

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

October 21, 2011

Minutes of a regular meeting of Council held on Friday, October 21, 2011 at 14:00 h. in the Municipal Hall.

1. CALL TO ORDER & MOMENT OF SILENCE

2. ROLL CALL

The following were present Reeve Tammy Stewart, Councillors: Ed Aiston, Dave Foote, Jim Gibson and Robert Reid.

Approximately members of the public present. 16

AGENDA AMENDMENT – A code of conduct complaint will be added to the closed session.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF – None

4. DEPUTATIONS/PRESENTATIONS - none

5. ADOPTION of MINUTES of PREVIOUS MEETINGS (INCLUDING COMMITTEES)

i. Council Minutes

Resolution # 21/10/11/001

Moved by Councillor Aiston and seconded by Councillor Reid

BE IT RESOLVED THAT the minutes of the regular meeting of Friday, October 7, 2011 be accepted as amended.

Recorded Vote

Reeve Stewart	Yes
Councillor Aiston	Yes
Councillor Foote	Yes
Councillor Gibson	Abstain while remaining at table
Councillor Reid	Yes

6. CORRESPONDENCE & PETITIONS – None

7. CORRESPONDENCE

- i.** NRT – re: Remembrance Day - place ad
- ii.** MMAH – re: Financial Indicator Review – info
- iii.** Township of Greater Madawaska – re: closing of Denbigh Ambulance Station – prepare resolution of support for next meeting

8. STAFF REPORTS - none

9. FINANCIAL REPORTS

i. Comparative Income Statement Report #21/10/11/901

Resolution # 21/10/11/002

Moved by Councillor Reid and Seconded by Councillor Aiston

BE IT RESOLVED THAT the Comparative Income Statement dated October 13, 2011 be accepted as presented.

Carried

10. BY-LAWS - none

11. UNFINISHED BUSINESS - none

12. ADDENDUM (NEW BUSINESS) - none

13. IN CAMERA OR CLOSED SESSION – Harassment Complaints

i. Resolution # 21/10/11/003

Moved by Councillor and Seconded by Councillor

WHEREAS *the Municipal Act*, R.S.O. 2001 section [239.\(1\)](#) reads “Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

AND WHEREAS section 239 (2) states that

A meeting or part of a meeting may be closed to the public if the subject matter being considered includes

- personal matters about an identifiable individual, including municipal or local board employees; or
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

AND WHEREAS the Council of the United Townships of Head, Clara & Maria has determined that the issue at hand is a qualifying exemption under section 239 as it concerns personal matters about an identifiable individual as well as potential litigation.

AND WHEREAS at no time will business of Council be advanced during this closed session.

THEREFORE BE IT RESOLVED THAT this meeting go into an in camera session at 14.20h to discuss harassment complaints that have been filed by the Clerk and a code of conduct complaint filed by Mr. Wayne Clouthier.

Carried

Recorded Vote	
Reeve Stewart	Yes
Councillor Aiston	Yes
Councillor Foote	Yes
Councillor Gibson	Yes
Councillor Reid	Yes

ii. Resolution # 21/10/11/004

Moved by Councillor Aiston and Seconded by Councillor Reid

BE IT RESOLVED THAT this meeting come out of closed session at 15:53h. and the public portion of the meeting continue.

Let it be public record that no business of Council was advanced during this closed session.

Carried

Recorded Vote	
Reeve Stewart	Yes
Councillor Aiston	Yes
Councillor Foote	Yes
Councillor Gibson	Yes
Councillor Reid	Yes

Council agreed to a five minute break. When council returned from the break the chair asked to be replaced as chair for the next item of business. It was agreed that deputy reeve Councillor Gibson would act as chair but no one moved from their position.

14. BUSINESS ARISING FROM CLOSED SESSION

i. Resolution # 21/10/11/005A

Moved by Councillor Aiston and Seconded by Councillor Reid

WHEREAS the Clerk has filed a Harassment Complaint according to the Municipal Policy on Harassment and Workplace Violence against Council, as employer, as it sat at the Council meeting of Friday, October 7, 2011;

AND WHEREAS this Council has found that Council, as employer, as it sat on Friday, October 7, 2011 is guilty of failing "to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the Municipality" and providing "a healthy and safe work environment that is free of any form of harassment or violence."

AND WHEREAS Council, as employer, failed to prevent an attack on the professional conduct of the Clerk and allowed Mr. McKechnie to continue in his defamation of the Clerk in front of members of the public and representatives of the local media without publicly correcting him upon his conclusion;

AND WHEREAS this failure to keep Mr. McKechnie's comments on topic resulted in less than favourable statements being printed in the North Renfrew Times further sullyng the professional reputation of the Clerk;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby resolve to offer the following by way of amendment and remedy that:

a. Council cause to be publicized in the North Renfrew Times and signed by the Reeve a written apology to the Clerk at the least admitting to failing to provide a working environment that is based on the respect for the dignity and right of everyone in the Municipality and failing to provide a healthy and safe work environment that is free of any form of harassment through its inaction at the meeting of Friday, October 7, 2011;

b. Further that this letter re-affirms Council's confidence in the Clerk's abilities and dismissing the defamatory statements of McKechnie as false and unfounded.

c. Because Council did not take any steps to stop Mr. McKechnie nor correct his untruths upon the conclusion of his diatribe and due to the fact that Council, as employer, allowed a verbal attack on the professional conduct and reputation of the Clerk to continue that Council authorize the Municipal Solicitor to commence legal proceedings against Mr. McKechnie on behalf of Melinda Reith, Municipal Clerk, if it is in the opinion of the Municipal Solicitor that such action is warranted; and

d. (Other) _____

	Recorded Vote
	Reeve Stewart No
	Councillor Aiston No
	Councillor Foote Yes
	Councillor Gibson Yes
Defeated	Councillor Reid No

ii. Resolution #21/10/11/005B

Moved by Councillor Gibson and Seconded by Dave Foote

WHEREAS An atmosphere of condemnation and mistrust has been created by several members of our Community with respect to the Municipal clerk,

AND WHEREAS This atmosphere is eroding Community cohesiveness and is upsetting many volunteers and members of our Community,

BE IT RESOLVED THAT Council publishes the following in the North Renfrew Times: "The Council of the United Townships of Head, Clara, and Maria acknowledges that false accusations have been made against the Municipal Clerk. This Council has full confidence that the Municipal Clerk, Melinda Reith, has been and is executing the duties of her position, as directed by Council, in a completely honest and professional manner. Council regrets any hardship which may have been caused by its inaction in this matter.

Carried

Recorded Vote	
Reeve Stewart	No
Councillor Aiston	Yes
Councillor Foote	Yes
Councillor Gibson	Yes
Councillor Reid	No

iii. Resolution # 21/10/11/006

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS the Clerk has filed a Harassment Complaint according to the Municipal Policy on Harassment and Workplace Violence against Reeve Stewart as Chair of the meeting of Friday, October 7, 2011;

AND WHEREAS this Council has found that Reeve Stewart as Chair is guilty of contributing to the harassment and defamation conducted by Mr. McKechnie by failing to perform the duties of the chair of a meeting as per the Municipal Procedure By-Law and common rules of meeting procedure;

AND WHEREAS Reeve Stewart as Chair failed "to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the Municipality" and providing "a healthy and safe work environment that is free of any form of harassment or violence" by preventing Mr. McKechnie from continuing his deputation when it became personal.

AND WHEREAS Reeve Stewart as Head of Council failed to "preside over council meetings so that its business can be carried out efficiently and effectively; and to provide leadership to the council;"

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby resolve to offer the following by way of amendment and remedy:

a. _____

 _____;

Defeated

Recorded Vote	
Reeve Stewart	No
Councillor Aiston	No
Councillor Foote	No
Councillor Gibson	Abstain while still in seat
Councillor Reid	No

Reeve Stewart resumed the chair of the meeting while still in her original position at the table.

iv. Resolution # 21/10/11/007

Moved by Councillor Gibson and Seconded by Councillor Foote

WHEREAS the Clerk has filed a Harassment Complaint according to the Municipal Policy on Harassment and Workplace Violence against Clayton McKechnie;

AND WHEREAS this Council has found that Clayton McKechnie conducted himself in an inappropriate manner during his presentation to council on Oct 7 2011.

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby resolve to offer the following by way of amendment and remedy that:

- a. Council causes a letter to be forwarded to Mr. McKechnie and signed by the Reeve explaining that: although Council welcomes deputations it must not and will not in the future accept aggressive behaviour or verbal abuse directed towards any member of Council or any staff.
- b. That any future deputation must follow the content of the document provided to Council 5 days prior to the deputation and not contain new information or accusations; and
- c. In the future Mr. McKechnie use the proper process available to him and any other individual to make a code of conduct complaint against any member of Council or municipal employee through the Municipal Code of Conduct policy and complaint form

Carried

Recorded Vote	
Reeve Stewart	No
Councillor Aiston	Yes
Councillor Foote	Yes
Councillor Gibson	Yes
Councillor Reid	Yes

v. Resolution # 21/10/11/008

Moved by Councillor Foote and Seconded by Councillor Gibson

WHEREAS the Clerk has filed a Harassment Complaint according to the Municipal Policy on Harassment and Workplace Violence against Wayne Clouthier;

AND WHEREAS this Council has found that Wayne Clouthier is guilty of workplace harassment and bullying as per the Municipal policy.

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby resolve to offer the following by way of amendment and remedy that:

- a. Council causes a letter to be forwarded to Mr. Clouthier and signed by the Reeve explaining that in the future Council will not allow aggressive behaviour or verbal abuse to be directed towards any member of Council or any staff member.
- b. requesting a public apology be forwarded from Mr. Clouthier to the Clerk;
- c. In the future Mr. Clouthier use the proper process available to him and any other individual to make a code of conduct complaint against any member of Council or municipal employee through the Municipal Code of Conduct policy and complaint form.
- d. (Other)

Defeated

Recorded Vote	
Reeve Stewart	No
Councillor Aiston	No
Councillor Foote	Abstain while at the table
Councillor Gibson	Yes
Councillor Reid	No

The deputy clerk was requested by council to send a letter advising Mr. Wayne Clouthier of the proper procedure as to how his complaint under the municipal code of conduct policy must be received in the office.

15. QUESTIONS AND ANSWERS – Councillor Gibson questioned Councillor Aiston on his departure from Council and Councillor Aiston replied that he would be tendering his resignation in December and that it was with regret and personal reasons that he had to leave office.

Reeve Stewart advised that the county warden had given notice that he wished to be put on the agenda of a future meeting of council to give a presentation.

16. CONFIRMATION OF PROCEEDINGS

Resolution # 21/10/11/010

Moved by Councillor Foote and Seconded by Councillor Gibson

BE IT RESOLVED THAT By-Law 2011-24 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on October 21, 2011 be read a first time short and passed.

Carried

Recorded Vote

Reeve Stewart	Yes
Councillor Aiston	Yes
Councillor Foote	Yes
Councillor Gibson	Yes
Councillor Reid	Yes

ADJOURNMENT

Resolution # 21/10/11/011

Moved by Councillor Reid and seconded by Councillor Foote

BE IT RESOLVED THAT this meeting adjourn at 17:15 h to meet again Friday, November 4, 2011 at 14:00h.

Carried

Reeve – Tammy Lea Stewart

Ruth Morin – Deputy Clerk