

Type of Decision									
Meeting Date	Tuesday, November 14, 2017				Report Date	Friday, October 27, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE – Council Disciplining Council									
Report #14/11/17/1103									

Subject:

Follow up to direction from Council from October 2016 in response to a situation in Wawa Ontario to implement a process of Council disciplining fellow members of council for obvious and egregious contraventions of good governance, Code of conduct – in effect, conduct unbecoming.

To begin the process of implementing this policy due to recent developments.

RECOMMENDATION:

That Council approve the attached process and remedies to check improper conduct of members of Council. Legislatively, council can control council member discipline, as has been determined in recent court cases.

Resolution #1

WHEREAS occasionally a member of council will breach the fundamental principles of good governance and acceptable behaviour contrary to their Oath of Office and/or the municipal Code of Conduct;

AND WHEREAS in these incidences, a formal complaint may be made through an Integrity Commissioner which allows two sanctions: a reprimand and/or suspension of up to 90 days' pay;

AND WHEREAS other remedial measure by Council are permitted by the courts which attempt to deal with and modify inappropriate conduct by carrying out the objectives of a code without requiring an investigation;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby implement immediately a process of remedies which might be applied to individual members of Council to modify the effects of their behaviours on fellow council members, members of the public and/or employees;

AND FURTHER THAT the remedies may include but not be limited to: issuing an apology, requiring a return of improperly obtained municipal property, limit communications with specific individuals and/or to certain methods, limit access to municipal facilities, limit participation in committees or on boards, limit travel on municipal business, and/or to cease harassing behaviour towards specific individuals.

Resolution #2

WHEREAS Councillor Villeneuve has since September 7, 2017:

- Publicly and repeatedly impugned the integrity and motives of two members of council and municipal employees;
- Repeatedly questioned the integrity of the Mayor and fellow members of Council;

- Publicly questioned the professional integrity of municipal employees;
- filed numerous frivolous Code of Conduct complaints against fellow members of Council and municipal employees causing significant legal costs for the municipality;
- failed to honour and support decisions of council and in fact broadcast his dissatisfaction in a letter to the editor in the local newspaper;
- falsely and publicly accused a resident of infractions under the *Highway Traffic Act*;

AND WHEREAS Council has an obligation to provide for good governance and uphold their Oath of Office and has the ability to initiate and follow a process to attempt to modify the inappropriate conduct of fellow members of Council in a cost effective manner;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby formally request that Councillor Villeneuve from this point forward refrain from:

- filing frivolous Code of Conduct complaints;
- making unfounded accusations against fellow council members, employees and/or members of the public;
- and instead begin to respect staff reports and recommendations even if he is not in agreement with the content or recommendations, respect the process of governance and uphold the decisions of council.

BACKGROUND/EXECUTIVE SUMMARY:

As expressed at the education and training session held on Monday, November 6, 2017, the municipal solicitor explained the differences between Conflict of Interest and Codes of Conduct infractions, sanctions and remedies. He explained the difference between real and perceived conflict of interest and the fact that bringing a claim against an individual for something perceived or apparent may result in no actions taken after the investigation has been completed. The municipality will have undergone the cost for no workable decision as it is not warranted.

Incurring legal costs for frivolous and vexatious complaints is simply a waste of staff time and municipal resources.

He also explained the alternatives available when Council sees an obvious breach of protocol, and the principles of good governance and does not see the need for an investigation. Sometimes actions are so outstandingly unprincipled that an investigation is not required.

Where a member of council has been exhibiting behaviours which are obviously not in the best interests of the municipality, are in contravention of the municipal Code of Conduct, are in contravention of the Oath of Office, are harassing or bullying in nature, are threatening in any manner, and/or are disruptive and unproductive, council may take steps to police or modify that person's behaviour without the formal process of an Integrity Commissioner or a formal Code Complaint.

Certain remedial measures may be applied to that member by Council. Council may decide whether or not to impose these measures.

As per the Information and Privacy Commissioner reports over the past decade; information pertaining to Council members in the performance of their municipal duties is not personal information about an identifiable individual but instead public. For this reason, this conversation and discussion is permitted in open session of Council and does not fall under the discretionary reasons listed in the Municipal Act.

Process:

1. Identify inappropriate behaviour, normally as a result of complaints from fellow members of council, staff or members of the public.

2. List the behaviour which is inappropriate.
3. Request that the behaviour stops.
4. If, the behaviour continues, is not modified, Council shall consider implementing the measures most appropriate to the situation.
 - a. For example, if the issue is constant contact with the mayor, the measure would be to limit contact with the Mayor.
 - b. If the issue is being disruptive during committee, the measure would be to limit attendance in committees, etc.
5. The measures are not to be punitive in nature but instead are an attempt to remove the opportunity for repeated offenses. Eg. Through limiting participation on committee, contact with certain individuals etc.

Options/Discussion:

Financial Considerations/Budget Impact: - none

Policy Impact:

Others Consulted:

Municipal Solicitor

Town of Wawa resolution and reports

Direction of Council October 2016

IPC - "As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be about the individual" [Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith