

TOWNSHIP OF BRUDENELL, LYNDOKH AND RAGLAN

Minutes of the Regular Meeting of the Municipal Council of the Township of Brudenell, Lyndoch and Raglan held on December 1, 2021 held at the Municipal Office located in Palmer Rapids and Virtually via Teleconference at 7:00 p.m.

Present Were: Mayor, **Sheldon Keller**
Councillor, **Iris Kauffeldt**
Councillor, **Trevor Lidtkie**
Councillor, **John Rutledge**

Also Present: Deputy Clerk-Treasurer, **Virginia Phanenhour**
Deputy Clerk, **Tammy Thompson**
Fire Chief/Facility Manager, **Jordan Genrick**
Interim Municipal Manager, **Andrew Sprunt**

Absent: Councillor, **Andrea Budarick**
Public Works Superintendent, **Charlie Behm**

Public: Members of the Public

1. The meeting was called to order by Mayor **Keller** at 7:03 pm.
An introduction of Andrew Sprunt, Interim Municipal Manager.
A moment of silence was observed for Desmond Quade.

Resolution #1

Moved by **Iris Kauffeldt**, sec. **John Rutledge**

“THAT Council amends the agenda to remove Item 1 from the closed session.”

Carried

2. PECUNIARY INTERESTS -NONE

3. ADOPTION OF MINUTES

Resolution #2

Moved by **Trevor Lidtkie**, sec. **John Rutledge**

“THAT we the Council for the Township of Brudenell, Lyndoch and Raglan hereby adopt the minutes of the Regular Council Meeting October 27, 2021, Special Meeting of November 3, 2021, and Regular Council Meeting November 3, 2021 as printed and circulated.”

Carried

4. DEPUTATIONS - NONE

5. REPORTS

- i. Public Works Superintendent - None
- ii. Clerks - None

- iv. Fire Chief - None
- v. Building Inspector Report - None
- vi. Waste Management - None
- vii. Facilities Manager Report - None
- viii. Recreation - None
- ix. Joint Health & Safety Committee – None

6. CORRESPONDENCE - NONE

Response regarding questions asked about the Tax Audit

Resolution #3

Moved by **John Rutledge**, sec. **Iris Kauffeldt**

“That council accepts the correspondence as circulated”

Carried

7. PAYMENTS

Resolution # 4

Moved by **Iris Kauffeldt**, sec. by **Trevor Lidtkie**

“THAT Council resolve to temporarily suspend the portion of the Procedure Bylaw related to the Agenda and specifically, item number 7 “Payments”, and replace it with “Financial Reports” on all future meetings until such a time as a new Procedure Bylaw is adopted.”

Carried.

8. SEVERANCES

Resolution # 5

Moved by **John Rutledge**, sec. by **Trevor Lidtkie**

“THAT the Township of Brudenell, Lyndoch and Raglan approve the Land Severance Application #B130/21, from Adrian Meissner for creation of one new lot with the following condition:

- All the conditions as listed in the County of Renfrew Planning report concerning this division of land.”

Carried.

9. BY-LAWS - NONE

10. OTHER BUSINESS

i. Resolution # 6

Moved by **Iris Kauffeldt**, sec. by **John Rutledge**

“Being a By-Law to authorize entering into an agreement with Image Advantage Solutions Inc. for the purposes of scanning certain township documents.

Read a first and second time this 1st day of December 2021
Read a third time and passed this 1st day of December 2021”

Carried.

ii. Resolution # 7

Moved by **Iris Kauffeldt**, sec. by **Trevor Lidtkie**

“THAT we the Council for the Township of Brudenell, Lyndoch and Raglan hereby approve the cost of \$290.00 for a business sized advertisement in the 2022 Military Service Recognition Book from the Royal Canadian Legion Ontario Command.”

Carried.

iii. Resolution # 8

Moved by **John Rutledge**, sec. by **Trevor Lidtkie**

“That Council accepts the report on the compactor truck.
And, that Council directs staff to solicit quotations for the purchase of a used roll-off type truck not to exceed \$120,000.00
And further, that prebudget approval in the 2022 budget be granted for this purchase.”

Carried.

Resolution # 9

Moved by **Iris Kauffeldt**, sec. by **John Rutledge**

“THAT Council go into closed session pursuant to the Municipal Act, 2001, Section 239

1. subsection (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board related to:
 - a. Court Decision BLR IC v. Councillor Budarick by Justice James – cost submissions
 - b. Budarick Judicial Review Application of Council’s Decision Requesting Her Resignation
 - c. Budarick Appeal Application of Justice James Decision
 - d. Budarick Request for Stay Of Justice James’ Order to Vacate her Seat to be heard December 3, 2021
2. subsection (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried.

Resolution #10

Moved by **Trevor Lidtkie**, sec. **John Rutledge**

“THAT Council comes out of closed session at 8:20p.m.

Council received advice from solicitor regarding the following matters:

1. subsection (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board related to:
 - a. Court Decision BLR IC v. Councillor Budarick by Justice James – cost submissions
 - b. Budarick Judicial Review Application of Council’s Decision Requesting Her Resignation
 - c. Budarick Appeal Application of Justice James Decision
 - d. Budarick Request for Stay Of Justice James’ Order to Vacate her Seat to be heard December 3, 2021
2. subsection (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

Resolution #11

Moved by **Iris Kauffeldt**, sec. **John Rutledge**

Whereas:

Councillor Budarick was found to have breached the *Municipal Conflict of Interest Act* and her seat Ordered to be vacated for the remainder of this term of Council by Justice James in his decision dated November 22, 2021 with an effective date of November 28, 2021;

Councillor Budarick has appealed the decision of Justice James and brought an urgent motion to stay the decision vacating her seat. The motion was originally heard November 26, 2021;

The Integrity Commissioner opposes the stay and has instead suggested that Council be Ordered not to fill the vacancy created by Councillor Budarick’s removal until such time as the appeal has been heard or finally disposed of;

A temporary stay of the decision to vacate was issued by Justice Bell on November 26, 2021, until December 3, 2021 when Councillor Budarick’s motion for a stay will be heard on its merits;

Justice Bell raised a concern during the motion hearing on November 26, 2021, that the Township did not have notice of the proceedings and a copy of her endorsement has been provided to and reviewed by the Townships’ Council;

Council has been provided with a copy of the notice of appeal and all of the motion materials filed with the Court to date in relation to both

Councillor Budarick's appeal and with respect to the motion to stay the Order of Justice James;

Council has considered the serious nature of the breaches by Councillor Budarick of the *Municipal Conflict of Interest Act* set out in the Integrity Commissioner's report and found by Justice James; and

The Township is concerned that should Councillor Budarick continue to participate on Council pending the determination of her appeal, Council's decisions during that period will be subject to challenge if her appeal is unsuccessful because that result would see her seat having been vacated while she purported to occupy it.

Therefore, BE IT RESOLVED THAT:

Council for the Township confirms that it has received service of the notice of appeal, notice of motion for a stay, the Integrity Commissioner's responding materials and the endorsement of Justice Bell;

Council for the Township confirms that they oppose the motion for a stay;

Council for the Township takes the position that a vacancy created by a judicial Order under section 259(1)(f) of the *Municipal Act, 2001* may be subject to such terms as may be imposed by the Court, including that the court may Order that the vacancy not be filled until such time as any appeal thereof is finally heard and determined.

Moreover, Council for the Township takes the position that section 11(2) of the *Municipal Conflict of Interest Act* provides the Divisional Court with broad discretion to make any Order that ought to be made at first instance, including modifying the Order being appealed from on a stay motion to protect the vacancy until the appeal is finally heard and determined.

Council for the Township hereby commits to take notice of, and be bound by, any Order prohibiting the Township from filling Councillor Budarick's vacancy until her appeal to the Divisional Court is finally disposed of;

Council for the Township consent to be bound by an Order amending or clarifying Justice James' Order as part the Court's inherent jurisdiction pursuant to the provisions of the *Courts of Justice Act* to issue a stay of an Order subject to such terms as the Court may impose;

The Township supports any form of an order that would prohibit Councillor Budarick from participating in Council meetings as a Member of Council."

Carried

11. CONFIRMATION BY-LAW

Resolution # 12

Moved by **Iris Kauffeldt**, sec. by **Trevor Lidtkie**

"Being a By-Law to confirm the proceedings of the Council of the

Corporation of the Township of Brudenell, Lyndoch and Raglan at its
Regular Council Meeting of
December 1, 2021.

Read a first and second time this 1st day of December 2021
Read a third time and passed this 1st day of December 2021”

Carried.

12. ADJOURNMENT

Resolution # 13

Moved by **Trevor Lidtkie**, sec. by **John Rutledge**

“THAT this meeting adjourn at 8:28 pm.”

Carried.

Mayor, Sheldon Keller

Deputy Clerk-Treasurer, Virginia
Phanenhour