

Type of Decision									
Meeting Date	Tuesday, March 20, 2018				Report Date	Wednesday, March 14, 2018			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
<b>REPORT TITLE - Code of Conduct Complaints - New</b>									
Report #20/03/18 - 1202									

**Subject:**

Council determination of process and direction to staff with respect to newly received Code of Conduct and Harassment complaints against 3 members of Council and the Municipal Clerk.

**RECOMMENDATION:**

That Council choose one of the three following options to provide direction to staff on how to proceed with the new Complaints filed March 14, 2018. It seems that the ongoing issues will not simply come to a resolution based on reports investigated and received as some of these same complaints have already been addressed.

It is recommended that Council proceed to hire an Integrity Commissioner as per the new Municipal Act clauses to provide education and training to Council, the public and staff instead of wasting further municipal resources on frivolous and vexatious complaints.

**WHEREAS** 3 new Complaints have been filed on March 14, 2018 against Council members and staff;

**AND WHEREAS** Council has options to process these complaints including the ability to amend its own policy and not have the complaints investigated;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby direct staff to:

1. \_\_\_\_\_ Hire Cunningham Swan to conduct Code of Conduct and Harassment Complaints;
2. \_\_\_\_\_ Direct staff to research and hire an independent firm to conduct the investigations;
3. \_\_\_\_\_ Defer the complaints until an Integrity Commissioner is appointed to provide education and training to Council, staff and the public.

(Council's choice will be noted with a check or other mark in the space beside the desired option.)

**BACKGROUND/EXECUTIVE SUMMARY:**

The above resolution has been created based on consultation with and upon advice of municipal legal counsel. Although Council has a policy; Council can decide to disregard its own policy and not complete an investigation or to defer to another time. Based on the fact that the numerous complaints detailed in 19 previous forms filed by this individual have resulted in one violation, which municipal legal counsel suggested did not warrant sanctions or corrective actions; Council may also determine that these subsequent filings are frivolous and vexatious and do not warrant an investigation.

As per recommendations in previous staff reports and provided for the closed meeting issue, Council might be best served if an Integrity Commissioner is hired under the sections of the Municipal Act not yet in force. Being proactive, we will have an Integrity Commissioner on retainer who will fill this role of determining whether complaints are worth investigating or not and will provide services to help alleviate the current situation this Council and staff find itself in. Conflict resolution will be a part of the education and training component.

Definitions:

**Frivolous** – not having any serious purpose or value

**Vexatious** - causing or tending to cause annoyance, frustration, or worry

Many of the complaints made in these documents are repetitive and have already been addressed by legal counsel. Disagreement with decisions or statements made, or people avoiding confrontation do not constitute Code violations or harassment.

It is staff opinion that there is no need to waste taxpayer dollars any further on investigating a number of these claims as they have already been addressed. As always, that is Council's prerogative. These issues are best left to be addressed during training and education sessions with an Integrity Commissioner under the new guidelines.

### **Options/Discussion:**

Three options have been presented to Council for their consideration and direction to staff. Each complaint includes the comment "Would Consider Conflict Resolution". This would be a component of the services provided after consultation with a newly appointed Integrity Commissioner.

### **Financial Considerations/Budget Impact:**

There could be significant costs should an investigation be completed however; it is staff's informed opinion that all of these allegations would best be deferred to be discussed with a firm contracted to provide services to the municipality as Integrity Commissioner as per the new section of *the Municipal Act*. Too much has been spent on frivolous claims. Staff have so much other work to do.

Considering the results of previous investigations; spending money to investigate these new complaints does not seem to be a prudent use of municipal funds.

### **Policy Impact:**

In consultation with municipal legal counsel, it was suggested that this Council not pursue further complaints as these insignificant differences are not what the Code of Conduct is about. People will disagree; feelings will be hurt, people will speak in a negative way about others. This does not mean that there are code violations. Council needs to use these policies for the purpose they were intended.

### **Others Consulted:**

Tony Fleming, Municipal Solicitor

Chris Wray, Expertise for Municipalities

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

*Melinda Reith*