

*The Orono Weekly Times*

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## **Richards shut down again**

For the second time in two years, Jim Richards was cut off as a delegate at a Clarington Council meeting for calling Regional Chair Roger Anderson a "bully."

In April 2008, Richards was banned from speaking at council meetings for saying, "Long-time council-watchers have learned to expect this kind of treatment from a bully." The comment was made in reference to Anderson's treatment of an anti-incineration delegate at a previous Regional Council meeting. The delegate was reduced to tears as a result of Anderson's intense questioning.

Abernethy asked Richards to retract his statement against Anderson. Richards refused, and Abernethy banned him from speaking at future council meetings until he offered a written apology.

Richards received national attention when he enlisted the assistance of the Canadian Civil Liberties Association to have his constitutional rights upheld.

In a letter to Clarington Council, dated February 10, 2009, Alan Borovoy of the Association wrote "In no event should citizens be sanctioned merely for criticizing the way officials discharge their duties, or for the use of terms such as 'bully.'" The letter went on to request that Clarington Council rescind the prohibition imposed upon Mr. Richards' participation in public meetings.

In a unanimous vote on March 2nd, 2009, Clarington Council rescinded the ban.

On Monday night, at the public meeting on the 'elect the chair' referendum, Richards said, "Our current Chair, Roger Anderson, seems to rule through threat and intimidation, in my opinion, and this is not acceptable. He is, in my opinion a bully."

At this point in his presentation, Mayor Jim Abernethy cut Richards off and asked him to "rescind that comment," Richards said he wouldn't and it was his "opinion that Anderson is a bully."

Abernethy reminded him that the purpose of the meeting is to speak on questions not to make disparaging remarks on individuals. "It is not allowed in these chambers, never has been and never will be." He then made a comment, reminding Richards, "We have been down this road before."

Richards has registered with the municipal clerk to address councillor next week, at which time he will seek an apology. If none is forthcoming, Richards says he plans to go back to the Civil Liberties Association, or to another lawyer.

Speaking to the Orono Times reporter on Tuesday afternoon, Abernethy says he can't give Richards an apology, unless directed to do so by council. Abernethy says his role is to preside over council meetings and that means following Clarington's procedural by-law. Section 9.6.1 of the by-law,

according to Abernethy says "Delegations and presenters shall not speak disrespectfully of any person, use offensive words or speak on any subject other than whom they have given notice."

Abernethy said he was not going to comment on the statement Borovoy made in his letter of February 2009 that citizens should not be sanctioned for the use of terms such as "bully." "That is an opinion they (The Canadian Civil Liberties Association) have," Abernethy said. When citizens make a presentation in front of council they have to obey the rules set out for everyone within the bounds of Clarington's procedural by-law.