

Round two: Jim vs. Jim

Mayor Jim Abernethy says he will not be apologizing to Jim Richards for cutting short his delegation at last Monday's public meeting.

Last week when Richards referred to the current Regional Chair as a "bully," the Mayor cut him off and asked him to rescind the comment. When Richards refused, the Mayor would not let him finish his presentation. As the Mayor, Abernethy is the person charged with upholding Clarington's Procedural By-law, he said, so he could not allow anyone to speak disrespectfully of any person in the council chambers.

Two years ago, Richards was banned from speaking at council meetings for using the same word to describe Regional Chair Roger Anderson. He was later re-instated following a letter sent to Council from the Canadian Civil Liberties Association which said citizens should not be sanctioned for criticizing the way officials discharge their duties, or for the use of terms such as "bully."

At this week's committee meeting, Richards said that shutting him down for expressing his opinion that the current Chair is a bully is contrary to the Canadian Charter of Rights and Freedoms. "You may not like the message, but you cannot interpret the law to suit your own purposes," Richards told the Mayor.

Richards explained his definition of a "bully" as when one person or group exerts their authority over persons they deem to be of lesser stature. "When that happens repeatedly, that is bullying."

Councillor Adrian Foster said he recognized the need to maintain decorum in the council chambers, but speculated on the need for some flexibility. "I wonder if we need to pick our line in the sand a little more carefully," he said. Foster suggested that he would not be cut short if he had called the leader of North Korea or Stalin a bully in the council chambers.

In discussing Richards' presentation, most Councillors took the view that the Mayor was within his rights to shut him down last week because he had strayed from the topic of his delegation. The public meeting was held to seek input on the proposed referendum question for this fall's municipal ballot. Electors will be asked on the municipal ballot if they think the Government of Ontario should make a regulation requiring that the Chair of the Region of Durham be elected by general vote, yes or no.

Clarington's procedural by-law also states that persons addressing council should only speak on the subject for which they have given notice to address the council.

"I will ask that you offer me a public apology, right now this morning, on the floor of this chamber, or I will pursue further legal actions against you," Richards told the Mayor.

Following his delegation, the Mayor asked Richards a series of questions pertaining to the Procedural By-law and ended with the question, "Are you aware I will not be apologizing to you?"

Richards claims he will not let this matter drop, and has been in contact with the Canadian Civil Liberties Association again.