

Office of the
Integrity
Commissioner

1894 Lasalle Blvd.
Sudbury, ON P3A
2A4

Tel. 705-863-3306
Fax. 705-806-4000
www.e4m.solutions

December 30, 2024

Mayor and Council
Town of Latchford
10 Main St., Hwy 11, P.O. Box 10
Latchford, Ontario P0J 1N0

c/o Jaime Allen, Clerk-Treasurer

By Email: jallen@latchford.ca

ACTION #04
JAN 06 2025

RE: Integrity Commissioner Decision Regarding Request for Inquiry

Our office received allegations that four (4) members of Council contravened By-Law 2017/01 the Town of Latchford Council Code of Conduct ("Code of Conduct"). The matter was internally assigned to an investigator to first "crystalize" the allegations by interviewing certain parties.

After the allegations against the four (4) members were clarified, it was determined that many of the accusations, if proven on a balance of probabilities, could constitute breaches of several sections of the Code of Conduct. As a result, an inquiry was initiated.

During the inquiry, and after reviewing the interim report from the investigator, we carefully considered the findings of fact and the recommendation for training. It became evident that many of the allegations were substantiated on a balance of probabilities and constituted technical breaches of the Code of Conduct. However, it was also clear that the actions of the Members were inadvertent rather than malicious.

Given these circumstances, we concluded that both Council and staff would benefit more from targeted training aimed at improving understanding and compliance, rather than pursuing the inquiry further.

We engaged with the Applicants, and it was mutually agreed that a full inquiry would not be completed. Instead, we committed to ensuring that Council received targeted training focused on their roles, responsibilities, and the Town of Latchford Code of Conduct. The purpose of this training is to provide Council and staff with a practical understanding of their respective roles, fostering better collaboration and alignment. This proactive approach aims to help prevent further requests for inquiries to our office in the future.

A public report was authored by our office on June 30, 2024, setting out the above and is appended to this subsequent report.

When we attempted to deliver the public report on our findings in September 2024, it came to our attention that the four (4) members had not been fully informed of the allegations against them and that the "interview" with Mr. Davidson had not been conducted appropriately. In light of this, we decided to halt the delivery of our report and informed Council that we would undertake an internal review of the inquiry process.

As part of this review, we ensured that each member was formally apprised of the allegations against them. Peggy Young-Lovelace met individually with each member to present the allegations and provide them an opportunity to share information or respond to the concerns raised.

We carefully considered the responses provided by the members alongside the applicable sections of the Code of Conduct. Ultimately, the evidence presented by the members did not alter our overall findings, our decision to cease the inquiry, or our recommendations.

Following this process, we wrote to each member individually, detailing the allegations made against them, documenting their responses, and presenting our findings and analysis. This analysis was shared for educational purposes only. Each member received a copy of our report and was given the opportunity to provide their feedback to our office. We have since reviewed and considered their input which has resulted in this updated report.

In addition to our June 30, 2024, report we provide the following:

Code of Conduct Contraventions

Based on the evidence before us and the provisions of the Code of Conduct, many of the allegations were found to be a contravention of the Code of Conduct. The evidence considered included information gathered from the municipality, meeting minutes/recordings, witness testimony, and information provided by the parties.

While most of the allegations were technically violations of the Code of Conduct, they were minor in nature and did not warrant the continuation of the inquiry or the preparation of a detailed public report outlining our findings.

Only two (2) of the allegations raised some concerns. It was determined that while the Member's actions were a contravention of the Code of Conduct, they were the result of a lack of understanding of their role and, more importantly, their responsibilities under the Municipal Act, other legislation, and Town policy.

Furthermore, had we conducted a full inquiry, our recommendations would not have resulted in a sanction or other penalty. We continue to believe that Council and Staff would benefit from targeted training to enhance understanding and ensure proper adherence to their roles and responsibilities.

To that end we provide the following:

Code of Conduct

The Code of Conduct (Bylaw 2017/01) should be reviewed by Council. And when Council reviews the Code of Conduct, they should consider, among other things, section 4.1 which sets out that failure of any member to follow or carry out any policies/bylaws of the Town.

Section 4.1 – Legislative Responsibilities & Compliance

*The legislative responsibilities, outlined in the Municipal Act, 2001, the laws of Canada and the Province of Ontario, the Town Procedure By-Law **and all the policies and by-laws of the Town of Latchford are to be adhered to and carried out by all Members.***

***Failure to do so constitutes an offence under this policy.** [emphasis added]*

Most codes of conduct we have worked with specify that members must comply with the ethical behaviour policies of the municipality. These often include, the workplace violence and anti-harassment policy, social media policy, communications policy and council-staff relations policy. The workplace violence and anti-harassment policy is a requirement under the *Occupational Health and Safety Act* and the council-staff relations policy is a requirement under section 270 of the *Municipal Act*.

We recommend that this section be clarified and/or limited to certain policies/bylaws related to ethical behaviour. Of concern, is that many municipalities have adopted bylaws/policies that are no longer being enforced or followed by the municipality but have not been updated to reflect current practice, or rescinded. A member following a current practice could be inadvertently contravening the adopted policy/bylaw and be found to be in contravention of the Code of Conduct.

Moreover, in this situation, the Members did not adhere to established procedures or a policy that regulates a specific practice rather than ethical behavior resulting in a **technical breach** of the Code of Conduct because of section 4.1 as it has been set out. This clause is onerous and should be amended to only include policies that govern the ethical conduct of Members only which is the purpose of a code of conduct. We would encourage Council to consider specifically listing those policies/bylaws that would apply.

Also, in this circumstance some of the allegations were a failure to follow the Town of Latchford Procedure Bylaw (Procedure Bylaw). However, many of the breaches were the result of the Procedure Bylaw being silent on the matter. For example, how an item can be added to an agenda. We set out below recommendations related for amendments to the Procedure Bylaw.

We also recommend including a provision in the Code of Conduct requiring Members to respect the decision-making process. Furthermore, Members should commit to accurately and adequately communicating the attitudes and decisions of Council, even when they personally disagree with the majority decision

We further recommend adding a clause to Section 4.4: Interactions with Staff, explicitly stating that members of Council must not perform duties typically carried out by staff, including individual members assuming an oversight role. No single member of Council, including the Mayor, has the authority to direct or manage the performance of municipal employees. The Municipal Act clearly establishes that Council acts as a collective body. There is no provision granting individual councillors authority outside their role as part of the decision-making body as a whole.

The section related to the jurisdiction of the Integrity Commissioner should be updated to include inquiries related to the *Municipal Conflict of Interest Act*.

Procedure Bylaw

We recommend that Council make amendments to the procedure bylaw (By-Law 2024-018) to include:

- How a Member of Council can add a matter to the Agenda
- That the Mayor and the Clerk shall meet prior to the release of the Agenda to review matters and finalize the agenda and that if the Mayor and the Clerk disagree about a matter on the Agenda, the Clerk has final say.
- That a matter, if refused to be added to the Agenda by the Clerk, may be tabled at the meeting and if 2/3 of the members present agree that the item can be added.
- How a previously decided matter can be reconsidered.
- The advisory role of committees to make recommendations to Council only and not carry out the work of Staff.
- That all non administrative items on the agenda are accompanied by a staff report and that such reports shall at a minimum include:
 - Reason for the matter to be tabled at a meeting
 - Council's legislative authority to make the decision

- Impact on Council plans such as the Strategic Plan, Council Term Plan, Asset Management Plan, Official Plan etc.
- Financial considerations
- Options, Analysis and Recommendations
- A standard format for reports from members of Council.
- The process by which a member must declare a pecuniary (conflict) of interest including but not limited to:
 - A format for making the written declaration pursuant to section 5.1 of the *Municipal Conflict of Interest Act*.
 - Setting out a reasonable time for the member to provide the written declaration to the office of the Clerk.
 - How declarations are to be recorded in the minutes pursuant to section 6 of the *Municipal Conflict of Interest Act*.
 - Directing the Clerk to establish a registry of the written declarations (section 6.1(1) of the *Municipal Conflict of Interest Act*); and
 - Setting out how the public can access the registry (section 6.1(2) of the *Municipal Conflict of Interest Act*).
- To more clearly address meeting decorum to include:
 - That all members of Council and the Clerk can interrupt proceedings when the rules of decorum are not being followed.
 - That only one member speaks at a time at the call of the Mayor.
 - That the Mayor can choose the order of speaking.
 - That aggressive behaviour/bullying will not be tolerated.

We further recommend that Council adopt a Closed Meeting Protocol.

Recommended Training

We specifically recommend that Council receive training on the following in no specific order.

1. Role and Responsibilities of Members of Council as a Responsible Level of Government including:
 - a. Determining the services and to what level of service the Town will provide
 - b. Strategic and long-term planning
 - c. Council term and Corporate/Operational planning
 - d. Law Making Role
 - e. Representative Role
 - f. Stewardship Role
2. Governance versus Administration/Management Key Topics:
 - a. Financial Oversight
 - b. Employee Oversight
 - c. Feedback Management
 - d. Accountability and Transparency
3. Role of Committees of Council
4. Procedure Bylaw
5. Code of Conduct
6. Workplace Harassment Policy
7. Council-Staff Relationship
8. Performance Management of the Senior Administrator
9. Running and Effective Meeting (Mayor/Deputy Mayor)

Concluding Remarks

A municipality is a responsible level of government, and the words and actions of Council and its individual members have a direct impact on the Town's reputation as a desirable place to live, work, and do business. Council plays a critical role in safeguarding and promoting this reputation. Discord at the Council table or within the Council-Staff relationship can harm the municipality's image and should be actively avoided.

Moving forward, we encourage Council to focus on enhancing the quality of municipal governance and administration by fostering high standards of conduct. This can be achieved through the adoption, monitoring, and regular evaluation of Town policies. Additionally, we recommend that Council strive to cultivate a culture of continuous improvement, both at the Council table and throughout the municipal operations.

We trust this report provides clarity and helpful recommendations. Should you require further clarification, please feel free to reach out to the undersigned. Alternatively, we would be pleased to attend a future Council meeting to provide further explanation if needed.

Respectfully,



Peggy Young-Lovelace
President
E4m

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June 30, 2024

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Mayor and Council
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10 Main St., Hwy 11, P.O. Box 10
Latchford, Ontario POJ 1N0

c/o Jaime Allen, Clerk-Treasurer

By Email: jallen@latchford.ca

RE: Integrity Commissioner Decision Regarding Request for Inquiry

The Integrity Commissioner's Office (E4m) received a request for an inquiry into the behaviours and actions of Mayor Sharon Gadoury-East, Councillors Jo-Anne Cartner, Michael Cole and Pam Newell (collectively the Members) which were believed to be contraventions of the Town of Latchford Code of Conduct (Code of Conduct). Additionally, allegations were made that the actions Mayor Gadoury-East contravened the *Municipal Conflict of Interest Act (MCIA)*. Some of the allegations related to Council as a whole.

The Allegations

It was alleged that:

- Councillors Cartner, Cole and Newell acted as an ad hoc committee of Council when they met to discuss matters related to municipal operations, Council decisions and employee policy/performance.
- Councillor Cole directed staff, disrespected the Mayor at Council meetings and oversteps the role of the Mayor during Council meetings.
- Councillor Cartner attends the municipal office and inappropriately discusses Council business/decisions and requests financial reports to create her own spreadsheets.
- Mayor Gadoury-East declared conflicts of interest and continued to discuss the matter for which she declared.
- Mayor Gadoury-East overstepped her role as Mayor when she authorized the waiver of rental fees and executed agreements without approval of Council.
- Mayor Gadoury-East yelled at the Clerk-Treasurer and that she directed the Clerk-Treasurer to add a matter to the Council Agenda that had already been decided upon by Council.
- Mayor Gadoury-East failed to follow policy when she signed out the recreation centre key and kept it for ten (10) days.

Our Approach

Upon receipt of a request for inquiry, we first consider if the information is clear and fully formed. In circumstances where it is not clear or fully formed, it is necessary to "crystalize" the allegations by interviewing certain parties. Once the allegations are crystalized, we consider if the allegations were assumed to be factual based on a balance of probabilities, could they be a contravention of the Code of Conduct and in this case, the *MCIA*. Craig Davidson was assigned to interview the parties and crystalize the allegations.

Once allegations were crystalized, we determined that some of the allegations would not constitute a contravention of the Code of Conduct, and they were dismissed.

The remainder of the allegations as set out above were considered more thoroughly.

Findings

As a statutory level of government, Council is expected to follow the provisions of the *Municipal Act*. Section 224 of the *Municipal Act* which provides that it is Councils role to:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the polices and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of Council under this or any other Act.

Many of the actions were outside of the role of the Member and therefore constituted a contravention of the Town of Latchford Code of Conduct.

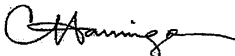
These violations were minor in nature and generally appeared to be a result of a lack of understanding of the roles, responsibilities and rules surrounding being a governing Member of Council as opposed to actions made in bad faith or with mal intent.

Knowing this, we decided a detailed report would not be completed and that we would take steps to ensure Council received training regarding their roles, responsibilities, and the Town of Latchford Code of Conduct.

It is within the role of the Integrity Commissioner to provide training regarding a Member's obligation under the Code of Conduct and the *MCI*. And it is in the best interest of the ratepayers in the Town of Latchford for Council and Town employees to receive this training. We will be providing this training to Council to allow them an opportunity to better understand their role in a more practical way and hopefully prevent further requests for inquiry to our office.

We also recommend that Council review their policies to better reflect changes in legislation.

Respectfully,



Colleen Hannigan,
E4m Integrity Commissioner
Consultant