

## Minister's Appointee to Black River – Matheson Report – June 30, 2024

**To:** Honourable Paul Calandra, Minister of Municipal Affairs and Housing

**From:** Kathy Horgan, Minister's Appointee

**Date:** June 30, 2024

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On April 29, 2024 by Minister's order (the Order), I was appointed to exercise the duties and obligations of the Township of Black River - Matheson council, including making decisions, as necessary, in relation to the by-election for a new council and making any other decision that would otherwise be made by council, if required, in accordance with the duties and obligations of council as set out in the Municipal Act, 2001, any by-law or policy of the Township or any other applicable legislation.

The Order also requires that I report to the Minister of Municipal Affairs and Housing on the 15<sup>th</sup> and 30<sup>th</sup> of each month on the exercise of my duties and obligations under the Order. This report, along with prior reports, will be posted on the municipality's website in its dedicated [Minister Appointee Reports](#) webpage.

### Meetings

Since my last report, a regular meeting of council was held on June 25, 2024. In addition to routine business of adopting minutes and receiving staff reports, the following matters were discussed and/or approved.

- I approved the transfer of funds held in trust by the Township to the Town of Iroquois Falls related to the recruitment of physicians supporting the Township, Iroquois Falls and Cochrane. This transfer (approximately \$70,000) will be subject to the parties entering into a new agreement detailing how the funds will be administered in the future.
- I adopted a by-law to amend the Township's cemeteries by-law and user fee by-law to reflect that the care and maintenance fees charged by the Township are in accordance with the formula set by Bereavement Authority of Ontario.
- I also adopted a by-law to appoint a Chief Building Official, a Deputy Chief Building Official and inspectors. This will bring building services in house and ensure that the municipality is compliant with the *Building Code Act, 1992*. Prior to this, building services have been provided to the Township by the City of Timmins.
- Municipal staff presented the water/sewer/garbage collection multi-year budget for 2024 and proposed user fee increases. After a fulsome discussion on the presentation, I passed a resolution to defer further discussion on this matter to the special council meeting that was already scheduled for June 26, 2024.

- A delegation from a local resident was heard about the township's current methodology for distributing water/sewer/garbage collection costs. Municipal staff were directed to investigate and bring back their analysis of the impacts of any change to the methodology at a future meeting for consideration.

A special council meeting was held on June 26, 2024, to provide municipal staff with an opportunity to present the general levy budget for 2024 and to continue discussions on the water/sewer/garbage collection user fees.

- Municipal staff presented the operating and capital multi-year levy budget proposal. Municipal staff explained the budget pressures, capital requirements, future capital needs and the impacts these have on the proposed 10% levy increase.
- Following an informative discussion with staff, I determined that more time and consideration was needed to approve the levy increase. Municipal staff were directed to continue to develop the 2024 budget, building on the report presented at the meeting, to include a workback plan with proposed additional meetings for July and August, as well as to include additional information to help me and the new council understand the budget requirements and future implications of any decisions made in relation to this year's budget.
- After further discussion on the 2024 water/sewer/garbage collection budgets and proposed increases to user fees, I approved a resolution to increase water and sewer fees each by 3.9% and a 0.0% increase in garbage collection fees. The increases to water and sewer rates are a result of inflation, increase in contractor fees, capital requirements and transfer to reserves for near future capital needs.

All budget presentations can be found in the agendas for June 25 and 26, 2024 posted on the municipality's website.

### **Section 275 Restricted Acts Provisions**

Section 275 of the *Municipal Act, 2001* provides that the council of a municipality shall not take certain actions if the new council will include less than  $\frac{3}{4}$  of the members of the outgoing council. This period of restriction will commence if less than  $\frac{3}{4}$  of the outgoing members of council are not certified as candidates by the clerk after nomination day (in this case June 28, 2024) until voting day. A second restriction period can take place following voting day if less than  $\frac{3}{4}$  of the outgoing members of council are re-elected.

As the Minister's Appointee, I am responsible for performing the duties and obligations of council in accordance with the *Municipal Act, 2001*. As such, I am subject to the restrictions identified in subsection 275(3) of the *Municipal Act, 2001* until a new council is in place. These restrictions are:

- Appointing or removing from office any officer of the municipality,
- Hiring or dismissing of any employee of the municipality,
- Disposition of any real or personal property of the municipality that exceeds a value of \$50,000 unless it is included in the budget adopted by council, and

- Making any expenditures or incurring any other liability that exceeds \$50,000 unless it is included in the budget adopted by council.

Since the 2024 operating and capital budget was not adopted by June 28, 2024, I will not be able to adopt the budget. However, section 275 does not prohibit me from discussing and debating restricted acts such as an annual budget during this time. Doing so will enable municipal staff to continue to receive feedback from me with the hope that this will assist the new council with its decision-making on the budget when the new term of council commences. The annual budget and its implication on the tax levy is an important decision for residents and would benefit from a final review and approval by the new council.

There may be impacts associated with a Fall adoption of the budget, tax rates and issuance of the tax bills and I have directed municipal staff to include the costs associated with those risks in the additional budget reports. While a fall adoption date is late, it is not uncommon for some northern municipalities to have a late adoption date with final tax payments due in September and October.

The next report from the Minister's Appointee will be submitted on or about July 15, 2024.

Respectfully submitted,



Kathy Horgan  
Minister's Appointee  
Township of Black River – Matheson