

COVID-19 Update: The Rural Community of Hanwell is following measures outlined by Public Health. Mask use and social distancing is still recommended but will be at the discretion of the individual. Meetings are open to the public. All Council meetings will be audio recorded for the public. Please tune into Hanwell Radio daily at 7:00 p.m. for the broadcast at <https://hanwell.nb.ca/hanwell-radio-listen-live/>

HANWELL
Rural Community
Regular Meeting of Council
January 17, 2023
Minutes

Attendance:

Mayor Dave Morrison, Deputy Mayor Susan Jonah, Councillor Holly Hyslop, Councillor Tim Fox, Councillor Darren MacKenzie, Councillor Pat Septon, Councillor Debby Peck, Councillor Lee Crouse, CAO/Treasurer Terri Parker, Clerk/Assistant Treasurer Sherri Johnston, Chief Murray Crouse, from CRSC (former RSC11) Lonnie Forbes, Robin Canavan and Isabelle Ouellette and 14 members of the public.

1. Calling to Order

Mayor Dave Morrison called the Regular Meeting to order at 7:02 p.m.

2. Approval of the Agenda

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah to approve the agenda with the following additions:

Add: 17c.) 1st reading of By-Law #29-2023, "A By-Law Respecting the Duties and Powers of the Chief Administrative Officer"

17d.) 2nd reading of Amendment to By-Law #01-2014 "A By-Law Respecting the Proceedings of Council and Administration."

19b.) Matter pursuant to s. 68(1)(f) of the *Local Governance Act* (Information concerning legal opinions or advice provided to the local government by its solicitor and client in a matter of local government business.)

Unanimously Carried #01-01-2023

3. Adoption of Minutes:

a) **Moved by** Deputy Mayor Susan Jonah and **seconded by** Councillor Tim Fox to adopt the minutes of the December 21, 2022, Regular Meeting of Council.

Unanimously Carried #02-01-2023

4. Public Input/Inquiries (10 minutes max.)

Two members of the public requested to speak.

5. Disclosures

Councillor Pat Septon declared a Conflict of Interest with item #19a.

6. Reports:

Fire Department: Chief Murray Crouse

The month of December was an extremely busy month for the Upper Kingsclear Fire Department responding to 41 calls in Hanwell and Upper Kingsclear. There were 19 motor vehicle accidents, 9 fire/explosions, 3 fire alarms, 8 public hazard calls, 1 public assistance call and 1 medical assistance call.

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Pat Septon to receive the Fire Department report for December 2022 as presented.

Unanimously Carried #03-01-2023

7. Presentations:

- a) RSC11 – Subdivision Plan – Combined Holdings & Investments Ltd.

Moved by Deputy Mayor Susan Jonah **seconded by** Councillor Darren MacKenzie that the rural community of Hanwell recommend that the Planning Review and Adjustment Committee of the Capital Region Service Commission approve a 20-metre wide private access for the development of land as shown on plan “Combined Holdings & Investments Ltd. Subdivision No. 2022-2” subject to the final plan of subdivision being stamped with the “Private Access” note.

Unanimously Carried #04-01-2023

- b) Capital Region Service Commission - Unightly premises

Lonnie Forbes presented to council the process involved in declaring a site as unsightly. The Local Governance Act provided the authority and direction. The Capital Region Service Commission follows a 17-step process for all unsightly premises files. The number of steps is determined by a decision of council and the response of the property owner.

- c) Capital Region Service Commission - Rural plan

Isabelle Ouellette provided council with a high level review of what it takes to create a Rural Plan – Land use planning. With the Municipal reform all communities are required to have a Land Use plan by 2028. Our Rural Plan By-Law must be amended to include our new entities. Capital Region Service Commission has started the process which takes a minimum of two years to amend. A Rural Plan Review committee will be established with members of council and residents to assist the Capital Region Service Commission. A number of public engagement meetings will also be held during the process.

8. Permit Applications

- a) There were 0 building permits, and 0 development permits for December 2022.

9. Proclamations

10. Petitions and Delegations

None

11. Business Arising:

12. Correspondence:

13. Meetings and Special Events:

Mayor's Report

Moved by Councillor Debby Peck and **seconded by** Councillor Darren MacKenzie to receive the Mayor's report as presented.

Unanimously Carried #05-01-2023

14. Committee Reports:

- a) **Age Friendly:** Did not meet.
- b) **Communication:** Did not meet.
- c) **Economic Development:** Did not meet.
- d) **Emergency Measures:** Did not meet.
- e) **Finance:** Did not meet.
- f) **Governance and Policies:** Did not meet.
- g) **Parks and Recreation:** Did not meet.

15. CAO/Treasurer's Report:

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to receive the CAO/Treasurer's report dated January 2023, as presented.

Unanimously Carried #06-01-2023

16. Old or Unfinished Business

17. New Business

- a) By-Law #16-2019 – Amendment to “A By-Law Establishing the Code of Conduct for Council” – 1st reading by title.

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah that amendment to By-Law #16-2019, “A By-Law Establishing the Code of Conduct for Council” be given its first reading by title.

Unanimously Carried #07-01-2023

By-Law #16-2019 Amendment to “A By-Law Establishing the Code of Conduct for Council”

- b) By-Law #16-2019 – Amendment to “A By-Law Establishing the Code of Conduct for Council” – 2nd reading by title.

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox that amendment to By-Law #16-2019, “A By-Law Establishing the Code of Conduct for Council” be given its second reading by title.

Unanimously Carried #08-01-2023

By-Law #16-2019 Amendment to “A By-Law Establishing the Code of Conduct for Council”

- c) 1st reading of By-Law #29-2023, “A By-Law Respecting the Duties and Powers of the Chief Administrative Officer”

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox that By-Law #29-2023, “A By-Law Respecting the Duties and Powers of the Chief Administrative Officer” be given its first reading by title.

Unanimously Carried #09-01-2023

By-Law #29-2023, “A By-Law Respecting the Duties and Powers of the Chief Administrative Officer”

- d) 2nd reading of By-Law #01-2014 “A By-Law Respecting the Proceedings of Council and Administration.”

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah that amendment to By-Law #01-2014, “A By-Law Respecting the Proceedings of Council and Administration” be given its second reading by title.

Unanimously Carried #10-01-2023

By-Law #01-2014 Amendment to “A By-Law Respecting the Proceedings of Council and Administration”

- e) Committee composition changes standing and operational.

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Tim Fox to suspend the rules.

Unanimously Carried #11-01-2023

This item is tabled until the February 16, 2023, Regular Meeting of Council

18. Upcoming Activities:

- a) Zoomers – January 19 at 12:00pm
- b) Zoomers – January 24 at 12:00 pm
- c) Zoomers – January 26 at 12:00pm
- d) Zoomers – January 31 at 12:00pm
- e) Zoomers – February 2 at 12:00pm
- f) Zoomers – February 7 at 12:00pm
- g) Zoomers – February 9 at 12:00pm
- h) Zoomers – February 14 at 12:00pm

Statement read in by Councillor Pat Septon

First, I would like to thank all the people who reached out in support over the last two months. To everyone who showed up and to all those who messaged with advice, guidance or just encouraging words. I am humbled not only because of the volume of people who reached out, but the number of people who understood exactly what it was I was going through. I am used to fighting for people, but it is truly humbling watching people stand up for me. The community has shown me they care, and in turn, I care.

I would like to acknowledge this is difficult for all of us involved. Staff, other Councillors, Mayor, myself and our constituents. I would like to offer a personal welcome and thanks to the new councillors who put their name forward, but also an apology we are here, still dealing with this, and me. I didn't want this fight, and if I had my choice, I would be focusing on learning all I could about our newly expanded communities. In the coming weeks I imagine I will have more time to do so.

I had several speeches and arguments prepared for tonight, to address the issues as I see them. To dial back some of the rhetoric, and while I believe every single issue that was presented in my code of conduct is misguided, I won't at this moment go into details on the specifics of the issues, instead possibly tabling it for another time.

Over the last couple of weeks however it has been insinuated that I am getting people from the public to do things. I have not asked a single member of the public to do anything or of this Council. Though I do welcome the support. It has been insinuated that I am the cause of our citizen's mistrust. I would argue this misguided Code Conduct is an example of the cause of mistrust, and not myself. It has also been insinuated that I am using social media to leak things that are confidential. That simply isn't true in any form, I haven't deleted a single social media post, so it should be provable otherwise. The only time I publicly revealed anything from our emailed conversations was Nov 4, 2022, when I shared with the public an actual motion that was at the time to be voted on to stop for public consumption all recordings of council, that was to take effect immediately. Meaning there would be no chance for public engagement, nor would the public even hear that debate. I feel it is of public interest, it wasn't a conversation, it was a motion that was coming, supported by at least 2 councillors. I would do it again and all provable facts shared in email.

I will address the very issue of the code of conduct itself, and to a couple of the punishments applied. We collectively spent tens or even hundreds of hours developing our code of conduct policy. The Governance Committee put together this code of conduct and had input from all us Councillors and Staff. However, when this body decided to apply a code of conduct against someone, me, they opted to ignore the By-Law we all developed and agreed too. Instead choosing to use an undocumented informal process, that had exceptionally formal results, circumventing the very rules we agreed upon. Governing and Government has to be about clear and fair rules.

This code of conduct against me, and the threats of it prior I feel is weaponizing opinions. I do not believe that my opinion is superior to yours, but I also don't believe yours collectively or otherwise is superior to mine.

I would like to point out I was hired by the constituents of Hanwell as a duly elected representative. I do not work for members of Council, or its staff I am hired and work solely at the discretion of it's citizens.

When it comes to two points regarding the punishments applied to me. I am, in my role of Councillor both governing body and opposition. By sanctioning that this government has the sole authority to approve my social media or public statements takes away one or both of those roles. I do not understand how this Council thinks a government can ethically, morally or legally have the power to control someone's social media account. Does this body feel that the Federal Government or Provincial government has these legal rights, or is it just a Municipally?

The second point, I was hired by the people of Hanwell as a duly elected official. So I ask, what moral, ethical or legal authority does this Government feel that you have the power to make an employee, work for free for 6 months, that isn't even hired by you.

There are only 2 reasons such a harsh and long sanction would be applied. You either thought it would force me to quit, and in doing so you thought it could circumvent the will of the electors; or two, you seriously thought that it was just and righteous that a government could make someone legally work for free for 6 months. Does this council think that the Federal or Provincial government has this legal authority or is it too just a Municipality.

This Council has weaponized the code of conduct for expressing and sharing differing opinions. This is dangerous not just because it can quell needed debate, but because if for no other reason, to be able to openly discuss ramifications such as these sanctions applied to me. One day, you here may have an issue you feel passionate about and want to communicate with the public that other councillors don't. Stop the weaponization of the Code of Conduct.

I didn't end up here by accident, and my mistrust has been earned over repetitive threats and actions regarding the internal use and threat of then code of conduct.

As you go into closed session tonight, I remind you, I didn't ask for this fight, I didn't and don't want this fight, the community deserves better than this fight. However, I will defend myself, as was promised. I ask that you re-consider the motion you passed on Dec 6, 2022. Want a better and cohesive Council? I suggest stop using the stick as a method when dealing with me. It must be obvious it doesn't work by now. To some the words social media seems to be bad words, but I do not subscribe to that. I have a confession that is probably obvious to many people, but I am not the smartest person in the room. Far from it. My superpower however is, I know it. I expect and desire to consult with as many people as I can on any number of subjects, because I become better for it, learning things I may not of known or gaining better understanding of issues. I suggest going forward, you let me be me, I let you be you. I believe that as a rural community, as a Councillor, social media can be a very valuable asset to collect, share and disseminate information and ideas. To share the truths as I know them. If you don't like what I am sharing on social media, ignore it, debate it or move on. I do not believe a government should have the power to keep a file on any of it's constituents, or Councillors. I don't believe you should attack a Councillor for sharing or expressing an opinion or a motion that was coming to the floor. I don't believe a Councillor should have a code of conduct for sharing what he/she believes.

I stand behind everything I have done, and again, since November 2021 I have almost entirely dealt with this Council in emails only. So any insinuations or issues should be easily and readily provable. I only ask that full email threads be used and not parsed information. On Dec 19, 2022 Council agreed that we would have a HR specialist come in, I let some people know the good news and that perhaps the fever was perhaps breaking. Since I have had 3 emails from the Mayor speaking to possible further reprimands, which brings you all to another closed session tonight. Without even letting your agreed upon process move forward.

I recommend we put this chapter behind us, move on. But I am not in control of this process. To the public, right is right, and it is easy to tell fundamentally right things. I recommend you not only question me, but the processes that brought us here. I am fighting for rights here because one day, I may not be a Councillor, and I would hope for clear rules, clear processes, transparency and true public engagement which is among the reasons I ran to represent you. As a Councillor, we are all your closest and most intimate elected representation. Demand of me, of us what you want a government to look and feel like. Personally, this process has been exceptionally hard on me, and my family. But I think it is important that my kids see me standing up for what I think is right and fair. I would like to thank all the people who reached out in support and understanding. It is truly humbling and overwhelming. I also ask that we the public treat everyone with respect especially in times of disagreement.

While in closed session, I ask you Council to rescind the motion of December 6, 2022, and lets us all move on. To stop worrying about what I am doing or saying and start worrying about how we are going to work for our community. As always, how we proceed tomorrow is up to you.

I yield back.

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah to extend the time past 9:00 pm.

Unanimously Carried #12-01-2023

Councillor Septon asked to discuss item 19b.) Matter pursuant to s.68(1)(f) of the Local Governance Act (information concerning legal opinions or advice provided to the local government by its solicitor and client in a matter of local government business) first as he has a conflict with 19a.)

19. Closed Session:

- a) Matter pursuant to s.68(1)(j) of the Local Governance Act (labour and employment matters, including the negotiation of collective agreements)
- b) Matter pursuant to s.68(1)(f) of the Local Governance Act (information concerning legal opinions or advice provided to the local government by its solicitor and client in a matter of local government business)

Moved by Councillor Tim Fox and **seconded by** Deputy Mayor Susan Jonah to move into Closed Session.

Unanimously Carried #13-01-2023

Councillor Pat Septon declared a Conflict of Interest with item #19a.) and left council

chambers at 9:06 pm.

Moved by Councillor Holly Hyslop and **seconded by** Deputy Mayor Susan Jonah to move from Closed Session and return to Open Session.

Unanimously Carried #14-01-2023

20. Date, Time, and Location of next meeting

Regular Council Meeting, February 16, 2023 @ 7:00 pm
Council Chambers

21. Adjournment

Moved by Councillor Darren MacKenzie and **seconded by** Deputy Mayor Susan Jonah to adjourn the meeting at 9:56 p.m.

Unanimously Carried #15-01-2023

Respectfully submitted by,

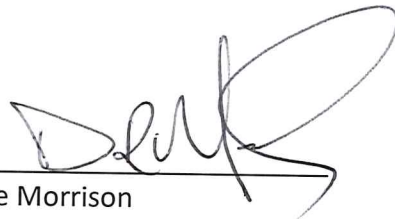


Sherri Johnston
Clerk/Assistant Treasurer

Certified Correct,



Terri Parker
CAO/Treasurer



Dave Morrison
Mayor

