

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

March 9, 2012

Minutes of a regular meeting of Council held on Friday, March 9, 2012 at 14:00 h. in the Township Hall.

1. CALL TO ORDER & MOMENT OF SILENCE

2. ROLL CALL

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

Approximately 8 members of the public and the media were present.

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 # 09/03/12/001

Moved by Councillor Foote and seconded by Councillor Grills

BE IT RESOLVED THAT the minutes of the special meeting of Friday, February 17, 2012 be accepted as presented.

Carried Unanimously

ii. Council Minutes

Resolution # 09/03/12/002

Moved by Councillor Grills and seconded by Councillor Foote

BE IT RESOLVED THAT the minutes of the regular meeting of Friday, February 17, 2012 be accepted as presented.

Carried Unanimously

iii. Council Minutes

Resolution # 09/03/12/003

Moved by Councillor Foote and seconded by Councillor Grills

BE IT RESOLVED THAT the minutes of the special meeting of Friday, February 25, 2012 be accepted as presented.

Carried

| Recorded Vote | | |
|----------------------|--------------------------|-----------|
| | Yes | No |
| Reeve Stewart | abstain - not at meeting | |
| Councillor Foote | ___√___ | ___ |
| Councillor Gibson | ___√___ | ___ |
| Councillor Grills | ___√___ | ___ |
| Councillor Reid | abstain - not at meeting | |

iv. Council Minutes

Resolution # 09/03/12/004

Moved by Councillor Grills and seconded by Councillor Foote

BE IT RESOLVED THAT the minutes of the public meeting of Friday, February 25, 2012 be accepted as presented.

Carried Unanimously

v. Library Board Minutes – Information only

6. CORRESPONDENCE & PETITIONS – None

7. CORRESPONDENCE

- i.** The Delfi Group – re: Response to Council and invoice – received as information at this time;
- ii.** The Township of Greater Madawaska – re: response to the County regarding roads and bridges – Reeve Stewart to get additional information;
- iii.** Jack MacLaren, MPP – re: Endangered Species Act - information
- iv.** L1 – County of Renfrew – re: EOWC – Financial Sustainability Update Report - information
- v.** L2 – Allison Stuart, MOE – re: Thank you for compliance - information

8. STAFF REPORTS

i. Clerk’s Report #09/03/12/801 – information and some direction
Resolution # 09/03/12/005

Moved by Councillor Grills and Seconded by Councillor Foote

WHEREAS Council deems it necessary to hold public information sessions prior to the roll out of the new Waste Management Bylaw:

AND WHEREAS staff have not had time to properly prepare for the roll out due to the holding of a by-election and numerous special meetings;

THEREFORE BE IT RESOLVED THAT the Waste Management By-law roll out be delayed by one month to provide staff with time to prepare and advertise to the public;

AND FURTHER THAT a public meeting be set for April 14, 2012 to provide for Q & A once an explanatory newsletter has been mailed out.

Carried Unanimously

Resolution # 09/03/12/006

Moved by Councillor Foote and Seconded by Councillor Grills

WHEREAS the first meeting of April falls on Good Friday and since the March meetings are a week later than normal;

THEREFORE BE IT RESOLVED THAT due to the holiday, the first meeting of April be cancelled and that only one meeting of Council will occur in April to be held on Friday, April 20, 2012.

Carried Unanimously

9. FINANCIAL REPORTS - none

10. BY-LAWS

i. Report #09/03/12/1001 and Report #09/03/12/1002
Resolution # 09/03/12/007

Moved by Councillor Grills and Seconded by Councillor Foote

WHEREAS the Council of the United Townships of Head, Clara & Maria have reviewed the options available for setting the total operating budget for 2012;

AND WHEREAS a public meeting was held on Saturday, February 25, 2012 to hear comments from members of the public;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to utilize option number 2 and directs staff to insert the corresponding total into the budget by-law so that it may be formally adopted.

Carried

| Recorded Vote | | |
|-------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| Reeve Stewart | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councillor Foote | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councillor Gibson | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Councillor Grills | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councillor Reid | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ii. Budget By-Law # 2012-11
Resolution # 09/03/12/008

Moved by Councillor Foote and Seconded by Councillor Grills

BE IT RESOLVED THAT By-Law 2012-11 being a by-law to adopt the 2012 municipal operating budget be read a first time short and passed.

Carried Unanimously

11. UNFINISHED BUSINESS

i. Report 09/03/12/1101- Digital Voice Recorder for Meetings
Resolution # 09/03/12/009

Moved by Councillor Grills and Seconded by Councillor Foote

WHEREAS memories are short and some statements made during meetings of council over the past year have been the subject of further debate and investigation;

AND WHEREAS having an accurate record of statements would have resolved a number of the challenges this Council is currently facing;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to utilize a digital recording device to provide an accurate and undisputable record of proceedings for future use.

Carried Unanimously

ii. Report 09/03/12/1102 – Railway Future Report

Resolution # 09/03/12/010

Moved by Councillor Foote and Seconded by Councillor Grills

WHEREAS The Council of the United Townships of Head, Clara & Maria discussed this resolution at a public meeting held on Saturday, February 25, 2012 attended by 14 ratepayers;

AND WHEREAS through a show of hands those ratepayers supported Council’s passing this resolution;

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

- consider retention of the CP Rail line from Pembroke to Mattawa as an operating railway to be vital to the current economy of the entire Upper Ottawa Valley and to its future development;
- consider the availability of the line to be vitally important to this municipality for in and out-bound freight shipping; and
- supports saving this line as an operating railway;
- but will not expend any tax dollars to this endeavor.

Carried Unanimously

iii. Report 09/03/12/1103 – Delfi Group Investigation Report

Resolution # 09/03/12/011

Moved by Councillor Gibson and Seconded by Councillor Reid

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 are by his own admission from 5000 feet perhaps 80% accurate;

AND WHEREAS the Delfi Group has advised that they have fulfilled their contractual obligations with Council in delivering their reports;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to follow some of the recommendations of Mr. Bonenberg as they relate to creating a more cohesive working environment without accepting either of his reports due to the unsubstantiated and undefended content.

AND FURTHER THAT Council direct staff to plan to implement the Council approved recommendations of Mr. Bonenberg in the most cost effective manner keeping within allocations currently made to training and education within the 2012 draft budget document.

Carried

| Recorded Vote | | |
|----------------------|---------|---------|
| | Yes | No |
| Reeve Stewart | _____ | ___√___ |
| Councillor Foote | ___√___ | _____ |
| Councillor Gibson | ___√___ | _____ |
| Councillor Grills | ___√___ | _____ |
| Councillor Reid | _____ | ___√___ |

iv. Report 09/03/12/1104 – Resolution of Support – Emerald Ash Borer

Resolution # 09/03/12/012

Moved by Councillor Reid and Seconded by Councillor Gibson

WHEREAS over 80% of Canadians now live in urban areas and have come to rely on the environmental, ecological and economic benefits of urban forests;

AND WHEREAS the health of Canadians is sustained by their urban forests which provide services through improving air quality, cooling city streets and buildings, acting as

a windbreak, shading from harmful UV rays, and filtering storm water, as well as beautifying our communities;

AND WHEREAS neither the federal nor provincial governments currently include urban forestry in their mandates except in a limited role with respect to exotic, invasive pests;

AND WHEREAS the Canadian Food Inspection Agency has not been able to stop the spread of the Emerald Ash Borer throughout Ontario and Quebec;

AND WHEREAS the Emerald Ash Borer is expected to cost Canadians over \$2 Billion dollars in treatment and replanting;

AND WHEREAS Canadian forestry programs and research are solely focused on industrial forests and do not at present include urban tree planting, appropriate species research, and insect control and management;

AND WHEREAS other jurisdictions such as the United States Forest Service and the European Urban Forestry Research and Information Centre include urban forestry as a program and research area;

AND WHEREAS Canada engages municipalities in a number of substantial infrastructure programs;

THEREFORE BE IT RESOLVED THAT the Council of the Municipality of the United Townships of Head, Clara & Maria calls on the Federal and Provincial governments to take leadership roles in recognizing the need to support urban forestry, by establishing urban forestry mandates and programs which includes funding assistance to municipalities for the control and management of the Emerald Ash Borer – and any future significant imported diseases and insects – as well as the creation and funding of programs designed to support the on-going sustainable management of urban forests.

BE IT FURTHER RESOLVED THAT all municipalities across Ontario be encouraged to endorse this proclamation and that this resolution be distributed to Minister Gerry Ritz, Minister of Agriculture and Agri-Food; Minister Joe Oliver, Minister of Natural Resources; Minister Denis Lebel, Minister of Transport, Infrastructure and Communities; Minister Jim Flaherty, Minister of Finance; Local Federal Member of Parliament Ms. Cheryl Gallant;

AND TO Minister Michael Gravelle, Minister of Natural Resources; Minister Kathleen Wynne, Minister of Municipal Affairs of Housing; Minister Dwight Duncan, Minister of Finance; Local Provincial Member of the Ontario Legislature John Yakabuski, Tim Hudak, MPP, Leader of Progressive Conservative Party of Ontario and the Opposition Party; Andrea Horwath, MPP, Leader of the New Democratic Party of Ontario; the Association of Municipalities of Ontario and the Federation of Canadian Municipalities.

Carried Unanimously

12. ADDENDUM (NEW BUSINESS)

i. Report #09/03/12/1201 – Media Accuracy and Press Releases

Resolution # 09/03/12/013

Moved by Councillor Gibson and Seconded by Councillor Reid

WHEREAS it is apparent that the local media are not always accurate in their reporting;

AND WHEREAS inaccurate articles may be damaging to the reputations of individuals, Council members, staff and the Municipality as a whole;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby direct staff to prepare a formal document detailing the use of press releases to ensure that accurate information is provided to the media concerning Municipal issues and to bring that document back for Council approval at a later meeting.

Carried Unanimously

ii. Report #09/03/12/1201 – Reeve Stewart's Letter to NRT

Resolution # 09/03/12/014

Moved by Councillor Reid and Seconded by Councillor Gibson

WHEREAS it is apparent that the local media are not always accurate in their reporting with defamatory statements having serious consequences damaging to the reputations of individuals and the municipality;

AND WHEREAS any member of Council has the prerogative to make statements to the media;

AND WHEREAS each member of Council is to respect the opinions and votes of their fellow members to ensure a functioning Council;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby direct staff and all members of Council to ensure that when making statements to the public and the media, they clarify that the statements are either made personally or in their professional capacity.

AND FURTHER THAT when the statements are made in their professional capacity they convey the will of council to the public in all actions and statements as per their professional obligations to the municipality and to each other.

Carried Unanimously

13. CLOSED SESSION – To adopt minutes of previous closed meeting session.

i. To enter into closed session.

Resolution # 09/03/12/015

Moved by Councillor Reid and Seconded by Councillor Gibson

WHEREAS in *the Municipal Act*, R.S.O. 2001 section 239 states that all meetings shall be open to the public unless they fall under the exemptions listed in subsection 2;

AND WHEREAS minutes of previous closed meetings are to be adopted in closed session should Council wish to debate the content;

THEREFORE BE IT RESOLVED THAT this meeting go into an in camera session at 15:13 h to adopt the closed meeting minutes of Friday, February 17, 2012.

Carried Unanimously

ii. To adopt Minutes of Closed Session of February 17, 2012.

Resolution # 09/03/12/016 – Closed session

Moved by Councillor Reid and Seconded by Councillor Gibson

BE IT RESOLVED THAT the minutes of the closed meeting of Friday, February 17, 2012 be accepted as presented.

Carried Unanimously

iii. To come out of closed session.

Resolution # 09/03/12/017

Moved by Councillor Gibson and Seconded by Councillor Reid

BE IT RESOLVED THAT this meeting come out of closed session at 15:23h. and the public portion of the meeting continue.

Let it be public record that no business of Council was advanced during this closed session aside from adopting the closed meeting minutes of Friday, February 17, 2012.

Carried Unanimously

14. BUSINESS ARISING FROM CLOSED SESSION – The closed session was held for the sole purpose of adopting the minutes of the last closed meeting held on February 17, 2012.

15. QUESTIONS AND ANSWERS

i. Gibson: I don't have a question, I have a statement. I have completed over 300 performance appraisals. When Council is looking at doing the performance appraisal next week, you have to realize that the report is computer generated. It is driven to do certain generic things based on the answers received. I'm requesting that we each have a complete understanding of the document before we go in.

ii. Gibson: The Clerk mentioned that there will be highway construction this summer. I wonder if we could ask if we could be a processing place for resumes for summer jobs.

a. Clerk: Not sure that we will be privy to that information, buy I will contact MTO and ask.

iii. Foote: Municipal Hazardous Waste collection? Are we having that in June?

- a. Clerk: Yes, times will be set later but it will be on Saturday, June 2, 2012.

16. CONFIRMATION OF PROCEEDINGS

Resolution # 09/03/12/018

Moved by Councillor Gibson and Seconded by Councillor Reid

BE IT RESOLVED THAT By-Law 2012-10 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meeting held on March 9, 2012 be read a first time short and passed.

Carried Unanimously

17. ADJOURNMENT

Resolution # 09/03/12/19

Moved by Councillor Reid and seconded by Councillor Gison

BE IT RESOLVED THAT this meeting adjourn at 15:27h to meet again Friday, March 23, 2012 at 14:00h.

Carried Unanimously

Reeve – Tammy Lea Stewart

Clerk – Melinda Reith

Notes to Minutes of Friday, March 9, 2012

1. Correspondence concerning the roads and bridges downloading.
 - a. Reeve Stewart was asked to speak to the issue – explained that there are three options that are being considered, that the options were to be sent to each municipality. Wondered why they weren't. One option would transfer \$500,000 per bridge and that our culverts would be downloaded. Reeve Stewart is to obtain additional information.
 - b. Clerk: has received a copy of the report if anyone wants to read it. The options described in the report include downloading of the bridge on Mackey Creek Road at a replacement value of \$114,000 and a one-time payment from the county of \$50,000. That the culverts would remain under the maintenance of the county.
2. Eastern Ontario Warden's Caucus report on Financial Sustainability in eastern Ontario. Councillor Grills read a section to the gallery explaining the challenges that we will be facing in the future. The Clerk is to insert a link from the municipal website.
3. Budget Discussion:
 - a. Conversation ensued about the various options as explained in the report. Council discussed the need for reserves and planning for the future; the decreases to be realized based on the county and education reductions and the fact that even at option 3, with the decreases from county and education the increase to taxes on a property valued at \$100,000 would only be \$1.
 - b. Gibson: felt strongly that creating a reserve for eventual replacement of the office/hall/library is important; that option 3 should be utilized for future replacement costs.
4. Railway – discussed the wording of the resolution and the fact that it says that Council fully supports the efforts of this group.
 - a. Gibson: Has concern that this could later be interpreted as promising financial support.
5. Delfi Group letter and reports
 - a. Gibson: As most are aware a considerable amount of time and effort has been spent on this. Council contracted with the Delfi group and naively thought that any investigation would be conducted in a similar manner with one I have been involved in. I recognize the differences in costs however; I travelled Ontario with another individual and a court reporter. When contradicting information was received we did not take the word of one person over another but instead we spoke with more witnesses until the statements could be upheld. This was difficult in some areas. Bonenberg has determined that we have work to do, some policies, by-laws, procedures contain errors and should be corrected. As to agreeing with the contents of his reports; I cannot do that. Yes, I did agree back in December to follow the recommendations of the investigator but after seeing these

reports, I am not satisfied with the conclusions. If you bought something and it wasn't satisfactory you could take it back to the store. We cannot take this back without it costing us more money. It's not worth the effort. I think we should take the beneficial parts and move forward implementing the corrections necessary.

- b. Reid: I was badgered at a meeting back in December for 20-25 minutes about whether I'd take the recommendations and follow them. Now the reports are being picked apart because they're not what they wanted.
- c. Foote: We all have a steep learning curve. We've had a hard time with remembering what's in all the policies etc. when we're in meetings, with the Code of Conduct, which I feel should be called a Code of Restraint. We each have a lot of studying to do to avoid future pitfalls according to Bonenberg. He is not a judge; he's in a business person and went into this process more as an arbitrator and not an investigator. He did not want to come out and pillory some people. I will and I'm personally bound to follow some of his recommendations. The bottom line is that there were inconclusive decisions and we have what we have. I don't think there's any use in getting him back. As Dave, the president of the Delfi group has stated in his letter, they've gone as far as they're willing to go. They lived up to their contract and nothing more. We have to move on, we have a lot of work, and Council has to do.
- d. Grills: I am lucky to be able to say that I didn't agree to it. Council was to abide by its agreement but I'm with Councillor Gibson, I cannot abide by something where I disagree with a number of the findings. We have a lot of work to do. We need to understand active procedures to follow during meetings as detailed in the Code of Conduct complaints; how things are handled. We must move forward in a positive way, make change on our own. We need to leave some things in the past; review our procedural by-law. I agree to the digital recorder, its use could have sorted out a lot of complaints we're seeing now. I can't however accept everything in the reports; I do believe staff and Council can make a positive step towards a better future.
- e. Stewart: I agree with Councillor Reid, we were badgered into agreeing with this. I also agree with Councillor Gibson, a lot of things need to be changed but putting down the work of the investigator is not doing anyone any good. We're going backwards and I don't think we should just throw the report out and tear it apart.
- f. Grills: Nowhere have I said we'd throw it out or tear it up. We need to use the reports as a basis to determine what we can accept or not. We need to review each recommendation to see what we can use.
- g. Gibson: To support my statement as to the accuracy of the reports, we recently received a letter from Dave, the president of the Delfi Group in which he stated that the investigator asked each person whether they thought there was anyone else who should be interviewed and that those people were interviewed. When asked I thought about this and determined that Debbi Grills had attended more Council meetings than any other member of the public and I recommended that she be interviewed. Debbi Grills was not contacted by the investigator or interviewed. This comment in the most recent letter from Delfi leads me to question the veracity of the content of the other reports.
- h. Foote: Some of the decisions made were made too strongly and others not enough; but we're not throwing it out. Some of his recommendations are spot on. We need to work through it and move on. We need to know our business, some mistakes were made, we've all been given copies of Cuff's books and writings on procedure. We're each getting industry magazines now which will help. Hopefully the finger pointing can end and we will move forward.
- i. Reid: had nothing further to say.
- j. Stewart: not accepting the reports doesn't help at all. We were supposed to follow the recommendations.
- k. Clerk: If you review the resolution it states quite explicitly that most of the recommendations will be followed. It's the conclusions within the reports that are not to be accepted.

6. Media and press releases

- a. Gibson: For those who were here at the last meeting I said that you can't control the media but you can object to it. I wrote to Mr. Cleland and

read my letter to those in attendance. NRT subsequently wrote about the meeting, Terry Myers stated in his report that I had requested a retraction. Nowhere did I request a retraction. The Pembroke Observer then used the quote from the NRT. I sent a letter to that reporter as well and pointed out three errors. This township needs a procedure for press releases which speak for council, not individually. Terry Myers didn't ask for a copy of my letter, not sure if he received it from Cleland, not sure where he got it.

- b. Reid: I think if it's something concerning Council as the whole, we should have a press release.
 - c. Foote: I'm for this; it's one more step in the right direction. Hopefully there will be no more maverick comments to the press outside of council chambers.
 - d. Grills: I'm definitely for this. If we want to put a positive light on our municipality we should deliver the message. We can say what is true in our meetings or in our actions.
 - e. Stewart: I don't have a problem taking a look at this.
7. Letter to NRT by Reeve Stewart
- a. Reid: I've always done this if I disagree I state "as a ratepayer" council has to come to a decision on its own.
 - b. Gibson: I have a simply request, I'll give everyone a copy. This is a simple request and is not intended for debate at this time. (Reads out letter.)

"Friday March 9th, 2012 Reeve Stewart

Your letter dated Saturday February 18th 2012 that was emailed to Council on Wednesday February 22nd, 2012 and published in the North Renfrew Times on the same day, contained allegations of wrongdoing by Council and staff.

To more clearly understand your problem, I would respectfully ask that you provide in complete detail, a list of each Council member and staff and which violations of the:

- (1) "the Municipal Code of Conduct"*
- (2) "the Harassment & Workplace Policy"*
- (3) "even the Criminal Code" they are each alleged to have violated.*

I am asking that this information be provided at the next regularly scheduled Council Meeting.

It is my opinion that every member of our staff and Council including yourself, needs this information to correctly assess their actions and take appropriate steps to move forward."

- c. Foote: I'd support that, I'm curious too. – I also support the resolution at hand.
 - d. Grills: I support this. (referring to the resolution.)
 - e. Stewart: I have no problem. We all have our titles and can use them when we speak to people.
 - f. Clerk: As Councillor Gibson mentioned at the last meeting, it is OK to use your title, the difference is that when you are speaking on behalf of Council, as stated in the report you have in front of you, you have to make sure that you are portraying the will of council and not your own opinion even if you disagree with it.
8. Foote: I have a question, the letter that you sent to the NRT stated that Criminal Code violations occurred, and you stated as witnessed by Mr. Bonenberg. Can I take this to mean that if I call him up, he will corroborate that?
- a. Stewart: Yes, he stated that outside.
 - b. Foote: You mean he will back you up?
 - c. Stewart: Yes, they were his words. He was aware of it. He and Councillor Reid were aware of it.
 - d. Grills: Are you saying that after the closed meeting, he spoke with you outside and said something to you. That the conduct in the closed meeting broke the Criminal Code?
 - e. Stewart: Yes, he spoke with me outside.
 - f. Gibson: Point of order, we are not speaking of the content of a closed meeting.
9. Closed meeting discussion – council discussed the content of the closed meeting minutes. Aside from a few minor changes, that Council agreed would not add or detract from the content the minutes were adopted unanimously. The minutes were as accurate as we were going to get with the current process.