

TO: COUNCIL

FROM: EXECUTIVE COMMITTEE

DATE: JULY 11th, 2012

Councillor Thapar continues to exhibit behavior contrary to his oath and Sections 115 (a), (c) and 117 of the Community Charter.

Oath and Section 117

Councillor Thapar has disclosed confidential information in clear breach of confidentiality rules on more than one occasion.

Section 115 (a)

It is clear that Councillor Thapar is not considering the well-being of the community by commenting and reporting out on human resources issues in the local newspaper.

Section 115 (c)

It is clear that Councillor Thapar is not participating in any council meetings that are closed to the public as required by Section 90 of the Community Charter, mainly dealing with issues related to land, labour or legal issues. Often, difficult decisions are made in these meetings.

We recommend the following Motion of Censure:

1. MOTION OF CENSURE

WHEREAS all members of council are responsible under the Community Charter for considering the well being and interests of the municipality and its community;

AND WHEREAS Council expects its members to respect each other and communicate in a manner that is respectful and in the best interests of the City;

AND WHEREAS Council has already censured Councilor Thapar twice previously arising out of improper disclosure of confidential information and breach of the Community Charter and conduct towards staff;

AND WHEREAS Councilor Thapar has made comments that were published in the Quesnel-Cariboo Observer on June 29, 2012 that are extremely disrespectful and disparaging of fellow Members of Council and the City and which could negatively affect the City in connection with personnel matters;

NOW THEREFORE Council censures Councilor Thapar for the statements made to the press that were published on June 29, 2012.

We recommend the following sanctions:

2. SANCTIONS

THAT Councillor Thapar be removed from any appointments or liaisons to Committees;

AND THAT Councillor Thapar be removed from the rotation as Acting Mayor and Chair of Committee of the Whole;

AND THAT Councillor Thapar be required to seek approval of Council before representing the City at any function or traveling out-of-town on behalf of the City;

3. REFERRAL OF ISSUE

THAT this issue of a Councillor breaking his oath on more than one occasion and not maintaining a standard of conduct expected of an elected official be referred to the Ministry of Community, Sport and Cultural Development.

4. NEXT STEP

Council requests an In-Camera meeting with Councillor Thapar to discuss his future role with this Council.

ATTACHMENTS:

Section 115 and 117 of the Community Charter
City of Quesnel Oath taken by all Councillors
Councillor Thapar – Motion of Censure – April 8th, 2011
Councillor Thapar – Motion of Censure – May 7th, 2012

COMMUNITY CHARTER

[SBC 2003] CHAPTER 26

Responsibilities of council members

115 Every council member has the following responsibilities:

- (a) to consider the well-being and interests of the municipality and its community;
- (b) to contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;
- (c) to participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed;
- (d) to carry out other duties assigned by the council;
- (e) to carry out other duties assigned under this or any other Act.

Duty to respect confidentiality

117 (1) A council member or former council member must, unless specifically authorized otherwise by council,

- (a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and
- (b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or d

CITY OF QUESNEL

CANADA)
PROVINCE OF BRITISH COLUMBIA)

I, _____, do solemnly affirm that:

- I am qualified to hold the office of Councillor for the City of Quesnel to which I have been elected;
- I have not, by myself or any other person, knowingly contravened the Local Government Act respecting vote buying or intimidation in relation to my election to the office;
- I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters; and
- as required by the Community Charter, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter, and
- also as required by the Community Charter, I will keep in confidence any record or information held in confidence by the City, or considered at a council meeting or council committee meeting that was lawfully closed to the public, until such record or information is released to the public by Quesnel City Council.

AFFIRMED by the above named Council)
 member before me at Quesnel, British)
 Columbia, this 5th day of December, 2011)
)
)
 _____)
 A Judge of the Provincial/Supreme Court)
 of British Columbia)

Councillor Thapar – Motion of Censure – April 8th, 2011

WHEREAS Council of the City of Quesnel has adopted a policy to prevent harassment of staff in the workplace and is of the view that all City staff should be entitled to work in a respectful and harassment free atmosphere;

AND WHEREAS a report dated February 21, 2011 regarding the actions of Councilor Thapar was discussed by members of Council, at a meeting on February 21 with Councilor Thapar present, and concerns over Councilor Thapar's treatment of staff were raised, and the fact that such conduct was unacceptable was brought to Councilor Thapar's attention;

AND WHEREAS at a Council meeting on April 4, 2011, Councilor Thapar again interacted with a number of City staff in an aggressive and non-respectful manner which has caused an adverse impact on the City and its staff, including negative effect on morale for all staff, and the health of one of the individual staff members involved in the interaction;

AND WHEREAS the Mayor in a memorandum to Councilor Thapar dated April 5, 2011 again brought these concerns to Councilor Thapar's attention and requested an apology;

AND WHEREAS Councilor Thapar has not apologized;

NOW THEREFORE BE IT RESOLVED THAT: City Council of the City of Quesnel hereby censures Councilor Thapar for his conduct towards City staff as described in this motion and the two documents referenced herein dated February 21, 2011 and April 5, 2011.

Councillor Thapar – Motion of Censure – May 7th, 2012

WHEREAS members of council have a legal duty to maintain confidentiality;

AND WHEREAS improper disclosure of confidential information, particularly involving personal information, may expose the City to liability;

AND WHEREAS Councillor Thapar has disclosed to the media confidential information in clear breach of confidentiality rules and a specific agreement;

NOW THEREFORE COUNCIL censures Councillor Thapar for his failure to comply with the Community Charter with respect to rules of confidentiality related to closed Council meeting matters.