

Monday 7 October 26th. 1931.

An Adjourned meeting of the Council was held at the Municipal Hall on Monday, October 26th. 1931 at 7.30 p.m.
Present: His Worship Reeve Pritchard in the chair.
Councillors Martin, Rylett, Lambert, Lench, Wheatley, Gray and Wilson.

Correspondence was received and dealt with as follows:

South Eurnaby Branch Post 83. Canadian Legion - requesting hearing for delegation.
Moved by Cr. Wheatley, Seconded by Cr. Wilson: "That the letter be received and the delegation be heard."
Carried unanimously.

President Franklin of the Legion addressed the Council requesting serious consideration of the proposal to dispense with services of Comrades Southwell and Scott, both members of the Legion.
No resolution.

Civic Employees Union - Burnaby - requesting re-consideration of matter of dismissal of R. Stevens as Waterworks Superintendent.
Moved by Cr. Rylett, Seconded by Cr. Wheatley: "That the letter be received and filed."
Carried unanimously.

E. Hall and others - petitioning against the proposal to dismiss Waterworks Superintendent.
Moved by Cr. Rylett, Seconded by Cr. Wilson: "That Mr. Hall be given a hearing in this matter."
Carried unanimously.

Mr. Hall then addressed the Council on the subject matter of the petition.
No resolution.
His Worship the Reeve ordered the petition received and filed.

2. Secretary, Board of School Trustees - forwarding copy of resolution passed by the Board at its meeting on October 21st inst. with reference to Estimates for 1931.
Moved by Cr. Rylett, Seconded by Cr. Wheatley: "That the letter be received and filed and be referred to the Treasurer for reply direct, provided copy of this letter and reply thereto is forwarded to each member of the Council."
Carried unanimously.

3. W.A. McKenzie - Minister of Labour - replying to communication re Barnet men and advising that he was hopeful that the mill would be re-opened shortly but that as the men quit work of their own volition and in view of the circumstances to date and the possibility of immediate further negotiations, it may, meantime, be considered premature to designate the dispute as a lock out.
Moved by Cr. Wheatley, Seconded by Cr. Rylett: "That the letter be received and filed."
Carried unanimously.

4. Messrs Cassady and Lewis - advising that a claim will be made against the Municipality on behalf of Vincent Mallowa, Paul Tommy and the widow and children of William Prest deceased for loss and damage arising out of motor accident which occurred on or about the 18th inst. at the gravel pit on Tenth Avenue near Union Street, and the Central Park line of the M.C.E.R. when William Prest and Robert Allard were killed.
Moved by Cr. Wilson, Seconded by Cr. Martin: "That the letter be received and filed and that liability be disclaimed."
Carried unanimously.

His Worship the Reeve in referring back to the Council the resolution passed on September 28th ultimo re R. Stevens submitted the following:
October 26th, 1931

To the Members of the Council,
Corporation of Eurnaby
Gentlemen:

Re: Motion to Dismiss Robert Stevens.

On September 28th, 1931 the following motion passed this Council by a vote of five (5) to three (3):

Moved by Councillor Wilson, seconded by Councillor Lench: "That R. Stevens be given the requisite notice of discharge as Waterworks superintendent."

The dismissal out of hand of any public servant is at any time a matter sufficiently serious to demand the fullest and most complete consideration. When such public servant has more than twenty years continuous service with a Corporation, the very best reasons must be submitted and a perfect iron clad case must be made out against such an one before any such dismissal could be warranted. This is not only necessary as a matter of common fairness and decency to the one involved but is necessary furthermore when considered as a matter of public good. No such reasons have been submitted and no such case made out in this instance.

So important do I consider this proposal that, as you all know, I immediately notified you on September 28th, 1931, that I would refer the matter back. In this connection I consider it necessary to deal with the history of Mr. Stevens' employment with this Corporation.

Prior to the year 1911, Mr. Fred Stevens, father of our present employee, was engaged by private interests to supervise the water installation of the Galt

Estate, D.L. 186. Later, during that year, when Burnaby inaugurated its own water system in East Burnaby, Mr. Fred Stevens was appointed by Mr. Fred L. MacPherson, Engineer of the day, as Waterworks Superintendent. Mr. Robt. Stevens was engaged under his father on September 2nd, 1911, to take charge of making service connections etc.

Mr. Fred Stevens left the service of Burnaby in April 1918, and Mr. Robert Stevens assumed the duties, formerly performed by his father, on April 11th, 1918, at \$125.00 per month. There are no Council resolutions respecting these appointments, and my information is that such were made directly by the Engineer of the day.

On August 22nd, 1927, the Council by resolution adopted a recommendation of Engineer Johnston to have the salary of Mr. Stevens who is described as being in charge of all outside waterworks, increased to \$150.00 per month. Similar action was taken on a recommendation of Engineer Graham on March 13th, 1929, when Mr. Stevens' salary was increased to the present figure of \$165.00 per month.

With the commendable desire to defend himself, Mr. R. Stevens has obtained recommendations from persons of some account, hitherto associated with him in one way or another, and I have no apologies to offer for making such recommendations an intergal part of this report.

c/o Department of Public Works
Parliament Bldgs.,
Victoria, B. C.
October 7th, 1931.

Mr. R. Stevens,
Superintendent of Burnaby Waterworks.

Dear Mr. Stevens:

I note from yours of the 6th. instant you wish a frank expression of opinion as to your services in the Burnaby Waterworks during my term as Municipal Engineer.

I am pleased indeed to testify as to the splendid service you rendered during these six years:- commencing while the water system was in its infancy, you were associated in various capacities in its gradual development, thus gaining practical experience of the detailed works. An efficient employee yourself, you were able by tactful management to obtain very satisfactory services from those under your charge. Your records were always carefully kept, and your reports and estimates helpful in compiling figures for the Council. In the various undertakings I was always assured of your assistance and loyal cooperation. I recall the number of times you willingly worked overtime and on Sundays and legal holidays in order to maintain the water system with as few interruptions as possible.

Although in my estimation your contribution to the upbuilding of the water system was one of which you have just cause to be proud. With the additional years of experience, I should fancy your services should now be indispensable. In my opinion the practical management of the Waterworks system is in capable and safe hands. Men of character and ability are specially needed these days to manage works of such a nature and extent.

If this letter will be of any assistance to you you have my permission to use it. With kind regards.

Yours very truly,
Signed F. L. Macpherson.

Provincial Public Works Dept.
Squamish, B. C.
October 14th, 1931.

Mr. R. Stevens,
751 Wedgewood St.,
Burnaby, B. C.

Dear Bob:-

I am very glad to be of any assistance to you insofar as your capabilities on work as Superintendent of Waterworks during my tenure as Municipal Engineer of Burnaby for upwards of two years.

Your experience and practicability in handling the extensive water system of Burnaby was most satisfactory to the Reeve and Council and myself at that time.

You were at all times willing to co-operate with everyone in connection with the Board of Works and Waterworks department, and at no time was there any disagreements or unloyalty to your employers shown.

Yours very truly,
Signed J. E. Milne,
Res. Engineer.

Dept. of Public Works,
Court House,
Vancouver, B. C.

October 1, 1931.

To Whom it may Concern:-

During the years 1929 and 1930, whilst Municipal Engineer of the District of Burnaby, Mr. Stevens held the position of Water Superintendent under my charge.

In this period he was in charge of Maintenance and new construction, and carried out his duties faithfully and well.

I would recommend Mr. Stevens to anyone requiring the services of an experienced practical Water Superintendent.

(Signed) A. G. Graham,
City Engineer.

7911 Argyle St.,
Vancouver, B. C.

"To Whom it may Concern"

Re: Mr. R. Stevens

In the matter of character and qualification of Mr. Stevens I make the following statement:-

From 1914 to 1918 inclusive I occupied the position of Reeve of Burnaby Municipality, and during that period Mr. R. Stevens was during the first few years in charge of the Water Works Services, connections, repairs and Superintendent of construction, working under his father who was Water Works Superintendent. During the latter period Mr. R. Stevens was placed in charge as Superintendent of the Water Works Department.

His character I would say is all and a man of outstanding ability. Careful and competent in everything he undertakes and during the entire period I am happy to say he gave faithful attention to his duties and loyal support to the administration of Burnaby. I personally felt that the Municipality was fortunate in having Mr. Stevens in charge of the Water Works Department.

Yours very truly,
(Signed) Hugh M. Fraser.

2236 Fuller Avenue,
Burnaby, B. C.

October 6th. 1931.

TO WHOM IT MAY CONCERN

"I have much pleasure in stating that Mr. Robert Stevens has been employed by the Corporation of the District of Burnaby in connection with the Waterworks Department, since September 2nd. 1911 and being in charge, under the Engineer of the Waterworks Department, since April 11th. 1918.

During my term of office as Reeve from 1921 to 1926, and in 1928 I had every opportunity to become acquainted with the work of Mr. Stevens, and I can say that he showed himself at all times to be a capable and conscientious employee, and a man who never spared himself when any matter of the efficiency of the water system was concerned.

Yours truly,
(Signed)
A. K. McLean."

A. G. Graham, Esq.,
Engineer.

Dear Sir:-

The water by-law work being practically completed, I want to take this opportunity of commending the Water Superintendent Mr. Stevens, Mr. Southwell and Mr. Woodall as well as yourself on the splendid way in which this work was performed. I think of course as Engineer no inconsiderable part of the credit is coming to you.

Although they may not hear of the matter I want to say that the foremen and men who worked on the work did exceptionally well - The work has been completed in record time - well done and at a reasonable cost. All employees connected with the work are to be congratulated.

Yours truly,
(Signed) W. L. Burdick.
Reeve.

On October 5th. 1931, the three departmental heads, together with myself, presented a recommendation that, owing to the vast increase of purchases due to the current situation, a transference of the duties of purchasing agent be made from the Clerk's office to the General Office, without any additional office help being requested. The Council took the view that such a change was so important as to warrant its reference to next year's council, despite the fact that practically overnight we had to create an organization and provide the necessary equipment and supplies that would enable us to immediately set to work and outside force of more than 1500 men.

I am introducing this only by way of comparison. If a mere matter of internal organization such as the above is to be shelved on the grounds of its importance, and therefore left for action to next year's council, how much more forcibly the same logic can apply to the matter under review, where the summary dismissal of a servant with 20 years unbroken service is sought, is one which I must, perforce, leave to your imaginations.

Mr. Stevens, being human, like the rest of us, possesses the fault of his qualities and is therefore capable of error, but it has been my experience in observing him in his work that he has given unstinted attention to the various matters with which he had to do. Always, and at any time, he has been more than willow and able to

furnish any information required concerning the Waterworks system of this Municipality.

During the time of Mr. Stevens' occupancy of his position the following capital works and services and maintenance have been carried out satisfactorily and always well within the estimates.

	<u>By-law construction</u>	<u>Revenue Services, Konstruktion.</u>
1918		\$2,682.01
1919		5,067.25
1920		19,202.66
1921		14,850.51
1922		54,269.00
1923	\$25,000.00	
1924		17,532.14
1925		19,629.49
1926		12,014.44
1927		9,512.73
1928		16,391.44
1929	94,500.00	9,053.86
1930	x180,000.00	6,505.28
1931	x110,000.00	5,000.00 approx.

(x not quite completed)

An action such as is contemplated in the motion of September 28th, 1931, to wit, the dismissal of a man in charge of waterworks within the Municipality with some twenty years experience makes it necessary to determine just how such action is liable to affect the organization generally and the position of the Engineer-in-Chief particularly. I am, therefore, also as an integral part of this report inserting a communication from Engineer Davidson to myself under date, October 8th, 1931.

October 8th, 1931.

To His Worship the Reeve.

Dear Sir: Re: Dismissal of R. Stevens, Waterworks Supt.

The action of the Council in approving the motion of Councillor Wilson to dismiss Mr. Stevens from his position as Waterworks Superintendent has caused me to review the circumstances leading to this action.

According to Councillor Wilson, and I presume, that the majority of the Council agree with him, the dismissal arose from the enquiry conducted by the Council on the charges brought against the Waterworks Department by Mr. R. Angus.

This Mr. Angus has been demoted from a temporary job on the service gang to ordinary workman on a construction gang working alternate weeks. Mr. Angus admitted before the Council that he had stated to me that unless he was given a permanent position on the Waterworks he would bring charges against Mr. Stevens, get out and "raise hell", and interview all the Councillors and myself.

His original charges were refuted by myself in report to the Council; but curiously enough, the answers were sent to him for rebuttal.

Further charges were made and again this curious course was taken, before the Council investigated the alleged charges of inefficiency. Nothing definite was decided by the Council after investigation.

Councillor Wilson's memorandum to the Council re Engineer's Department, June 22nd, 1931, commences: "At the last Special meeting of the ~~Water~~ Water Committee held with reference to the Angus charges, "the opinion seemed to be held by all members of the Council, in a greater or less degree that conditions in the Water Department were not quite satisfactory."

The last person to claim absolute perfection in any Department would be myself, but I do claim that the Waterworks Department was functioning efficiently at the time the Angus charges were brought. Prior to this enquiry one foreman had been dismissed for dereliction of duty and the repair and service gangs were combined. Under a more energetic foreman costs of installing house services were appreciably reduced, and the repairs carried out expeditiously. After the Angus enquiry I considered that too much had been demanded of Mr. Stevens, as not only was he responsible for the supervision and maintenance of the Water ~~Department~~ Distribution system and the installation of services during the record building years of the Municipality, but was responsible for the installation of new mains under the Waterworks Loan By-laws and the extra work entailed in making connections to the new water main of the Greater Vancouver Water Board.

The Angus enquiry had caused such a mental strain on Mr. Stevens that I decided to relieve him of full responsibility of the By-law work, and made Mr. Atkinson responsible for this under the Assistant Engineer.

In my opinion this change in organization reflects in no way on Mr. Stevens and was done with his co-operation. In all fairness to the Waterworks Department this change in the Waterworks Department organization should have been given a decent trial.

I may say here, that my recommendation to have the records of the water mains and services brought up to date was rejected by the Council. The original records had not been added to since 1912 and it was pointed out that there were errors in those. Without accurate records, mistakes cannot be avoided, and I am sorry to say will continue till proper records are made.

However, the Council has given Mr. Stevens notice of dismissal. I must point out to you how this action affects myself as Municipal Engineer.

My application for the position of Municipal Engineer was tendered only on the strict understanding that certain specific conditions would be approved.

Condition 2 is "That the engagement or dismissal of all employees in the Engineering Department or in the Public Works, the proper performance of which the Engineering Department is held responsible, shall be the business of the Engineer. The Engineer is responsible for the efficiency of his staff and the work carried out by day labour or contract. It is only right, therefore, that he shall be the sole judge of the efficiency and conduct of all employees under him.

On May 6th, 1930, the Clerk wrote as follows: "I am directed to advise that at a meeting of the Council held May 5th, you were duly appointed in accord with the terms of said application."

Now as I hold that Mr. Stevens, is quite capable of carrying on his present duties as Waterworks Superintendent, and as he has satisfactorily carried out his duties under myself as well as under other Engineers over a period of twenty years and as the Council has been fit to over-rule my opinion and usurp my duties as laid down in my appointment, I have no alternative but to serve notice on the Council that it is my intention to take legal steps to protect my interests under the terms of my appointment.

Respectfully submitted,
(Signed) John Davidson,
Municipal Engineer."

The outside organization in the waterworks department covers new services and affects the question of turn-offs, meter readings, and inspection work generally. As this connects directly with the Treasurer Department, I am enclosing here as part of this report a statement from Treasurer Bolton.

October 23rd, 1931.

To His Worship the Reeve.

Dear Sir: Re: Bob Stevens

For some 16 years, the above named has been closely allied with me in regard to the office work connected with his duties. My demands upon him in this regard have been quite exacting, as I have always realized that the smooth functioning of the internal system is essential to the efficiency of the outside work. Mr. Stevens has at all times cooperated with my Department, by the consistency and accuracy in detail of all his records, by the prompt attention to all complaints and queries, and his willingness to supply data of all kinds whenever called upon, he has strengthened the efficiency of the organization as a whole and relieved my personal load of responsibility. This reliability of his work has become a byword in my office, and the Accountant and others of the staff who have official dealings with Mr. Stevens would willingly testify in support of this statement. It comes as a nasty shock to realize that a man like Mr. Stevens, who has put in some 20 years of the best part of his life in honest grind and sweat and singleness of purpose, may find that such disinterested service is apparently disregarded in the very quarter where it should be most recognized. Of course, many public officials have to face this kind of disillusionment, but it is a very bitter personal blow to the individual who is suddenly confronted with it and as a fellow official, I am impelled to emphatically protest the unfairness of the treatment handed out to one of the most faithful employees of this Corporation that I personally have ever known.

Yours respectfully,
(Signed) R. Bolton,
Treasurer."

In view of all the circumstances directly and indirectly connected with this matter, I respectfully beg to suggest to you the following:

The action of the Council in passing a resolution, by a five to three vote, giving notice of dismissal to Mr. R. Stevens was not in the best interests of the Municipality, inasmuch as:

- (1) It was a motion sprung upon the Council without any reasons being given in its support until it was presented.
- (2) The mover of the motion admitted that he did not seek Mr. Stevens dismissal but considered he had no other alternative. Therefore the end sought cannot be attained by the action contemplated.
- (3) The effect of the motion, if sustained, would be to produce as malicious a dismissal of a public servant of long standing as could possibly be conceived.
- (4) Where the dismissal effected, there is not now any evidence to show that the consequent loss and disorganization can be made good, and at a time such as the present, this Municipality cannot afford, from any conceivable standpoint, to take chances in this direction.
- (5) So far as the animus directed to Mr. Stevens goes, overwhelming evidence appears that the bulk of this is largely constituted of personal spleen and was not forthcoming until Mr. Stevens had taken what he considered to be the necessary action from the standpoint of the efficiency and harmony of the Waterworks Department in connection with those seeking to undermine his good standing and reputation.
- (6) The testimony of a long line of engineers and of a large number of gentlemen who have held the honored post of first magistrate of this Municipality cannot be ignored or flippantly reduced to mere meaningless

platitudes by a snap vote of this or any other Council.

- (7) No one, other than those engineers under which a man has served, is capable of judging fully as to the qualifications, ability, industry, faithfulness and general aptitude for the work.
- (8) The policy of allowing the engineer to carry out construction phase of Council policy and program is in the best interests of this Corporation, and, despite the handicaps which have been, and still are being, placed in the way, has proven eminently satisfactory, and, I believe, has the approbation of the vast majority of the electorate.

Because of the importance and possible far-reaching consequences, I have presented this matter "in extenso". Inasmuch as I am fully convinced that the contemplated dismissal is ill-advised, hasty, unjust, and unjustifiable, I have no hesitation or compunction in referring the matter back for your further consideration.

Respectfully submitted,
W. A. PRITCHARD,
Reeve.

Moved by Cr. Wilson, Seconded by Cr. Lench: "That R. Stevens be given requisite notice of dismissal as Waterworks superintendent."
Carried - Crs. Martin, Wheatley, Lench, Wilson and Gray voting in favour - His Worship the Reeve & Councillors Lambert and Rylett voting against.

2. Moved by Cr. Wilson, Seconded by Cr. Lench: "That Mr. Southwell be given notice of dismissal as Assistant Engineer to take effect December 31st 1931, and that Mr. Scott be given notice of dismissal as Board of Works Superintendent to take effect December 31st, 1931, and that advertisement be given called for applicants for the position of Assistant Engineer."

Moved by Cr. Martin, Seconded by Cr. Wheatley: "That consideration of the foregoing resolution be tabled for one week."
Carried unanimously.

Moved by Cr. Martin, Seconded by Cr. Wheatley: "That the Engineer be requested to submit report to the Council next week as to his opinion as to the efficiency of the present staff and a statement as to whether in his opinion the department is overmanned or undermanned."
Carried unanimously.

Moved by Cr. Lambert, Seconded by Cr. Gray: "That Local Improvement Corporation Costs By-law 1931 be introduced and read a first time."
Carried unanimously.

Moved by Cr. Lambert, Seconded by Cr. Wheatley: "That Local Improvement Corporation Costs By-law 1931 do pass the first reading."
Carried unanimously.

Moved by Cr. Lambert, Seconded by Cr. Wheatley: "That Local Improvement Corporation Costs By-law 1931 be now read a second time."
Carried unanimously.

Moved by Cr. Lambert, Seconded by Cr. Wheatley: "That Local Improvement Corporation Costs By-law 1931 do pass the second reading."
Carried unanimously.

Moved by Cr. Wilson, Seconded by Cr. Lambert: "That the report of the Burnaby Lake Committee re Golf Course Burnaby Lake be lifted from the table."

Carried unanimously.

Moved by Cr. Wilson, Seconded by Cr. Rylett: "That the report of the Committee be adopted."

Carried - Crs. Gray and Wheatley against.

3. Moved by Cr. Wilson, Seconded by Cr. Rylett: "That the matter be referred back to the Burnaby Lake committee with power to expend a sum not exceeding \$50.00 to obtain information as to the suitability of the suggested site."

Carried unanimously.

Moved by Cr. Martin, Seconded by Cr. Lench: "That this Council do now adjourn."

Carried unanimously.

Confirmed.

Clerk.

W. A. Pritchard
Chairman Reeve.