

Peter A. Howie
700 Victoria Avenue
Fort Frances, ON P9A 2C8
Email: peterhowie2@gmail.com

January 27, 2022

Paul Heayn
Closed Meeting Investigator
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9
Email: psheayn@drytel.net

Dear Mr. Heayn:

Re: Closed Meeting Complaint Regarding Council of the Town of Fort Frances

Please accept this closed meeting complaint regarding Council of the Town of Fort Frances, submitted pursuant to section 239.2 of the *Municipal Act, 2001*.

On January 10, 2022, Council of the Town of Fort Frances met in-camera to address an item of business described as follows:

10.3 Personal matters about an identifiable individual, including municipal or local board employees: Correspondence from the general public raising personal matters about an identifiable individual.

This item of business clearly pertains to correspondence that I submitted to Mayor and Council on January 5, 2022 which provided evidence of serious misconduct on the part of the Mayor, based on public documents and records.

This was an illegal closed session of Council. The item of business was not a “personal matter”. It was a matter pertaining to the misconduct of the head of Council, after she was exposed by the productions of a freedom of information request for leaking a privileged and confidential document to her friend and then having previously misled Council about her responsibility for doing so.

It is obvious that this Council discussion ought to have taken place in open session, for several reasons:

1. The conduct of elected members of Council in the exercise of their roles does not attract closed meeting protection. This is why the *Code of Conduct* requires that reports from the integrity commissioner be received in open session.
2. The records related to the Mayor’s misconduct were entirely public documents obtained under the *Municipal Freedom of Information and Protection of Privacy Act*, and I further circulated them to

members of the public upon identifying the Mayor's malfeasance. There was no information at risk of public disclosure.

3. The subject of my letter is a continuation of a discussion which took place in the open session of Council on November 8, 2021. That discussion was reported in the media, and I enclose herewith a copy of the article which appeared in the *Fort Frances Times*. While the leaked document was a legal opinion – which would ordinarily attract a closed session discussion – it is self-evident from the November 8, 2021 meeting that discussion of the contents of this document were not germane to the discussion in open session about the leak of this material to a member of the public. There was also no legal counsel present on January 10, 2022 to extend lawyer-client privilege to Council, nor did the matter pertain to litigation or potential litigation.
4. There was no “personal” matter under consideration concerning the Mayor or any other person, and this is an inaccurate characterization of the business item. Regulators have consistently stated that matters of a professional nature or which relate to the office of elected officials do not make out this section. For instance:
 - The provincial Ombudsman, in his role as closed meeting investigator for the Township of Emo, has stated that “[g]enerally, discussions of a council member’s actions in the course of their duties are considered to be of a professional nature and do not fall within the “personal matters” exception”: <https://canlii.ca/t/ib1g6>.
 - In his role as closed meeting investigator for the Municipality of Temagami, the Ombudsman has reached similar conclusions, stating that “the information must be about individuals in their personal capacity, rather than their professional, official or business capacity”: <https://bit.ly/3GyPkBv>.
 - Likewise, the Information and Privacy Commissioner has stated that “to qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be “about” the individual”: <https://canlii.ca/t/1scqh>.
5. Even if the subject matter of item 10.3 did pertain to “personal information”, the Information and Privacy Commissioner has stated that “[t]o qualify as personal information, [the information] must be reasonable to expect that an individual may be identified if the information is disclosed”. The individual was already identified publicly and in publicly disclosed records of the municipality. While this exception is not available to Council in these circumstances, this meeting would not have “exposed” her identity.

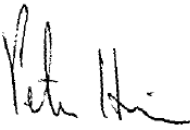
I note that there is also no other exception under section 239 of the *Municipal Act, 2001* which would apply to take this item into closed session. Members of Council are not “personnel” or employees of the municipality, I have no lawyer-client relationship with Council, and my letter to Council neither makes any request of Council or any legal demand for the purpose of establishing “litigation or potential litigation”. It seems obvious to me that this item was taken into closed session so that members of Council could attempt to hide the Mayor's gross misconduct and likely violation of the *Municipal Conflict of Interest Act* for failing to disclose her interest on November 8, 2021.

Members of the public were entitled to see how their Council addressed this breach of confidentiality and misconduct by the head of Council and exercised their governance in the public interest. They were denied that right.

In submitting this complaint, I am deeply discouraged at the lack of transparency of Council in considering serious allegations of misconduct and dishonesty by one of its members. It appeared, from the public broadcast of the meeting, that only Councillor Judson understood that this item should not proceed in closed session, as he called a recorded vote and voted against the resolution to do so. This is reflected in the minutes, a copy of which I have enclosed.

I trust you will fully address these concerns.

Regards,

A handwritten signature in black ink, appearing to read 'Peter Howie', with a stylized, cursive script.

Peter Howie

Encl. Letter to Mayor and Council, dated January 5, 2022;
Fort Frances Times article, dated November 10, 2021;
Minutes of Council Session, dated January 10, 2022

PETER A. HOWIE

BARRISTER SOLICITOR NOTARY

PO Box 105, Fort Frances, ON P9A 3M5 | Phone: 807-861-0638 | Fax: 807-789-1661 | Email: peterhowie2@gmail.com

January 5, 2022

Mayor and Council
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9

Sent via Email (town@fortfrances.ca)

Dear Mayor and Council:

Re: Leaked Privileged and Confidential Document

On August 15, 2021, I made a request to the Town of Fort Frances ["Town"] under the *Municipal Freedom of Information and Protection of Privacy Act* ["MFIPPA"] seeking copies of all written communications between Mayor June Caul and local real estate agent, [REDACTED]. I am now in receipt of those documents and I feel obliged to bring to your attention an email exchange from June 22, 2021 and June 23, 2021.

In this email exchange it appears that Mayor Caul knowingly provided Mr. [REDACTED] with the confidential and privileged information of the Town which ultimately ended up in the possession of the Fort Frances Times and referred to in the paper's October 27, 2021 publication.

I have not seen the exact document that was forwarded to Mr. [REDACTED] because it was redacted by the Clerk on the basis of containing lawyer-client privileged information. However, it is clearly indicated to be a legal opinion prepared by Gowling WLG (Canada) LLP on the Crossroute sustainable forest license. A copy of the MFIPPA response with the relevant record is enclosed.

I feel it is necessary to bring this to your attention for the following reasons:

1. The integrity of Town staff, advisors, and other members of Council has been impugned by suggestions from some people that they are responsible for the leaked information;
2. At the November 8, 2021 meeting of Council, Mayor Caul stated that "there were several others who were privy to this information as well, so we cannot just assume it was one of our members of Council"¹;
3. At the November 8, 2021 meeting of Council, various councillors voiced concern about the unauthorized disclosure of this legal opinion; and,

¹ Please note that this is a direct quote that I have verified from an audio recording of the meeting. This quote was also published in the November 10, 2021 edition of the Fort Frances Times.

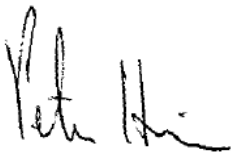
4. As I understand it, Council is awaiting input from the Integrity Commissioner on how he can assist in identifying the source of the leak.

I hope that in bringing these documents and records to your attention that I have assisted the Town in avoiding the costs of an investigation by the Integrity Commissioner.

I anticipate that it may be a challenge to decide how to move forward with this information. I note that it is common practice to dismiss public servants for these types of leaks and to refer such matters to police for investigation of the offence of breach of trust by public officer, contrary to section 122 of the *Criminal Code of Canada*.

On a final note, it is quite puzzling why Mr. [REDACTED] receives so much special treatment from the Town. This is reflected throughout the documents I have obtained and the communications between the Mayor and former members of administration.

Sincerely,



Peter Howie

Encl. December 10, 2021 Letter from G. Lecuyer to P. Howie re MFIPPA 2021-05 request; Document #16 attached to the December 10, 2021 letter.

- C. Members of Council, *sent via email (jcaul@fortfrances.ca, ahallikas@fortfrances.ca, wbrunetta@fortfrances.ca, jmctaggart@fortfrances.ca, djudson@fortfrances.ca, rwiedenhoft@fortfrances.ca, mbehan@fortfrances.ca)*;
Gabrielle Lecuyer, Municipal Clerk, *sent via email (glecuyer@fortfrances.ca)*;
Faisal Anwar, Chief Administrative Officer, *sent via email (fanwar@fortfrances.ca)*

Administration & Finance Division
Planning & Development Division
Phone: (807)274-5323
Fax: (807)274-8479

Operations & Facilities Division
Phone: (807)274-9893
Fax: (807)274-7360

Mailing Address for All Divisions:
320 Portage Avenue
Fort Frances, ON
P9A 3P9



Community Service Division
Phone: (807)274-4561
Fax: (807)274-3799

Email: town@fortfrances.ca
www.fortfrances.ca

December 10, 2021

Submitted by Email: peterhowie2@gmail.com

Peter Howie
PO Box 105
Fort Frances, ON
P9A 3M5

CONFIDENTIAL

Re: MFIPPA 2021-05 request for general records

Dear Mr. Howie:

In summary: On August 16, 2021 the Town of Fort Frances received your request for general records relating to:

1. Copies of all written communications and records between Mayor June Caul and [REDACTED] between the dates of January 1, 2021 to August 15, 2021.

Following a notice of extension submitted to you by email on November 12, 2021 due to the fact that there was a change in staffing within the Clerk's office for the period of August 2021 to October 27, 2021, that there was a large volume of records that must be searched and reviewed in order to respond to your request and to conduct consultations with external parties. As such you were advised that a response would be provided by December 13, 2021.

This letter is to provide the final decision of the request. After reviewing all the above information my office approves granting disclosure in part of documents retrieved per the provisions outlined in the MFIPPA as detailed below with a total of 23 records relating to the above mentioned as follows:

1. Email Caul – [REDACTED] (Tichbornes), July 25, 2021 severed per the provision of section 14 (1) personal privacy
2. Email Caul – [REDACTED] (Tichbornes), July 12, 2021 severed per the provision of section 14 (1) personal privacy

3. Email Caul – [REDACTED] (Tichbornes), July 8, 2021 severed per the provision of section 14 (1) personal privacy
4. Email Caul – [REDACTED] (Tichbornes), July 8, 2021 (attachments)
5. Email Caul – [REDACTED] (Tichbornes), July 8, 2021 severed per the provision of section 14 (1) personal privacy
6. Email Caul – [REDACTED] (Tichbornes), July 8, 2021 (attachments) and exempt one attachment per Section 12
7. Email Caul – [REDACTED] (Tichbornes), June 22, 2021 Exempt per the provision of section 12 – Solicitor-client privilege
8. Exempt per the provision of section 12- Solicitor-client privilege
9. Email Caul – [REDACTED] (Tichbornes), June 9, 2021 severed per the provision of section 14 (1) personal privacy
10. Email Caul – [REDACTED] (Tichbornes), June 6, 2021 severed per the provision of section 14 (1) personal privacy
11. Email Caul – [REDACTED] (Tichbornes), June 1, 2021 (attachments) is the final report re crossroute forest to be release?
12. Email Caul – [REDACTED] (Tichbornes), May 31, 2021 severed per the provision of section 14 (1) personal privacy
13. Email [REDACTED] (Tichbornes) – Caul, July 25, 2021 (attachments) severed per the provision of section 14 (1) personal privacy
14. Email [REDACTED] (Tichbornes) – Caul, July 19, 2021
15. Email [REDACTED] (Tichbornes) – Caul, July 12, 2021
16. Email [REDACTED] (Tichbornes) – Caul, June 23, 2021 section 12- Solicitor-client privilege
17. Email [REDACTED] (Tichbornes) – Caul, June 22, 2021 section 12- Solicitor-client privilege
18. Email [REDACTED] (Tichbornes) – Caul, June 16, 2021 severed per the provision of section 14 (1) personal privacy
19. Email [REDACTED] (Tichbornes) – Caul, June 15, 2021
20. Email [REDACTED] (Tichbornes) – Caul, June 10, 2021
21. Email [REDACTED] (Tichbornes) – Caul, June 6, 2021 severed per the provision of section 14 (1) personal privacy
22. Email [REDACTED] (Tichbornes) – Caul, May 31, 2021 severed per the provision of section 14 (1) personal privacy
23. Email [REDACTED] (Tichbornes) – Caul, May 31, 2021

The actual fee for processing your request is \$240.00 plus HST \$31.20 for a total of \$271.20.
The breakdown for your fee is as follows:

\$90.00 for search time based on 3 hours of time @ \$7.50 per quarter hour;
\$150.00 for records preparation based on 5 hours of time @ \$7.50 per quarter hour;

I trust you will be satisfied with the final decision, but you should be advised that you have the opportunity to appeal to the Information and Privacy Commissioner to review this decision and fee within thirty days from the date of this letter. The appeal fee is \$25.00 (for general record requests) OR \$10.00 (for personal information requests), payable by cheque or money order to the Minister of Finance and must be included with your correspondence. The address is:

Registrar Information and Privacy Commissioner/Ontario
1400-2 Bloor Street East

Toronto, Ontario
M4W 1A8

Please do not hesitate to contact me at (807) 274-5323 Ext: 1215 if you require further assistance or have any questions.

Your truly,

A handwritten signature in black ink, appearing to read 'Gab Lecuyer', written over a horizontal line.

Gabrielle Lecuyer, AOMC
Clerk
Enclosures

#16

Gabrielle Lecuyer

From: Tichbornes <admin@tichbornes.com>
Sent: Wednesday, June 23, 2021 9:49 AM
To: June Caul
Subject: [External] RE: Resolute FP - Questions on Crossroute SFL

[EXTERNAL]

Morning June,

I have gone through this opinion in detail and would like to bring the following to your attention.

: This opinion recognized that the 2016-17 Annual Report indicated a 2017 IFA was done but was not public.

The opinion is based on the last public IFA of 2007-2012. Tannis or Doug B. should have recognized the permanent closure of the mill would be reflected in the 2017 IFA

And that this audit opinion would be material to the questions asked.

I now realize why know one on Council is paying any attention to my position- this legal opinion circulated by Doug B. that I am still at it and wanted to re-circulate this opinion as Big David would Likely approach them. I am the È bad guy È.

Thanks June have to run.

Dave

David Kircher
Broker of Record
Tichbornes Real Estate
576 Scott Street
Fort Frances, ON P9A1H4
Ph: 807-274-3221 Fax: 807-274-4119
Cell Ph: 807-275-7844 Toll Free: 800-263-3221
www.tichbornes.com



From: June Caul [mailto:jcaul@fortfrances.ca]
Sent: June-22-21 2:07 PM
To: admin@tichbornes.com
Subject: FW: Resolute FP - Questions on Crossroute SFL

I found this in my myriad of emails. Thought you'd want to see this

From: Doug Brown <dbrown@fortfrances.ca>

Sent: February 18, 2021 7:36 AM

To: June Caul <jcaul@fortfrances.ca>; John McTaggart <jmctaggart@fortfrances.ca>; Michael Behan <mbehan@fortfrances.ca>; Douglas Judson <djudson@fortfrances.ca>

Subject: FW: Resolute FP - Questions on Crossroute SFL

Hi All, I see that David Kircher will not let it go. I thought it would be wise to recirculated the legal opinion we received back in January of 2019 from Gowling WLG. I would expected that one of you will be contacted by Big David in the near future. ☺

Douglas DC Brown P Eng
CAO
Town of Fort Frances
807-274-5323 Ext 1213
Cell 807-275-9755

From: Tannis Drysdale <tannis@tannis-drysdale.com>

Sent: Saturday, February 2, 2019 3:19 PM

To: Doug Brown <dbrown@fortfrances.ca>; Douglas Judson <djudson@fortfrances.ca>; Andrew Hallikas <hallikas@shaw.ca>; John McTaggart <jmctaggart@fortfrances.ca>; June Caul <jcaul@fortfrances.ca>

Subject: Fwd: Resolute FP - Questions on Crossroute SFL

Initial Letter

Please note that following a call mid week with Gowlings, [REDACTED]

Thank you,
Tannis

----- Forwarded message -----

From: Bear Robe, Kennedy A. <Kennedy.BearRobe@gowlingwlg.com>

Date: Tue, Jan 29, 2019 at 2:00 AM

Subject: Resolute FP - Questions on Crossroute SFL

To: Tannis Drysdale <tannis@tannis-drysdale.com>, Douglas Judson <djudson@fortfrances.ca>

Cc: Seaman, Paul <Paul.Seaman@gowlingwlg.com>, Brown, Keith <Keith.Brown@gowlingwlg.com>

Hi Tannis, Douglas –

With apologies for the delay, please find attached our draft memorandum regarding Resolute's Crossroute SFL and the Fort Frances mill.

We would be happy to discuss these issues with you further before finalizing. In this regard, should we schedule a call to discuss further? Additionally, we look forward to discussing the finalization process, timing considerations and current scope (Competition Act currently not scoped in).

Thank you for referring these interesting questions to us.

Best,

Kennedy

Kennedy Bear Robe

Associate - Environmental and Indigenous Resource Law

T +1 604 891 2758

M +1 604 355 5989

kennedy.bearrobe@gowlingwlg.com

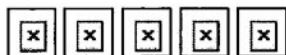
My Assistant: Miriam Bird

T +1 604 443 7629

miriam.bird@gowlingwlg.com



Gowling WLG (Canada) LLP
Suite 2300, Bentall 5
550 Burrard Street
Vancouver BC V6C 2B5
Canada



gowlingwlg.com

Indigenous Law Firm of the Year The Best Lawyers in Canada 2019

The information in this email is intended only for the named recipient and may be privileged or confidential. If you are not the intended recipient please notify us immediately and do not copy, distribute or take action based on this email. If this email is marked 'personal' Gowling WLG is not liable in any way for its content. E-mails are susceptible to alteration. Gowling WLG shall not be liable for the message if altered, changed or falsified.

Gowling WLG (Canada) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at www.gowlingwlg.com/legal.

References to 'Gowling WLG' mean one or more members of Gowling WLG International Limited and/or any of their affiliated businesses as the context requires. Gowling WLG (Canada) LLP has offices in Montréal, Ottawa, Toronto, Hamilton, Waterloo Region, Calgary and Vancouver.

--

Tannis Drysdale
Tannis Drysdale Consulting
601 Mowat Ave
Fort Frances, ON P9A 1Z2
807 274 9621
tannis@tannis-drysdale.com

Don't click links or attachments unless you recognize the sender and know the content is safe. You can forward suspicious messages to support@fortfrances.ca.

Council votes for amended resolution on leak

By Merna Emara

Staff Writer

memara@fortfrances.com

The Town of Fort Frances council voted against a resolution brought forward by Coun. Douglas Judson to have the integrity commissioner carry out a technological investigation to find the source of a leaked document provided to the Times.

Instead, four council members and Mayor June Caul voted to seek advice on policy suggestions from the integrity commissioner, since the protocol requires that a specific individual be named as the respondent.

In a recorded vote, Judson voted against the amended resolution. Coun. Wendy Brunetta was not at the meeting.

While five council members agreed that they do not support the leak of the document, they did not support an investigation by the integrity commissioner. However, they questioned the possibility of conducting the investigation in-house.

The document in question, provided to the Times in confidence, was the legal opinion the town sought from Gowling WLG (Canada) LLP on wood rights.

After the article's publication on Oct. 27, Judson initially asked the town's CAO Faisal Anwar to conduct an investigation to find the source of the leak.

"Council did not authorize the release of those materials,"

See "Judson" A2

Council passes resolution requesting direction from Integrity Commissioner

More from A1

Judson said. "Regardless of whether members of council or the public feel that the document in question should have been made public."

However, Anwar said the administration has no authority to investigate elected officials, and helped Judson draft a resolution to have the integrity commissioner investigate the source of the leak.

Coun. Mike Behan also said it is best to not leave this in administration's hands when they are not supposed to be dealing with it.

"I can agree with the initial recommendation to take this to the integrity commissioner just to see if this is in fact something he can look at," Behan said. "I'm not sure if he will or can or should."

Coun. Andrew Hallikas also said he is not convinced that this needs to go to the integrity Commissioner, agreeing with Coun. John McTaggart on having an internal investigation.

"I feel that if we involve the integrity commissioner again it could be a distraction and an expense to council," Hallikas said. "I certainly would have no problem whatsoever with some sort of internal technological investigation."

Coun. Rick Wiedenhoefte also

said while he firmly supports the Code of Conduct and the duty of our members to uphold the confidentiality of privileged material, going to the integrity commissioner will be a waste of time and money which will "ultimately accomplish nothing for the town, when we have so much more important work to do."

Caul said she does not condone the leak to the press.

"We as councillors are well-versed in how we must present ourselves in the job we have been elected to do," Caul said. "There are several others who were privy to this information as well. So we cannot just assume it was one of our members of council."

Caul also suggested having the clerk ask council to meet and review the Code of Conduct and how council should handle themselves. She added that this could be an in-house learning opportunity.

While Anwar said it is not possible for him to investigate council members, he explained to council members that they have already begun an internal technological investigation on staff members, but they have not concluded anything thus far.

"As soon as we receive more information we will share it with council," Anwar said.

TOWN OF FORT FRANCES

MINUTES

SESSION NO. 081

January 10, 2022

The meeting of Council of the Town of Fort Frances was held virtual and in the Committee Room located at the Civic Centre.

PRESENT: Mayor J. Caul, Chairperson; Councillors M. Behan, W. Brunetta, A. Hallikas, D. Judson, J. McTaggart and R. Wiedenhoeft.

ALSO PRESENT: F. Anwar, CAO, G. Lecuyer, Clerk, K. Haney, Deputy Clerk, D. Galusha, Treasurer, T. Rob, Manager of Operations & Facilities, A. Bisson, Recreation & Culture Manager, C. Vangel, CBO/Municipal Planner, A. Hansma, HR Manager, J. Hughes, IT Manager

1. COUNCIL MEETING

(Session No. 081) to immediately follow the Committee of the Whole

1.1 Call to Order / Roll Call

Mayor Caul called the meeting to order at 6:10 p.m.

1.2 Territorial Acknowledgement

1.3 Moment of Meditation

1.4 Disclosure of pecuniary interest and the general nature thereof

Mayor Caul declared a conflict relating to a closed session item 10.3. Personal matters about an identifiable individual, including municipal or local board employees: Correspondence from the general public raising personal matters about an identifiable individual

2. Consent Agenda:

2.1 Items Referred from Committee of the Whole

854 McTaggart-Behan THAT the following Consent items be approved:

Committee of the Whole Consent items

5.1 Townshend Theatre Agreement - approval of this report will agree with the recommendation of Community Services Division to approve the updated wording in section 16 and renew the agreement for another 5-year term. And that an authorizing By-Law be prepared to allow the Mayor and Clerk to execute the agreement on behalf of the corporation.

5.2 User Fee Bylaw Addition Jan 2022 - approval of this report will agree with the recommendation of the Community Services Executive Committee to add the user fees as outlined in this report.

5.3 2022 Temporary Borrowing to Meet Current Expenditures - approval of this report will agree with the recommendation of the Administration and Finance Executive Committee to authorize the preparation of an authorizing By-Law for temporary borrowing in the amount of \$4,000,000 to meet 2022 expenditures.

5.4 Interim Tax Levy for 2022 - approval of this report will agree with the Administration & Finance Executive Committee recommendation to

authorize the 2022 interim tax levy in accordance with the Municipal Act and that the due dates be set for February 28, 2022 and March 31, 2022.

5.5 Enter into Easement Agreements - 1203 and 1219 Sunset Drive -approval of this report will agree with the recommendation from the Operations and Facilities Executive Committee to enter into an easement agreement with owners of 1203 and 1219 Sunset Drive for the area of their property frontage taken up by the newly constructed sidewalk along Sunset Drive and further that an authorizing by-law be prepared for authorizing Mayor and Clerk to execute the easement agreements on behalf of the Corporation

2. Council Consent items # 2.2.CORR: Fort Frances Sports Hall of Fame re: Request for Sponsorship - will be referred to the Administration & Finance Executive Committee for recommendation.

CARRIED

2.2 CORR: Fort Frances Sports Hall of Fame re: Request for Sponsorship - will be referred to the Administration & Finance Executive Committee for recommendation.

3. Approval of Council Minutes: *

3.1 Session No. 79 of December 9, 2021 and Session No. 80 of December 13, 2021

855 Behan-Wiedenhoeft THAT the minutes of the Council meeting being Session No. 079 dated December 9, 2021 and Session No. 80 of December 13, 2021 having been typed and distributed be approved.

CARRIED

4. Approval of Committee of the Whole Minutes: *

4.1 Session No. 82 of September 17, 2021 and Session No. 87 of December 13, 2021

856 Wiedenhoeft-Brunetta THAT the report of the Committee of the Whole of Council meeting being Session No. 082 dated September 17, 2021 and Session No. 87 dated December 13, 2021 having been typed and distributed be approved.

CARRIED

5. Resolutions from tonight's Committee of the Whole meeting

5.1 Council considered the following:

857 McTaggart-Behan THAT the deputation from Adam Fulford, Canacre Ltd on behalf of Bell Mobility be received with appreciation

CARRIED

858 Brunetta-Wiedenhoeft: THAT the report dated December 23, 2021 from the Clerk re: Council direction relating to Invoice submission - Service from Integrity Commissioner be approved to agree with the recommendation from the Clerk to approve the payment of Invoice from the Integrity Commissioner number FF028 for services in the amount of \$6957.50.

CARRIED

6. By-Laws:

6.1 THAT the following by-laws be introduced and read, and finally passed, signed by the Mayor and Clerk, sealed with the Corporate Seal and become law forthwith:

859 Behan-Brunetta: THAT the following by-laws be introduced and read, and finally passed, signed by the Mayor and Clerk, sealed with the Corporate Seal and become law forthwith:

6.1 - 01/22 being a By-Law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Fort Frances

6.2 - 02/22 being a by-law to provide for an interim tax levy in the year 2022 and to provide for penalty and interest to be charged on the unpaid balance for late payment of said interim taxes, all as provided for in the Municipal Act, 2001, (the "Act"), S.O. 2001, Chapter 25, Sections 307, 317, and 345

6.3 - 03/22 being a by law to approve a funding agreement with Northern Ontario Heritage Fund Corporation (NOHFC) under the Community Enhancement Program (Rural Enhancement Stream) Project Number: 7510000 – Sorting Gap Marina Improvements

6.4 - 04/22 being a by law to authorize the execution of an agreement with Prezio Electric awarded through the public tender process (21-OF-17)

6.5 - 05/22 being a by-law to amend by-law 11/20 in respect of single-use plastic bags and certain other harmful single-use products and packaging materials within the Town of Fort Frances

CARRIED

7. New Items: None

8. Information Correspondence:

The following seven items were received.

8.1 CORR: City of Kitchener re: Conversion Therapy

8.2 CORR: NOMA re: Resolution 2021-10: Support the Township of Hornepayne's resolution in response to the City of St. Catherine's request for the provincial government to work with the federal government on a new national childcare program bilateral agreement

8.3 CORR: South Frontenac re: Re: Joint & Several Liability

8.4 CORR: South Frontenac re: Re: Daylight Savings Time

8.5 CORR: AMO re: AMO Policy Update - New Year Calls to Action and other issues of municipal concern

8.6 CORR: City of Kitchener re: Fire Safety Measures

8.7 CORR: St. Catharines re: National Childcare Program

9. Minutes of Local Boards / Committees:

The following seven items were received.

9.1 Community Service Executive Committee - Minutes of November 15, 2021

9.2 Administrative and Finance Executive Committee - Minutes of December 7, 2021

9.3 Operations and Facilities Executive Committee - Minutes of December 8, 2021

9.4 Economic Development Executive Committee - Minutes of December 8, 2021

9.5 Fort Frances Municipal Non Profit Housing - Minutes of September 29 2021

9.7 Sister Betty Kennedy Centre Board of Management

10. In-Camera: - Council met in camera from 6:24 p.m. to 7:54 p.m.

Councillor Judson called for a separate vote on item 10.3 to move into the closed session.

- 860 Hallikas-Behan THAT Council now meet in-camera in order to address a matter pertaining to:
- The security of the property of the municipality or local board; Information Technology Security
 - A proposed or pending acquisition or disposition of land by the municipality or local board: Former Mill Properties – Concept Plan and Potential Land Development

CARRIED

- 861 Wiedenhoeft-Behan: Mayor Caul declared a conflict on item 10.3. Councillor Hallikas assumed the Chair and called the motion.
Recorded vote called by Councillor Judson
THAT Council now meet in-camera in order to address a matter pertaining to:
3.Personal matters about an identifiable individual, including municipal or local board employees:
Correspondence from the general public raising personal matters about an identifiable individual

NAME	YEA	NAY	DISLCLOSURE OF INTEREST	ABSENT
M. BEHAN	X			
W. BRUNETTA	X			
J. MCTAGGART	X			
A. HALLIKAS	X			
D. JUDSON		X		
R. WIEDENHOEFT	X			
J. CAUL			X	

CARRIED

- 10.1 The following Staff members were present: CAO F. Anwar, C. Vangel, Chief Building Inspector/Municipal Planner, Clerk Gabrielle Lecuyer, Deputy Clerk Karyn Haney and Jeremy Hughes IT Manager.
The security of the property of the municipality or local board; Information Technology Security
A confidential report was received by the IT Manager. Council was provided an opportunity for clarification and questions. A motion for Council consideration will follow the closed session.

- 10.2 The IT Manager exited the meeting and Mr. Paul Veldman.and C. Vangel, Chief Building Inspector / Municipal Planner were present.

A proposed or pending acquisition or disposition of land by the municipality or local board: Former Mill Properties – Concept Plan and Potential Land Development
Delay in presentation from 6: 35 to 6:45 Mr. Veldman arrived at 6:45 p.m.
A confidential report was received by the CAO as information. A motion for Council consideration will follow the closed session.

Mr. Paul Veldman and C. Vangel, Chief Building Inspector / Municipal Planner exited the meeting.

- 10.3 Mayor Caul vacated the meeting and exited the committee room due to a declared conflict of interest at 7:17 p.m. Councillor Hallikas assumed the Chair.

Personal matters about an identifiable individual, including municipal or local board employees: Correspondence from the general public raising personal matters about an identifiable individual

Council received correspondence submitted by an individual of the general public. Council considered the item and a discussion occurred on the subject matter. Council drafted a proposed motion and directed that the draft motion be included following the closed session this evening.

11. Public Session Resumes: at 7:54 P.M.

12. Resolutions Required as a result of In-Camera discussions:

- 12.1 Mayor Caul assumed the Chair
The following resolution derived from the in-camera discussion

862 Brunetta-Hallikas: THAT approval of this report will agree with the recommendation of the Administration & Finance Executive Committee to retroactively authorize the emergency purchase of hardware authentication devices and required accessories with a total unbudgeted capital cost of \$6,655 funded through the Corporate Projects Reserve
CARRIED

863 Brunetta-Wiedenhoeft: THAT Council receive the report from the CAO relating to the Former Mill Properties - Concept Plan and Potential Land as information
CARRIED

864 McTaggart-Brunetta: Councillor Hallikas assumed the Chair.

THAT the Municipal Council of the Town of Fort Frances is very concerned with the unauthorized release of confidential information by the Mayor and hereby formally calls upon the Mayor to issue a public apology for her action on this matter in writing AND FURTHER THAT training be provided to the Mayor and Council on protecting the confidentiality of the Corporation.

CARRIED

- 12.2 Mayor Caul provided a public apology that she read aloud. The apology was filed with the Clerk for public record.

13. ADJOURNMENT

- 13.1 The meeting adjourned at 8:05 p.m.

865 Hallikas-McTaggart: THAT this meeting of the Council of the Town of Fort Frances be now closed.

CARRIED

14. * Previously distributed to Council

15. **** Items can be viewed by contacting the Clerk**

J. Caul, Mayor

_____, Chairperson

G. Lecuyer, Clerk