



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

### **Minutes of February 13, 2018**

Minutes of a regular meeting of Council held on Tuesday, February 13, 2018 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; Noella LeBreton, Treasurer; Crystal Fischer, Administrative Assistant; approximately 8 members of the public.

**Absent/Regrets:** none

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.

Councillor Foote – Report #13/02/18/1203 – Legal Advice Invoicing

5. **DEPUTATIONS/PRESENTATION** - none

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

i. Council Minutes – January 23, 2018

Resolution #13/02/18/001

Moved by Councillor McKay and seconded by Councillor Chartrand

**BE IT RESOLVED THAT** the minutes of the regular meeting of Tuesday, January 23, 2018 be accepted as presented.

Carried

**Recorded Vote**

Councillor Chartrand – yes

Councillor Foote – yes

Councillor McKay – yes

Mayor Reid – yes

Councillor Villeneuve – no

ii. Rural Mayor's Forum of Eastern Ontario Meeting Minutes - information  
i. December 1, 2018

iii. HCM - Library Board Minutes - information  
i. November 29, 2017

iv. Recreation Committee Minutes –information  
i. December 13, 2017

7. **CORRESPONDENCE & PETITIONS**

i. AMO Communications – re: Main Street Revitalization Fund – information

ii. Coldest Night of the Year – re: Request for Support – information

iii. OPP Media Release – re: Criminal Investigation – ORNGE Air – information

- iv. AMO Communications – re: Fire Medic Protection – information
- v. Home Owners’ – re: Presentation to Algonquin Trail Advisory Committee – information
- vi. Pembroke Observer – re: Algonquin Trail article – information
- vii. The Millstone – re: County Rail Trail meetings and data – information
- viii. Arnprior Today – re: County to see Legal Opinion – information
- ix. OPP Media Release – re: Do Not Deposit Snow on Roadways – information
- x. Active Aging in Renfrew County - re: Request for input – information

**Action:** Staff to speak to volunteers to determine if anyone wants to attend. Council to provide mileage to Pembroke and back for the day.

## 8. STAFF REPORTS

- i. Report #13/02/18/801 – Clerk’s Report

Resolution #13/02/18/002

Moved by Councillor Chartrand and Seconded by Councillor McKay

**WHEREAS** Council, staff and volunteers are mandated to participate in some training to be compliant under various legislation;

**AND WHEREAS** compliance has not been attained for a couple of years due to conflicting schedules and other obligations;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby set aside the following dates for required training, with the actual date to be confirmed as soon as possible by staff:

- Saturday, March 24, 2018 – 9:00 a.m.  
Carried Unanimously

**Action:** Clerk to confirm with staff and notify council.

Resolution #13/02/18/003

Moved by Councillor McKay and Seconded by Councillor Chartrand

**WHEREAS** municipal employees have reviewed the Draft Trail Management Plan and have provided a list of concerns which we feel need to be addressed;

**THEREFORE BE IT RESOLVED THAT THE** Council of the United Townships of Head, Clara & Maria does hereby authorize staff to forward a copy of those concerns to County staff responsible for management of this plan.

Carried

### Recorded Vote

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

Resolution #13/02/18/004

Moved by Councillor Chartrand and Seconded by Councillor McKay

**WHEREAS** obvious relationship and trust issues exist amongst some council members and staff resulting in recent Code of Conduct and Harassment complaints;

**AND WHEREAS** having municipal legal counsel present to answer questions when reports are received will assist in having any questions that arise answered immediately allowing everyone the opportunity to move forward towards productive governance and management of this municipality;

**THEREFORE BE IT RESOLVED THAT** council does hereby authorize staff to arrange a presentation of the final reports by legal counsel as soon as possible calling a special Council meeting to do so.

Carried

### Recorded Vote

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

Resolution #13/02/18/004 - A

Moved by Councillor McKay and Seconded by Councillor Chartrand

**WHEREAS** there is an opportunity for funding for summer students employees for specific projects;

**AND WHEREAS** Council deems it important to support youth in our community;

**THEREFORE BE IT RESOLVED THAT** should staff find an appropriate category for student employment which will fit our needs and qualify as per provincial guidelines that the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to apply for and commit up to \$2,500 for Council's commitment to funding.

Carried Unanimously

- ii. Report #13/02/18/802 – Treasurer's Report - none
- iii. Report #13/02/18/803 – Mayor's Report – verbal
- iv. Report #13/02/18/804 – Admin Assistant Report

## 9. FINANCIAL REPORTS

- i. Cheque Log – to February 13, 2018

Resolution #13/02/2018/005

Moved by Councillor McKay and Seconded by Councillor Chartrand

**BE IT RESOVLED THAT** the cheque log to February 13, 2018 totalling \$ 43,427.06 be accepted as presented.

Carried Unanimously

- ii. Comparative Income Statement – February 28, 2018

Resolution #13/02/18/006

Moved by Councillor Chartrand and Seconded by Councillor McKay

**BE IT RESOLVED THAT** the Comparative Income Statement from January 1, 2018 – February 28, 2018 printed February 7, 2018 be accepted as presented.

Carried Unanimously

## 10. BY-LAWS

## 11. UNFINISHED BUSINESS

- i. Report #13/02/18/1101 – Algonquin Trail in HCM – Moving Forward

Resolution #13/02/18/007

Moved by Councillor McKay and seconded by Councillor Chartrand

**WHEREAS** it is in the best interests of residents and Council to inform the development, use and alternate routes for certain sections of the Algonquin Trail within Head, Clara & Maria;

**AND WHEREAS** Council and staff believe that decisions which effect the entire municipality to this extent should be made only after thorough consultation with all stakeholders;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to move forward in consultation with community stakeholders prior to further notifying the County of the desires of the community;

Carried Unanimously

## 12. ADDENDUM (NEW BUSINESS)

- i. Report #13/02/18/1201 – Harassment Complaint Investigation Report

Resolution #13/02/18/008

Moved by Councillor Foote and seconded by Councillor Villeneuve

**WHEREAS** allegations have been made by the Clerk against some members of Council and some members of the public;

**AND WHEREAS** Council authorized the Clerk to commence an investigation;

**AND WHEREAS** Council was not made aware of the number and type of the allegations;

**AND WHEREAS** Council was not made aware of the number or names of all the people being accused;

**AND WHEREAS** Council was not given any type of cost estimate for this investigation;

**AND WHEREAS** the Municipality's legal firm, Cunningham Swan, did contract out the investigation to John Curtis;

**AND WHEREAS** the presentation of the report to the Municipality's legal firm is imminent;

**AND WHEREAS** the Municipality's legal firm has completed a previous code of conduct investigation concerning staff and Council members;

**AND WHEREAS** that investigation could potentially influence someone reading the John Curtis report;

**AND WHEREAS** Council has previous legal advice about a different report in 17/02/12/501, item two, that "the report should be made available to the public";

**AND WHEREAS** the ratepayers of the Corporation of the United Townships of Head Clara and Maria have paid for this report;

**THEREFORE BE IT RESOLVED THAT** in the interests of complete transparency, the United Townships of Head Clara and Maria instruct its legal firm, Cunningham Swan, by way of this resolution, that the original report from John Curtis be presented to the public in an open meeting of Council and said report is not to be altered, changed, discussed, modified or presented to any person prior to its disclosure at a public meeting;

**AND FURTHER THAT** its legal firm, Cunningham Swan, make electronic copies for the Clerk, each member of Council and each of those people who have had accusations made against them;

**AND FURTHER THAT** the Municipality's legal counsel present the report at that public meeting;

**AND FURTHER THAT** a copy for public access be made available on the Municipal website.

Defeated Unanimously

ii. Report #13/02/18/1202 – Code of Conduct Complaints - New  
Resolution #13/02/18/009

Moved by Councillor Villeneuve and seconded by Councillor Foote

**WHEREAS** 6 Code of Conduct Complaints have been filed on February 7, 2018 against Council members and staff;

**AND WHEREAS** Council has options to process these complaints including the ability to amend its own policy and not have the complaints investigated;

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

1. \_\_\_\_ Hire Cunningham Swan to conduct Code of Conduct Complaints;
2. \_\_\_\_ Direct staff to research and hire an independent firm to conduct the investigations;
3.  X  Determine that the complaints are frivolous and unfounded and for those reasons and in this instance specifically, disregard the section of the complaint process requiring an investigation.

Carried

**Recorded Vote**

Councillor Chartrand – Yes  
Councillor Foote – no  
Councillor McKay – yes  
Mayor Reid – yes  
Councillor Villeneuve – no

iii. Report #13/02/18/1203 – Legal Advice Invoicing

Resolution #13/02/18/010

Councillor Foote left the table at 20:10.

Moved by Councillor McKay and seconded by Councillor Chartrand

**WHEREAS** Council policy is to obtain legal advice through the Clerk's office or upon decision of Council as a whole;

**AND WHEREAS** procurement of goods and/or services may only occur under authority of municipal council as outlined in the municipal Procurement By-Law, legislation and municipal policy or by specific resolution of Council;

**AND WHEREAS** Council recently addressed the issue of procedure for consulting the municipal solicitor and incurring expenses on behalf of the municipality at the September 15<sup>th</sup> and November 14<sup>th</sup> 2017 and January 23, 2018 Council meetings;

**AND WHEREAS** despite those discussions, Councillor Foote cc'd the municipal legal counsel in a resolution to be presented to Council;

**AND WHEREAS** no one member of Council has the ability to contract for services on behalf of the municipality and in order to avoid a continuation of this occurrence and not set a dangerous precedent Council deems it appropriate to take steps immediately to prevent this behaviour from continuing;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby direct staff to contact the municipal legal counsel, confirm the invoice owing due to Councillor Foote's direct and specific contact and further provide Councillor Foote with an invoice for the services he contracted for:

**AND FURTHER THAT** failing to reimburse the municipality for those costs, that the outstanding amounts will be added to the Councillor's tax roll as is allowed for unpaid invoices owing to the municipality under the Municipal Act.

Carried

**Recorded Vote**

Councillor Chartrand – Yes

Councillor Foote – declared pecuniary interest

Councillor McKay – yes

Mayor Reid – Yes

Councillor Villeneuve – No

Councillor Foote returned to his seat at 20:16

**13. CLOSED SESSION – Personal Information about an Identifiable Individual – Clerk/CAO Performance Appraisal**

Resolution #13/02/18/011

Moved by Councillor Foote and seconded by Councillor McKay

**WHEREAS** the Municipal Act allows for closed meetings under section 239;

**THEREFORE BE IT RESOLVED THAT** this meeting go into an in camera session at 20:15 h to discuss personal information about identifiable individuals including municipal and local employees under section 239 (2) (b) in respect to the results of the Clerk/CAOs performance appraisal;

Carried Unanimously

Clerk Reith left the closed meeting after presentation of a report to Council, prior to consideration of the merit award.

Councillor Villeneuve left closed session meeting at 20:31.

**14. BUSINESS ARISING FROM CLOSED SESSION**

Resolution #13/02/18/012

Moved by Councillor McKay and seconded by Councillor Chartrand

**WHEREAS** Council went into closed session to discuss personal information about an identifiable individual;

**THEREFORE BE IT RESOLVED THAT** this meeting come out of closed session at 20:42 h. and the public portion of the meeting continue. Let it be public record that the only business of Council advanced during this closed session was to provide direction to staff in respect to the

merit policy and to receive a confidential report from staff directly concerning the CAO/Clerk's performance appraisal.

Carried Unanimously

Resolution #13/02/18/013

Moved by Councillor McKay and seconded by Councillor Foote

**WHEREAS** Council has a performance pay system and a merit policy to determine staff wages;

**AND WHEREAS** this system has an element to reward superlative performance;

**AND WHEREAS** in 2017 the Municipal Clerk has demonstrated to Council performance that far exceeds job expectations;

**AND WHEREAS** this performance is well above and beyond the clerk's job description,

**THEREFORE BE IT HEREBY RESOLVED** that a onetime merit payment will be made to reward the Clerk's superlative performance for 2018.

**AND FURTHER THAT** direction has been provided to the Treasurer to that effect during the closed session of this meeting.

Carried

**Recorded Vote**

Councillor Chartrand – yes

Councillor Foote – no

Councillor McKay – yes

Mayor Reid – yes

Councillor Villeneuve – no

**15. QUESTIONS AND ANSWERS**

- i. Schedule for consultation meetings.
  - i. **Action:** Clerk to circulate a calendar with suggested dates/times for all upcoming meetings.
- ii. Jennings Road – not supposed to plow township roads; can we change the process?
  - i. **Action:** Clerk to prepare a report to Council concerning the use of the park to access the water based on information obtained through insurance and/or legal channels.

**16. CONFIRMATION OF PROCEEDINGS**

Resolution #13/02/18/014

Moved by Councillor Foote and seconded by Councillor Villeneuve

**BE IT RESOLVED THAT** By-Law 2018-04 being a by-law to confirm proceedings of the Council of the United Townships of Head, Clara & Maria at its meetings held on Tuesday, February 13, 2018 be read a first time short and passed.

Carried Unanimously

**17. ADJOURNMENT**

Resolution #13/02/18/015

Moved by Councillor Foote and seconded by Councillor Villeneuve

**BE IT RESOLVED THAT** this meeting adjourn at 20:55 h. to meet again on Tuesday, March 20, 2018 at 19:00 h.

Carried Unanimously

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**MAYOR – BOB REID**

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**CLERK – MELINDA REITH**

**Notes to Council Minutes – Audio has been uploaded to youtube at <https://youtu.be/PR97ZilqkoM> or by searching for Head Clara Maria February meeting minutes.**