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**Mayor and Members of Council
Township of Muskoka Lakes
1 Bailey Street
Port Carling On
POB 1J0**

Dear Mayor Harding and Members of Council:

Re: Council Committee Structure Proposals

Thank you for the opportunity to comment on a proposed council committee structure. The Muskoka Lakes Association (MLA) fully supports a number of changes as being both more efficient and more inclusive. We have some comments and suggestions for your consideration.

Dates of Meetings

The MLA appreciates the proposed meeting dates of Committee of Adjustment on Mondays and of Planning Committee on Fridays. These are the two committees that effect most residents and by scheduling them for a Monday and Friday make it more accessible for the seasonal population to attend by combining a meeting with a weekend stay in Muskoka .

We have considered your proposal to hold Council meetings on Wednesday and a new Finance /General committee meeting on Thursday. Given the proposal that 6 councillors serve on Planning committee and 6 serve on Finance /General committee we suggest consider establishing Thursday as the Council meeting date. In that scenario, 6 or more councillors would meet on Wednesday, 6 councillors would meet on Friday and all 10 councillors would attend a full council meeting on the Thursday. This would provide the individual councillors with greater flexibility in scheduled meeting commitments in Muskoka.

New Committees

The MLA also supports the proposal to divide the workload of the former Committee of the Whole into two new committees - a Planning committee and a Finance /General committee . In our experience the important work regarding general items such as roads, hospital delegations, request for grants and other items, as well as administrative and financial matters, is often overtaken and diminished in time by delegations on planning applications. By separating the two into two committees, equal weight is given to both. This also allows the councillors to come fresh to a meeting, not having spent hours listening to planning delegations just previously.

Planning Committee Recommends / Council Decides

Planning and development considerations is one of the most important functions of a municipal councillor. It is also the one function fraught with the most conflict. Good planning decisions take time and effort.

The proposed structure assigns the Statutory Public Meeting required by the Planning Act to the Planning committee. It then becomes the role of this committee to hear and consider all comments and information provided. The MLA supports this proposal. It is both more efficient and places the appropriate weight of consideration on planning applications

There are three constituents in every planning decision - the developer/applicant, the council, and the residents. Councillors are elected to represent all their constituents – developer and resident – and to make good decisions. Listening and good decision making takes time .

According to the planning department, the Township of Muskoka Lakes (TML) councillors consider a range of 48 to 69 zoning by-law amendment applications every year and one official plan amendment. In my experience, 90% of these applications are relatively straight forward but 10% are difficult. Sometimes Council defers the decision to allow for the applicant and residents to reflect on the information heard at the meeting and address issues raised. By establishing Planning committee as the recommendation body and Council as the decision making body, there is time – 30 days **for a sober second thought**. There is also time for the applicant to propose some changes which make the application more favourable to the residents and potentially provide a better solution/development. In 90% of the applications, recommendations made by Planning committee are decided by Council with no changes. But it is the more difficult 10% that most benefit from a 30 day reflection and sober second thought. We agree with the proposal that Planning committee recommends, but the full Council decides.

While the preparation of two reports rather than one would require more staff input that input could be efficiently reduced by the appending the original staff report to Planning committee (as is done now with deferred applications) to Council . The only new information then would be a compilation of the public comments and any changes to the application as proposed by the applicant.

Planning Committee Composition

As stated previously every township councillor is elected to represent t their constituents. On matters of importance, each constituent whether resident or developer, expects their elected official to represent them publically. By establishing a Planning committee of only 6 of the 10 councillors there is a risk that public perception of the individual councillor not representing its constituents can be lost to the detriment of both the resident and the reputation of the councillor. After all, in the public eyes the politicians were elected to represent all of us, all the time, not just some of the time.

We understand the desire to make committees more efficient and to show publicly that TML council is efficient and effective.

With some reluctance, the MLA supports a smaller Planning committee of 6 out of 10 council members, with two caveats.

Caveat #1 It is essential that all councillors whether on the committee or not, be permitted to sit at the committee table and participate fully in the discussion, by making statements, giving opinions and asking questions of staff, the applicant and residents. Otherwise it is political suicide to restrict elected politicians from fulfilling their mandate.

Caveat #2 We understand that the revised structure is to be **reviewed again in 6 months time**. In 6 months, the new councillors will have a better appreciation of their workload and the constituents expectations. In 6 month time, a new CAO will be in office who may have additional suggestions regarding the efficient running of the township organization And in 6 months time, staff will have the opportunity to try the new system and work out some of the unintended consequences.

Committee of Adjustment

Committee of Adjustment has a heavy workload. Last year the committee considered 73 consent applications and 81 minor variance applications. By definition and Planning Act statute, these applications are minor with little or no impact or consequences. Consent approval and minor variances do not set a precedence for other applications. Both applications can have limited time periods for fulfillment generally 1 – 3 years. Both applications can and usually do have a number of specific conditions applied, and with unfulfilled conditions they are become and void..

In TML the Committee of Adjustment is composed of lay appointees and one elected official. In many jurisdictions only lay appointees comprise the Committee. This does not mean that they do not have an important job. Consideration of the application is important and the imposing of conditions is important. Both applications require Notice to adjacent owners and there is a duty to hear the concerns of those neighbours.

The MLA does not see any merit in delegating approval of consents or variances to staff. To fulfill the appropriate role of planning decisions, approval of consent applications or variances should be publicly debated preferably by the Committee of Adjustment. If length of meetings and timing is an issue, there are means of reducing the time spent by only discussing the more complicated applications or where there is community interest and approving the simpler applications as recommended by staff without discussion when there is no conflict or request for discussion. If staff workload is an issue, delegating the committee decisions to staff does not reduce their workload. Staff still have to consider the applications, assess the impact, determine appropriate conditions in writing and by Planning Act statute render written decisions addressing how the application meets the 4 tests of the Planning Act.

In conclusion, the MLA does not support delegation to staff of planning applications including consent approval and variances. As has been the experience of the District of Muskoka with the deferral to staff of approval of condominium and subdivision applications, the TML council may find itself at the OMB (LPAT) unknowingly and without due consideration, based on a staff approval process

Delegation Notice

The MLA and others have struggled with the need to request to be a delegate to committee or council without knowing if the item is on the agenda and/or without knowing if we have a concern. A request to be a delegate before the agenda is published is onerous. both to residents and to staff, requiring diligence and unintended staff workload by requiring staff to maintain long lists of potential delegates to be informed if and when a particular matter is scheduled to be on the agenda..

We support the proposal that delegations can be given permission to speak upon request at the beginning of every committee and council meeting. At the Statutory Public Meetings it is understood that the Planning Act deletes the need to request to be a delegate as all who wish to speak are granted permission in accordance with the legislation. This change in the delegation requirements notice will rectify an ongoing and onerous concern the MLA has had for many years in ensuring we are present and heard on important matters. In an effort to be efficient, we understand the recommendation that a delegation to a committee will have 5 minutes to speak and a delegation to council will have 2 minutes.

In Summary

The MLA thanks TML council for giving us an opportunity to comment upon these new proposals. We are interested in hearing the councillors comments and debate. And we look forward to continuing to work with you as these changes are implemented over the next 6 months.

Yours truly.

Anne McCauley.
Government and Land Use Committee

c. L Osler, President MLA
c D. Martin Downs, Vice President