

Type of Decision									
Meeting Date	Tuesday, June 12, 2018				Report Date	Monday, May 7, 2018			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE - The Algonquin Trail									
Report #12/06/18 - 1102									

Subject: The Algonquin Trail**RECOMMENDATION:**

That Council adopt the following recommendations of staff.

"It's not about being right; it's about doing the right thing for the right reasons."

Resolution #1

WHEREAS stakeholder consultation and staff research has identified a number of concerns with the creation and use of a multi-use recreational trail in Head, Clara & Maria;

AND WHEREAS Council has an obligation to ensure that actions taken and decisions made by Council and the municipality are compliant with legislation from all levels and consider effective risk management tools;

AND WHEREAS only through legislated actions taken in good faith having considered all relevant information provided are Council members, employees and officers protected under section 448 of the *Municipal Act*;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby enact as follows:

1. That staff ensure that Land Use Agreements are completed for all lands used by OFSC or OFATVC in the future to indemnify the municipality;
2. That municipal liability insurance be doubled from \$25 million to \$50 million as recommended by the municipal insurer at an annual premium increase of at least \$1,500;
3. That a Use of Snowmobiles within the Municipality By-Law be created;
4. That a Use of Off Road Vehicles within the Municipality By-Law be created;
5. That a By-Law Enforcement Officer position be implemented and filled to enforce new and existing municipal by-laws;

Note***This resolution is being recommended by staff to ensure that municipal officers are implementing tools to effectively protect the municipality no matter how this trail is developed in the future. Staff have an obligation to identify risks and suggest mitigation tools to council. Council then makes the policy decisions based on available information which staff then carry out.

Resolution #2

WHEREAS the stakeholder consultation sessions which occurred over 6 or more weeks related to the Algonquin Trail have resulted in a wide spectrum of input, ideas and suggestions;

AND WHEREAS it must be recognized that any decision of Council may be amended, adapted, overturned and/or built upon in the future as the situation evolves and new information becomes available;

THEREFORE BE IT RESOLVED THAT The Council of the United Townships of Head, Clara & Maria does hereby direct staff to work with volunteers to develop terms of reference for and eventually appoint an Algonquin Trail Task Force to work with all stakeholders and residents to inform future councils on long term plans and development of the trail and surrounding areas within the community;

AND FURTHER THAT until the time that this process is complete that Council maintains its position and requests that the County of Renfrew meet with representatives of Head, Clara & Maria staff and Council to discuss the future of the Algonquin Trail within our municipal boundaries paying particular attention to resolving concerns related to increased municipal costs directly attributable to the trail including as a minimum the following;

1. Rescinding the resolution dictating that the lower tier must come up with and fund any by-passes;
2. Address trespass to property issues and take active steps to manage the trail's current unauthorized use within Head, Clara & Maria immediately;
3. Complete the proper process of a Zoning By-Law amendment to change the zoning of the lands from residential to "Trails, active" and/or "Trails, passive" as per Council's decision complete with formalized mapping;
4. Written assurance from the County that the municipality is protected and indemnified by the County and its lessees with respect to the general use of the rail corridor through Head, Clara & Maria, and specifically with respect to travel over/across municipal roads and any unopened road allowances;
5. That the municipality is named as an additional insured in all trail insurance policies;
6. That the County ensures that a proper management plan is developed and managed by any lessees to address issues of waste, washroom facilities, speed and trespass;
7. A written commitment from the County of Renfrew to provide resources to enforce trail rules, and/or to provide and finance an increased police or by-law enforcement presence to offset foreseeable municipal costs;
8. A written commitment from the County of Renfrew to provide financial assistance with fire management and suppression costs due to increased trail use and to assume the municipal cost of fires that can be linked directly to trail use;
9. Written assurance that when the corridor is brushed, waste materials will be properly disposed of and not left along the trail increasing forest fire risk;
10. That due to the length of the Zoning By-Law amendment process, that Council consider implementing a Temporary Use By-Law to allow the use of approved sections of the

trail for snowmobiling for the 2018-2019 winter season in specific areas as to be determined by Council in consultation with the Missing Link Snowmobile Club.

AND FURTHER THAT Council provide staff direction to create a map detailing approved motorized and non-motorized use throughout the municipality to submit to the County for their long term planning purposes;

AND FURTHER THAT Council provide staff direction for approved routes for the coming winter season for snowmobiling recognizing that Council is not willing to provide its approval for use until its concerns for public safety, trespass, policing and indemnification have been resolved;

AND FURTHER THAT until the County has upgraded the trail for proper summer use, that Council withhold its permission for summer motorized use along the length of the trail;

AND FURTHER THAT staff will work with Chris Emery and Penny Farnell to draft terms of reference for the committee; to bring back to Council for approval and further appointments in the future.

Note*** Staff are recommending this second resolution to ensure that the municipality, its residents, their property rights and community finances are being protected specifically as they relate to the creation and use of the Algonquin Trail. This proposal allows for Council to determine which sections of the trail it wishes to be motorized or multi-use and which it wishes to restrict to active use.

It ensures that the County indemnifies the municipality, and shares in the increased costs that it has said from the beginning of this process would not be downloaded onto the lower tiers. It allows a Zoning By-Law process to be implemented ensuring that the municipal By-Law and the Planning Act is respected.

It creates a special body to work for years into the future with all stakeholders to ensure that the trail is developed within our community in the manner that our residents and Council wishes. Added benefits would be offshoot economic development planning and a pro-active approach as opposed to reactive. It's happening here; our community stakeholders need to be involved.

BACKGROUND/EXECUTIVE SUMMARY:

The issue of this trail has brought up more questions and concerns than the proponents who rushed to open the trail may have wished to bring to light. After extensive public consultation and research the following are facts and considerations that Council needs to consider in moving forward.

The issues that stand out affect much more than simply the use of the trail, but have instead brought to attention some requirements and/or rules that the municipality has in the past avoided simply because past Councils have wished to "live and let live" and not over police or restrict its residents. Due to the light this issue has shone on our community, additional actions are now required by Council; they can no longer be avoided.

Now that the issues have been identified, this and future Councils will have to address them. The most obvious is the need for by-laws concerning use of municipal roads for snowmobiling and atv'ing; the need for formal and active by-law enforcement; the need for indemnification for land use by clubs for trails on municipal property (including seasonally maintained roads) and the existing non-compliance with the municipal Zoning By-law for trails on private property.

These issues and many more have been addressed below.

The potential of the Algonquin Trail is significant. Council, business owners, residents and visitors may all reap the benefits of this trail well into the future; but each must be respectful of the views of others. This will mean compromise and not everyone getting everything that they want.

It is Council responsibility to make policy decisions. It is staff responsibility to enforce those policies and ensure that any actions are according to legislation, and are appropriate from a risk management perspective.

When considering the following and what actions it will take, Council members need to consider that they represent ALL property owners when making their decisions.

1. **Facts**

- a. The completed Algonquin Trail in Head, Clara & Maria is still many years away.
 - b. The possibilities for the development of this trail and corresponding economic development are limitless in Eastern Ontario, limited in Head, Clara & Maria.
 - c. The County of Renfrew does not yet have a complete plan nor funding for the implementation, construction, maintenance or management of the trail in our community.
 - d. The County group is having issues with legal challenges from many fronts including private land owners who do not want the trail running through their property. A class action law suit may significantly halt development.
 - e. The County has already seen a reduction in the amount of funding anticipated for 2018.
 - f. There is no long term sustainable planning; funds were removed from County reserves for 2018 work.
 - g. Use of land for snowmobiling incurs significantly less damage than use of land for ATVs.
 - h. Legislation is different for the different classes of vehicles.
 - i. Legislation exists which must be complied with.
 - j. When quoting successes in other communities, it must be understood that sometimes “multi-use” means anything other than motorized. For example – horseback riding, walking, hiking, snow shoeing, cycling, dog walking, mountain biking, nature appreciation, hunting, cross country skiing. Everything but motorized, still considered multi-use.
2. **The County of Renfrew** - The Property and Development Committee has received its legal opinion which went before the County of Renfrew the last week of March. The County has determined that it will proceed with the trail but the legal opinion will not be made public. The County has not been in contact with HCM staff or Council members to my knowledge to date. They will ultimately own this trail. No matter what local clubs come up with, ultimately the County is/will be the owner.
3. **Municipal Zoning By-Laws** - Zoning By-Law of a municipality prevails over any use of land. The municipality has control over the lands through its zoning by-law which may be changed as per Council’s wishes. In order to commence a zoning by-law change, a legislated process is required. To allow use of lands specifically as a trail – the municipal Zoning By-Law will be required to be amended to allow Trails – active and/or Trails - passive as with any other

proposed use not already approved. Although the County of Renfrew is the upper tier, they do not hold preferential treatment on land of a lower tier.

- a. The requirement to change zoning to allow trails, which is not in the current by-law brings to question the long term allowance by previous councils of trails over private property zoned residential and if that use is to be continued. Technically all current trails not on Crown land are contrary to the current zoning by-law.
 - b. A property owner who disagrees with a zoning decision of Council or staff may appeal to the new Local Planning Appeal Tribunal (LPAT) for a review of the decision making process.
 - c. The new LPAT will not normally overturn a decision of Council unless it can be proved that they did not follow their own processes or acted in bad faith, giving deference to the mature government position of local municipalities.
 - d. Staff are required to uphold and enforce the requirements of its local Zoning By-law.
 - e. Should anyone disagree with the decision of Council, so long as the decision was made according to prudent planning practices, it is unlikely that the tribunal will overturn a decision.
4. **Legal Opinion** - As to legal opinions, the County of Renfrew has obtained an opinion contrary to ours. This municipality has paid for a legal opinion in respect to its Zoning By-Law which it is required to uphold under the Planning Act.
- a. The City of Pembroke similarly is concerned with its ability to enforce its own Zoning By-Law and is just beginning to have discussions with the county to address the use of the trail throughout the City.
 - b. The Quebec law suit previously referenced has provided a court precedent for supporting the rights of property owners in proximity to a motorized recreational trail against the municipality, upper tier and province.
 - c. Decision makers must consider that the current residents who are affected by this trail, who may have showed support for motorized use in their back yard cannot speak for future owners. Decisions made today are far reaching.
5. **Ratepayer, Council and Employee Continued concerns.**
- a. **Costs** - Costs of infrastructure replacement with our topography with dangerous slopes, and deteriorating bridges and culverts.
 - i. Need for increased signage, gates, bollards, chicanes through Stonecliffe, and near other populated areas. With the County focusing on areas east of here – spending existing funds there; when will our area be addressed?
 - ii. Need for re-route through specific areas. Costs, responsibilities?
 - iii. By-law enforcement, increased policing calls – municipality will be billed per call.
 - iv. Gas tax funds are available for use for active transportation – e.g. bike lanes, walking trails etc. but not motorized trails.
 - b. **Accessibility** - Accessibility issues for trails and need for accessible materials for walking trails. Costs. *Accessibility for Ontarian's with Disabilities Act* (AODA) directives.
 - i. According to the current accessibility legislation, all new trails designed as multi-use, allowing hiking or walking are to be created to certain specifics to ensure the safety of users.

- ii. The County will need to ensure that these requirements are being met in areas where people will walk/hike, prevalently through populated areas.
- iii. How will the required base be affected by motorized vehicles and still meet accessibility requirements?
- iv. What are recreational trails?
 - 1. Recreational trails are public pedestrian trails intended for recreational and leisure purposes, such as walking through a park or enjoying nature. It does not include wilderness trails, back country trails and portage routes, or trails only meant for cross-country skiing, mountain biking, or driving motorized recreational vehicles, such as snowmobiles and all-terrain vehicles.
- c. **Policing** - Proximity to/distance from policing. Distance and time to respond to complaints. Costs of increased calls for policing due to trail issues.
 - i. In order for the police to assist in control of any issue, trespass, speed etc. the municipality will require atv and snowmobile by-laws.
- d. **Fire** - Increased costs for fire management due to increased use within the community.
- e. **Trespass** – enforcement – currently until trail is open and then later.
- f. **Fencing** – The *Line Fence's Act* applies to properties abutting an abandoned rail line. If the property is a farm – the owner of the abandoned rail line must pay for the fence. If the abutting property is not a farm – the rail line owner and the property owner must share the costs of the fence. If the property owner does not wish to share the costs, there is no obligation for the trail owner to install, repair or maintain a fence.

6. **Clubs** – motorized

- a. The Missing Link Snowmobile Club has used the trail in various sections over the past two years. They would like to continue and have presented an alternative for Stonecliffe which they wish Council would consider and approve. The MLSC has made many trail improvements within the community for many decades and has worked to make snowmobiling safer in HCM.
- b. The Ontario Association of ATV Clubs and the Renfrew County ATV Club met with staff/Council members. They have plans for moving forward which they would like Council to approve. They would like to be able to link HCM up with other areas through the trail and have agreed to work with and assist Council in raising money to meet Council determined goals and projects in the future if desired by Council.
- c. There is no doubt that the members of the clubs have the best interests of their membership, the trails and the properties across which they travel at heart. The challenge is with those members who do not abide by Club rules; and the lack of enforcement mechanisms due to costs, isolation and lack of volunteers.
- d. Both clubs take a professional approach to education and indemnify land users through a comprehensive liability insurance policy.
- e. As much as proponents want to advocate and push the benefits of motorized trails, there is a significant volume of research and documents depicting the negative effects. The following link contains many such articles from across North America.
<https://www.bing.com/search?q=negative+consequences+of+motorized+recreation+trail&qs=n&form=QBRE&sp=-1&pq=undefined&sc=0-30&sk=&cvid=BCC5ED30AD364A2CAD21071D96F5D5D7>

7. The Positives

- a. An opportunity to work together to create a long term economic development and/or business plan for the community to attract more people to our area.
- b. The potential for installation of public washrooms in Stonecliffe and parking for the boat launch at the rail way siding between Yates and Boat Launch Roads.
- c. Increased revenue for local accommodation business operators which turns into increased revenue for Yates General Store which ensures local services for residents into the future.

8. Corrections of Fact – Clarification of Inaccurate Information

- a. **Taxation** in Head, Clara & Maria – It is quite apparent that wide spread opinion is that the small businesses in Head, Clara & Maria pay commercial rates of taxes, more than residents. That is simply not true in most cases.
 - i. Generally, and across Ontario, any campground, bed & breakfast or motel – accommodation type businesses pay the residential tax rate. As any other residential property owner, their taxes are affected by the number of structures on their property, the size of the property and waterfront.
 - ii. In a community of our size, the only businesses which pay commercial taxes are those who have a storefront location such as the general store.
 - iii. Some private property owners in HCM pay more taxes than some of our businesses.
- b. **Legal Costs** - Costs of legal opinion for trails issues over the past year and a half is in the range of - \$3,000 - \$4,000 not \$50,000 as was stated at one meeting.

9. Questions left unanswered for the County Trail Committee

- a. The Accessibility for Ontarians with Disability Act – new legislation requires accessible trails. The county has yet to address how the new trails will have a surface that will hold up to atv use but also meet accessibility requirements – use with bikes, wheelchairs, stroller etc. compaction standards? Paving? How will hearing impaired, or learning or developmentally challenged individuals function on a multi-use trail? Has the accessibility advisory committee been consulted?

10. Stakeholder Consultation – Identified Issues

- a. Trespass - Hunting from the trail in proximity to cottages trail users don't even know exist. Lack of enforcement; concern for safety.
- b. The argument for the need to support the trail for the success of local businesses; then from the same group - the hiring of contractors from outside the area to complete trail work. We have local contractors, are their businesses not worthy of support?
- c. One stakeholder discussion included a lengthy discussion on the difference between “No Trespassing” and “Use at Your Own Risk”. Some resident and current ATV trail users were adamant that “No Trespassing” meant they could use the trail at their own risk.
- d. Difference between use of pipeline and rail bed. We were told that the TransCanada Pipeline has signed lease agreements with OFSC clubs allowing use. Where snowmobile clubs have made trails, atv users follow. It is not certain at this point if ATV users could be fined for trespass on Pipeline property. All users could currently be fined for trespass on the rail bed.
- e. These and other identified challenges including use of municipal roads by OFSC trails and ATV use magnifies the need for a Municipal risk management program to protect residents from liability.

- f. Some people want the trail but only for snowmobiling; they have a problem with an area atv club coming into existence because they might then have to buy permits for summer use. They also don't want their taxes (municipal or county) to go up?
 - i. Permits = trail maintenance. Without permits, County will have to raise funding in other ways. With change in provincial government; it is likely that grant funding will dry up – time will tell. That is why they wish to partner with clubs, other volunteer groups and/or municipalities to share the financial burden.
 - g. Protectionist mentality. Keep what I like/want. Don't worry about the rest.
11. Stakeholder sessions have continued to result in statements from people, including members of the same family and/or same group contradicting each other. Some of these people have diametrically opposing views. Some people were so angry, evident in their comments, facial expressions and body language. Others were so open, optimistic and friendly. Others were simply incredulous and sad that our community has come to such a divisive state. Yet council must attempt to come to a decision that is satisfactory to all.

These are comments heard in our meetings that council has to consider; each opinion being as important as and carrying as much weight as the other.

- a. "I think the trail should be multi use, they do it elsewhere and it works."
- b. "I don't think that motorized and non-motorized use should be on the same trail, it's dangerous."
- c. "There is no demand for new business in the community; I don't think there should be more competition for existing businesses."
- d. "I have property on both side of the trail; I would love to build a restaurant, bar, accommodation type business."
- e. "You're never going to get enough increased traffic to open any new business here. It just won't happen."
- f. "Anyone who wants to ski on a snowmobile trail is an idiot."
- g. "My family and I walk/snowshoe on the snowmobile trail all the time; it's the only way to get to our camp in the winter."
- h. "We should build welcome centres on each end of the trail as they come into HCM."
- i. "If the County can't keep a visitor centre open in Petawawa, how do we expect to have two of them?"
- j. "We want economic development; you have to help keep local businesses open."
- k. "They won't do business with him."
- l. "We don't need any competition for the existing businesses."
- m. "The Township should buy the property across from Yates General Store and open a bed and breakfast."
- n. "The Township shouldn't be in business competing with current accommodation businesses, the current owners have tried it and it won't work."
- o. Snowmobiles are OK (so let them go through town) – I don't like atvs – don't let them in they'll destroy your land.
- p. "I don't want it going past my house."
- q. "I don't live near the trail so it doesn't affect me."

Options/Discussion:

These community consultation sessions have been described as “divide and conquer” sessions but instead have been very enlightening and educational.

Democracy is not being bullied in a public forum by those who are most vocal but instead an educated discussion and sharing of points of view and opinions. That is what we saw. Democracy is normally a private vote for an elected representative. It is then representation by those chosen/appointed/elected to govern.

During our consultation sessions, we had some individuals insist that there should be a vote and the side with the most support would win. It was explained that the process was not a vote; but an education and consultation process. Those people would be interested to know that theirs was not the prevailing side if we were to count proponents and opponents who attended the meetings or expressed their opinions to Council and staff. (Before this is outwardly contested, those who were strong proponents or opponents and their spouses and were not in attendance but had previously expressed their opinions were counted. Also, those who were not residents or property owners were not counted.)

The final count would total 42 people opposed to motorized use through our communities (and some through the entire trail) and 32 for. There were 5 people who expressed their support but with concern with motorized use and the need for restrictions and policing – these were not counted in the previous totals for a total of 79 participants so 42 against vs. 37 for. Out of 584 electors, a large percentage non-resident – that is a pretty decent turnout.

Staff recommendation is partially being formed by suggestions made months ago and repeated on Friday, April 27. Our afternoon session, with 3 individuals, two full time, long term residents and one long term seasonal resident resulted in a very constructive conversation about the formulation of a long term “task force” with a purpose of dissecting the various issues surrounding the development of the Algonquin Trail in Head, Clara & Maria and coming up with solutions and resolution on an ongoing basis.

It is staff recommendation that a group of volunteers be appointed by Council to investigate and research the various issues and eventually recommend suggestions for recognized challenges to be implemented for the entire community. Additionally, this group could assist in developing a long-term economic development plan – a high level strategic plan to be used by future councils moving forward.

Ultimately, any decision will be that of the council of the day but it must be understood, that any decision of Council may be changed – according to legislated rules and regulations – in the future. Not much is permanent in this world. Change happens. When solutions are provided to obvious and/or identified challenges, Council might amend its previous decision.

This group would work towards a long term proposal, bringing representatives from all stakeholders together, outside of council but under Council's ultimate authority.

The one most repeated comment made during the stakeholder meeting process is that most people within this community are tired of the divisiveness, animosity and embarrassment this issue has caused our community, both here and in the larger community. Most people are ready to move forward; to drop the personal attacks and work on a constructive solution, to round the edges of hard positions towards compromise.

The suggestions to work together and make this trail all it can be by working with each other, respecting others' views and opinions and not being narrow minded was refreshing. People who previously have not been vocal in this process, have stepped up to volunteer to lead some

inspiring projects. Instead of focusing on the negative, these people have agreed that the possibilities in Head, Clara & Maria are endless and that working together we can make our community a tourism destination. Instead of a protectionist mentality, these people have shared a vision for the future that holds promise, hope and compromise.

Staff are excited to work with these individuals moving forward to inform future councils to ensure that all opinions are heard, and that all suggestions are considered and not simply dismissed because they don't fit with someone's narrow view.

Council members and staff have legislated responsibilities to the electorate, to the municipality that must be met. Sometimes, their decisions will not be acceptable to all. Staff have the job of telling people what they don't want to hear, sometimes that is simply no – we can't do that. People need to recognize that it is not personal.

The provincial government has provided legislation that directs Councils and staff in the completion of their duties. One such tool is the local Zoning by-law authorized under the Planning Act. Although the County of Renfrew maintains that it has the authority to develop the land it is purchasing into a trail; it still needs to concede that the lower tier governments have zoning authority within their municipalities. This has been acknowledged in the county directing lower tier councils and staff to provide their recommendations for any detours for consideration as indicated in the minutes to the January 18, County staff/Lower tier staff meeting attached. The original County resolution states that the lower tier then has to finance that detour. The County has absolutely no authority to make that declaration.

The City of Pembroke has participated with the County in some components of the trail but have informed them that when the trail reaches City boundaries, the City of Pembroke has control over how it is used. They have just begun discussions on moving forward within the City. Although no one wishes to state this publicly, the fact is that zoning must be complied with throughout every municipality the trail passes through. A lower tier has ultimate authority over zoning within its boundaries.

That being said, based on previous comments, the Council of the United Townships of Head, Clara & Maria is fully supportive of a recreational trail within and throughout the municipality. They simply wish to ensure that the trail is rolled out in a responsible manner that concerns of all stakeholders have been addressed and a compromise met. Motorized vs. non-motorized and multi-use throughout is a separate issue.

History is history and mistakes were made. Moving forward Council needs to control the development of this trail as it would any other development within its borders. Some people will agree with decisions, some won't. This will be a long term project and we are only at the beginning, as much as some people just wish it would all go away.

Others Consulted/Resources/ Attachments:

1. Minutes of September 15, 2017 Council meeting and notes to MLSC deputation.
<http://www.townshipsofheadclaramaria.ca/download.php?dl=YToyOntzOjI6ImkljtzOjM6IjM0NCI7czozOiJrZXkiO2k6ODt9>
2. Minutes of January 2018 Council meeting and notes to CoR deputation.
<http://www.townshipsofheadclaramaria.ca/download.php?dl=YToyOntzOjI6ImkljtzOjM6IjM3Nil7czozOiJrZXkiO2k6Mjt9>

3. Minutes of January 2018 County and staff meeting. County of Renfrew.
<http://www.townshipsofheadclaramaria.ca/download.php?dl=YToyOntzOjI6lmlkljtzOjM6ljM3MCI7czoZoiJrZXkiO2k6Njt9>
4. Cunningham Swan Carty Little & Bonham LLP – Opinion letters – Private and Confidential
 - a. October 12, 2017
 - b. Opinion dated January 19, 2018
 - c. Email dated April 6, 2018
5. A Guide to the Line Fence’s Act - <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10596>
6. OADO – Design of Public Spaces Standards Guide -
<http://www.accessforward.ca/resources/5.%20Design%20of%20Public%20Spaces%20Text%20Only.pdf>
7. Ontario Trails Accessibility Power Point -
<http://www.ontariotrails.on.ca/assets/files/pdf/Accessibility%202014/Accessible%20Trails%20Presentations%20-%20March%2025.pdf>
8. Council – Staff Relationship – from
http://secure.amcto.com/imis15/Documents/Resources%20and%20Pubs/Fenn_Council%20Staff%20Relations_Final%20.pdf

- a. *“There is a difference between policy and management. Elected representatives are responsible for giving political direction, for ensuring that management systems work properly, and for making decisions after staff members, the public and fellow councillors have been heard. Whatever their professions or work experience in private life, elected representatives at the municipal level are not elected to be managers or technical experts. They are elected to represent their community.*
- b. *Likewise, civil servants are not hired to play a political role. Staff members are paid to research policy issues, to give council their best professional judgment, and to accept and implement effectively whatever council decides, even if it is something staff did not recommend – especially if it is something staff did not recommend.*
- c. *Staff members are hired to offer viable policy options, but also to make recommendations, whether they are welcome or not. Council may not like a recommendation, and certainly may not accept it. But both council and the CAO should insist that every substantive report come with specific recommendations that reflect staff’s best advice.*
- d. *The underlying principle is simple. Policy decisions are Council’s business; management is management’s business. To promote good relationships, staff must respect democracy, and councillors must respect professional management.*
- e. *“What you call me tells me what you think of me,” especially in the eyes of the public. Municipal professionals understandably prefer being called by their title or “staff,” rather than “bureaucrats.” Local elected representatives similarly prefer to be called by their title or “elected representatives,” rather than “politicians.”*
- f. *6.3 Remember that elected representatives represent the whole community. As 19th-century parliamentarian Edmund Burke would say, councillors periodically need to remind themselves that they are legislators and representatives, not just community delegates or “customer service representatives.”*

g. *They are representatives in a democratic process, not agents or “rubber stamps.” The job of elected representatives is to make decisions based on the good of the broader community, including people who have not been heard at council or in the media or on social media, as well as those who will come in the future.*

h. *In some cases, it will fall to municipal staff to gently remind councillors of this broader, fiduciary obligation to represent the unrepresented, including future residents. For councillors, it makes sense to rely on feedback received during the election, and in municipal customer satisfaction surveys, rather than simply accepting the wisdom of currently “trending” views on social media or from council delegations. Ultimately, councillors must rely on their own judgment and “due diligence,” and then show leadership on issues.”*

9. Difference between policy and management. Keeping the issues straight.

- Policy in past
 - use of trail or not.
- Management in past
 - making recommendations to Council.
 - use of roads, municipal liability, snow on roads.
- Policy moving forward
 - use of trail or not,
 - type of use,
 - alternate routes.
- Management moving forward
 - Making recommendations to Council.
 - fines, policing, liability,
 - enforcing zoning and other by-laws.

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith