

THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

February 25, 2012 - Special

Minutes of a special meeting of Council held on Friday, February 25, 2012 at 12:00 h. in the Municipal Hall.

NOTE: Verbatim minutes are not normal procedure however; due to the controversial nature of this topic and the need to ensure that accuracy is maintained, notes will follow these minutes which provide additional substance to the meeting deliberations.

At 12:03 the Reeve and Councillor Reid were not in attendance. The Clerk at this time made an announcement to the public that the procedure by-law requires that if the Head of Council is not in attendance at the time the meeting is called for, that 15 minutes shall pass and then the Clerk may call the meeting to order.

At 12:15 the Clerk called the meeting to order, read the pertinent section of the Procedure By-Law and handed the meeting over to Councillor Gibson as alternate Head of Council to chair.

Councillor Gibson assumed the chair and thanked those in attendance for caring enough about their municipality to come out.

Councillor Grills then asked Chair Gibson if a change of procedure could occur. He agreed. Councillor Grills then asked that if during the moment of silence everyone present could think about Ms. Darlene Boudreau who had passed away.

1. CALL TO ORDER & MOMENT OF SILENCE

2. ROLL CALL

The following were present Councillors: Dave Foote, Jim Gibson, and Debbi Grills.

Absent: Reeve Stewart and Councillor Reid.

There were 12 members of the public and press in attendance.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF - none

4. NEW BUSINESS

i. Report to Council # 25/02/12/401 – Delfi Investigation Report
Resolution # 25/02/12/001

Moved by Councillor and Seconded by Councillor

WHEREAS the Council of the United Townships of Head, Clara & Maria has contracted with the Delfi Group to complete both workplace harassment and code of conduct complaints;

AND WHEREAS the reports of Mr. Bonenberg contain by his own admission potentially up to 20% error;

AND WHEREAS this Council has spent considerable funds on these reports and expect a reliable and objective product based on accepted investigative processes and concrete evidence;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to contact Mr. Bonenberg to advise that his services for a facilitation session scheduled for March 9, 2012 will not be required at this time;

AND FURTHER THAT Mr. Bonenberg resubmits both reports to Council in a form that is more accurate and is based on the evidence provided to him and/or corroborated by outside sources and at his own expense;

AND FURTHER failing to do that, request that Mr. Bonenberg put his verbal comments of admission of the potential for up to 20% error in his reports in writing based on the fact that he accepted the word of the respondents as fact without obtaining objective evidence or corroboration.

AND FURTHER that a copy of this report and resolution be forwarded to Mr. Bonenberg and the Delfi Group.

Deferred and replaced with the following...

Councillor Gibson began with an explanation of the issue and the need for all members of Council to be present before a decision on this important issue is made. Notes follow.

Gibson: We'll take a short little break here while changes to the resolutions are created.

Break from 12:25 to 12:38 - Call to order:

Resolution # 25/02/12/401

Moved by Councillor Grills and Seconded by Councillor Foote

WHEREAS the Council of the United Townships of Head, Clara & Maria has contracted with the Delfi Group to complete both workplace harassment and code of conduct complaints;

THEREFORE BE IT RESOLVED THAT Council of the United Townships of Head, Clara & Maria defer the decision from Report #25/02/12/401 until all Council is present.

Carried Unanimously

Resolution # 25/02/12/001

Moved by Councillor Foote and Seconded by Councillor Grills

WHEREAS a complete council is desired to review the Bonenberg reports by the 3 Council members at the meeting;

THEREFORE BE IT RESOLVED THAT the scheduled meeting between Mr. Bonenberg and Council on Mar. 9/12 is cancelled.

Carried Unanimously

ii. Report to Council #25/02/12/402 - Open or Closed Session

Resolution # 25/02/12/002

Moved by Councillor Grills and Seconded by Councillor Foote

WHEREAS Reeve Stewart caused to be printed in the NRT statements that were not representative of the views of Council;

AND WHEREAS Council would like to determine steps to take in consideration of these comments and personal opinions;

AND WHEREAS the Municipal Freedom of Information and Protection of Privacy Act defines "personal information" as "recorded information about an individual, including, (e) the personal opinions or views of the individual **except if they relate to another individual.**"

AND WHEREAS it is the position of this Council that the statements made in the NRT are personal opinions or views of the individual as they relate to another individual.

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to conduct the next report and resolution in open session of Council.

Carried Unanimously

iii. Report to Council #25/02/12/003 – Furtherance of Complaint Process

Resolution # 25/02/12/003

Moved by Councillor Foote and Seconded by Councillor Grills

WHEREAS the Council of the United Townships of Head, Clara & Maria was astounded by the article attributed to the Head of Council in the NRT of Wednesday, February 22, 2012;

AND WHEREAS this Council would like to make it clear to all members of the public that Ms. Stewart was acting on her own behalf and not as a representative of this Council in making her statements to the NRT or in her letter;

AND WHEREAS this Council would like to make it clear that they maintain confidence in all members of staff contrary to what is alleged in Ms. Stewart’s letter;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to have the following press release published as soon as possible by directing staff to provide a copy of it to all area news outlets, county municipalities, our website and municipal bulletin boards.

Carried

Recorded Vote	
Reeve Stewart	Absent
Councillor Foote	Yes
Councillor Gibson	Yes
Councillor Grills	Yes
Councillor Reid	Abstain

Councillor Reid arrived at 12:55h. Councillor Gibson asked if he would like to be apprised of the topic at hand so that he could vote.

Councillor Reid stated that it was his fault for not being here; he would abstain even knowing that by abstaining it would be recorded as a negative vote.

“Council Maintains Confidence in Staff

Stonecliffe, Ontario – February 25, 2012 – Recent comments printed in the North Renfrew Times and attributed to Reeve Tammy-Lea Stewart are personal comments and not made on behalf of the Council of the United Townships of Head, Clara & Maria.

Ms. Stewart has contributed comments and actions to Council and staff that discredit municipal employees and fellow Council members going so far as to allege that they have committed Criminal Code violations. This Council would like to make it clear that it maintains full confidence in all municipal staff notwithstanding that they have been maligned by Ms. Stewart.

The statements made in Ms. Stewart’s letter are personal opinions and are not representative of the position of the Council of the United Townships of Head, Clara & Maria. In publicizing these comments she was not acting in her official capacity representing the Council of HCM contrary to the responsibilities bestowed upon her as a Head of Council under the Municipal Act.”

5. QUESTIONS AND ANSWERS - none

6. CONFIRMATION OF PROCEEDINGS

Resolution # 25/02/12/004

Moved by Councillor Foote and Seconded by Councillor Grills

BE IT RESOLVED THAT By-Law 2012-09 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on February 25, 2012 be read a first time short and passed.

Carried Unanimously

7. ADJOURNMENT

Resolution # 03/02/12/005

Moved by Councillor Grills and seconded by Councillor Foote

BE IT RESOLVED THAT this meeting adjourn at 13:08 h to meet again Friday, March 9, 2012 at 14:00h.

Carried Unanimously

Reeve – Tammy Lea Stewart

Clerk – Melinda Reith

Meeting Notes

i. Report to Council # 25/02/12/401 – Delfi Investigation Report

Gibson: Mr. Bonenberg of the Delfi Group was hired to conduct two separate investigations concerning complaints filed by the Clerk and complaints filed by a ratepayer. He has provided two volumes for Council to digest. The 1st binder was presented in January.

He said that we needed time to read it and digest it. The 2nd binder was presented with findings. We were to read it and discuss findings. We found that there were items that were in error and conclusions that lacked evidence. Some members have a concern with the way the investigation was conducted.

Back in December, Council agreed to abide by the decisions of the investigator however; after seeing the reports, some feel uncomfortable due to the contents.

Mr. Bonenberg explained on February 17, 2012 that if you were to look at the reports from 5000' they might be 80% correct. The challenge is that we are on the ground and before we accept it, we need to have the investigator go over it point by point.

We have 2 people absent today, I'm not sure why they're not here but I feel uncomfortable detailing this document without them. Perhaps we can have this put in a resolution?

Clerk: Reeve Stewart is attending to a personal matter; Councillor Reid said he was not aware of the meeting as his computer is not working. He will be here for the next meeting at 13:00h.

Grills: We do need everyone here. What I have to say needs to be heard by Reeve Stewart.

Foote: Agreed. I think everyone needs to be here. If we are going to entertain the resolution to contact Bonenberg they should be here.

Clerk: If you are not going to discuss the resolution on the table you will need something specific to cancel the March 9th meeting as it is premature to hold a facilitation meeting prior to accepting the reports.

Foote: Bonenberg said he would come to have a meeting to discuss this but each time he's here it costs \$1,000; we need to think carefully about what to do and how to consider these reports.

Resolutions 401 and 001 were read and decided.

ii. Report to Council #25/02/12/402 - Open or Closed Session

Gibson: Before we begin the next issue could we have a show of hands as to who receives the NRT? – 7 members present raised their hands. Those who receive it have read in the last issue there was an interview and an open letter by Reeve Stewart which was posted. This has caused some angst amongst some people. I for one contacted the Clerk and asked to have this issue placed on the agenda.

Councils need to be as open and transparent as possible. The Clerk's job is to advise Council and suggest actions to Council. It is up to Council to accept the Clerk's advice. Here is the resolution proposed by the Clerk.... (reads resolution). Are there any comments?

Grills: I believe that there are only 3 areas where meetings should be closed to the public. These include those times where staff are being dismissed, during salary negotiations or staff personal appraisals. I believe that this item should be open. I am delighted that people are here and want to know what is happening.

Foote: The letter was public; any discussion under the Act should be open. Its all public knowledge.

Gibson: My personal opinion. It should be in public session. The letter was published in the NRT; not holding this discussion in open session would not be open and transparent.

Resolution was carried.

iii. Report to Council #25/02/12/003 – Furtherance of Complaint Process

Gibson: I was appalled by what was printed in the NRT. I realize that there is freedom of the press and that is a plus for our Country. But, freedom of the press has its limits. We can't control the press but we can object. In fact, I have mailed a letter to Bob Cleland of the Board. (Letter read out loud.)

"February 23, 2012 Dear Mr. Cleland, Today I read the NRT's article in the February 22nd edition regarding issues in Head, Clara and Maria.

In her letter to the NRT, Reeve Stewart makes unfounded allegations of "numerous violations of the Municipal Code of Conduct, the Harassment and Workplace policy and even the Criminal Code did occur"

I consider these allegations printed in your paper to be libelous and request that you proceed with an appropriate amount of caution the next time you choose to print material that can reasonably be considered libelous.

On May 6th of last year, I read an on line article by Vance Gutzman and suggested in a friendly manor to Mr. Gutzman, via email and subsequent discussion, that he change, prior to print, the wording of his article regarding the issue of quorum and legal opinion about quorum as it was not correct. He chose to "take my suggestion under advisement" and his original version went to print uncorrected.

Subsequently, the NRT was forced to print a retraction.

Under the article headline 'when will this stop?' are the words "By Terry Myers" Subscribers can not be faulted for believing that Mr. Myers was in attendance at the meeting in question when in fact he was not.

I request that when publishing articles about Head, Clara and Maria Council business, you clearly identify the source of the article. I am speaking as a Councillor of The United Townships of Head, Clara, and Maria and not as someone representing Council's opinion.

Respectfully, Jim Gibson, Councillor – The United Townships of Head, Clara, and Maria

c. Denise Walker, Hilary Angell"

Grills: Councillor Gibson used the word "appalled" – I was astonished, flabbergasted when I picked up the NRT. I really don't know how to react, I feel that no matter what I say its going to appear that I am harassing or attacking. I'm not. I'm hoping, I'm speaking from the heart, I felt that after last Friday's meeting we had begun a warmer more collegial council in open and closed session. That was the reason that I ran for this position. When I read that article I felt, I know I need to be careful what I say here, I felt disappointed. Everything that I had tried to do in a positive way was misconstrued.

In what we discussed, I would like to clarify that the binder says its 4 public complaints, against 3 individuals and council. I spent much of yesterday afternoon reading through this binder. It's not 4 complaints there's 64 complaints in this document. Many findings in my opinion are unsubstantiated. I personally cannot accept, where people are being accused, 80% accuracy. We are dealing with peoples' reputations and we have to be accurate. We should not spend one more cent of your money to get to a reasonable solution. I won't agree to spend any more money.

Foote: There are more than 2 sides to any story. There was only one side published in the NRT and should be given small consideration. We've been down this road before. We have been encouraged that things have been on the mend then something else. The letter was really disappointing. We all, except for Councillor Grills, are a bit culpable. When looking at the article, it should not be one sided. A press release should be sent. You can talk to anyone and we could all have slanted opinions. This is certainly not a good start to the healing process.

Gibson: At the meeting of the 17th with the closed session with Bonenberg, we've been more frank and honest than ever. We had a great question and answer session with a lot put on the table. I came out with a good feeling. We later came to the public meeting and I would defy any individual who sat at that meeting to ever think there was

any disunity between council and council or council and staff. Everything was clean and clear; no one could ever sense that there was any dysfunction. I left quite optimistic and then read the NRT article and was shocked.

I asked to place on the agenda for this meeting a press release for Council. I as a Councillor asked the Clerk to add this. The Clerk uses her own words to create the reports and resolutions. If Council has any problem with the words, now is the time to object to the words and ask to make changes.

Reads resolution. Are you satisfied with the wording of the resolution?

Grills/Gibson/ Foote: No comments.

Gibson: It is up to Council to change it. When council accepts this, then its council's decision. If there is no objection, this resolution will be carried forward.

Reads press release.

Gibson: Before we enter into discussion I have an objection to take up with Mr. Myers. Did you interview Ms. Stewart? (silent pause)

Myers: No, she submitted a letter by email. The fact that she wrote it in light of the past it's a story in itself. There was no interview.

Gibson: So we can remove the section that states "interview with Mr. Myers".

Grills: I would like to see a change. I would like to remove the quotes. I would prefer that they be removed. It is not a connotation that I want Council to take.

Foote: No, with these changes I think it's OK for release. This would be our opinion alone.

Grills: Spoke of the need for signatures of individual Council members.

Clerk: Clarification – any decision will be a decision of Council once passed.

Gibson: When a decision is made, it is a decision of Council and it stands as representing the whole Council. We've never signed anything in the past and I don't think it's a good idea.

Grills: Thank you, it's been explained.

Councillor Reid arrived at 12:55h.

Gibson: Councillor Reid, do you want to be updated?

Reid: No, it's my fault for not being here. I will abstain. I don't know what's going on.

Gibson: If you'd like to be a party we can go over it. You realize that if you abstain your vote will be negative?

Reid: Carry on.

Gibson reread the press release.

Gibson: Reeve Stewart is the Reeve and has every right to sign her name as that. I see no objection to that; when I sent my letter to the board I signed it as councillor. I'm not sure about the last paragraph. The distinction should have been made whether she was speaking as an individual or on behalf of Council. It does need to be made clear that she may not be representing all of council.

Foote: No problem.

Grills: Could probably take out the last paragraph.

Gibson: Remove the 1st line of the 4th paragraph and merge it with the 3rd.

Re-read the press release.