

**TOWN OF PORTUGAL COVE-ST. PHILIP'S**  
**June 11, 2008**  
**Special Public Council Meeting** was called to order at 7:45 pm.

**IN ATTENDANCE:** Mayor: Norm Collins  
Deputy Mayor: Keith Mercer  
Councillors: Bill Fagan  
Adrienne King  
Jon Seary  
Town Manager: Rodney Cumby  
Acting Town Clerk: Judy Squires

**Also in Attendance:** 15 persons, including Tracy Duff, Chairperson Dispute Resolution Committee

**NEW BUSINESS (1) Ministerial Order June 5, 2008 – Three Directives issued**

Mayor Collins advised that this meeting was being held in response to a letter received from the Dept. of Municipal Affairs and Dept. of Justice containing a Ministerial Order with three directives issued to the Town as a result of the investigation conducted by the Dept. of Municipal Affairs.

Motion: Mercer/King  
08-161 Resolved that the Town, as per the Ministerial Directives dated June 5, 2008,  
(a) agrees to move to Section 8 of the Dispute Resolution Policy to address all outstanding issues of alleged harassment allegations and complaints;  
(b) that multiple disputes involving the same persons be referred to in a single mediation; and  
(c) that the Town seek to obtain legal opinion as to the enforceability of the proposed disciplinary action of the Dispute Resolution Policy, including whether the authority for such action has been statutorily delegated to the Town Council

Carried  
Unanimously.

Councillor Fagan referenced and tabled a letter dated June 7, 2008, which he wrote to Mayor Collins "Re: Response to the Ministerial Directive – June 5, 2008".

Councillor Fagan requested that his questions/concerns be recorded in detail in the minutes and Council agreed to record his comments in point form only which were subsequently provided in writing by Councillor Fagan as follows:

1. Minister Denine has ruled that the affairs of the Town are being managed improperly, irregularly, and improvidently. How will the process of Mediation result in a change in this management?
2. The Mediation guidelines state that costs will be shared 50-50 by the complainant and respondent. Can the Minister force a person to take part in a process under this condition?
3. The Dispute Resolution Committee is not a valid committee. It's membership is in violation of the Town's Procedures for Meetings.
4. Why not engage in the first step of the Dispute Resolution Committee - negotiation? Why be forced into Mediation by the Minister?
5. Why cannot all involved in harassment disputes agree to drop these disputes and get on with the real tasks of Council? I am willing to ask my lawyer's advice on doing this.

**(2) Dispute Resolution Committee – services of Ken Templeton**

Motion: Seary/Mercer  
08-162 Resolved that the Town obtain the services of Mr. Ken Templeton, the author of the Dispute Resolution Policy document, to supply guidance and assistance to the Dispute Resolution Committee during this process.

Carried. Voted for: Collins, King, Mercer, Seary  
Voted against: Fagan

Councillor Fagan expressed his concerns and subsequently submitted the following written comment to be included in the minutes:

I vote against this motion on the grounds that the Dispute Resolution Committee is not a valid committee, that having the process guided by Rodney Cumby and Ken Templeton is not an independent process and is against the rules of natural justice.

**ADJOURNMENT**

Motion: Seary/Mercer  
08-163 Resolved to adjourn this meeting.  
Carried Time: 8:05 p.m.  
Unanimously

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Mayor Norm Collins

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Acting Town Clerk, Judy Squires