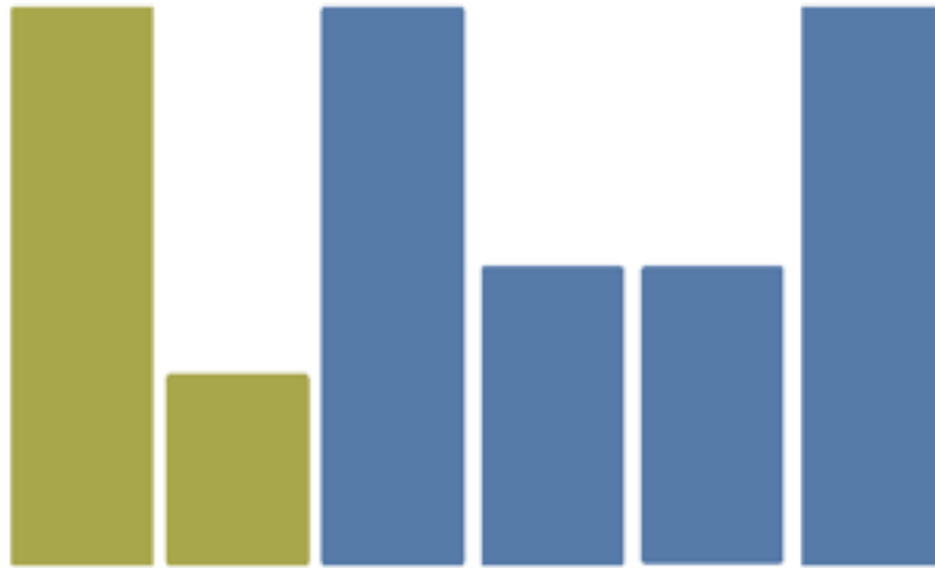


Harassment and Conflict on Council



LW Consulting



Overview



Overview

- Examples of Conflict on Council
- Reasons for Conflict on Council
- Methods to Resolve Conflict
- Ways to Avoid Conflict
- Conclusion



Examples of Conflict on Council



Examples of Conflict on Council

- A Newfoundland Mayor's Clean Sweep – A move by a small town council to block Betty Moore from being re-elected backfires spectacularly (Clarke's Beach, October 3, 2013)
- Newfoundland Councillors cite “insults” in response to Mayor's dissolution call. (Marystown, September 3, 2015)

Examples of Conflict on Council

- Brenda Seymour gets apology from Spaniard's Bay Council. (Spaniard's Bay, January 26, 2016)
- Conflict of interest law causes conflict, say advocates for change. (June 13, 2016)
- You can't quit, you're fired, Gander Council votes Councillor out of office despite resignation. (Gander, April 12, 2017)



Examples of Conflict on Council

- Questions and conflict of interest addressed – the Lewisporte Town Council could find no resolution to the capital works priority changes that sparked questions and conflict of interest at the April 25 Council Meeting. (Lewisporte, September 29, 2017)
- Gander Councillor addresses conflict of interest allegations. Gander, September 30, 2017)

Examples of Conflict on Council

- Marystown Town Council is calling on Mayor Sam Synard to step aside from his position for violating conflict of interest rules (Marystown, September 30, 2017)
- Carbonear Town Council removes Mayor Frank Butt over 2014 conflict of interest. (Carbonear, December 12, 2017)
- Frank Butt back as Carbonear Mayor, not in conflict of interest, judge rules. (Carbonear, July 12, 2018)

Examples of Conflict on Council

- Newfoundland Councillors vote to use taxpayer money to squash social media criticisms (Witless Bay, March 15, 2018)
- Wabana Mayor makes long-shot plea for unity as Bell Island beset by controversy. (Wabana, March 23, 2018)



Examples of Conflict on Council

- Salmon Cove Councillor's vacated over conflict of interest – reimbursement for damages to personal vehicle while doing Council work. (Salmon Cove, June 1, 2018)
- Mass resignation rocks Northern Arm Council. (Northern Arm, October 12, 2018)
- Former Spaniard's Bay Councillor wins court case against Town, Human Rights Commission. (Spaniard's Bay, October 30, 2018)



Examples of Conflict on Council

- Wabana Councillor opens up about rift that's tearing Bell Island apart. (Wabana, January 14, 2019)
- Order to be placed on Stephenville Mayor and wife not to reside in home. (Stephenville, February 8, 2019)
- Stephenville Mayor evicted from off-the grid home after Council vote. (Stephenville, February 13, 2019)



Examples of Conflict on Council

- Conflict of interest regulations ambiguous: Corner Brook's Mayor. (Corner Brook, February 27, 2019)
- With no end yet to Northern Arm Council rift, Provincial Government stepping in. (Northern Arm, April 9, 2019)
- Municipal Legislation Review announce by Government in 2018.



Examples of Conflict on Council

- Residents, various organizations, MNL and PMA made various recommendations for changes in the Municipalities Act and in conflict of interest
- MNL President Tony Keats says there can be a fine line between what is and isn't a conflict of interest. (MNL, February 28, 2019)



Examples of Conflict on Council

- Province plans to make conflict of interest training mandatory for Municipal Councillor. (MAE, March 1, 2019)
- All these issues arose within the past three (3) years with the exception of the first two (2)
- It is clear that we have a problem with conflict of interest that must be addressed



Reasons for Conflict on Council



Reasons for Conflict on Council

- There are many reasons for conflict on Council including:
 - Lack of personal integrity;
 - Undermining the decisions of Council;
 - Increasing your own workload; not trusting fellow Councillors or Municipal Administrators;
 - Criticizing new ideas;
 - Lack of focus;



Reasons for Conflict on Council

- There are many reasons for conflict on Council including:
 - Running for the wrong reasons – what previous Councils or Municipal Administrators did wrong;
 - Everything is fair in the game of politics;
 - Acting without the facts or due process;
 - Running to get rid of Municipal Administrator;



Reasons for Conflict on Council

- There are many reasons for conflict on Council including:
 - A lack of fairness in decision making – the thought process that Council can do things that are not within their legislative authority;
 - Putting individual perspectives above the decision of the Council; and
 - The need to be right.



Methods to Resolve Conflict

THE MODEL FOR RESOLUTION OF CONFLICT



Methods to Resolve Conflict

- Provide clear, consistent sense of direction
- Build a foundation that involves teamwork
- Recognize distinct difference in the roles of Council and Municipal Administrator
- Follow accepted chain of command:
- Respect role of Mayor
- Respect your fellow Councillors



Methods to Resolve Conflict

- Support the decisions of Council
- Respect the Municipal Administrator
- Maintain confidentiality and personal integrity;
- Maintain a balance in life;
- Develop and implement a Code of Conduct Policy;
- Develop and implement a Respectful Workplace Policy
- Attend Professional Development and Training



Ways to Avoid Conflict



Ways to Avoid Conflict

- Develop a Code of Conduct:
 - No amendments required to the *Municipalities Act*;
 - Code of Conduct can be made by Motion of Council
 - Code should provide for discipline for infractions
 - Councils in this Province have adopted such a Code
 - Training on Code should be provided for Council and Municipal Administrator



Ways to Avoid Conflict

- Develop a Respectful Workplace Policy:
 - To be applicable to Council and staff
 - To provide a range of discipline for both Council and staff
 - To provide training for Council and staff
 - To be based on the Cycle of Respect



Ways to Avoid Conflict



Ways to Avoid Conflict

- Adopt a policy to engage external third party to investigate all allegations of conflict of interest involving Councillors
 - Provides for due process and procedural fairness
 - Removes Council from investigating allegations of Conflict of Interest and deciding on the dismissal of a Councillor

Ways to Avoid Conflict

- Adopt a policy to engage external third party to investigate all allegations of conflict of interest involving Councillors
 - Provides greater harmony among Councillors
 - Reduces incidents of conflict among Councillors
 - Currently limited to recommendations to remove a Councillor from office if found to be in conflict

Ways to Avoid Conflict

- Adopt a policy to engage external third party to investigate all allegations of conflict of interest involving Councillors
 - Current conflict of interest provisions of the Municipalities Act should be changed to provide for a range of penalties and the use of a third party process

Ways to Avoid Conflict Proposed Changes to Act



Ways to Avoid Conflict Proposed Changes to Act

- Proposed changes to Conflict of Interest:
 - There has to be better way.
 - We have a model that works well for decisions on Development Regulations – Appeal Boards.
 - Anyone aggrieved by actions of Council pertaining to Development Regulations {U & RPA - S. 42(1)} can appeal such decisions to those Appeal Boards.



Ways to Avoid Conflict Proposed Changes to Act

- Proposed changes to Conflict of Interest:
 - Such a process provides an opportunity for both parties to present their positions to an independent body for an unbiased decision.
 - Such decisions are appealable to the court based on a question of law or jurisdiction.



Ways to Avoid Conflict Proposed Changes to Act

- Proposed changes to Conflict of Interest:
 - There is currently only one penalty for a Conflict of Interest situation – declare a Councillor's seat vacant.
 - Why not create a similar appeal board process for all allegations of Conflict of Interest situation.
 - Process removes potential hard feelings from Conflict of Interest allegations - process not handled by Council



Ways to Avoid Conflict Proposed Changes to Act

- Proposed changes to Conflict of Interest:
 - Provide a range of penalties up to declaring a Councillor's seat vacant based on the allegation
 - Penalties could include training, suspension with or without remunerations for a number of Council meetings, or the Councillor's seat declared vacant, based on the severity of Conflict of Interest infraction.

Ways to Avoid Conflict Proposed Changes to Act

- Proposed changes to Conflict of Interest:
 - This process will remove a major problem from Council and provide an unbiased, independent process for allegations of Conflict of Interest.
 - This process will remove a major impediment to harmonious relationship within Councils.



Ways to Avoid Conflict Proposed Changes to Act

- Proposed changes to Conflict of Interest:
 - Make Conflict of interest training mandatory and adopt a Code of Conduct for Councillors as the Minister of MAE stated on March 1, 2019



Conclusion



Conclusion



**It's OK to
Disagree
but
not OK to
Disrespect**



Conclusion



Conclusion

Everyone has the right to be respected and the responsibility to respect others.



Conclusion

- Quotations:
 - ❑ “Always treat your employees exactly as you want them to treat your best customers”. Stephen R. Covey
 - ❑ “From the moment I could even understand what “respect” was I knew it was not a choice but the only option”. Carlos Wallace



Conclusion

- Quotations:
 - “Respect is a two-way street, if you want to get it, you’ve got to give it”. R. G. Gisch

Conclusion

Remember to treat others as you want them to treat you because what goes around comes around.



Information on LW Consulting

- Team of Gerard Lewis, Keith Warren, and Dan Noseworthy provide service related to:
 - Feasibility studies/municipal organization review
 - Priority setting facilitation/strategic planning
 - Commissioner: Town Plans/Property Tax Assessment
 - Development of policies, procedures and bylaws
 - Recruitment and selection of municipal staff
 - Collective bargaining



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THANK YOU

GRACIAS
ARIGATO
SHUKURIA
JUSPAXAR
DANKSCHEEN
TASHAKKUR ATU
SUKSAMA
EKHMET
YAQHANYELAY
TINGKI
BĪYAN
SHUKRIA
GOZAJMASHITA
EFCHARISTO
KOMAP-SUMNIDA
MAKKE
GRAZIE
MEHRBANI
PALDIES
BOLZĪN
MERCİ

