

Township of Wollaston Council
SPECIAL MEETING
Monday, August 21, 2017 9:30am
Agenda

Our mission is to continually improve the services provided to our residents and provide open leadership that will encourage an environment where both business and residential development can flourish.

- 1. Call to order**
- 2. Declaration of Pecunlary or Conflict of Interest**
- 3. Resolution to move to in camera session, if necessary**
- 4. Adopt Agenda and new business**
- 5. Items for discussion & motions**
 - 1. Public Areas Manager position – procedure**
- 6. Questions from the floor and guests present**
- 7. Adjournment**

Public Areas Manager Position – procedure

On July 11, 2017, Wollaston Council considered recommendations from staff in closed session with regards to the reporting structure of new Public Areas Coordinator position.

Following this discussion, Reeve Blair reported that Council would "re-evaluate what may or may not be able to be done by private contracting and whether it is practical to do that or not." And the following resolution was passed:

8. L. Kruger – R. Ireland: Be it resolved that the Council of Wollaston Township approve the employment vacancy for the position of "Public Areas Manager". Council directs staff to post this position internally and externally concurrently, and accept applications until Friday July 21, 2017.

A selection committee composed of the Environmental and Safety Services Manager and Road Superintendent and Clerk or Treasurer shall conduct interviews, and determine and hire the best candidate for the position.

This position will be a contract position beginning as soon as possible and for a term to December 31, 2017. Carried

At the subsequent meeting on July 25, 2017, Wollaston Council was asked for further direction to staff to assist in developing the Request for Tender or Request for Quotation and the contract documents. At this meeting, it was clear that some Council members were not in favour of hiring a private company to provide some of the services of the Public Areas Manager. No decision was made, and the motion was deferred to the meeting of August 8.

At the meeting of August 8th Wollaston Council had a very long discussion about the Public Areas Manager position and the possible costs and benefits of hiring a full time municipal employee, investigating private contracting or that there may be other options to consider in the way that these services are provided.

Wollaston Council passed the following resolution:

3. D. Naulls – R. Ireland: Be it resolved that the Council of Wollaston Township amends resolution #8 of July 11, 2017 by deleting the contract term for the Public Areas Manager Position. Council approves the position of Public Areas Manager as a full time employment position, subject to the terms of the municipalities HR Policy.

This position will be reposted to ensure that potential candidates are aware of this change to remove the term of employment.

Recorded vote requested by Reeve Blair:

Dave Naulls voted	Yes
Bob Ireland voted	Yes
Michael Fuerth voted	No
Lynn Kruger voted	No
Graham Blair voted	Yes

Carried

With regard to amending a resolution previously adopted, Wollaston's procedural by-law includes the following provision:

5.3 Motion to Reconsider

5.3 a) When a motion for reconsideration is introduced, no discussion of the original motion shall be allowed unless the motion for reconsideration is approved by at least two-thirds of the Council Members present.

Although the decision to remove the contract term of the Public Areas Manager position was approved by the majority of Council, this was less than the 2/3 required to reconsider the resolution.

After this resolution was passed at the last meeting it was clear that the Clerk was directed to repost the opportunity in the newspaper and accept applications for a full time employment position. The job was posted as such, and 17 applications were received for the full time position in addition to the 9 applications received for the contract position.

Before we begin the hiring process, staff need to be sure of the job description and the status of the employment as a contract or full time position.

This is the first time that we have applied this new section 5.3 of our procedural by-law since its adoption. This wording was suggested by Stephen Fournier as a recommendation of the Conflict Resolution project. Now that we have had a chance to consider and implement this clause, I will suggest that the specific wording will be part of the upcoming amendments.

According to Roberts Rules, a motion to **reconsider** must be made "on the same day or on the next succeeding day within the session"; a time frame which has lapsed. However, I do know that the intent of this clause was to provide structure to these types of circumstances (see attached sections from the project report). This is why I have suggested a motion to "rescind", as opposed to a motion to "reconsider".

It is very unfortunate that the by-law is unclear in this regard, as the direction to staff on this matter hinges on this technicality.

If the intent of the clause is agreed, and the procedural by-law is interpreted as requiring a 2/3 vote of council to reconsider or amend something previously adopted then the following procedure is required:

Motion for reconsideration: Be it resolved that the Council of the Township of Wollaston rescinds the resolution #8 and the terms of the employment vacancy for the position of "Public Areas Manager".

This resolution must be approved by 2/3 of Council before discussion. Please consider that staff requires direction and clarification on this matter. The motion to rescind will only allow discussion and hopefully clarification.

If the resolution is not passed, the resolution of July 11, 2017 should prevail. As a note of clarification Council may consider passing the following resolution: Be it resolved that the Council of Wollaston Township The motion of Although the decision to remove the contract term of the Public Areas Manager position was approved by the majority of Council, this was less than the 2/3 required to reconsider the resolution.

If discussion is approved please consider the following separate resolutions:

1. Be it resolved that the Council of Wollaston Township approve the employment vacancy for the position of "Public Areas Manager". A selection committee composed of the Environmental and Safety Services Manager and Road Superintendent and Clerk shall conduct interviews, and determine and hire the best candidate for the position.
2. Be it resolved that the Council of Wollaston Township approves the position of Public Areas Manager as a contract position only, beginning as soon as possible and for a term to December 31, 2017.
3. Be it resolved that the Council of Wollaston Township approves the position of Public Areas Manager as a contract position only, beginning as soon as possible and for a term to April 27, 2018.
4. Be it resolved that the Council of Wollaston Township Council approves the position of Public Areas Manager as a full time employment position, subject to the terms of the municipalities HR Policy.

Township of Wollaston

that the Reeve must continue with his efforts to follow proper procedures during the course of all council business.

There are also larger public and community considerations at play here: (1) the conflicts and division amongst council members is common knowledge on the street and Council is often perceived within the community as acting like a 'bunch of kids' according to one member of council, which again is attributed to a lack of leadership; (2) more members of the public are attending council meetings (e.g., it was noted that very few if any residents attended meetings during the previous terms of council); and (3) social media appears to parallel if not re-enforce the council split and 'division' in the community and vice versa. Some staff and councilors perceive this new era or phenomena as negative community scrutiny. Other members recognize that social media, Facebook, etc., is a new reality that municipalities must address. However there is no internal or external communication protocols in place beyond the general provisions for community and media relations by either council as a whole or the head of council found in section C-4 to council code of conduct (By-Law 40-12) and by staff under section 2 to Schedule "A" of the Township's human resource policies.

Another example of this behavior arising from the lack of procedures is the tendency for some council members to call the Clerk and ask that a matter, which was approved by council a previous meeting be returned to the council table because in the councillor's view the matter should never have been approved in the first place. As a common occurrence, Council is often perceived as spinning its wheels and failing to dispense with the matters before it. Unfortunately, standard reconsideration procedures have not been applied in these cases.

Importantly, all members of council and staff expressed a desire to return to the productive team like working environment. As such many of the interpersonal conflicts can also be addressed in whole or in large part with the proposed organizational strategies and actions.

Conflict Resolution Strategies- Addressing the 'Division'-#1

Any effort to address municipal organizational or conflict issues must include, as one of the fundamental steps, a review of the roles and responsibilities to be performed by all members of the organization under *the Municipal Act*. Effective working relationships between, members of council and staff and council will be fostered and sustained when the respective legislative roles and responsibilities are understood and practised on a daily basis by all members of council and staff. The observance of these roles provides a foundation to *instil confidence, trust and respect* throughout the organization. The specific legislative roles and responsibilities under section 224-229 of the *Municipal Act* are summarized in Attachment 4.3 where, for example, the leadership roles of the head of council as the CEO are clearly defined with respect to the application of all of the Township's policies and

Township of Wollaston

procedures in the day-to day business of the organization. The highly inter-related and dependent nature of these roles is graphically depicted in Attachment 4.4. In summary, while *the Municipal Act* assigns distinct roles to members of council, the head of council, the administration (staff and managers), and a Chief Administrative Officer (CAO), in reality the roles are linked and dependent on one and another for effective municipal governance and administration.

In addition to the need to revisit the respective legislative and procedural roles and responsibilities to be performed by the Reeve and observed by all persons attending or participating in a council business, many of interpersonal issues for members of council and staff can be addressed through organizational improvement strategies that:

- Address the lack of understanding or the failure to follow the provisions of Township's Procedural By-Law (39-12) and the Council code of conduct (By-Law 40-12). Specifically, sections 4.1 and 4.2 in the procedural by-law clearly define the duties of the head of council and sets the standards for the conduct of councillors and guests at council meeting; while the council code of conduct covers all of the essential interpersonal behaviours that are fundamental and expected to be followed to ensure an effective, respectful and dignified workplace for council, staff and the public;
- Acknowledge and re-enforce the Reeve's leadership role and the Clerk's administrative role in the application and enforcement of the Township's procedural and code of conduct requirements for all members of council through regular reviews and training on the Township's procedures and codes of conduct for all council (and committee) meetings;
- Provide an appropriate plan for internal and external communications by the organization. A working example of such a plan recently enacted by a rural municipality is found in Attachment 4.5; and
- Ensure the appropriate provisions/best practices are in place in the Township's procedural by-law to properly address the reconsideration of any matter by council. A typical example of reconsideration procedures is set out in Attachment 4.6.

Organizational and Interpersonal Behaviour Recommendations:

3.0.2.1: "That the Township make it a standard practice to regularly review the legislative roles and responsibilities under sections 224-229 of the Municipal Act (See attachments 4.3 and 4.4), and the Township's procedural by-law (39-12) and council code of conduct (By-Law 40-12) In addition to the standard orientation sessions for newly elected councils and appointed staff."

3.0.2.2: "That the Township Clerk be responsible for administering and scheduling the foregoing reviews."

3.0.2.3: "That the Reeve continue to develop and assume the full leadership role that the head of council must

**CORPORATION OF THE TOWNSHIP OF WOLLASTON
BY-LAW NO. 23-17**

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS, THE CALLING OF MEETINGS AND GIVING NOTICE TO AND CONSULTING WITH THE PUBLIC.

THE purpose of this by-law, under the Municipal Act, 2001, is to ensure the manner in which the Township is accountable to the public for its actions and that its actions are transparent to the public.

WHEREAS Section 238(2) of the Municipal Act, 2001, provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Municipal Act, 2001 provides that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS Section 223.2 of the Municipal Act, 2001 as amended, authorize the Municipality to establish codes of conduct for members of the council of the municipality and of local boards of the Municipality

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOLLASTON HEREBY ENACTS AS FOLLOWS:

GENERAL

Council shall at all times adhere to the provisions of the Municipal Act, 2001 as amended from time to time.

The rules and regulations contained in this bylaw herein may be suspended by a two thirds (2/3) vote of the Council unless the part or parts is prescribed by statute or law.

In any case for which provision is not made herein, the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committee, as set out in Robert's Rules of Order, eleventh edition.

If any member of Council has any pecuniary or other interest, direct or indirect in a matter that is subject of consideration by Council as defined within the Ontario's Municipal Conflict of Interest Act, they shall as soon as practicable after the commencement of the meeting disclose the interest and shall not take part in the discussion nor vote in any respect to the matter. If the matter is disclosed during closed session the member shall vacate the room.

All members of council shall be familiar with and comply with the Code of Conduct for the Township of Wollaston, being By-Law 40-12.

1.0 DEFINITIONS

- (a) "Act" shall mean any Statute adopted by the Legislative Assembly of the Province of Ontario.
- (b) "Acting Reeve" shall mean the Deputy Reeve or in his absence another member of council.
- (c) "Clerk" shall mean the Clerk of the Township of Wollaston or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act.

- (a) Before a motion is put to a vote, the Head of Council shall state the resolution in the precise form it will be recorded in the Minutes. Members present must vote on the resolution unless prohibited by any Act.
- (b) When a motion is put to a vote, no Member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.
- (c) Any motion on which there is a "tie vote" or equality of votes, the vote shall be deemed to be lost.
- (d) Any member present who persists in not voting shall be deemed to have voted to the negative.
- (e) The manner of determining the decision of Council shall be by voice, and the Head of Council may vote on any issue, except where disqualified to vote by reason of interest or otherwise.
- (f) Any Member may request a recorded vote to appear in the minutes. On a recorded vote the Head of Council shall vote last because in the event of a "tie vote" the Head of Council must cast the deciding vote unless he or she is prohibited from voting by Conflict of Interest or any other Act. If such is the case on a "tie vote", the motion would be deemed to be lost.
- (g) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote, and the names of those who voted for and those who voted against shall be recorded in the Minutes.
- (h) No vote by Council shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.

5.3 Motion to Reconsider

- a) When a motion for reconsideration is introduced, no discussion of the original motion shall be allowed unless the motion for reconsideration is approved by at least two-thirds of the Council Members present.
- b) A motion to reconsider shall not be amended, but may be debated.
- c) Debate on a motion for reconsideration shall be confined to reasons for or against reconsideration or to such matters as new information, which has come forward, an error in documentation presented or incorrect statements made during the original debate.
- d) A motion to reconsider shall include the date of when the original motion is to be reconsidered. The original motion may be reconsidered as the next order of business.
- e) Should a motion to reconsider be defeated, the original motion shall not be debated or voted upon until eligible under this By-Law.