

Type of Decision									
Meeting Date	Saturday, February 25, 2012				Report Date	Thursday, February 23, 2012			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

## REPORT TITLE

Delfi Investigations Report #25/02/12/1201

Subject: Consideration of next steps in relation to the harassment and code of conduct complaints.

RECOMMENDATION: That Council approve the following resolution concerning the Delfi Group reports.

**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.

Background/Executive Summary: The reports received by Mr. Bonenberg contain error in fact and findings. It is obvious that Mr. Bonenberg has been misled by various individuals. By his own admission he stated more than once that "I have to believe that the people I am interviewing are telling me the truth". When there are two versions, it is obvious that someone is not, yet independent corroboration was not obtained and was available.

Interpretation of legislation (The Municipal Act) used to provide recommendations to Council based on their past decisions is in error and outside the mandate of Mr. Bonenberg's investigation. The Report to Council - Delfi Reports - Feb 25-12

methodology utilized in the creation of these reports is faulty. Instead of relying on objective corroboration, Mr. Bonenberg assumed that what the respondents were telling him was accurate. Mr. Bonenberg failed to interview independent witnesses who attended the meeting of October 21, 2011 and admitted to disregarding email evidence provided to him.

These are serious allegations made in all complaints filed and investigated and it is obvious that there are situations which were not reported accurately. Instead of attempting to contact outside objective sources to determine which version of any situation was correct; Mr. Bonenberg often relied on the word of the person being complained about. This is not acceptable investigative process and not supported by evidence.

This Council and the Clerk have been over the reports of Mr. Bonenberg and there are obvious errors of fact which have led to faulty findings and conclusions.

This Council should demand that the report be corrected at Mr. Bonenberg and the Delfi Group's expense and/or receive a refund of Council costs as these reports are considerably less than accurate in fact and ultimately in findings.

Mr. Bonenberg should be requested to complete his investigation by interviewing witnesses of the meeting of October 21 aside from the complainants and the respondents to obtain independent verification of the events. He has been provided with a full list of meeting attendees but did not interview any of them.

Financial Implications/Budget Impact: Could result in refund of consulting fees.

Policy Impact: none

Others Consulted: Councillors Foote, Gibson and Grills who responded to emails sent to each Council member.

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

*Melinda Reith*