

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

November 4, 2011

Minutes of a regular meeting of Council held on Friday, November 4, 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 16 members of the public present.

With permission of council resolution 006 was moved to number 5, resolution 008 was moved to number 9 and the issue of the refusal by the reeve to carry out resolution 21/10/11/007 was moved to unfinished business and discussed in closed session.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF – Reeve declared pecuniary interest in report # 04/11/11/1102 – Harassment Complaint, May 2011. (Reeve Stewart handed the attached notice to Deputy Clerk, Ruth Morin prior to the meeting starting.)

4. DEPUTATIONS/PRESENTATIONS – Alastair Baird, County Economic Development Department and Paul Moreau, Director of Development and Property

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

i. Council Minutes

Resolution # 04/11/11/001

Moved by Councillor Reid and seconded by Councillor Gibson

BE IT RESOLVED THAT the minutes of the regular meeting of Friday, October 21, 2011 be accepted as presented.

Carried

Recorded Vote

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

6. CORRESPONDENCE & PETITIONS – None

7. CORRESPONDENCE

- i. North Renfrew Family Services – re: Community Christmas Basket Program – donate \$100.00 as previous years
- ii. Deep River and Area Unity in Diversity Committee – re: invitation to participate- info
- iii. County of Brant – re: change in use for commercial grain elevators- info
- iv. Township of Greater Madawaska – re: CAO is no longer in position - info
- v. Renfrew County Hunt Camp News – re: information that we requested be added to their fall newsletter respecting building permits and waste disposal – Thanks to Ruth- investigate copyright laws and place on municipal bulletin boards if able
- vi. Bill Riley, Municipal Risk Advisor – re: OHS and Worker's Compensation- info

8. STAFF REPORTS

i. Clerk's Report #04/11/11/801 – information only

ii. Treasurer's Report #04/11/11/802 – information only

Part of the Treasurer's Report dealt with the refusal of the Reeve to sign the letter to Mr. McKechnie as requested by Council in motion #21/11/11/007. Council decided to discuss this issue in closed session against the advice of the Deputy Clerk.

9. FINANCIAL REPORTS

i. Cheque Log Report #04/11/11/901

Resolution # 04/11/11/002

Moved by Councillor Gibson and Seconded by Councillor Reid

BE IT RESOLVED THAT the Cheque Log dated, October 27, 2011 be accepted as presented.

Carried

ii. County Tax Rates Comparison (information only)

10. BY-LAWS

i. By-Law #2011-25 - To Appoint a Treasurer/Deputy Clerk

Resolution # 04/11/11/003

Moved by Councillor Reid and Seconded by Councillor Gibson

BE IT RESOLVED THAT By-Law Number 2011-25 being a by-law to appoint a Treasurer for the Municipality of the United Townships of Head, Clara & Maria be read a 1st time short and passed.

Carried

11. UNFINISHED BUSINESS

i. Report #04/11/11/1103 – Recycling By-law Report from Committee

Resolution # 04/11/11/004

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT Council adopt the recommendations from the ad hoc Recycling Review Committee as presented to be incorporated into the draft by-law for a third reading.

Carried

Recorded Vote

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

ii. Report #04/11/11/1105 – Electronic Notification

Resolution # 04/11/11/005

Moved by Councillor Foote and Seconded by Councillor Aiston

WHEREAS a member of the public has requested that staff provide email notification of public and/or special meetings of Council to those who have provided their email addresses;

AND WHEREAS this Council feels that this practise is simply improving on current notice practise;

THEREFORE BE IT RESOLVED THAT Council authorize staff to provide notice of public and/or special meetings of council via email including a disclaimer indicating that Council or staff maintains no responsibility for failure to receive notice for any reason as notice has been provided as per the Municipal Notice By-law and it is up to the individual to assume some responsibility for receiving that information from regular sources.

Carried

Recorded Vote

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

12. CLOSED SESSION – Let it be public record that the Deputy Clerk advised Council that the exceptions for public meetings are discretionary and there was no obligation to discuss these resolutions in closed session.

i. Resolution No.:04/11/11/006

Moved by Councillor Foote and seconded by Councillor Aiston

WHEREAS in *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;

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.

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 15:20 h to discuss

Carried

ii. Resolution No.: 04/11/11/007

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT this meeting come out of closed session at 16:15h.

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

13. BUSINESS ARISING FROM CLOSED SESSION

i. Report #04/11/11/1101 – Harassment Complaints October 2011

Resolution # 04/11/11/008

Moved by Councillor Gibson and Seconded by Councillor Reid

WHEREAS the Clerk has filed Harassment Complaints 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 against the Reeve on May 2011;

AND WHEREAS members of the Council of the United Townships of Head, Clara & Maria told the Clerk to “let Council deal with it”;

AND WHEREAS Council at its meeting of Friday October 21, 2011 received the complaints and reports from the Clerk but considered no other information even going so far as to state that consulting the municipal solicitor was going to cost the municipality money disregarding that option prior to making their decisions;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby resolve to investigate the costs of having the complaints referred above referred to an experienced independent investigator/mediator to be chosen by council for proper consideration.

Carried

The Reeve left the chair and Deputy Reeve Gibson took control of the meeting.

ii. Resolution No.: 04/11/11/009

Moved by Councillor Gibson and seconded Councillor Reid

WHEREAS Resolution 21/10/11/007 could not be carried out

THEREFORE BE IT RESOLVED THAT resolution 21/10/11/007 be rescinded.

Carried

iii. Resolution No.:04/11/11/010

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 has 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 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 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

iv. Resolution No.: 04/11/11/011

Moved by Councillor Gibson and seconded by Councillor Aiston

WHEREAS Council needs more time to do research with respect to resolution # 04/11/11/005

THEREFORE BE IT RESOLVED THAT resolution # 04/11/11/005 be deferred until council receives information and/or advice to proceed

Carried

v. Report #04/11/11/1102 – Harassment Complaints May 2011

Resolution # 04/11/11/00

Moved by Councillor Reid 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 in May of 2011;

AND WHEREAS the Municipal Solicitor has provided his findings;

AND WHEREAS Bill Instance has verified that the Reeve:

1. "ordered Ms. Reith to refrain from talking with anyone..."
2. "Prohibiting Ms. Reith from speaking to such individuals is inappropriate for two reasons. Firstly it interferes with Ms. Reith's ability to do her job....Secondly, such a prohibition, if imposed at all, should only be imposed by Council as a whole."
3. "It is interesting that one of the statements in my letter which was excluded is a statement which indicates as follows: "The Clerk is correct when she states that she does not take direction from you alone" meaning from Ms. Stewart alone."
4. "Ms. Morin did indicate that instead of speaking to Ms. Reith, Ms. Stewart on one or two occasions asked questions in a situation where Ms. Reith was more likely to have the answers."
5. "...Ms. Stewart then personally contacted the Township solicitor and Stephen Sellar from the Ministry. Such behaviour would seem to undermine Ms. Reith's position as Clerk. One Councillor indicated that Ms. Stewart constantly second guessed Ms. Reith's opinions, and a second Councillor stated that Ms. Stewart generally ignored Ms. Reith's advice during Council meetings no matter how strenuously the advice was put forth by Ms. Reith."
6. "While this email does provide some support for Ms. Stewart's contention that she was simply doing what the Council wished her to do, it is to be noted that it appears that Ms. Stewart had contacted Mr. Sellar prior to the date of that email, and she had certainly spoken to me on a number of occasions prior to the date of that email."

AND WHEREAS the Municipal policy on Harassment and Workplace Violence defines "workplace harassment" as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

AND WHEREAS vexatious is defined as "causing or tending to cause annoyance, frustration, or worry";

AND WHEREAS the report from Mr. Instance shows that there was a course of actions and/or comment meaning more than one action or comment;

AND WHEREAS the report from the Clerk states that the actions, statements and conduct of Reeve Stewart was certainly unwelcome;

AND WHEREAS the policy explicitly states that "it does not matter whether you intended to offend someone."

AND WHEREAS it is not pertinent to prove each of the allegations made but instead to prove at least "a course" of behaviour which has been done by the Municipal Solicitor in his letter dated October 21, 2011;

AND WHEREAS the policy further states that "If a finding of harassment is made, THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

AND WHEREAS the sanctions that can be taken against a member of Council are few in number;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby accept the report of the Municipal Solicitor and concludes that Reeve Stewart was indeed guilty of taking actions and/or making comments that caused annoyance, frustration and/or worry to the Clerk and were undisputedly unwelcome;

AND BE IT FURTHER RESOLVED THAT Reeve Stewart receive disciplinary measures which include one or more of the following:

- _____ discipline, such as a verbal warning, written warning or suspension without pay;
- _____ referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect ;
- _____ financial penalties, such as the denial of a bonus or performance-related salary increase;
- _____ any other disciplinary action deemed appropriate under the circumstances.

(The options chosen by Council are to be indicated by a checkmark.)

Deferred

The Reeve resumed the duties of the Chair.

vi. Report #04/11/11/1104 - Greater Madawaska Resolution
Resolution # 04/11/11/007

Moved by Councillor Aiston and Seconded by Councillor Foote

WHEREAS the Council of the United Townships of Head, Clara & Maria have reviewed the resolution of the Township of Greater Madawaska in relation to the Denbigh Ambulance service;

THEREFORE BE IT RESOLVED that the Council of the United Townships of Head, Clara & Maria does hereby endorse and support the attached resolution of the Township of Greater Madawaska;

AND FURTHER THAT a copy of this resolution of support be sent to the Minister of Health and Long Term Care, MPPs Yakabuski and Hillier, MPs Gallant and Reid and the Counties of Renfrew, Lennox and Addington, and Hastings.

Carried

14. ADDENDUM (NEW BUSINESS)

i. Report #04/11/11/1201 – Amendments to Signing Authority

Resolution # 04/11/11/008

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT for purposes of completing budgeted, emergency or specifically approved financial transactions for the United Townships of Head, Clara & Maria, and to become effective immediately, cheque signing authority is hereby granted for the remainder of 2011 and for the calendar year 2012 to: Reeve Stewart with Councillor Gibson and Councillor Foote as alternates for Council; and the Clerk-Melinda Reith with the Treasurer- Noella Lebreton as alternate for administration. All cheques are to be signed by one representative of Council and one representative of administration.

Carried

15. QUESTIONS AND ANSWERS - none

16. CONFIRMATION OF PROCEEDINGS

Resolution # 04/11/11/010

Moved by Councillor Aiston and Seconded by Councillor Foote

BE IT RESOLVED THAT By-Law 2011-26 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on November 4, 2011 be read a first time short and passed.

Carried

17. ADJOURNMENT

Resolution # 04/11/11/011

Moved by Councillor Aiston and seconded by Councillor Foote

BE IT RESOLVED THAT this meeting adjourn at 16:35h to meet again Friday, November 18, 2011 at 14:00h.

Carried

Reeve – Tammy Lea Stewart

Deputy Clerk – Ruth Morin

Information from the Deputation done by Alastair Baird and Paul Moreau

Enterprise Renfrew County is a resource for new businesses while the Economic Development Group focus on new developments and support for existing businesses.

- There has been success in coordinating purchasing between businesses in the county and at the wood product trade fair in Ottawa.
- They have been unable to attain any solution for the closing of the Canadian Pacific Rail line through the county.
- They have not been asked for any input from the graphite mine.
- They are turning their focus from print information to online information but maps and some other print brochures are still available

There were information packages given to the council members and one for the office.

Nov 4, 2011

I am declaring a conflict of
interest on item # Report #09/11/11-02
Harassment Complaints May 2011
under Unfinished Business of the
November 4, 2011 Council of Head,
Stamania meeting. Due to
potential financial implications.

Free Tommy Head Stewart