a. Ethical Standard of Due Diligence Required Before Submitting a Legal Action

Lawyer's representing plaintiff's should be required to submit documentation that provides significant research into why a claim is being made and a municipality is being named in a law suit. The claim should clearly prove authority and responsibility. The current practice of naming every party under the sun in a legal claim is negligent and unethical.

b. Frivolous and Vexatious Suits are Costing Taxpayers

The Township of Springwater is seeing a significant waste of administrative time and cost in managing legal claims against the municipality that are predominantly frivolous and vexatious due to JSL. Over the last seven years, the municipality has had 55 claims made against the municipality. These claims range from trips/falls resulting in broken eyeglasses to cases that unfortunately involve loss of life. The Township has no problem dealing with claims that the municipality is responsible for; however the Township does have a problem dealing with claims it does not have any responsibility for. Of the 55 claims against the municipality, 42 of these claims are frivolous and vexatious. Claims that the municipality has no responsibility for. Over the past 7 years, Springwater has paid more than \$100,000 on these frivolous and vexatious claims as they work themselves through the legal process. Many of these files are still open. This does not include additional costs paid by Springwater's insurance company that are beyond the municipality's deductible.

c. Negligent Legal Actions (Beyond Frivolous and Vexatious)

The Township of Springwater is currently named in 4 legal actions and an additional legal action (recently abandoned) for claims that occurred in another municipality (no where near Springwater). The Township is currently named in 3 claims that occurred in the Township of Clearview west of Stayner and one claim in the Township of Brock that have nothing to do with the Township. Springwater was named in a claim that occurred

in Wasaga Beach that was abandoned recently. All of these claims cost the Springwater taxpayer in administrative and legal costs as they work their way through the process.

d. Triage System for Claims

Before a claim makes it to a court date, the file should be triaged. It is at this stage that negligent of frivolous and vexatious claims will be filtered or thrown out. This process will trigger the reimbursement of costs to municipalities by unethical law firms.

e. Law Society of Ontario Charges

Lawyers that use JSL in an unethical way should be charged by the Law Society of Ontario. If a lawyer names a municipality in a legal action that should not be named, these lawyers should be suspended and potentially lose their license to practice law. There is a significant commonality when comparing frivolous and vexatious claims and the law firms/lawyers that submit them. The current code of ethics of the Law Society of Ontario should be updated by the Province to reprimand lawyers and law firms that negligently use JSL. The Province of Ontario should be involved in creating a new Code of Ethics for Ontario's legal industry.

3. *Is it increased premiums? Rising deductibles?*

A recent survey by CAO's in Simcoe County shows that insurance premiums are going up between 10% at the lowest to 59% being the highest in 2019. The Township of Springwater experienced a 10.8% increase in its 2019 insurance renewal. The area that typically sees an annual increase is related to the Municipal General Liability and Excess Liability lines of the business. The municipality was advised by its insurance broker that "over the past several years, insurance companies' appetite for Municipal Insurance has remained fairly stable. Insurance rates across all lines have seen only modest increases intended to simply keep pace with inflation and the rising cost of claims. Larger rate increases have been reserved for those accounts experiencing adverse claims development; either in frequency or severity (or both). However, starting in June 2018, the insurance market as a whole has shown clear signs of "hardening". Insurance companies for all sectors are putting stricter rules in place regarding the amount and breadth of coverage they will provide, and to which clients. Since the overall insurance supply is being reduced, the demand for insurer capacity is increasing, and as such, prices are elevating."

The table below provides at a high level (includes all lines of coverage) the Township's annual insurance premiums over the past five years.

2015	2016	2017	2018	2019
\$234,942	\$247,262	\$254,388	\$274,936	\$304,688

The Township continues to consult with its insurance broker in an effort to ensure that Springwater's constituents are receiving the best value for their tax dollar; however, the rising costs of insurance are not sustainable over the long run. Staff and its insurance broker have looked at increasing our deductibles in an effort to reduce the overall premium; however this has led to minimal reductions in the overall annual premium to the Township.

4. *Being unfairly named in lawsuits?*

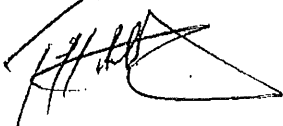
As detailed above, Springwater continues to be unfairly named in legal actions. Issues here range from a complete absence of research by legal firms on causality to the municipality being named in legal action in completely separate jurisdictions (other municipalities).

5. *Feeling you cannot offer certain services because of liability risks?*

More recently, with the advice of the Township's insurance broker, the Township has changed the way in which it delivers some of its recreational programs/services, especially as it relates to children's programs/activities. For example, the Township in partnership with its Community Recreation Associations will host a number of community based events throughout the year, which includes children's activities. In order to allow inflatable Bouncy castles at community events, the Township now requires the service provider to indemnify the Township and to also provide staff to monitor the safety of participants while in the inflatable Bouncy castle. Some vendors are reluctant to take on this risk.

Thank you for allowing the Township to participate in this consultation. We are open to further dialogue should you feel it necessary.

Yours truly,



Jeff Schmidt, CPA, CGA, B.A.S.
Chief Administrative Officer

Cc: Ontario Municipalities

VISION STATEMENT

Calvin is a rural, family-based community that embraces change while respecting the rich heritage and culture of our area. With the participation of our residents and ongoing partnerships with our neighbouring communities, we will continue to develop the Municipality of Calvin as an affordable, accessible and safe place to live, work and play.

MISSION STATEMENT

To build a strong rural and safe community dedicated to the preservation of our heritage and culture as well as the development of our natural and human resources. To promote and cultivate our forward thinking community and to grow our partnerships through collaboration with our neighbouring communities.

Notes RE: Survey Monkey for Public Consultation
To use Survey Monkey for FREE

1. You can only have 10 questions on the survey.
2. You can only receive 100 responses to the survey.



Greetings from OPP Municipal Policing Bureau!

We are pleased to present you our News Bulletin for Ontario Provincial Police (OPP)-policed municipalities.

The results of the survey, we sent you in Spring 2019, indicated your interest for enhanced communication with more frequent updates on OPP municipi-

pal policing. You spoke and we listened.

We will issue publications as news on OPP innovations, efficiencies and updates on municipal policing matters become available.

Now that your municipality has

received the 2020 Annual Billing Statements, we encourage you to visit www.opp.ca/billingmodel and review our updated documents.

Should you require additional information or wish to send us feedback please contact us at (705) 329 6200 or OPP.MunicipalPolicing@opp.ca

2020 Annual Billing Highlights

● 2019 was the last year of the phase-in strategy that capped cost increases and decreases

● The 2020 estimated Base Services cost is the lowest since 2015 at \$183.23 per property

● Almost $\frac{3}{4}$ of all OPP-policed municipalities under the current billing model pay less than the average cost per property of \$358 in 2020

● The average cost per property has been relatively stable and overall cost recovery has increased by approximately 1% since 2015

Come visit us at booth 414 at 2020 ROMA conference

The OPP Municipal Policing Bureau actively participates in events and conferences that add value to our relationships with our municipal policing partners. We would like to remind you that Municipal Policing Bureau representatives will be available to meet with you at the Rural Ontario Municipal Association (ROMA) Conference held in Toronto, ON, January 19-21, 2020. We will be at booth #414 in the Lower Concourse, Sheraton Centre Toronto Hotel. Drop in to have a casual discussion and meet Municipal Policing Bureau members.

Should you wish to have a more formal discussion in relation to the billing model, your municipality's Annual Billing Statement or municipal policing arrangement with the OPP, please contact us at OPP.MunicipalPolicing@opp.ca. Submit your request along with a brief description of the topic you wish to discuss, and specify any time you are not available on January 21, 2020.