

December 9, 2009

Mr. Richard Johnson
37 October Lane
Aurora, ON L4G 6Z9

Dear Mr. Johnson

RE: Request for Information – Integrity Commissioner
File: FOI 2009 - 34

Further to your correspondence received in our office on November 11, 2009, your request for information noted below has been reviewed:

"In mid September a motion was put forward by Deputy Mayor Bob McRoberts at a GC meeting that was intended to remove the accusations leveled by the Mayor and her supporters at Councillor Evelyn Buck that were subsequently deemed by the former integrity Commissioner to be "incomplete", "inaccurate", "ill-informed" and possibly politically motivated. The unspecified allegations in question were also supported by a letter of opinion drafted by John Mascarini of Aird & Berlis which also remains posted on the town's website. Council rejected Councillor McRobert's motion, giving reasoning that any motion to remove material posted at the direction of Council was a motion of reconsideration of an earlier motion passed by Council.

I would therefore like to confirm the Town's established process and procedural rules for removing or editing any material posted on the town's website as a result of the direction of council. More specifically, what is the mechanism that will allow for the removal of the posted material in question?"

A request pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA" or the "Act") allows an applicant to request "records" that may be held by a municipality. I have been advised by our communications unit that the Town does not have written processes or procedures for removal or editing of material posted on the Town's website. As a result, the Town does not have any records that are responsive to your request.

As for the usual process for removal or editing of material posted on the Town's website at the direction of Council (which, as noted, is not contained in any written processes or procedures),

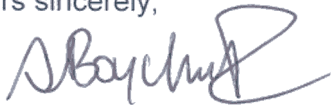
Council will from time to time direct staff to post material on the Town's website and, often times, such direction will also contain direction regarding when the posting is to be removed or for how long the posting is to remain on the website. In cases where Council does not provide such direction in its initial direction to post, staff generally requires direction from Council regarding the removal of the posting. In this case, the motion put forth by Councillor McRoberts was ruled to be a reconsideration of the specific motion of July 21, 2009 (see enclosed minutes of September 15, 2009 Council meeting). The motion was withdrawn at the September 22, 2009 General Committee meeting. The posting regarding the Code of Conduct complaint will be removed from the Town's website upon direction of Council.

I am responsible for this decision and you may ask for a review of this decision within 30 days of receiving the decision in writing to: The Information and Privacy Commissioner/Ontario, 2 Bloor Street East Suite 1400 Toronto, Ontario M4W 1A8, Tel: 416-326-3333 or 1-800-387-0073 website: <http://www.ipc.on.ca> .

If you decide to request a review of this decision, please provide the Commissioner's office with the following: the file number listed at the beginning of this letter; a copy of the decision correspondence; and a copy of the original request for information you sent to our institution.

In addition, you must send an appeal fee to the Commissioner's office. If your request was for your personal information, the appeal fee is \$10.00. The appeal fee for all other requests for information is \$25.00. Please include the appeal fee with your letter of appeal – appeal fees should be in the form of either a cheque or money order, payable to the Minister of Finance.

Yours sincerely,



Shannon Boychuk
Manager of Administration/Acting Deputy Clerk

Enclosure



**TOWN OF AURORA
COUNCIL MEETING MINUTES
NO. 09-24**

Council Chambers
Aurora Town Hall
Tuesday, September 15, 2009

ATTENDANCE

COUNCIL MEMBERS

Mayor Morris in the Chair; Councillors Buck, Collins-Mrakas, Gaertner, Gallo, Granger, MacEachern, McRoberts and Wilson.

MEMBERS ABSENT

None

OTHER ATTENDEES

Chief Administrative Officer, Town Solicitor/Acting Town Clerk, Director of Building, Director of Leisure Services, Director of Planning, Director of Public Works, Director of Financial Services/Treasurer and Council/Committee Secretary.

Mayor Morris called the meeting to order at 7:04 p.m.

I DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

II APPROVAL OF AGENDA

Moved by Councillor Granger

Seconded by Councillor Buck

THAT the agenda as circulated by the Corporate Services Department, with the following additional items, be approved:

- Delegation (a) – Ms Judy Janzen, Aurora Youth Soccer Club
John Traganitis Tournament Director
Re: Added Item 8 - Relief from Parking Restrictions on Mary Street for the Aurora Youth Soccer Club
John Traganitis Tournament
- Item 8 – Correspondence from Ron Weese, Aurora Youth Soccer Club
Re: Relief from Parking Restrictions on Mary Street for the Aurora Youth Soccer Club John Traganitis Tournament
- Item 9 - Memorandum from Director of Building Administration
Re: Appointment By-law No. 5169-09
- By-law 5169-09 – BEING A BY-LAW to appoint an Animal Control Officer to enforce the Town of Aurora's Animal Control By-laws

CARRIED

III OPEN FORUM

Ms Rebecca Beaton addressed Council regarding report PW09-049 - Sidewalk Policy and requested that the homeowners on rural streets continue to have a vote pertaining to curbs, sidewalks and ditches along their streets, as has been the case for previous homeowners.

Mr. Bill Hogg addressed Council regarding matters pertaining to recent events around the Council Code of Conduct complaint and the Integrity Commissioner. Mr. Hogg spoke in favour of Councillor McRoberts' motion that the Code of Conduct complaint should be removed from the Town's website, as well as his motion to form a citizen committee to review the Code of Conduct.

IV ADOPTION OF MINUTES

Council Minutes of Tuesday, July 21, 2009

Special Council Meeting Minutes of Tuesday, September 8, 2009

Moved by Councillor MacEachern

Seconded by Councillor Gaertner

THAT the Council minutes of Tuesday, July 21, 2009 and the Special Council minutes of Tuesday, September 8, 2009 be adopted as printed and circulated.

CARRIED

Special Council Meeting Minutes of Thursday, August 6, 2009

Moved by Councillor MacEachern

Seconded by Councillor Gallo

THAT the Special Council minutes of Thursday, August 6, 2009 be adopted as printed and circulated, with an amendment to reflect the receipt of correspondence, as follows:

<u>Date</u>	<u>Correspondence From</u>
July 24, 2009	Integrity Commissioner
July 26, 2009	Mayor Morris
July 28, 2009	Integrity Commissioner
July 29, 2009	Mayor Morris
July 30, 2009	Integrity Commissioner
July 31, 2009	Mayor Morris
August 3, 2009	Councillor McRoberts to Integrity Commissioner

CARRIED

V PRESENTATIONS

None

4. **Memorandum from Mayor Morris**
Re: Composition of the Steering Committee for the Five Year
Official Plan Review and the 2C Secondary Plan Study

THAT Mayor Phyllis Morris, Councillor John Gallo, Councillor Wendy Gaertner, and Councillor Evelina MacEachern be appointed to serve as members of the Steering Committee for the Five Year Official Plan Review and the 2C Secondary Plan Study.

7. **EDAC09-07 – Economic Development Advisory Committee**
Meeting Minutes – September 10, 2009

THAT the Economic Development Advisory Committee meeting minutes from the September 10, 2009 meeting be received and the recommendations contained therein be approved.

CARRIED

IX DELEGATIONS

- (a) **Ms Judy Janzen, Aurora Youth Soccer Club John Traganitis**
Tournament Director
Re: Item 8 - Relief from Parking Restrictions on Mary Street for
the Aurora Youth Soccer Club John Traganitis Tournament
(Added Item)

Ms Judy Janzen addressed Council to request that the parking restrictions be lifted on the south side of Mary Street between Industry Street and Industrial Parkway South in order to accommodate approximately 1,800 players and their family members who will be attending the John Traganitis Soccer Tournament on the weekend of September 19 and 20, 2009.

Moved by Councillor MacEachern

Seconded by Councillor Granger

THAT the comments of the delegate be received and referred to item 8.

CARRIED

Moved by Councillor Gaertner

Seconded by Councillor McRoberts

THAT item 8 be brought forward for discussion.

CARRIED

X CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

8. **Correspondence from Mr. Ron Weese, Aurora Youth Soccer Club**
Re: Relief from Parking Restrictions on Mary Street for the Aurora Youth
Soccer Club John Traganitis Tournament
(Added Item)

Moved by Councillor Wilson

Seconded by Councillor Gaertner

THAT the parking restrictions on Mary Street be lifted temporarily for the weekend of September 19 – 20, 2009, to accommodate the attendees at the John Traganitis Tournament.

CARRIED

Moved by Councillor McEachern

Seconded by Councillor Gaertner

THAT items 1(22) and 1(23) be brought forward for discussion

CARRIED

**1. General Committee Meeting Minutes
Tuesday, September 8, 2009**

**CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION FROM THE
GENERAL COMMITTEE MEETING OF TUESDAY, SEPTEMBER 8, 2009**

**(22) Report to Council from Mr. David Nitkin, Former Integrity Commissioner
Re: Query 008**

Moved by Councillor McRoberts

Seconded by Councillor MacEachern

*THAT the report to Council from Mr. David Nitkin, former Integrity
Commissioner, be received for information.*

On a recorded vote the resolution was **CARRIED UNANIMOUSLY**.

YEAS: 9 NAYS: 0

VOTING YEAS: Councillors Buck, Collins-Mrakas, Gaertner, Gallo, Granger,
MacEachern, McRoberts, Wilson and Mayor Morris

VOTING NAYS None

**(23) Memo from the Mayor – Statement Regarding Former Integrity
Commissioner's Response to Council's Formal Complaint**

Moved by Councillor MacEachern

Seconded by Councillor Granger

THAT the statement published by the Mayor regarding the former Integrity
Commissioner's response to Council's formal complaint be received and
endorsed; and

FURTHER THAT IT BE RESOLVED THAT the Mayor be directed by
Council to prepare and issue a statement, to be published in the Town's
Notice Board and on the Town's website, in order to address, as soon as
possible, specific community concerns that have arisen regarding this
matter.

On a recorded vote the resolution was **CARRIED**.

YEAS: 6 NAYS: 3

VOTING YEAS: Councillors Gaertner, Gallo, Granger, MacEachern, Wilson
and Mayor Morris

VOTING NAYS Councillors Buck, Collins-Mrakas and McRoberts

Moved by Councillor McRoberts

Seconded by Councillor MacEachern

THAT the order of the items in the General Committee meeting minutes of September 8, 2009 be changed to reflect that items 22 and 23 are under the heading of VIII CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION.

On a recorded vote the resolution was CARRIED UNANIMOUSLY.

YEAS: 9 NAYS: 0

VOTING YEAS: Councillors Buck, Collins-Mrakas, Gaertner, Gallo, Granger, MacEachern, McRoberts, Wilson and Mayor Morris

VOTING NAYS: None

(2) ADM09-009 - Real Estate Brokerage Services – Contract Extension

Moved by Councillor Wilson

Seconded by Councillor Gaertner

THAT Council re-tender, for one year, the contract for Real Estate Brokerage Services for the sale of selected properties as determined by Council.

DEFEATED

Moved by Councillor MacEachern

Seconded by Councillor McRoberts

THAT Council extend, for one year, the contract for Real Estate Brokerage Services with Cushman & Wakefield LePage Inc. for the sale of selected properties determined by Council on the same terms, conditions and rates as the current contract; and

THAT the Mayor and Town Clerk be authorized to execute the agreement for Real Estate Brokerage Services between the Town and Cushman & Wakefield LePage Inc.

CARRIED

Moved by Councillor MacEachern

Seconded by Councillor McRoberts

THAT item 1(14) be brought forward for discussion.

CARRIED

(14) PW09-049 - Sidewalk Policy

Moved by Councillor Wilson

Seconded by Councillor MacEachern

THAT the Public Works Department Policy No. 67 – Sidewalk Policy, as outlined, be approved; and

THAT staff include a clause, regarding concerns raised in Open Forum, under the section entitled "Public Consultation"; and

THAT a statement regarding heritage districts be included in the policy.

CARRIED

Moved by Councillor Gallo

Seconded by Councillor Wilson

THAT item 1(20) be brought forward for discussion

CARRIED

- (20) Resolution from the Community Schools Alliance
Re: "Smart Moratorium"
(Tabled by Councillor Gallo)

Moved by Councillor Gallo

Seconded by Councillor MacEachern

WHEREAS the decision that determines the fate of the site known as Wells Street Public School, which has served the Aurora community since 1892, must take all aspects of this unique school into consideration; and

WHEREAS the historical significance of the Wells Street Public School in its surrounding neighbourhood, which includes such buildings as the new Church Street School Cultural Center, the Aurora Public Library, the renovated GO Train Station, Sheppard's Bush, the downtown shopping core, the Aurora Leisure Complex, the Town Park and the Aurora Cenotaph, cannot be overlooked; and

WHEREAS the views expressed by the community group known as "Community Action for Wells Street", which was formed by residents in the Wells Street community after it became clear to them that the concerns expressed by individual members of the community were not having a meaningful impact on the accommodation review process set by the York Region District School Board, must be taken into higher regard; and

WHEREAS the Town of Aurora has committed to continue the agreement to allow the students of Wells Street Public School access to the Town Park; and

WHEREAS the Town of Aurora also committed to having a Councillor sit on the Accommodation Review Committee and provide planning staff support where needed; and

WHEREAS there has been significant discussion taking place within the Ministry of Education regarding the closing of schools in Ontario; and

WHEREAS a public meeting was held on Monday, September 14, 2009 detailing that the York Region District School Board (YRDSB) will meet for the final time on September 24, 2009 and there will be no further opportunities for the public to comment on or after the September 24th meeting; and

WHEREAS the process has not allowed the Trustees to have an open public debate of any issues or questions they may have on the subject until immediately prior to making a decision on September 24, 2009; and

WHEREAS an unsubstantiated assumption has been made that spending money on Wells Street would compromise the Board's ability to fix other schools; and

WHEREAS communities across Ontario are concerned with the Accommodation Review Committee process and the impact this flawed process has on the socio-economic fabric of our municipalities; and

WHEREAS many schools are the hubs of their communities, a better accommodation review system is needed to address the educational facility needs of our residents; and

WHEREAS a system to address the educational facility needs in Ontario must ensure that school boards and municipal councils partner on decisions regarding education infrastructure; and

WHEREAS greater accountability for school board decisions is needed; and

WHEREAS a thorough review of the governance model for school accommodation decisions must include an opportunity to appeal these decisions; and

WHEREAS the accommodation review process should respect and value the input of students, parents, the community and municipality; and

THEREFORE BE IT RESOLVED that the Province of Ontario be petitioned to implement a "smart moratorium" on disputed school closings to provide the opportunity for the Ministry of Education, school boards and municipalities to work together to develop policies addressing such issues as planning for declining enrolments, a mutually agreed upon Accommodation Review Committee process, a review of funding to rural and small community schools, and transparency and accountability between municipalities and school boards;

AND FURTHER that the process be amended to allow further input from the public and the municipality at or after the September 24, 2009 YRDSB meeting, prior to any decision being made by the Trustees that would further the closure of the school;

AND FURTHER it is requested that prior to a decision being made, an analysis of the impact that a capital investment in Wells Street Public School would have on the YRDSB capital budget for school rehabilitation in the rest of the Region should be undertaken and published;

AND FURTHER that this resolution be forwarded to the Minister of Education Ms. Kathleen Wynne, Member of Parliament Ms. Lois Brown, the Member of Provincial Parliament Mr. Frank Klees, **the Community Schools Alliance, all other local Region of York Municipalities and the York Region District School Board Trustees.**

On a recorded vote the resolution was CARRIED UNANIMOUSLY.

YEAS: 9 NAYS: 0

VOTING YEAS: Councillors Buck, Collins-Mrakas, Gaertner, Gallo, Granger, MacEachern, McRoberts, Wilson and Mayor Morris

VOTING NAYS: None

- (6) CS09-013 – Council Pending List
(Deferred by Council on July 21, 2009)

Moved by Councillor MacEachern

Seconded by Councillor Granger

THAT item CS44 on page 7 of report CS09-013 be deleted.

CARRIED

Moved by Councillor MacEachern

Seconded by Councillor Granger

THAT item B84 on page 13 of report CS09-013 be deleted.

CARRIED

Moved by Councillor MacEachern

Seconded by Councillor Granger

THAT the balance of the minutes of the General Committee meeting of September 8, 2009 be received and the recommendations carried by the Committee be approved.

CARRIED

5. **Motion Tabled by Councillor Bob McRoberts**
Re: Removal from the Town's Website of the Code of Conduct Complaint
(Notice of Motion provided at September 8, 2009 General Committee)

Councillor MacEachern raised a point of order that this matter is a reconsideration.

The Chair ruled in favour of the reconsideration

Councillor McRoberts appealed the decision of the Chair.

Council decided the question in favour of a reconsideration

Moved by Councillor McRoberts

Seconded by Councillor Gallo

THAT the matter be referred to the next General Committee meeting.

CARRIED

Moved by Councillor MacEachern

Seconded by Councillor Granger

THAT the hour of the meeting be extended.

CARRIED

6. **Motion Tabled by Councillor Bob McRoberts**
Re: The Formation of an Accountability and Transparency Advisory Committee
(Notice of Motion provided at September 8, 2009 General Committee)

Moved by Councillor McRoberts

Seconded by Councillor MacEachern

THAT the motion be received and referred to staff to provide input regarding an Accountability and Transparency Advisory Committee, addressing the following:

review of Part V.1 of the Municipal Act, entitled Accountability and Transparency
providing education and/or training as needed
review and revisions to policies and practices pertaining to confidentiality, accountability, and transparency issues as they relate to Aurora Town Council.

On a recorded vote the resolution was CARRIED.

YEAS 8 NAYS 1

VOTING YEAS Councillors Collins-Mrakas, Gaertner, Gallo, Granger,
MacEachern, McRoberts, Wilson and Mayor Morris

VOTING NAYS: Councillor Buck

9. **Memorandum from Director of Building Administration**
Re: Appointment By-law No. 5169-09
(Added Item)

Moved by Councillor Gaertner

Seconded by Councillor MacEachern

THAT Council receive the memo as information and enact By-law 5169-09 respecting the appointment of Jaime Flood as a Municipal Law Enforcement Officer.

CARRIED

XI REGIONAL REPORT

None

NEW BUSINESS/GENERAL INFORMATION – COUNCILLORS

Councillor Collins-Mrakas provided a list of items which she was unable to have included as add-ons on previous agendas, as follows:

three unsuccessful attempts at a verbal request to the Clerk's Office to include a Banner article on graffiti – April 2008
Written request by email to former Clerk, Mr. Panizza, June 6, 2008 regarding a letter of support from Mr. Antony Marsel, President, Forest Stewardship Council of Canada, regarding the Councillor's sustainable landscaping motion. The Councillor was told she could read the letter at the table
Verbal request on June 10, 2008 to former Clerk, Mr. Panizza, to include a letter of support from Ms Gloria Marsh, York Region Environmental Alliance, and a further request to include the letter from Mr. Marsel

Councillor Wilson advised that, on September 10, 2009, his daughter had a 7 lb baby girl.

CLOSED SESSION AGENDA

Moved by Councillor MacEachern

Seconded by Councillor Gaertner

THAT Council defer the following Closed Session matters to the next General Committee meeting:

litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; (one item)

advice that is subject to solicitor-client privilege, including communications necessary for that purpose (one item)

CARRIED

READING OF BY-LAWS

Moved by Councillor Wilson

Seconded by Councillor Gallo

THAT the following listed by-laws be given 1st, 2nd and 3rd readings, and enacted:

- | | |
|---------|--|
| 5163-09 | BEING A BY-LAW to amend Zoning By-law No. 2213-78, as amended, to remove a holding symbol (Stirling Cook Aurora Inc.)
Related to PL09-065 – GC Sept. 8/09 |
| 5169-09 | BEING A BY-LAW to appoint an Animal Control Officer to enforce the Town of Aurora's Animal Control By-laws
(Added Item) |
| 5168-09 | BEING A BY-LAW to confirm actions by Council Resulting from Council Meeting 09-24 on September 15, 2009 |

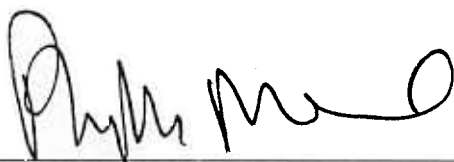
CARRIED

ADJOURNMENT

Moved by Councillor Wilson

THAT the meeting be adjourned at 11:05 p.m.

CARRIED



PHYLLIS M. MORRIS, MAYOR



**CHRISTOPHER C. COOPER
ACTING TOWN CLERK**