

COMMITTEE OF THE WHOLE MEETING

April 23, 2019 1:00 p.m.

APPROVAL OF THE AGENDA - Once again the Mayor mentioned two added In Camera items, Budget and Human Resources.

Customer Service Policy - In the agenda package of this meeting, the policy proposes to promote a positive customer experience and its scope encompasses all councillors, employees, volunteers, customers and visitors. IN OTHER WORDS, IT IS ATTEMPTING TO APPLY AN INTERNAL POLICY TO THE PUBLIC, which should have been written only as a guide to municipal staff and Council. Customers and visitors should be removed from the Scope of the Policy. The policy name should be changed to PUBLIC SERVICE POLICY. LAWS are what determine the behaviour of the public at large. They have identified 3 main types of unreasonable customers but within their own policy, they have not provided a course of action in the event of encountering such a problem and they have not identified who will make the decision as to what constitutes "unreasonable" which are the only things over which their policy can preside insofar as the public is concerned. The policy has many deficiencies that need to be addressed before it can be ratified, some of which include mention of the Service Form that currently exists, consequences of non-compliance, and an independent third party determiner of what constitutes inappropriate behaviour on the part of staff and elected officials to whom the requests are being made. **Mayor Fell** - "So this is on the agenda, I asked our CAO about this. She said she actually had something drafted a couple of years ago, a few years ago actually. There's a couple of changes I am going to propose to make. One is that you have 2 business days to get back to people but I think that should be contingent on a) them leaving a voice mail or an e-mail so if you receive a call and there's no message left, we shouldn't be required to call them back. There has to be some sort of a message left. And then for the full response instead of 7 business days, I would like uh them to be 5 business days and I wanted to know what Council thought of that and what they think of this policy." **Councillor Rakle** - I guess HR customer service is, was a niche of mine that I did for 17 years when I worked and uh, I like having time lines of course but there are some problems that are bigger than can be resolved in 5 days so as long as we are responding to them to say, hey, number 1 we received it, number 2 within a 24,48 hour we'll say we plan on doing something about it and we will contact appropriate department heads, whatever it is, and then at that point we need to have a reasonable area where our Administration has a mandate of their own, that they get back to us to say, ok, listen, it's not going to be done in 5 days because we have to actively book a piece of equipment or whatever it is or assess it or come to Council or whatever it is, so just so that we are getting back to them, that citizen, to say ok listen, we're working with this. It's going to take a lot longer than that but at least we're keeping the lines of communication open. ??? And that's key. **Mayor Fell** - The intention isn't to, it would be great if we could resolve everything in 5 days but the intention is to give them more, if you can't have more detailed answer within 5 business days so they're not left hanging just like you said. ??? **Councillor Rakle** - Yes, and then not knowing what's going on....it could take 3 months...whatever it is...it could be some big issue um and so as long as we just keep coming back that once something's not resolved within every rotation of 5 to 7 days you're contacting that person to say, ok, we're still on this...we haven't forgot you and that's key, just letting them know that you are still working with them. **Mayor Fell** - We can also encourage people to, we have that, what is the computer program that we have for service requests? **Colleen Draper** - Service request .. **Mayor Fell** - Service request record. We can also get back to them within 48 hours, we can also encourage them to use that route as well as that is what we are trying to push people to do but at least this gives us time lines, I know there are some people that don't want to use the Internet so this helps them in that way. **Councillor Rakle** - Makes sense? **Mayor Fell** - Any other comments from Council? **NOTE: No other voice on Council was heard.** **Heather Erickson** - In your customer service policy, you identify 3 main types of "unreasonable" customers. They are very SUBJECTIVE. Who is going to be the judge of "verbally" aggressive, does that mean loud and persistent or are you just talking about the obvious, swearing, yelling at the top of one's lungs etc.? Who decides what is "unreasonable" demands on the workload and resources of the Municipality? The people that are requesting documents or answers to questions may not think their request is unreasonable based on how they see the actions of the Council and Administration affecting their community. The last is just plain **judgmental, those whose aim is to annoy, harass, humiliate and irritate.** When I asked questions in Question Period, my aim is not to annoy, harass, humiliate and irritate, it is to obtain information that is not forthcoming from our elected representatives who campaigned on a platform of transparency and fairness. If certain on Council see that as a deliberate act to annoy or harass or humiliate them, that is not my intent but who is going to be the judge of my intent? I personally feel the demeanor of those on Council is what directs observers to view them in certain unflattering ways. I think it is admirable to come up with policies by which everyone can abide but the last section of your Customer Service Policy "Requests that are Unreasonable or Abusive" call for a judgment of a person's motivation and frankly, I think should be removed from the policy. If you want to restrict access to records, I know there is I believe a charge for paper reproductions and that can serve as somewhat of a deterrent but I don't feel substantial and unreasonable behaviour can be defined. That is SUBJECTIVE. I see behaviour at the Council table that I find unreasonable and at many levels irritating, annoying, humiliating and downright harassing but that is in my opinion alone. I cannot IMPOSE my opinion on others, they have a right to their own. **Mayor Fell** - Thank you for your comments. I would actually like to say I think this is a great policy and it's really good that you (Colleen) put something like that in there. I personally have been the **subject ??** of bullying in the municipality and I think that it's great that we're putting this in there because that behaviour does need to stop um and it would be up to the person receiving that harassment or intimidating

behaviour to say so and that is the right of senior staff and Council as well. Is there any other comments from Council? **NOTE:** As some have pointed out, I am not a lawyer but I do feel one of the most difficult things to prove is INTENT. That requires assumption of one's personal thoughts. Any move to remove public from a public meeting based on one person's opinion of intent would be subject to liable, in my non legal opinion and not defensible in a court of law. Council already has a record of ignoring legal instruments, provincial laws and their own by-laws, ostensibly with the sanction of the municipal lawyer, Orville Currie. In my humble opinion, the Mayor with Council 's support are doing everything they possibly can to restrict access to meetings of Council. The first indication of this on December 4, 2018 during a Council meeting was the Mayor's husband, Irfam Mohammed's unprovoked attack on Mr. Bennici, a competitor that lost the election to the Mayor, based on some unsubstantiated charge. The Springfield Police Service, not in keeping with standard policing practice, did not open a file on the incident and the only mention of it was in the R.C.M.P. report section of the Clipper, the local weekly. Also surprising was that the reporter for the Clipper was present in the Council chamber at the time of the incident, yet it received no mention in subsequent editions of the weekly. Following that incident the Springfield Police Service were in attendance at the back of the Council chamber for several meetings as though there might be some problem with the regular attendees. Just recently a member of the gallery was told that Council is no longer pursuing video-taping and live streaming of the Council and the Committee of the Whole meetings to the constituency. They feel it is too expensive which is rather bizarre considering it can be done with a Smart Phone or any type of video recording device, both readily available. One could question why changing Peat extraction from mining to agriculture would require discussion In Camera as was done on a recent meeting. The Mayor announced once again that Minutes will not include any comment or detail, merely resolutions of Council. Many in the municipality do not have the ability to attend meetings, especially those held in the afternoon which are the ones where the discussion occurs. **Darryl Speer** - I have a question, that is, who would be assigned to deal with the issues that Heather has raised? Is it Council as a whole or Human Resources or who is going to make the determination? **Mayor Fell** - It would probably be on a case by case basis. **Councillor Ralke** - As I understood it, like every time that I get something like that because I mean I had one that was absolutely horrible and I didn't find it correct, it was very disrespectful and if you think that's why I was elected to be insulted and abused and harassed, I'm sorry, that's not why I was elected. I had passed it off to the CAO and the CAO helped me work with creating a letter that was respectful and came back to that person, and it took us, oh boy, 7 or 6 days to answer 3 pages of complaints against the municipality and myself so, I would think it would be addressed through, if it's a personal aspect that's an the attack on a person, I would go to the CAO and to possibly HR if she can help me with responding to that person in a very professional manner. If it's something to do with a specific department I would think we would then go to the head, the director of that and we would go through...but if you are saying who's going to pick and choose what goes through it's all on a personal aspect. If Glen feels it is something he received has been targeted to him then he would go to the CAO or he would go to us and say, how can we work on this together, we are already doing that so....I already get something and I'll go to the Mayor or I'll go to CAO or I'll go to one of the Managers or Directors and say, hey can you help me out with this, how can we address this and 90% of the ones I've gotten I've mailed to us all and it was resolved in under 5 days. And that's working together. You can't just say that every single one is going to go just to this one person because then you better have yourself another person in line and a clerk just to deal with that. I think we are dealing with this as a team, I hope, and with customer service that is what it is all about and we try, to strive I think all of us are doing that...we all bounce things off each other for information and all that. **NOTE: The issue I raised was that determination of what constitutes behaviour that is irritating, annoying, humiliating and downright harassing is SUBJECTIVE and proof of intent of the person delivering the behaviour factors into the determination. Who is going to be objective enough to assess the intent of the supposed guilty party? I would suggest it would not be someone involved in the Council and Administration of the municipality as they would most likely be biased in their determination. Councillor Ralke seems to have lost sight of the major point and drifted off into the minutiae or the "weeds" as Councillor Fuhl used to say. I was a Councillor for 4 years and never once did I encounter a situation that I did not feel I could diffuse and deal with by myself insofar as upset or abusive constituents. Those communications requiring a particular type of service I routed through the CAO which is in keeping with a well known practice espoused by a municipal procedural specialist, George Cuff, and most were taken care of with great dispatch. The bullying, harassment, and abuse I observed occurred at the Council table and was observed by the public as well. I dealt with it by delivering a resolution to the Association of Manitoba Municipalities convention which was voted on and accepted by over 90% of the delegates and then became a subject which is being addressed currently by the Legislature.** **Mayor Fell** - Agreed during Ralke's dissertation, several "yep"s. I know we've all seen e-mails, there was one from a senior staff, he had a situation with a constituent and he e-mailed our CAO but he copied it to all of us to let us know what was happening. I know we've seen e-mails to other departments and it's dealt with with the appropriate people. You can't lay out every possible situation that's going to happen over the next 4 years cause ..that is just impossible. **Councillor Wilson** - I think this is a really good idea and the time line...for me it doesn't signify if it's 5 days or 7 days...I'm fine with whatever Council wants to put on there. The only suggestion that I would make is when we're talking about requests that are unreasonable or abusive, there are people out there that are unreasonable and they are abusive. I have gotten calls at 3 o'clock in the morning from people who are more than three sheets to the wind and they are abusive ...not necessarily to me but just to the RM in general and they are irritating, they are annoying...to me that is the standard that I would say...is unreasonable but I am wondering if we say there are 3 main types of unreasonable customers that we can take another look at that and say the three categories of

unreasonable.....**Mayor Fell** interrupts and says "and not limited to"**RW** ya and well, not necessarily say customers....these are the things....ya, 3 types of unreasonable behaviour. I've had a call that basically hits all of these so**Council** agreed to that change. **Heather Erickson** - Shouldn't there be an independent arbiter because it is such a SUBJECTIVE thing, not the kind of thing that Councillor Wilson is talking about? I personally never got a call at 3 a.m. but maybe I am just a sound sleeper. The thing is it is a very subjective thing. What one person might see as harassment and bullying is not intended as such and people are being accused unjustly so I think there should be an independent arbiter that decides after examining the facts what actually constitutes any of those behaviours. **Councillor Wilson** - Thinks the ones who go over the line and staff ...who come up against that kind of situation will refer that to their supervisor. I think that is a very straight forward and time honoured way of dealing with it and if there's something that transcends that and/or councillors are having these kinds of behaviours exhibited to them on a regular basis, we can deal with it as a team. **Councillor Ralke** stated if people keep coming back and the situation is volatile, it becomes a matter for a lawyer. Wants all kinds of communication including digital, e.g. Messenger...social media included. **Mayor Fell** cited example of constituent on Hnats Landing who was swearing and yelling but it was not targeted at any one person. **Councillor Ralke** also brought up that she works 24/7 including weekends and holidays. **Darryl Speer** - What consequences are you envisioning here? **Mayor Fell** - I am sure if it got to the point where the police needed to be involved, we could ask our Police Service to have a chat with them. This is just a general guideline/policy, we will not be hiring an adjudicator and so far I have only seen a couple of instances where the police had to be involved...and we are not going to speak about it in public because that's a private issue. We have enough qualified staff and great Council to judge situations as they come up. **Councillor Wilson** said basically the policy reserves the right to restrict or terminate communication with unreasonable customers. **Darryl Speer** - There's a point between harassment or being annoying and police action..that's what I'm focusing on and how would you guys deal with that and is there an appeals process? **Vince Bennici** - **If the roles are reversed and you are the ones doing the harassing, who polices you?** **Mayor Fell** - I am sure you can make a complaint to our Police Service or to the R.C.M.P. or the CAO. **REALLY?**

Councillor Expenses - **Mayor Fell** feels if indemnities are not submitted within 3 months of their due date, they should be forfeit. **Heather Erickson** - Does that mean the 3 on Council who did not file their claims before the end of 2018 will forfeit their expenses for those months? **Mayor Fell** - This is **going forward** if you don't have your indemnity in within 3 months, you don't have it paid to you. **Vince Bennici** brought up the subject of claiming expenses on 2019 Income Tax (T2200) and whether Council had revisited reducing their increases accordingly. **Mayor Fell, Councillors Ralke** both stated they had consulted accountants/tax experts and they were not allowed to claim expenses. **After the discussion regarding the May schedule, Councillor Wilson suddenly interjected that he had consulted with a Senior Tax Consultant who advised that home office expenses would be the same for members of Council as it would be for members of a Board of Directors and a T2200 could be issued. Monies are received from the corporation but council members are not employees of the corporation, in this case the RM. Vince Bennici** pointed out they had not revisited **Councillor Wilson's** late statement and **Mayor Fell** more or less said that the advice of the accountants she, the CAO and **Councillor Ralke** asked, which apparently is in writing, **superceded that of Councillor Wilson's** and the entire **matter was not going to be revisited. NOTE: Where is the promised report on the subject?** **Darryl Speer** asked if that meant nobody at the Council table was claiming home office expenses and Council all agreed. **Councillor Bredin's** wife would not be comfortable with him having a home office and people visiting their home. ?

Darryl Speer - On the April 9, 2019 Committee of the Whole meeting it was stated that the manner of how minutes of Council are set down would be discussed at the next COW meeting which is today. The policy as to what was to be included in minutes was going to be discussed today. **NOTE: I listened to the audio file at the 7 minute mark in the recording, Mayor Fell is heard stating that the minutes would be reviewed at the next COW meeting.** **Mayor Fell** responded they only answer questions about items on the current agenda. She is not going to take any more questions on this as it is not on the agenda. **Mayor Fell** is of the opinion that if one is interested, one can listen to the entire audio file and that is why they have them. **She will have Colleen put the Minutes of the March 26, 2019 meeting on a subsequent agenda** once Colleen has had a chance to listen to the recording. ? Minutes will only reflect resolutions or direction of Council as per the Municipal Act. **NOTE: I believe they are misinterpreting the Act regarding notes, that this is instructing the person recording the minutes not to include their own commentary. This is not open, transparent governance but it makes my notes all the more important. My Council notes will be the only ones with narrative written commentary on everything that happens at public meetings.**

May Meeting Schedule - There was conflict regarding both COW meetings and both had to be cancelled. A COW meeting will be held on Friday, May 10, 2019. A resolution to this effect will be prepared for the May 7th Council meeting. **Councillor Ralke** inquired if councillors are required to attend BOTH Red River Planning District sessions and was told one or the other.

Closed Meeting - Update on Legal Matters; Manitoba Infrastructure Delegation. No announcement. **ADJOURNMENT.**