

December 20, 2002

Honourable Chris Hodgson
Minister
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Honourable Sir:

It gives me a great deal of pleasure, as the Chair of the Special Advisory Team on City of Kawartha Lakes Referendum Question, to present our final report to the Minister of Municipal Affairs and Housing, the Honourable Chris Hodgson.

At our meeting of December 10th, 2202, the Team passed the following resolution:

That the Team report to the Minister that given the terms of reference we feel that we have accomplished as much as we are likely to and that our deliberations are, therefore, complete.

I would be remiss if I did not thank you, Mr. Minister for allowing the Team to make use of several very capable members of your Ministry Staff; namely, Donna Simmons and Carol Church in the Kingston Office and Adrian Mann and Ralph Walton in Toronto. Each of these individuals is to be commended for allowing the Team to tap into individual areas of expertise and experience. Without this type of co-operation the Team would have had a great deal of difficulty dealing with the job at hand.

Sincerely,

Max J. Radiff
Chair

**SPECIAL ADVISORY TEAM
CITY OF KAWARTHA LAKES
REFERENDUM QUESTION
FINAL REPORT
TO BE PRESENTED TO THE
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING**

I did not know, in the latter part of 1974, the extent or severity of the need for change throughout the municipalities and within their local organizational frameworks. Neither could I express my opinion of that need, even today, in precise comparative term (sic) by stating for example that the problems in Victoria are half, twice, or several times as numerous as those of a similar municipality. It is a question which virtually defies any reliable arithmetical evaluation. Nonetheless, I am now convinced that the collective, albeit sometimes different, problems and needs are such that reorganization is desirable and will prove to be beneficial to nearly all persons if implemented....

Source:

The County and the Municipalities Report Three June, 1976 - R. E. Sims,
Commissioner

December 20, 2002

Table of Contents

	Page
Statement	1
Overview	2
Recommendations.....	4
Appendices	
Terms of Reference	I
Members of Team	v
Minutes of Meetings	vi
List of Available Restructuring Reports	xxix

STATEMENT

According to the Concise Oxford Dictionary, a referendum is the “referring of political question to electorate for direct decision by general vote; vote thus taken.”

According to Section 8(3) of the Municipal Elections Act, 1996, “The Minister may make an order requiring the clerk of a local municipality to submit a question to the electors of his or her municipality.”

Questions placed on the ballot by a council may be binding on council. Questions submitted by the Minister of Municipal Affairs and Housing are not binding on the Minister, the legislature or the Council.

For the purpose of this report, the term “question” and “referendum” are used interchangeably but mean the Minister’s question.

OVERVIEW

The issue of restructuring in Victoria County is nothing new and a review of the various reports dating back to 1976 will reveal that all those conducting the studies of the County determined, rightly or wrongly, that some sort of restructuring needed to be implemented. It will not be the task of this report to detail to the Minister the various recommendations made by the various study groups over the years – he is all too familiar with the various attempts made to move towards some degree of restructuring within Victoria County. No attempt will be made to outline the history of the restructuring process although the Team recommends that all those parties preparing to get involved in the referendum debate have a look at these studies as one of their early preparation activities. The Team asks the Minister that these studies be made available in each of the City of Kawartha Lakes local service centers and libraries.

Restructuring of traditions has always been and always will be a very traumatic experience for all involved. The mandate of the team was not, and should not have been, to recommend to the Minister what we thought would be the best form of municipal governance for the City of Kawartha Lakes. The mandate when stripped of all the verbiage boils down to two basic tasks:

1. to provide the Minister with a question for him to place on a municipal ballot - a ballot to which he has committed himself – in order to bring some clarity to the situation in the City of Kawartha Lakes; and,
2. to provide the residents of the City of Kawartha Lakes with the opportunity to express their opinions about the various options which they might consider if they were to endorse further restructuring within the municipality.

While it may appear on the surface and to the casual observer that the Team has not been able to fulfill its mandate, a close examination of the recommendations, which follow this overview, will indicate the opposite.

We have recommended not one question for the ballot, but three – three questions which we hope will bring some sense of closure to the concern that the voters of this municipality had no input into the decision to turn Victoria County into a one-tier government. These questions will also provide the voters with the opportunity to express their opinions about the need to restructure both in the past and in the future. While the questions will not allow individuals to vote for or against any particular alternate restructuring model, should some restructuring be deemed necessary following the balloting, the debates of the referendum will have allowed the variety of options to come before the public. The Team is of the opinion, given the potential of a provincial election in 2003 and the need to bring closure to this highly divisive issue which would hamper the deliverance of good governance no matter what structure was in place, that there is no time for the Team to review and evaluate all the restructuring proposals that are likely to come forward. Each proposal would require wide-sweeping research and documentation and the Team has neither the time nor the staff to do

gather such material; to analyze the mountain of evidence which will accumulate; to return to the public with its findings; to listen to the public's concerns with the shortlist of options, and, finally, to prepare the question for the referendum.

If the Minister puts the questions that we have recommended and *if* the voters indicate that there is a need for change in whichever government structure prevails in the first question, the Team encourages the Minister and the Municipality to begin the process of a public review of any potential structural alterations the Public in its collective wisdom should deem fit to present. It should also be noted as well, that there are alterations which could be made within the scope of existing provincial legislation governing municipalities. (These include, for example, such matters as the name of the municipality, ward boundaries, area rating and service delivery.)

The Team would like to emphasize to the Minister the importance of putting the question on a municipal ballot as soon as possible in order to avoid potential conflicts with the pending provincial election and in order to allow for any legislation (should some be required) to be placed on the Order Paper for the consideration of the Legislature. The amalgamation issue has been fermenting long enough and, now that the Minister has committed himself to holding a vote, sooner is better than later.

This report will not detail the various Terms-of-Reference concerns with which we have had to wrestle. Needless to say, the Terms of Reference were the determining factor in the brevity of the Team's existence. In this particular case, however, brevity is probably a blessing in disguise for now the Minister will be able to start the healing process within the community.

The Team has provided the recommended questions and a recommended process for the conduct of the referendum. We have even been so bold as to suggest a follow-up process if the results of the vote indicate that one is necessary. Under the circumstances, the Team feels it has fulfilled its mandate to the best of its ability and we present this report accordingly.

On a personal note, I would like to thank all the members of the Team for offering their time and experience to assist their municipality. Many of us had to be convinced that the whole enterprise was worthwhile and some, undoubtedly, are still not convinced that it was. The environment in which we were to operate was not as positive a one as we would like to have seen considering the monumental scope of the task we were given. Nevertheless, the Team rose to the occasion, and each and every one of you has made positive contributions to the recommendations spelled out in this report. We should take a great deal of satisfaction from the fact that, despite the hurdles, we have provided the Minister with all that he really needs to start the referendum process and get the public involved.

Max Radiff, Chair

RECOMMENDATIONS

A – The Question

Recommendation Number 1:

It was the unanimous recommendation that the Referendum Question be: 1) Do you want to restore Victoria County and former 16 municipalities, yes or no?

And further, that two additional questions be placed on the ballot:

2) If your answer to question 1 above is “yes”, do you agree that the former County of Victoria and its 16 lower tier municipalities requires some further restructuring, yes or no? and

3) If your answer to question one above is “no”, do you agree that the City of Kawartha Lakes requires some further restructuring, yes or no?

Rationale:

In addition to the primary referendum question to be designated by the Minister, which would ask if voters agree to dissolve the City of Kawartha Lakes and reinstate a two-tier structure consisting of an upper-tier with sixteen lower-tier municipalities (i.e. the former County of Victoria structure), the Advisory Team recommends that two supplementary questions also be placed on the ballot. For voters answering ‘yes’ on the primary question, the first supplementary question would ask if they agree that the former County of Victoria and its sixteen lower-tier municipalities required some form of restructuring. For voters answering ‘no’ on the primary question, the second supplementary question would ask if they agree that the City of Kawartha Lakes requires some further restructuring.

Regardless of whether the majority vote on the primary referendum question is either ‘yes’ or ‘no’, the question in itself has not been designed to bring a definitive closure to the issue of restructuring. The question asks voters to indicate only their preference between two governance structures, namely the current City of Kawartha Lakes or the former County of Victoria. It provides a restricted choice and does not seek out the fundamental question as to whether voters agree that either of the two models is the correct one or if some other restructuring model should in fact be considered. As such, it could be argued that voters are being asked to select between two options, both of which a majority may consider to be undesirable, and that any opportunity to develop a grassroots consensus on the most desirable restructuring option will have been lost forever.

Since 1976, five major reports, each recommending various restructuring options or the re-assignment of responsibility for selected services, have all concluded that the need for change existed. However, residents except through oral or written submissions have never been given the opportunity to formally express their views through a vote on whether change was necessary, and if so, what form the change should take.

The supplementary questions will determine either final closure on the matter or the need to develop a restructuring option that is somewhere between the two options being presented in the primary question.

Implications

Closure

Closure will be brought to the restructuring issue if there is a:

- Majority `yes' vote to the primary question and a majority `no' vote to the first supplementary question.
- Majority `no' vote to the primary question and a majority `no' vote to the second supplementary question.

Further Need for Restructuring

Depending on the outcome of the vote to the primary question, it would be incumbent on the Council of either the upper-tier of a two-tier structure or the City of Kawartha Lakes respectively to engage the public in arriving at a further restructuring option if there is a:

- Majority `yes' vote to the primary question and a majority `yes' vote to the first supplementary question.
- Majority `no' vote to the primary question and a majority `yes' vote to the second supplementary question.

B – The Process of the Referendum

Recommendation Number 2:

That the Team request the Minister to give consideration to the recommended chronology and process for a potential referendum as detailed in the Minutes of the December 10th meeting of the Team, should he “put the wheels in motion”.

Recommendation Number 3:

That the Minister be requested to announce his intentions as soon as possible.

Recommendation Number 4:

That a by-election be held not later than the last Monday in the month of May 2003.

Rationale:

The amalgamation/de-amalgamation debate has been unresolved for too long and has serious ramifications for the delivery of good governance within the municipality. The sooner the public has had its say the clearer the situation will become and everyone benefits.

Municipal elections are slated, by law, for November 2003, and candidates need to know just for what municipality they will be running. Why would anyone run to serve the City of Kawartha Lakes if the *chance* existed that the City would not? If the referendum question were to be placed on the November ballot the election would

not be about the selection of the best candidates to provide the leadership for the municipality but about which candidates support which side in the referendum. This scenario is hardly conducive to encouraging qualified persons to run or intelligent voting on leadership issues to take place.

The sooner the referendum is put the sooner the municipality can get on with whatever changes, if indeed there are any, that need to be made. Postponing any required change only makes it more difficult to affect. If no change is required then the matter will have reached a level of closure and all those can get on with the business of the municipality. In addition, the longer the delay in putting the question to the public the shorter the time frame available to the Minister to bring about any legislative change that may be required following the vote. The timetable of the operating procedures of the Legislature and the pending provincial election are rapidly narrowing the window of opportunity for a return to the two-tier county structure should that be the outcome of the referendum.

The main argument in opposition to the putting the question as soon as possible is a financial one; namely, the costs to the Ministry of a by-election. While it is possible to make a case for democracy as the best philosophy of government it is not possible to make one for democracy as an inexpensive one. The financial costs of a by-election must be weighed against the socio-economic costs to the municipality of not bringing closure to this issue, especially if the continued voter unrest will be guaranteed should a provincial election call put the whole process “on the back burner”.

Recommendation Number 5:

That it be recommended to the Minister that he advise the municipality that it is the Team’s opinion that the vote should be by mail-in ballot.

Recommendation Number 6:

That the Minister, if it lies within his jurisdiction, request the Returning Officer to adopt whatever measures necessary to ensure that the current Mayor, City Councillors, staff and any party retained on contract by the City, campaigning for or against the current municipal structure, seek an unpaid leave of absence for the duration of the campaign.

Rationale:

As the referendum campaign unfolds, it is critically important that there be a level playing field on both sides of the debate. Taxpayers should not be compelled to fund with their tax dollars a referendum position with which they may disagree. Forcing taxpayers, through their tax dollars, to fund either government positions or the positions of the Mayor, individual Councilors or any department, board or commission of the City on referendum questions would constitute an abrogation of democracy.

During the referendum campaign, elected officials and City staff must remain neutral on the referendum questions in order to ensure that no one side of the debate is unfairly advantaged or disadvantaged in the process. Their responsibility is to oversee and manage the day-to-day affairs of the City and not to take sides using their paid or elected positions to influence the outcome of the vote. Should any elected official or City employee wish to campaign either for or against the referendum questions, they should do so as private residents and seek an unpaid leave of absence during the referendum campaign.

There are some who may argue that the restriction on elected officials should apply only to those who wish to campaign against the current municipal structure, as they were sworn to uphold the municipality they serve. However, if the intent of their Oath of office is construed to mean that they could not speak in favour of a structure other than that to which they were elected, then this effectively means that no elected official or municipal council could ever engage in or initiate any restructuring proposal, which we believe would be in contradiction to provincial legislation governing municipalities.

C – General

Recommendation Number 7:

That the Minister educate municipalities, including Kawartha Lakes, on the method(s) by which individuals within a municipality or municipal councils themselves may work to alter the structure and name of their municipality – methods which currently exist within legislation governing municipalities.

Rationale:

It is the opinion of the Team that had the Public, the Council and the Staff of the City of Kawartha Lakes been fully cognizant of the current legislative provisions for a municipality to alter its own structure and/or practices the opportunities for a more cooperative approach might well have been taken and the demands for a referendum mitigated.

APPENDICES

Terms of Reference for Special Advisory Team

Background

On November 12, 2002 the City of Kawartha Lakes Council passed the following resolution calling upon the Minister of Municipal Affairs and Housing (Minister) to place a question on a municipal ballot, the outcome of which would provide the advice necessary for determining the preferred governance model for the City of Kawartha Lakes.

WHEREAS the City of Kawartha Lakes was created by Commission order on January 1, 2001 from 16 lower tier municipalities and a single upper tier municipality; and

WHEREAS the Council of the City has undertaken a significant amount of work to develop a municipality with common community values based on our desire for responsible growth, a community focus, good government and prosperity while embracing change; and

WHEREAS this transition to one municipal government has not been an easy one for our residents and municipal staff, with many taxpayers now expressing a desire for a referendum on governance in Kawartha Lakes; and

WHEREAS Council wants to bring closure to the restructuring debate in order to focus Council efforts completely on the day-to-day challenges of determining priority policies and programs for the well-being of Kawartha Lakes residents; and

WHEREAS the Minister of Municipal Affairs and Housing has authority provided under the Municipal Elections Act, 1996, to place a question on the municipal ballot, the results of which, although not binding, would provide the citizens' advice needed to determine the best course of action;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kawartha Lakes requests the Honourable Chris Hodgson, Minister of Municipal Affairs and Housing, to place a question on a ballot, the outcome of which would provide the advice necessary for determining the preferred governance model for the City of Kawartha Lakes; and

THAT the deputation by the Honourable Chris Hodgson be received.

Objective

The Minister desires a full consultation process in order to develop the most appropriate question to determine the wishes of qualified electors in the City of Kawartha Lakes.

Mandate

The Mandate of the Special Advisory Team is to provide a report to the Minister of Municipal Affairs and Housing with three options, including one preferred option agreed to unanimously, for questions that could be placed on the municipal ballot for the purpose of determining the wishes of qualified electors concerning restructuring of Kawartha Lakes.

The Panel is appointed and must solicit views of the public.

As one of their first pieces of business the panel will decide the process that will lead to a unanimous recommendation to the Minister. The Minister can then amend the terms of reference appropriately.

In the event that the Special Advisory Team is unable to provide unanimous support for the recommended questions, the Minister will then designate the question to be placed on the ballot as one, which refers only to the dissolution of the City of Kawartha Lakes and the reinstatement of a two-tier structure consisting of an upper-tier with sixteen lower-tier municipalities.

Authority

The Minister of Municipal Affairs and Housing has the authority to place a non-binding question on the municipal ballot.

Consultation Process

In developing options for the questions, the Special Advisory Team will consult with local taxpayers, both individuals and businesses, permanent and seasonal, municipal Council, and other key stakeholders through a variety of means.

It will receive and consider oral and written submissions, which should address the presenter's preferred restructuring option for a question and the reasons why. The Special Advisory Team may review any previously prepared documentation, as it deems necessary.

In soliciting public input, attention should be given to the factors faced prior to amalgamation and the views, concerns, objectives and interests of those who support either the current municipal structure, the former municipal structure or some other governance model.

Question

Any potential question must suggest a specific governance model and be answerable with a yes/no response. It must be designed to be clear, concise and neutral and may give consideration to two-tier and single-tier options. The question needs to take into account the following issues:

1. municipal structure - number of municipalities; boundaries of municipalities; status of the new municipalities.
2. council(s) - composition and size; method of election; number of wards and ward boundaries, if applicable.
3. progress made in addressing previous infrastructure and service-delivery issues facing the former municipalities.

Any governance model suggested by the question must consider only the existing boundaries of the City of Kawartha Lakes and should involve a municipal structure that:

4. recognizes and supports the distinctive cultures, priorities and service requirements between urban and rural municipalities.
5. promotes lower taxes by reducing overall municipal spending, delivering high quality services at the lowest possible cost, preserving volunteerism, and promoting job creation, investment and economic growth;
6. promotes competitive and efficient service delivery and adequate area-wide infrastructure, ensuring preservation and enhancement of services in both urban and rural communities, while maintaining taxpayer accessibility;
7. simplifies and streamlines government and provides clear lines of responsibility and accountability at the local level, by reducing unnecessary duplication and overlap and barriers and red tape for business;

Report

Specifically, the Advisory Team's report should summarize the public meetings and comments, list the potential questions, including a preferred question, and provide an assessment of the advantages and disadvantages of each question.

Their report should also include additional matters as the Special Advisory Team deems appropriate, including the timing of the ballot, the referendum process, implementation (such as the need for regulations or legislation) and transition requirements.

The report shall be submitted to the Minister by March 31, 2003 unless otherwise requested and agreed to by the Minister and Panel.

Support

Staff support for this process will be provided by the Ministry of Municipal Affairs and Housing. Logistical support and advice as to local circumstances will be provided by the Eastern Municipal Services Office. Policy advice will be provided by the Municipal Governance and Structures Branch and legal advice by the Legal Services Branch.

Remuneration

Members of the Special Advisory Team will serve on a voluntary basis and will receive no compensation but may claim reasonable expenses for travel subject to the approval of the Ministry.

Team Members

Max Radiff – Chair

Reg Baker

Glen Corneil

Carm Hamilton

Audrey Holden

Brenda Moynes

Paul Pagnuelo

John Panter

Carl Quaranto

Sharon Summers

Gale Walker

3. Rules of Procedure

The Chair advised that the team would operate by consensus, unless a vote is necessary and that the Chair intends to vote. A majority vote, 50% plus one, will carry the question. A failure to vote will count as a “no” vote.

Carm Hamilton suggested that a consensus should mean that all of the members agree and are committed to the decision.

It was agreed that the Chair would be the main spokesperson. The Chair advised the Team members that if they want information that it should be a decision from the committee’s perspective and that all requests for information would go through the Chairperson. The Chair or MMAH staff will contact the City of Kawartha Lakes for any information as city staff have already received a number of requests.

4. Introduction of MMAH staff

Adrian Mann outlined the support the team could expect from Communications Branch.

She suggested that the fastest, most economical way to communicate with the public would be to set up a page on the Ministry web site. She listed several items that the page could include, such as the names of the Team members, a short, one paragraph bio on the members background, regular updates on what the panel is doing, meeting dates, frequently asked questions etc.

It was the consensus of the members that a draft communications be prepared by the Chair, Max Radiff and Sharon Summers. The proposed communication plan will then be presented to the members at the next meeting.

Ralph Walton advised that he could provide the members with the framework of policies under which, municipalities operate.

5. Office Help and Budget Needs

The Team discussed its needs with respect to the budget. Some of the items which were identified are: an answering machine; secretarial help for approximately a half a day per week, which Sharon Summers offered to look into; a contract for photocopying; advertising; direct mail out to each property owner, including seasonal and snowbird ratepayers, and all businesses. Various methods of achieving reaching all of the categories of ratepayers were discussed and it was the consensus of the members that Donna Simmonds would investigate the various options and report back to the Team.

It was noted that the advertising budget would have to take into account the fact that there are several media outlets in the City of Kawartha Lakes and that there is no one paper having general circulation in the area. It was suggested that in addition to advertising in local newspapers that use be made of the Cable Companies community channels as well as radio and television stations.

Hall rentals would be another expense and it was suggested that the Board of Education be contacted to work out an arrangement for the use of their facilities for the public information and consultation sessions.

Personal Out of Pocket Expenses for mileage and long distance telephone calls by the Team members would be able to be claimed. Members will be required to submit monthly mileage claims. Mileage forms will be provided to all members at the next meeting.

6. Review of Terms of Reference

The members reviewed the Terms of Reference. It was noted that the Minister has requested that the Team provide 3 questions with 1 question identified as the recommended question.

The Team discussed the definition of the term “unanimous”.

Resolution Number: 02-02

Moved by: Carl Quaranto

Seconded by: Gale Walker

That the term “unanimous” in the Terms of Reference be defined as 8 of the 11 members must be in agreement and this will be determined to be a unanimous decision of the Team.

Recorded vote:	Yes	No
Max Radiff		X
Carl Quaranto	X	
Paul Pagnuelo	X	
Brenda Moynes	X	
John Panter		X
Gale Walker	X	
Audrey Holden	X	
Sharon Summers		X
Carm Hamilton		X
Glen Corneil	X	

The Chair declared the Resolution “carried” by a vote of 6 in favour and 4 against.

John Panter inquired if there was any evidence presented to that Team that would be ruled inadmissible. It was the consensus of the members that this would be decided on a case-by-case basis.

There was a question put forward as to whether or not the Team would be providing a costing for de-amalgamation for use at the public meetings as it could be one of the questions asked by the public. It was the consensus of the members that because of the multitude of options for governance that the best answer to the question would be to say "We don't know".

7. Open/ Closed Meetings

Resolution Number: 02-03

Moved by: John Panter

Seconded by: Sharon Summers

That all meetings be open.

Carried unanimously

8. **DATE Of Next meeting**

Tuesday, December 3, 2002 at Kinmount Community Centre

9. Adjournment

Resolution Number: 02-04

Moved by: Carm Hamilton

That the meeting be adjourned.

MINUTES OF THE SPECIAL ADVISORY TEAM MEETING
HELD TUESDAY, DECEMBER 3, 2002
AT KINMOUNT COMMUNITY CENTRE, CITY OF KAWARTHA LAKES

PRESENT: Advisory Team Members – Max Radiff, Chair
Reg Baker
Glen Corneil
Carm Hamilton
Audrey Holden
Brenda Moynes
Paul Pagnuelo
John Panter
Carl Quaranto
Sharon Summers
Gale Walker

PROVINCIAL STAFF PRESENT: Ralph Walton, Manager, Municipal Structures Policy
Section, Municipal Governance Structures Branch,
MMAH -Toronto
Adrian Mann, Director, Communications Branch
MMAH-Toronto
Carol D. Church, Municipal Advisor, MMAH-Kingston

REGRETS: Donna Simmonds, Senior Housing Advisor, MMAH-
Kingston

Max Radiff, Chair, presiding.

1. Call to Order

The Chair called the meeting to order and welcomed those in attendance.

2. Adoption of the Minutes

Minutes of the Meeting of the City of Kawartha Lakes Special Advisory Team held Tuesday, November 26, 2002 at the City of Kawartha Lakes municipal office.

Resolution Number: 02-05

Moved by: Carl Quaranto

Seconded by: Sharon Summers

That the minutes of the meeting of the City of Kawartha Lakes Special Advisory Team held Tuesday, November 26, 2002 at the City of Kawartha Lakes municipal office be adopted.

Carried

3. Adoption of the Agenda

The Chair noted the following amendments should be added to the agenda:

That “Statement by Audrey Holden” be added as the first item under Item 4, Business Arising;

That “when to discuss” be added as a final point to Item 5(c), Review of Existing Documentation;

And that the bullet point on “Office staff” under Item 4, Business Arising be moved to Item 8, Closed Session: Personnel Matter.

Resolution Number: 02-06

Moved by: Paul Pagnuelo

Seconded by: Brenda Moynes

That the Agenda be adopted, as amended.

Carried

4. Business Arising

Statement by Audrey Holden

Audrey Holden read from a prepared statement outlining how she planned to participate as a member of the Team.

Clarification of consensus/vote modus operandum

The Chair advised that it is the intent of the Chair to let discussion flow as freely as possible. If the Team cannot reach a consensus after a reasonable time the Chair will put the issue to a vote.

Draft Communication Plan

The draft communication plan was reviewed. The Chair advised the members that it is his intention to contact both the Mayor and CAO of the City of Kawartha Lakes after each meeting to provide an overview of the Team’s progress to date.

MMAH staff was requested to provide a Fact Sheet or Backgrounder on the Team.

Resolution Number: 02-07

Moved by: Brenda Moynes

Seconded by: Carm Hamilton

That the name of the Team be “Special Advisory Team on City of Kawartha Lakes Referendum Question”

Carried

Reply from the Minister

The Chair inquired if MMAH staff had received any information from the Honourable Chris Hodgson regarding the definition of “unanimous” in the Terms of Reference.

MMAH staff indicated that the Minister’s office is considering the Team’s request.

5. Start the Process

The Chronology of the Process

The Chair suggested starting at the end of the process and work backwards. It was the consensus of the members that the final report be presented to the Minister of Municipal Affairs & Housing prior to February 28, 2003 and that a press conference be held on February 28, 2003 to release the report to the public.

Review of Existing Documentation

It was the consensus of the members that copies of the five restructuring reports circulated to the members be placed in each of the Libraries and Service Centres of the City of Kawartha Lakes, for the public to review.

Submissions

A question, which arose, was how the Team would deal with requests from individuals who want their submission be anonymous. Some members felt it was a public process and all submissions, including the names of the individual submitting the document should be public. Others felt that some might feel constrained if the name on their submission was made public.

Public Meetings

The Team members discussed the number and timing of public meetings.

Resolution Number: 02-08

Moved by: Carl Quaranto

Seconded by: Glen Corneil

That eight public meetings be held in January, 2003 to hear oral submissions and that the Team use the oral submissions as well as the written submissions to make its’ decision.

Carried

Resolution Number: 02-09

Moved by: Carl Quaranto

Seconded by: Glen Corneil

That the eight public meetings be held on the following dates in 2003:

Tuesday, January 7th; Saturday, January 11th; Wednesday, January 15th;

Saturday, January 18th, Monday, January 20th; Saturday, January 25th;

Monday, January 27th; and Thursday, January 30th. The weekday meetings will be scheduled from 6:00 p.m. to 9:00 p.m. and the Saturday meetings will be scheduled from 1:00 p.m. to 4:00 p.m.

Carried

It was the consensus of the members that the final draft of the report would be started on February 10, 2003. The submissions would be divided amongst groups of the Team members to prepare the lists of pros and cons for each of the options, which would then be presented to the whole Team for discussion the week of February 17, 2003. The Chair will prepare the summary portion of the report outlining what the Team did. The Chair indicated that the Team would likely be meeting every evening of the week beginning February 17, 2003.

It was the consensus of the Team that the Team must receive all written submissions by February 3, 2003.

Submissions (cont'd)

Topic on which to solicit submissions

Parameters of oral submissions

Form and parameters of written submissions

Timing for both written and oral submissions

It was the consensus of the Team that all written submissions must include the type of governance preferred and why, along with a verifiable name and municipal address.

It was the consensus of the Team that oral submissions at the public meetings be restricted to five minutes each; that a written copy of the major points be given to the Team at the meeting, which could be point form notes; that appointments to speak be booked with the Team's secretary prior to the meeting; that oral presentations identify the type of governance preferred and why; and if they are representing a group that they provide evidence that they are representing the group and what the group's position is.

It was the consensus of the Team that the Chair and Secretary would make arrangements for the venues for the public meetings.

Role of the Team, Before, During and After Public Meetings

The Chair requested that the members read all submissions that come in prior to the public meetings in case someone who had submitted a written presentation was also making an oral presentation.

That the original written submissions be available to the public for review. It was suggested that perhaps they could be available at the City of Kawartha Lakes Municipal Office.

The Chair advised that during the meeting, only questions of clarification can be asked by Team members, as there should not be any “cross examination” of the presenters.

After the public meetings it will be the responsibility of the Team to review all material submitted.

Review of Existing Documentation (cont'd)

Smart Growth Materials

The Chair noted that information on Smart Growth had been circulated at the previous meeting.

Municipal Act – Division of Powers between upper and lower tier governments

MMAH staff circulated the documentation requested by the Team regarding the division of powers. Staff also advised they would send an e-mail to Team members with the web site address for the Municipal Act, 2001 and will also provide the members with section numbers of the Act that might be of interest.

Analysis reports from MMAH Staff

The Chair requested that MMAH staff check into the availability of any analysis reports before and after amalgamation including the total cost of municipal governments in Victoria County and the total cost now.

The Chair also requested that MMAH staff look into the feasibility of having a financial evaluation of the projected savings in the Kitchen Report and whether or not they were realized.

6. What is expected of the Team before the next meeting

The Chair asked the members to review the five restructuring reports that had been circulated and come up with three different observations relative to

restructuring and submit them to the Chair for circulation to the whole Team prior to the December 17, 2002 meeting.

7. Date of Next Meeting

Resolution Number: 02-10

Moved by: Carm Hamilton

Seconded by: Glen Corneil

That the next meeting be held on Tuesday, December 17, 2002 in the Pontypool Community Centre.

Carried

It was the consensus of the members, that due to the amount of material to be covered that a meeting also be held on Tuesday, December 10, 2002 and that the next two meetings be held in the Pontypool Community Centre and Coronation Hall in Omeme. The exact location for each meeting will be subject to availability of the hall.

The Chair advised that the agenda for the December 10th meeting will contain items relative to the process for the referendum such as timing, and the way it should be conducted as well as the process for the final report. He requested that MMAH staff provide information on municipal questions for the Teams review.

8. Closed Session: Personnel Matter

Resolution Number: 02-11

Moved by: Carl Quaranto

Seconded by: Glen Corneil

That the Team proceed into closed session to discuss personnel issues.

Carried.

Team in closed session.

The Team rose and proceeded back into the open session.

9. Adjournment

Resolution Number: 02-12

Moved by: Carl Quaranto

Seconded by: Carm Hamilton

That the meeting adjourn.

Carried

MINUTES OF THE SPECIAL ADVISORY TEAM ON CITY OF
KAWARTHA LAKES REFERENDUM QUESTION MEETING
HELD TUESDAY, DECEMBER 10, 2002
AT CORONATION HALL, OMEMEE, CITY OF KAWARTHA LAKES

PRESENT: Advisory Team Members – Max Radiff, Chair
Reg Baker
Glen Corneil
Brenda Moynes
Paul Pagnuelo
John Panter
Carl Quaranto
Sharon Summers
Gale Walker

REGRETS: Carm Hamilton
Audrey Holden

PROVINCIAL STAFF PRESENT: Ralph Walton, Manager, Municipal Structures Policy
Section, Municipal Governance Structures Branch,
MMAH -Toronto
Donna Simmonds, Senior Housing Advisor, MMAH –
Kingston
Warren Sleeth, Manager, Local Government, MMAH -
Kingston
Carol D. Church, Municipal Advisor, MMAH-Kingston

Max Radiff, Chair, presiding.

1. Call to Order

The Chair called the meeting to order.

2. Adoption of the Agenda

Resolution Number: 02-13

Moved by: Carl Quaranto

Seconded by: Brenda Moynes

That the Agenda be adopted as circulated.

Carried

3. Adoption of the Minutes

Minutes of the Special Advisory Team Meeting held Tuesday, December 3, 2002 at
the Kinmount Community Centre, City of Kawartha Lakes.

Resolution Number: 02-14

Moved by: Glen Corneil

Seconded by: Paul Pagnuelo

That the Minutes of the Special Advisory Team Meeting held Tuesday, December 3, 2002 at the Kinmount Community Centre, City of Kawartha Lakes be adopted as circulated.

Carried

4. Business Arising

Reply from the Minister

Ministry staff advised the Team that the Minister was not able to accede to the proposal defining a quorum as 8 out of 11 and provided the Team with additional information specific to the Ministers response to the quorum proposal. The Team was further advised that the Minister was encouraging them to undertake the other activities set out in the Terms of Reference, namely the timing of the ballot, the referendum process, implementation (such as the need for regulations or legislation) and transitional requirements.

Ministry staff were asked if it is possible to collect the financial information set out in the December 3, 2002 minutes.

Ministry staff indicated that the City of Kawartha Lakes has advised that the Financial Statements will be made available as soon as possible. In addition, the City of Kawartha Lakes budget documents set out, by division, their savings, which could be used as a comparison to the Kitchen Report.

5. The Referendum Process

The Chair advised the members that the intent is to provide recommendations to the Minister on how to conduct the referendum, which must be done in accordance with the law.

Timing

At the request of the Chair, MMAH staff provided a brief presentation on the legislation relating to a Minister's question and processes associated with the question being placed before the electorate, as well as other practical and legal matters that may impact any considerations for implementation of a proposal.

The Chair further reiterated and reminded the Team members that there are also considerations regarding whether or not changes to legislation or regulations would be required. If legislative changes were required then the ability to schedule these changes in the legislature would also be a consideration, as the Minister has to meet

certain requirements to approach the legislature. The Chair also reminded the members that the Minister cannot bind the legislature.

Resolution Number: 02-15

Moved by: Paul Pagnuelo

Seconded by: Glen Corneil

That a by-election be held not later than the last Monday in the month of May 2003.

Carried Unanimously

The Vote

The Chair asked the Team to consider the method of voting.

Resolution Number: 02-16

Moved by: Brenda Moynes

Seconded by: Carl Quaranto

That it be recommended to the Minister that he advise the municipality that it is the Team's opinion that the vote should be by mail-in ballot.

Carried

Publicizing Issues

The Chair asked the Team for recommendations to the Minister on how to get the message out to the public on both sides of the issue.

Resolution Number: 02-17

Moved by: Carl Quaranto

Seconded by: Reg Baker

That the Minister allow for the establishment of any number of referendum committees who would be required to register with the Returning Officer if they intend to spend over \$500.00 and that there should be a prohibition against the City of Kawartha Lakes or any member of Council to use taxpayer's funds to support one side or another.

Carried unanimously

Public Meetings

Resolution Number: 02-18

Moved by: Brenda Moynes

Seconded by: Paul Pagnuelo

That it be recommended to the Minister that the Minister appoint a person to conduct at least four public meetings during the referendum campaign for the dissemination of information for both sides.

Carried unanimously

Resolution Number: 02-19

Moved by: John Panter

Seconded by: Paul Pagnuelo

That once the Minister has made a decision to hold the referendum, the Minister send out a general information mailing providing information such as the wording of the question; the date of the vote; the dates of the information meetings to be held and the information on the mail-in ballot.

Carried unanimously

6. Other Business

Chairman's Status Report

At this point in the meeting, the Chair distributed copies of his draft report, which he had prepared for the consideration of the Team.

During this discussion, Carl Quaranto verbally submitted his resignation to the Team, effective immediately, and left the table.

The Chair's report generally stated his belief that the municipal question will be the default question, as he doesn't believe it possible for the Team to reach unanimity. The Chair recommended that the last meeting of the Team be held on Monday, December 16, 2002 and that the Chair be authorized to prepare a draft report for consideration at the next meeting. The report, which will set out the Team's recommendations regarding the municipal question and a timeline, will be presented to the Minister on December 20, 2002.

The Team reviewed each of the 7 recommendations contained in the report.

Recommendation 1 of report:

Resolution Number: 02-20

Moved by: Gale Walker

Seconded by: Brenda Moynes

That the Team concur with recommendation number 1, that the Team report to the Minister that given the nature of the terms of reference we feel that we have accomplished as much as we are likely to and that our deliberations are, therefore, complete;

Carried

Recommendation 2 of report

Resolution Number 02-21

Moved by: John Panter

Seconded by: Brenda Moynes

That the Team concur with recommendation number 2 that the Team request the Minister to give consideration to the recommended chronology and process for a potential referendum as detailed in the Minutes of the December 10th meeting of the Team, should he “put the wheels in motion”;

Carried

Recommendation 3 of report

Resolution Number: 02-22

Moved by: Brenda Moynes

Seconded by: Reg Baker

That the Team concurs with recommendation number 3 that the Team advise the Minister that the question be put on the basis of the default question, as outlined in the Terms of Reference,

Motion Defeated

Recommendation 4 of report

Resolution Number: 02-23

Moved by: John Panter

Seconded by: Gale Walker

That the Team concurs with recommendation number 4 that the Minister be requested to announce his intentions as soon as possible;

Carried unanimously

Recommendation 5 of report

Resolution Number: 02-24

Moved by: John Panter

Seconded by: Paul Pagnuelo

That the Team concur with recommendation number 5 that the Minister, if it lies within his jurisdiction, request those serving City of Kawartha Lakes Councillors who wish to campaign against the current municipal structure to seek a leave of absence for the duration of the campaign.

Motion defeated

Recommendation 6 of report

Resolution Number: 02-25

Moved by: Brenda Moynes

Seconded by: Reg Baker

That the Team concur with recommendation number 6 that the Minister educate municipalities, including Kawartha Lakes, on the method(s) by which individuals within a municipality or municipal councils themselves may work to alter the structure and name of their municipality – methods which currently exist within legislation governing municipalities

Carried

Recommendation 7 of report

Resolution Number: 02-26

Moved by: Brenda Moynes

Seconded by: Gale Walker

That the Team concur with recommendation number 7 that the Chair be authorized to prepare a draft of a report to be circulated to the Team by Monday morning, December 16th, that the Team meet the evening of the 16th to finalize the report, and that the final report be presented to the Minister on December 20, 2002.

Carried

Recommendation 3 of report

Resolution Number: 02-27

Moved by: Paul Pagnuelo

Seconded by: Sharon Summers

That in addition to the question designated by the Minister, which refers only to the dissolution of the City of Kawartha Lakes and the reinstatement of a 2 tier structure, comprising of an upper tier with 16 lower tier municipalities that there be two additional questions placed on the ballot. The first question should ask if the voters agree that the former County of Victoria and its 16 lower tier municipalities required some form of restructuring and the second question should ask if the voters agree that the City of Kawartha Lakes was the correct restructuring choice.

Carried

It was the consensus of the members that this recommendation be included in the report in place of recommendation number 3.

Recommendation 5 of report

Resolution Number: 02-28

Moved by: Paul Pagnuelo

Seconded by: Glen Corneil

That the Minister, if it lies within his jurisdiction, requests the Returning Officer to adopt whatever measures necessary to ensure that the current Mayor, City Councillors, staff and any party retained on contract by the City, campaigning for or against the current municipal structure, seek an unpaid leave of absence for the duration of the campaign.

Carried

It was the consensus of the members that this resolution be included in the report in place of recommendation number 5.

Resolution Number: 02-29

Moved by: Brenda Moynes

Seconded by: John Panter

That the Status Report to the Special Advisory Team on the City of Kawartha Lakes Referendum Question be received.

Carried

7. Next Meeting

It was the consensus of the Team that the next meeting be held in the Community Room at the Manvers Arena at 6:00 p.m. on Monday, December 16, 2002.

8. Adjournment

Resolution Number: 02-30

Moved by: Reg Baker

Seconded by: Paul Pagnuelo

That this meeting adjourn.

Carried

Status Report
to the
Special Advisory Team on City of Kawartha Lakes
Referendum Question

It is the opinion of the Chair that, given the nature of the terms of reference, we have gone as far as we can go with the task we were assigned by the Minister of Municipal Affairs and Housing.

Following a resolution by the City of Kawartha Lakes Council, the Minister agreed to put a question on a City of Kawartha Lakes municipal ballot. I understand that the Minister wanted the process of developing that question to be as inclusive as possible and that the panel's recommendation would be a unanimous one.

There is no doubt in my mind, at this point, that the question will be the default question, as I do not believe at this point that it will be possible for our group to reach unanimity on what the future structure of our community should be.

This is not to put blame on any single member of the Team. Nevertheless, I think it is fair to say that each of us comes to the table with our own ideas on the political future of this Municipality. Those ideas will determine the way in which each of us examines the submissions; and those pre-conceived ideas will influence our choice of recommended option to put on the "yes" side of the ballot. The bottom line is, each of us has a veto over any recommended option. The "jury" system works only if every member of the jury is objective and impartial. The key difference, though, is that a jury doesn't have to make a decision that will directly affect the community in which they live. We do, and I'm not sure if anyone in the entire City of Kawartha Lakes can honestly claim to have no opinion on what the community should look like, or could come to the table with a completely blank slate.

With that in mind, it is my contention that it is intellectually and politically dishonest of the panel to suggest that the public submission process would determine the outcome of our deliberations.

I believe that the only possible way that both sides in the referendum debate can be treated fairly under current conditions is for the Minister to establish the question, start the referendum in motion, and allow for both sides to outline the issues as they see them.

I think it is also fair to say that the team faces an enormous task – potentially broader even than the review done by Dr. Kitchen. If we were to propose something other than the default question, I am concerned about completing the research and information-gathering work by March 31.

It is my considered opinion, now that the Team has established a chronology and a process for the Minister to consider if and when he decides to put the question on a

municipal ballot, that the Team has accomplished as much as is humanly possible. With this in mind, I would ask the Team to endorse the following recommendations to the Minister:

RECOMMENDATIONS

1. that the Team report to the Minister that given the nature of the terms of reference we feel that we have accomplished as much as we are likely to and that our deliberations are, therefore, complete;
2. that the Team requests the Minister to give consideration to the recommended chronology and process for a potential referendum as detailed in the Minutes of the December 10th meeting of the Team, should he “put the wheels in motion”;
3. that the Team advise the Minister that the question be put on the basis of the default question, as outlined in the Terms of Reference.
4. that the Minister be requested to announce his intentions as soon as possible;
5. that the Minister, if it lies within his jurisdiction, request those serving City of Kawartha Lakes Councillors who wish to campaign against the current municipal structure to seek a leave of absence for the duration of the campaign;
6. that the Minister educate municipalities, including Kawartha Lakes, on the method(s) by which individuals within a municipality or municipal councils themselves may work to alter the structure and name of their municipality – methods which currently exist within legislation governing municipalities;
7. that the Chair be authorized to prepare a draft of a report to be circulated to the Team by Monday morning, December 16th, that the Team meet the evening of the 16th to finalize the report, and that the final report be presented to the Minister on December 20th, 2002.

Respectfully Submitted,

Max Radiff
Chair

on page 6, Resolution Number: 02-27 the word question should be plural so it reads “two additional questions placed”.

3. Adoption of the Agenda

Brenda Moynes requested that the Team reconsider the following resolutions: 02-20; 02-21; 02-22; 02-23; 02-25 and 02-27 under Business Arising.

Resolution Number: 02-32

Moved by: Carl Quaranto

Seconded by: Glen Corneil

That the Agenda be adopted as amended.

Carried

4. Business Arising

Audrey Holden’s Proposal

Audrey Holden presented the Team with a report she had prepared on the Referendum process. She advised that she was presenting the report as an alternative to the report presented by the Chair at the last meeting in the hope that the Team might be able to continue.

In summary, she recommended that the Team use the Sims, County and Hemson reports as a basis of soliciting input from the public. This was to be done by a form letter to every voter, offering them three options based on the recommendations from each of the three reports. There would also be an “other” category if anyone wanted to write in an alternative governance structure. The numbers for each would be added up after a specific date and that would be the question the Team would agree to submit to the Minister for the Referendum question.

The report was discussed by the Team. Questions arose as to whether this process would in fact eliminate any bias allowing for a unanimous recommendation or if it would simply be a referendum to obtain the referendum question. It was felt by some that this method would simply be a “numbers game” with the potential for one or more individuals “vetoing” the final results because they felt that one of the write in suggestions might have had the most votes if it had been on the list.

Note: Brenda Moynes temporarily left the meeting at this point due to illness.

Resolution Number: 02-33

Moved by: Sharon Summers

Seconded by: Carm Hamilton

That the report submitted by Audrey Holden be received.

Motion defeated

Resolution Number: 02-34

Moved by: Sharon Summers

Seconded by: Reg Baker

That the Team move to finalize the Chair's Report from December 10, 2002.

Carried

5. Other Business

Review/Finalize the Report

Note: Brenda Moynes re-entered the meeting at this point.

The Team reviewed the resolutions listed for reconsideration on the agenda.

It was the consensus of the members that Resolutions Numbered: 02-20; 02-21; 02-22; 02-23; 02-25, in light of the previous resolution would not need to be reconsidered.

Resolution Number: 02-35

Moved by: Carl Quaranto

Seconded by: Reg Baker

That the Team reconsider Resolution Number: 02-27.

Carried

Resolution Number: 02-36

Moved by: Carl Quaranto

Seconded by: Reg Baker

That Resolution Number: 02-27 is hereby rescinded.

Carried

Resolution Number: 02-37

Moved by: John Panter

Seconded by: Audrey Holden

That the Referendum Question be: 1) Do you want to restore Victoria County and former 16 municipalities, yes or no?

And further, that two additional questions be placed on the ballot:

2) If your answer to question 1 above is "yes", do you agree that the

former County of Victoria and its 16 lower tier municipalities requires some further restructuring, yes or no? and

3) If your answer to question one above is "no", do you agree that the City of Kawartha Lakes requires some further restructuring, yes or no?

Carried Unanimously

Resolution Number: 02-38

Moved by: John Panter

Seconded by: Sharon Summers

That the Team reconsider Resolution Number 02-15.

Carried

The Team discussed various options for the recommended date of the referendum. It was the consensus of the members that the resolution not be changed.

The Chair advised that he would work with MMAH staff to compile the report, which would include all of the recommendations, verbatim; the rationale provided for some of the recommendations; minutes of the meetings; lists of reports deemed relevant by the Team; list of Team members, etc. He indicated the report would be presented to the Minister at a press conference to be held after 11:30 a.m., on Friday, December 20, 2002.

Resolution Number: 02-39

Moved by: Carl Quaranto

Seconded by: Sharon Summers

That the Team adopt the Report and forward it to the Minister of Municipal Affairs & Housing.

Carried unanimously

6. Adjournment

Resolution Number: 02-40

Moved by: Sharon Summers

Seconded by: Carm Hamilton

That this meeting adjourn.

Carried

LIST OF AVAILABLE RESTRUCTURING REPORTS

1. County of Victoria Municipal Government Study, The County and Municipalities Final Report – Report Three, June 1976; Author: R. E. Sims, Commissioner
2. County of Victoria Steering Committee on County Government, Final Report, April 1991
3. Review of Options for Local Government in Victoria County, Recommended Restructuring, Prepared for the Town of Lindsay, October 1999; Author: Hemson Consulting Ltd.
4. Reorganization Review of Selected Services in Victoria County, June 10 1997; Authors: W. Douglas Armstrong and Harry Kitchen
5. Municipal Government for Victoria County: A New Beginning, Final Report and Order, April 19, 2000; Author: Harry Kitchen, Commissioner, Victoria County Restructuring Commission