

| Type of Decision | | | | | | | | | |
|-------------------|-----------------------|------------------|--|----|-----------------|------------------------|------|--|--------|
| Meeting Date | Friday, March 9, 2012 | | | | Report Date | Tuesday, March 5, 2012 | | | |
| Decision Required | X | Yes | | No | Priority | X | High | | Low |
| Direction | X | Information Only | | | Type of Meeting | X | Open | | Closed |

| REPORT TITLE |
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| Reeve Stewart's letter to the NRT Report #09/03/12/1202 |

Subject: The content of the open letter of Reeve Stewart dated February 19, 2012 and emailed to staff and Council and printed in the NRT on February 22, 2012

RECOMMENDATION: That Council approve the following resolution concerning members of Council and staff contacting the media.

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.

Background/Executive Summary: This does not mean that individual council members cannot state that they disagree with the decision of other members of Council. With most Council decisions any debate would have occurred in open session and it would be obvious from anyone observing which stance any Council member took.

The same can be said for staff through the recommendations contained within the staff reports. Recorded votes definitively record the position on any issue made by each member of Council.

What this does mean is that when consulting with the public and/or the media, Council members are to ensure that they differentiate when they are speaking on behalf of Council

(and supporting the decision of Council) or are speaking on a personal basis as a member of Council with their own opinion.

From the text "Cuff's Guide for Municipal Leaders" Volume 1 by George B. Cuff he states on page 55... *"The mayor also has an implied obligation to convey the will of council to the public, whether or not the mayor has actually supported the decision of council. The public needs to know what council has decided on a particular issue. This is a role the mayor is ideally suited to play."*

Cuff's Volume One on page 57 also notes... *"It needs to be made clear however, that the mayor's role is to reflect the views of council (as they exist in terms of policy, resolutions, bylaws and informal debates/discussions) ..."*

For staff the obligation is a little more stringent in that it has been stated that staff are to *"implement decisions of Council whether they like it or not so long as it is not illegal, immoral or improper. There is however a responsibility of staff to assess and report if policies are not working."*

And further *"staff need to avoid making statements to the public on policy, especially to the media re: policy decisions"*. This from the training session provided by Fred Dean in 2008.

Reeve Stewart's letter...

"Saturday, February 18, 2012

To Council, Staff and the Ratepayers of Head, Clara & Maria

As most are aware, for almost a year now, I have been the target of ongoing harassment. I have publicly stated this and requested, to no avail, that this behavior stop. Although Council and staff stated on numerous occasions that they were prepared to move on, they obviously are not. In the interest of getting back to the business of representing the municipality and its ratepayers, I have not pursued the option of formal complaints.

After the last meeting, February 17, 2012, I was once more subjected to a vicious and malicious attack. The conduct of [REDACTED] was unforgivable, numerous violations of the Municipal Code of Conduct, the Harassment & Workplace Policy and even the Criminal Code did occur. (witnessed as well by our appointed Investigator/Mediator from the Delfi Group)

I am therefore requesting that Council and the Clerk abide by their commitment made at the December 2, 2011 council meeting, where all publicly stated they agreed to uphold the decisions of the investigator and follow any recommendations he may make upon conclusion of the investigation.

It is now appears, some do not agree with the results of this investigation and are unwilling to accept responsibility for their actions. I do not want council to pay for a 3rd investigation. When will this stop? It is time to end this and get back to work.

I am respectfully requesting that Council and the Clerk stand by their promise to the public. If anyone cannot or will not do this, then I think the onus is on that person to admit this to the public, take responsibility for the costs involved and even resign.

I am hopeful that Council will be able to once again be a functioning unit, realizing that each member has an opinion, but respecting that person for voicing it. There has been a great deal of “talk” from people, let their actions now prove their commitment for Head, Clara and Maria.

Reeve Tammy-Lea Stewart”

Note: The above words are blacked out due to the libelous content of that paragraph. Repeating the content without protecting the individuals named would place this municipality in a position of legal liability.

Financial Implications/Budget Impact: Not applicable.

Other Considerations: There is no evidence that the “business of the municipality” has not been conducted over the past year. Respectfully, could Reeve Stewart give concrete examples of where the business of the municipality has not been conducted?

Certainly more could be accomplished by the Clerk if not for the time expended and high levels of stress resulting from the activities of this past year however; the routine business of the municipality has been conducted efficiently and effectively by staff.

In support of the staff of the Municipality of the United Townships of Head, Clara & Maria the business of the municipality is progressing normally as evidenced by:

1. A new employee has been hired and trained smoothly transitioning into and successfully completing year end, taxation and budgeting requirements effectively fulfilling the duties of a senior employee due to retirement.
2. The Treasurer and Disposal Site Attendant each attended or participated in training in 2011 to increase knowledge specific to their positions.
3. An election was successfully conducted by the Clerk which included finalizing procedures and forms; hiring, training and supervising staff; running both advance and regular polls and organizing and staffing a candidate “meet and greet”.
4. The budget is in a position for Council to pass as early as any other year.
5. Tax bills are in the mail and the audit scheduled for mid-March.
6. Disposal sites and roads are being managed efficiently and effectively.
7. Council meetings have been occurring regularly with a large number of special and/or public meetings effectively held as well.
8. Special funding/grant applications have been submitted in a timely manner.
9. The website has been kept up to date and more frequent newsletters have been produced.
10. Customer service has been provided in an efficient and respectful manner.
11. The hall is as clean as it has ever been.

Policy Impact: It would appear that this letter indicates disrespect for staff and the decisions of Council and consequently is in direct violation of the general responsibilities of the Head of Council as legislated by the Municipal Act.

Others Consulted: Councillor Gibson has requested that Reeve Stewart's letter be included on the agenda. George Cuff's Guide for Municipal Leaders. The training document created following the education session presented to Council by Fred Dean.

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith