

TOWN OF FORT SMITH SPECIAL MEETING SP-07-09

PRESENT: Mayor Martselos D/M P. Burke
 Cr. T. McDonald Cr. M. Berls
 Cr. B. Linaker

ABSENT: Cr. B. Johnson, Cr. F. Daniels

STAFF: J. Holland, Senior Administrative Officer
 A. Sebert, Executive Assistant
 D. Webb, Director Public Works & Planning

GALLERY: CBC's Jennifer Hunt and Andrew Paisley, News North Paul Bickford, SRJ Samantha Stokell and Shawn Bell, Ken Laviolette, Reg Campbell, Debbie Hansen, Debbie McArthur, Marie Swanson, Glen Freund, Bea Campbell, Jason Lepine, Colette James, Richard Mercredi, Charlie Schaefer, John McArdy, Grant Paziuk, Daniel Freund, Gabe Burke, Ken Coleman, Gordon Pischinger, Ray Tourangeau.

Meeting SP-07-09
August 25, 2009

7PM
Council Chambers

The purpose of this Special Meeting is to discuss the forensic audit, integrated community sustainability plans and the Recreation Center concession lease. The Mayor requested Council's permission to add a report from the Investigation Committee. Council agreed.

1. **CALL TO ORDER**

Mayor Martselos called the meeting to order at 7 pm and welcomed everyone noting it was good to see the CBC's Jennifer Hunt.

2. **ADOPTION OF AGENDA**

208-09 Moved by: D/M Burke
 Seconded by: Cr. Berls

“That the agenda be adopted as amended to include a report from the Investigation Committee.”

MOTION CARRIED

3. **DECLARATION OF CONFLICT OF INTEREST**

There were no declarations of conflict of interest.

4. **FORENSIC AUDIT**

The Mayor advised that Council was proceeding with the forensic review even though nothing improper had been done. He stated that no money was missing from the Town but that Council wanted to clear up any perceptions that there may have been wrong doings. Cr. Berls stated that on May 26, 2009, Council passed motion 101-09 that directed Administration to prepare Terms of Reference for a Forensic Audit and that MacKay LLP be appointed to carry it out. She stated that Terms of Reference have now been prepared and are being presented tonight for



Council's approval. She advised that the terms as developed will lead to a focused review of activities in several areas and identify whether practices and procedures were appropriately carried out and in keeping with the Cities Towns and Villages Act.

209-09 Moved by: Cr. Berls
Seconded by: D/M Burke

“That the Terms of Reference for the forensic audit be adopted as presented.”

MOTION CARRIED

5. INTEGRATED COMMUNITY SUSTAINABILITY PLANS

The Mayor advised that as part of the Gas Tax Funding Agreement the Town must have sustainability plans in place by March 31, 2010. D/M Burke asked where the funding for the consultant was coming from. Administration advised that funding would come from the Gas Tax Funding.

210-09 Moved by: Cr. Berls
Seconded by: Cr. Linaker

“That Council authorize Administration to award a consulting contract of up to \$200,000 in order to prepare the Integrated Community Sustainability Plans by the March 31, 2010, deadline.”

MOTION CARRIED

6. RECREATION CENTER CONCESSION LEASE

Administration advised that Ms. MacPherson's contract to lease the Recreation Centre concession had terminated in June due to the low volume in sales. Administration had unsuccessfully attempted to collect back rents but Ms. MacPherson was unable to pay. The Mayor advised that the contractor had lost money on the concession lease.

211-09 Moved by: D/M Burke
Seconded by: Cr. Berls

“That the Town write off the balance owing in back rent and interest charges from Ms. Barb MacPherson for the concession lease.”

MOTION CARRIED



7. **INVESTIGATION COMMITTEE REPORT**

The Mayor stated that Cr. Johnson had breached the Code of Ethics. He advised that Councilors were bound by a Code of Ethics when in camera proceedings took place regarding such items as salaries, personnel issues, performance appraisals etc. He advised Council voted to go in camera to discuss these confidential issues. He stated that Town Policy allowed for the formation of a Committee of three Councilors to come up with recommendations to deal with Cr. Johnson's breach.

212-09 Moved by: Cr. Linaker
Seconded by: Cr. Berls

"That the Committee has investigated the charge of misconduct against Cr. Johnson and found that her actions were detrimental to the image and decorum of Council and recommends that:

Cr. Johnson receive a severe reprimand and be asked to apologize publicly in writing for her actions.

If Cr. Johnson does not apologize then her resignation should be requested.

The Committee also believes Cr. Johnson should not take part in future in camera sessions."

MOTION CARRIED

8. **ADJOURNMENT**

213-09 Moved by: D/M Burke.
Seconded by: Cr. Linaker

"That this meeting be adjourned at 7:15 pm."

MOTION CARRIED

Minutes adopted this 22 day of September 2009 A.D.


MAYOR PENER MARTSELOS


Certified Correct by the
SENIOR ADMINISTRATIVE OFFICER