



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

Minutes of November 14, 2017

Minutes of a regular meeting of Council held on Tuesday, November 14, 2017 at 19:00 h. in the Municipal Hall.

1. **CALL TO ORDER & MOMENT OF SILENT REFLECTION** – Let us take a moment of silent reflection to contemplate in our own way the responsibility we have to collectively use our skills and experience to ensure the mutual long term benefit of our Municipality and those we represent.

2. **ROLL CALL** – The following persons were present: Mayor Bob Reid, Councillors: Calvin Chartrand, Dave Foote, Cathy McKay and Ernie Villeneuve.

Staff: Melinda Reith, Clerk; Crystal Fischer, Administrative Assistant; 10 members of the public.

Absent/Regrets: Noella LeBreton, Treasurer-Deputy Clerk

3. **RECITAL OF THE MUNICIPAL MISSION AND VISION STATEMENTS** - Councillor Foote

HCM Mission: At your service; working effectively to bring together people, partnerships and potential for a strong, connected community.

HCM Vision: Proving a healthy, connected and sustainable community teeming with possibilities for our citizens now and into the future.

4. **DISCLOSURE of PECUNIARY INTEREST & GENERAL NATURE THEREOF**

Pecuniary Interest applies to you if it applies to clubs/organizations you are involved in, your employer, or activities of your children, parents or spouse.

1. The Clerk identified that there were concerns within the meeting in relation to appointing an Integrity Commissioner.
2. Councillor Villeneuve questioned Councillor Chartrand's participation in a past decision. Mayor Reid stated that the issue in question had already been decided by Council.

5. **DEPUTATIONS/PRESENTATION** – None

6. **ADOPTION of MINUTES of PREVIOUS MEETINGS (INCLUDING COMMITTEES)**

- i. Council Minutes – October 17, 2017

Resolution #14/11/17/001

Moved by Councillor Foote and seconded by Councillor Villeneuve

BE IT RESOLVED THAT the minutes of the regular meeting of Tuesday, October 17, 2017 be accepted as presented.

Note* Bottom of page 4 – clarification – Councillor McKay replacing Councillor Foote only, not both Councillor Foote and Mel Theil.

Carried Unanimously

- ii. Rural Mayor's Forum of Eastern Ontario Meeting Minutes - none
- iii. HCM - Library Board Minutes - none
- iv. Recreation Committee Minutes - information
 - i. September 20, 2017
 - ii. October 18, 2017

7. **CORRESPONDENCE & PETITIONS**

- i. Community Wish List – annual donation

Action: Council to donate \$250 towards this program.

- ii. Community Living re: receipt of award – information
- iii. Festival of Trees re: CPAN request for financial support - information
- iv. Science Fair re: request for funding - information

- v. OPP re: New detachment commander Inspector Stephan Neufeld - information
- vi. WSIB re: Work-related Chronic Mental Stress Policy - information
- vii. Missing Link Snowmobile Club re: use of Legacy trail and trespass on municipal property - information
- viii. Councillor Villeneuve re: Railbed Issue - information
- ix. AMO Communications re: Action Plan for Seniors – information
- x. Ministry of Energy re: non-compliance with annual reporting – information
- xi. Ministry of Finance re: LCBO and location of cannabis sales – information
- xii. Town of Mono re: Fair Workplaces, Better Jobs Act – information
- xiii. Municipality of Killarney re: Zero Tolerance Against Racism

Action: Clerk to support via Letter

- xiv. Sioux Narrows-Nestor Falls re: Bill 148 Fair Workplaces - information
- xv. AMO Communication re: Income Security reform - information
- xvi. AMO Communication re: Fiscal Impacts of Bill 148 - information
- xvii. TransCanada re: Termination of Energy East Pipeline - information
- xviii. Ottawa Valley Business re: County Wants to Manage Ottawa River - information
- xix. Renfrew County re: County Communique - information
- xx. CRTC re: Bill of Support – Weather network licensing

Action: Letter of support to be provided

- xxi. Citizenship and Immigration re: Outstanding Achievement Award for Voluntarism - information
- xxii. Old Fort Williams' Cottager's Association re: CNL and intermediate level waste - information
- xxiii. Rural Ontario Institute re: Rural Ontario Foresight Papers - information
- xxiv. Highway WSP re: Study for Replacement of Highway 17 Culvert and Barbut Creek
- xxv. L1 – Ministry of Municipal Affairs re: Amendments to Bill 148 – Exemptions for on-call pay and 96 hours' notice scheduling rules

8. STAFF REPORTS

- i. Report #14/11/17/801 – Clerk's Report
 - i. General
 - ii. Elections Training – September 28, 2017
 - iii. Bill 68 Training – October 18, 2017
 - iv. Cunningham Swan Municipal Seminar – October 25, 2017
 - v. Council Employee Training – Municipal Solicitor - November 6, 2017
 - vi. Bill 148 and Employment Standard's Act

Resolution #14/11/17/002

Moved by Councillor Villeneuve and seconded by Councillor Foote

WHEREAS Council determined in 2013 that it would participate in the CWL Community Christmas party by not only donating the hall but by funding children's activities;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to spend up to \$100 for this purpose as Council's contribution to the Community Christmas Pot Luck, which is open to everyone in the community.

Carried Unanimously

Resolution #14/11/17/003

Moved by Councillor Foote and seconded by Councillor Villeneuve

WHEREAS advance planning and budget approval for a staff Christmas party is required prior to December;

THEREFORE BE IT RESOLVED THAT THE Council of the United Townships of Head, Clara & Maria does hereby resolve to approve the use of up to \$400 for staff Christmas party purposes for 2017.

Carried

Recorded Vote

Councillor Chartrand	Yes
Councillor Foote	Yes
Councillor McKay	Yes
Councillor Villeneuve	No
Mayor Reid	Yes

Resolution #14/11/17/004

Moved by Councillor Villeneuve and seconded by Councillor Foote

WHEREAS due to the makeup of our municipality and lack of municipal services Head, Clara & Maria does not have the usual departments to provide representation at an Emergency Management Community Control Group (CCG) and have in the past used Council as members;

AND WHEREAS legislation requires that all members of the CCG are to be trained annually and we have had difficulty getting all members together;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby change the composition of the CCG to include the Mayor, one member of Council, the Clerk and our Admin Assistant (or their designates).

Carried Unanimously

- ii. Report #14/11/17/802 – Treasurer’s Report - none
- iii. Report #14/11/17/803 – Mayor’s Report
 - i. County Council, Committee Wednesday and Thursday
 - ii. Rubber stamping of committees not agreed with – no opportunity to debate issues
- iv. Report #14/11/17/804 – Admin Assistant Report
- v. Report #14/11/17/805 – Cunningham Swan – October 25, 2017 – Councillor Villeneuve
- vi. Report #14/11/17/806 - Cunningham Swan – October 25, 2017 – Councillor Foote

9. FINANCIAL REPORTS

- i. Cheque Log – none, no cheques since last meeting
- ii. Comparative Income Statement – November, 2017

Resolution #14/11/17/005

Moved by Councillor Foote and Seconded by Councillor Villeneuve

BE IT RESOLVED THAT the Comparative Income Statement from January 1, 2017 – November 30, 2017 be accepted as presented.

Carried Unanimously

10. BY-LAWS – none

11. UNFINISHED BUSINESS

- i. Report #14/11/17/1101 – Clarification from October 17, 2017 Meeting – Information Only
- ii. Report #14/11/17/1102 – The Algonquin Trail and Use Through Head, Clara & Maria

Resolution #14/11/17/006

Moved by Councillor Villeneuve and seconded by Councillor Foote

WHEREAS the County of Renfrew has moved to lease sections of the Algonquin Trail within Head, Clara & Maria without any consultation with this lower tier municipality;

AND WHEREAS Council recognizes the potential of a properly planned and managed trail system within the County and is willing to consult on and come to a practical system meeting all needs;

AND WHEREAS use of a motorized trail through HCM is contrary to the current Zoning By-Law, the current Renfrew County Official Plan and the Provincial Policy Statement as they speak to the importance and preference of active transportation including pedestrian and cycling over motorized trails;

AND WHEREAS municipalities have the express responsibility under the *Municipal Act* to protect their residents from public nuisance, noise, odour and dust, and to overall protect their general health and safety;

AND WHEREAS this Council has concern with the shared use of a trail by motorized and non-motorized users;

THEREFORE BE IT RESOLVED THAT THE Council of the United Townships of Head, Clara & Maria does hereby direct staff to notify the County of Renfrew that the use of the lands known as the Algonquin Trail as a motorized trail through the municipality is contrary to the local Zoning By-Law and therefore not permitted;

AND FURTHER THAT consultations commence between the County and the municipality to come to an agreement to develop a system of trails throughout Head, Clara & Maria which meet the needs of all residents and users being mindful of property owner rights, public safety, costs and municipal liability;

AND FURTHER THAT this resolution and supporting documents be forwarded to each member of the upper tier Council of the Counties of Renfrew and Lanark and Papineau Cameron Township expressing Council's concerns as well as to all lower tier municipalities in Lanark and Renfrew Counties for support.

Deferred until after discussion with the County.

Action: Clerk to contact the County to have County staff come up to discuss the rail trail with HCM Council and staff.

iii. Report #14/11/17/1103 – Council Disciplining Council
Resolution #14/11/17/007

Councillor Villeneuve left the table at 20:08 h. it is assumed that he is declaring a potential for a conflict of interest.

Moved by Councillor Foote and seconded by Councillor McKay

WHEREAS occasionally a member of council will breach the fundamental principles of good governance and acceptable behaviour contrary to their Oath of Office and/or the municipal Code of Conduct;

AND WHEREAS in these incidences, a formal complaint may be made through an Integrity Commissioner which allows two sanctions: a reprimand and/or suspension of up to 90 days' pay;

AND WHEREAS other remedial measure by Council are permitted by the courts which attempt to deal with and modify inappropriate conduct by carrying out the objectives of a code without requiring an investigation;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby implement immediately a process of remedies which might be applied to individual members of Council to modify the effects of their behaviours on fellow council members, members of the public and/or employees;

AND FURTHER THAT the remedies may include but not be limited to: issuing an apology, requiring a return of improperly obtained municipal property, limit communications with specific individuals and/or to certain methods, limit access to municipal facilities, limit participation in committees or on boards, limit travel on municipal business, and/or to cease harassing behaviour towards specific individuals.

Carried

Recorded Vote

Councillor Chartrand	Yes
Councillor Foote	Yes
Councillor McKay	Yes
Councillor Villeneuve	No
Mayor Reid	Yes

Resolution #14/11/17/008

Moved by Councillor McKay and seconded by Councillor Chartrand

WHEREAS Councillor Villeneuve has since September 7, 2017:

- Publicly and repeatedly impugned the integrity and motives of two members of council and municipal employees;
- Repeatedly questioned the integrity of the Mayor and fellow members of Council;
- Publicly questioned the professional integrity of municipal employees;
- filed numerous frivolous Code of Conduct complaints against fellow members of Council and municipal employees causing significant legal costs for the municipality;
- failed to honour and support decisions of council and in fact broadcast his dissatisfaction in a letter to the editor in the local newspaper;
- falsely and publicly accused a resident of infractions under the *Highway Traffic Act*,

AND WHEREAS Council has an obligation to provide for good governance and uphold their Oath of Office and has the ability to initiate and follow a process to attempt to modify the inappropriate conduct of fellow members of Council in a cost effective manner;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby formally request that Councillor Villeneuve from this point forward refrain from:

- filing frivolous Code of Conduct complaints;
- making unfounded accusations against fellow council members, employees and/or members of the public;
- and instead begin to respect staff reports and recommendations even if he is not in agreement with the content or recommendations, respect the process of governance and uphold the decisions of council.

Carried

Recorded Vote

Councillor Chartrand	Yes
Councillor Foote	No
Councillor McKay	Yes
Councillor Villeneuve	No
Mayor Reid	Yes

Councillor Villeneuve regained his seat at 20:22 h.

12. ADDENDUM (NEW BUSINESS)

- i. Report #14/11/17/1201 – CAO/Clerk Performance Appraisal

Resolution #14/11/17/009

Moved by Councillor Chartrand and seconded by Councillor McKay

WHEREAS the annual performance appraisal process by council of the clerk is due to be completed;

AND WHEREAS new members of Council are not yet in a position to effectively participate in this process simply due to the limited time they've been on Council;

THEREFORE BE IT RESOLVED THAT in order to have review completed that the ~~remaining~~ Council members and employees, complete the amended 360 process independently and anonymously to provide a base review for this year;

Carried Unanimously

- ii. Report #14/11/17/1202 – Appoint an Integrity Commissioner

Resolution #14/11/17/010

Councillor Chartrand and McKay – removed themselves from the table at 20:27 due to a potential pecuniary interest.

Councillor Villeneuve also vacated the table at 20:07 assumedly due to a perceived conflict of interest.

Mayor Reid, although potentially having a pecuniary interest as he has been named in Code of Conduct violations, remained at the table to chair the meeting and read the resolution. Councillor Foote was the sole Council member remaining at the table.

Moved by Councillor McKay and seconded by Councillor Chartrand

WHEREAS Code of Conduct Complaints against members of Council have been filed with the Clerk;

AND WHEREAS the Municipal policy provides that the Clerk shall conduct research and make a recommendation to Council to have an Integrity Commissioner appointed;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby appoint Tony Fleming of Cunningham Swan of Kingston, Ontario as Integrity Commissioner for the sole purpose of investigating and reporting on Municipal Code of Conduct Complaints against municipal Council members;

AND FURTHER THAT Mr. Fleming be directed by Council to exercise his discretion to dismiss any claims he feels do not warrant investigation or are deemed to be frivolous and vexatious.

Defeated

Recorded Vote

Councillor Chartrand	Declaration of Pecuniary Interest
Councillor Foote	Yes
Councillor McKay	Declaration of Pecuniary Interest
Councillor Villeneuve	No
Mayor Reid	Declaration of Pecuniary Interest

All Council Members returned to their seats at 20:29.

iii. Report #14/11/17/1203 - Senior's Grant Funding

Resolution #14/11/17/011

Moved by Councillor Chartrand and seconded by Councillor McKay

WHEREAS the province has announced continued funding for programming which benefit seniors including health and wellness and aging in place;

AND WHEREAS this is an important issue in our isolated community where winter travel significantly limits the ability and/or willingness of seniors to travel;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does support staff grant applications towards improved senior programming within our community;

AND FURTHER THAT Council does hereby commit staff support and up to \$2,400 in cash and in-kind contributions in support of senior's activity programming;

AND FURTHER THAT Council does hereby authorize staff to investigate and apply for funding through the Ontario government and commits up to 20% or \$12,000 towards the cost of a vehicle to be used for seniors programming to be used with volunteer drivers in support of area seniors.

Carried

Recorded Vote

Councillor Chartrand – yes
Councillor Foote – yes
Councillor McKay - yes
Councillor Villeneuve – no
Councillor Reid - yes

Resolution #14/11/17/012

Moved by Councillor McKay and seconded by Councillor Chartrand

WHEREAS Council has annually supported Canada Day celebrations and applications for funding through the Heritage Canada Grant program;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby support a grant application through this program and commits up to \$2,500 towards the costs food and/or fireworks for the 2018 celebration;

Carried Unanimously

13. **CLOSED SESSION** – none

14. **BUSINESS ARISING FROM CLOSED SESSION** – none

15. **QUESTIONS AND ANSWERS**

- i. Councillor Villeneuve asked about the availability of audio of the meetings due to auditory challenges and his having to wait to obtain a copy from staff. The clerk responded that if this was an ongoing concern the simplest solution would be to provide councillor Villeneuve with his own recorder so he wouldn't have to wait for staff in future.

Action: A digital recorder will be provided to Councillor Villeneuve to record open sessions of council meetings in future. The recording of closed session meetings by anyone other than the Clerk is not permitted.

16. CONFIRMATION OF PROCEEDINGS

Resolution #14/11/17/013

Moved by Councillor Chartrand and seconded by Councillor McKay

BE IT RESOLVED THAT By-Law 2017-13 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meetings held on Tuesday, November 14, 2017 be read a first time short and passed.

Carried Unanimously

17. ADJOURNMENT

Resolution #14/11/17/014

Moved by Councillor McKay and seconded by Councillor Chartrand

BE IT RESOLVED THAT this meeting adjourn at 20:37 h. to meet again on Tuesday, December 12, 2017 at 19:00 h.

Carried Unanimously

MAYOR – BOB REID

CLERK – MELINDA REITH

Notes to November 14, 2017 Meeting

Why the above recorded votes have been recorded even though some members of council were removed from the table and/or abstained. As per the Municipal Procedure By-Law – 2015-07.

25.0 VOTING ON MOTIONS

25.1. Immediately preceding the taking of the vote, the Presiding Officer shall state the question in the form introduced or “as read” if the motion was provided to Council via hard copy in the Councillor package.

25.2. After a question is finally put by the Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

25.3. The manner of determining the decision of Council on a motion shall be at the discretion of the Presiding Officer and may be by voice or show of hands.

25.4. Where a vote decision is not unanimous, all municipal council votes are to be recorded. All members present at the Council meeting, including the Presiding Officer, must vote in alphabetical order, unless otherwise prohibited by statute.

25.5. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall conduct the vote and announce the results.

25.6. Every member present at a meeting of Council when a question is put shall have one vote thereon unless prohibited by statute.

25.7. No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

25.8. Any question on which there is a tie vote shall be deemed to be lost.

25.9. Any abstention from voting by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.

25.10. A failure to vote when a recorded vote has been requested by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.

25.11. A separate vote shall be taken upon each proposal contained in a motion divided by resolution of Council.