



The Corporation of the Municipality of West Nipissing
La Corporation de la Municipalité de Nipissing Ouest

Resolution No.

2021 / 95

MARCH 16, 2021

Moved by / *Proposé par* :

« Councillor L. Sénécal »

Seconded by / *Appuyé par* :

« Councillor L. Malette »

BE IT RESOLVED THAT the report, prepared by the Integrity Commissioner, in response to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* request be made public.

	YEAS	NAYS
DUHAIME, Yvon	✓	
FISHER, Christopher	✓	
LARABIE, Roland	✓	
MALETTE, Léo	✓	
ROVEDA, Dan	✓	
WARD 7 (vacant)	X	X
SÉNÉCAL, Denis	✓	
SÉNÉCAL, Lise	✓	
SAVAGE, Joanne (MAYOR)	✓	

CARRIED: **« Mayor Joanne Savage »**

DEFEATED: _____

DEFERRED OR TABLED: _____

RESPONSE TO FOI 2020/13

E-mail response from Integrity Commissioner

From: Patrice J Cormier
Sent: January 17, 2021 5:33 PM
To: Janice Dupuis ; Melanie Ducharme
Subject: RE: MFIPPA Request No. #27 (Complaints lodged with IC)

Bonsoir à vous deux,

Pursuant to your **BY-LAW 2019/30 BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING TO APPOINT PATRICE J. CORMIER AS INTEGRITY COMMISSIONER FOR THE MUNICIPALITY OF WEST NIPISSING**, more particularly to the **Service Agreement as SCHEDULE "A" TO BY-LAW 2019/30**, at section 7.3, I am replying to your request to provide specific information for the complaints filed with my Office, namely complaints #1 through 15, and any complaints subsequent to #20; the specific request being the names of the complainants along with the nature of the complaints (sections of the Code of Conduct), names of persons being complained about, responses and conclusions (closed sessions redacted as required). I will report chronologically as follows:

- #1** Chief Administrative Officer Jean-Pierre (Jay) Barbeau complains, on behalf of 3 senior managers, that the Mayor and various councillors opposed decisions and circumvented communications protocol, impeding on staff progress. As the complaint was vague and general in nature, it required further specific information, including correspondence, memos, emails and /or examples of the actions/comments/gestures complained of. Finally, the complainant was not satisfied with the process and withdrew this complaint. No further action was required.
- #2** Director of Corporate Services/Treasurer Alisa Craddock was part of Complaint #1 and, as such, required to file a Request for Investigation Form. However, no form was received. The complaint file required no further action.
- #3** Municipal Clerk/Planner Melanie Ducharme was also part of Complaint #1 and, as such, required to file a Request for Investigation Form. No form was received. The complaint file required no further action.
- #4** Director of Economic Development and Community Services Stephan Poulin, who was part of Complaint #1 was also required to file a Request for Investigation Form. No form was received. The complaint file required no further action.
- #5** Councillor Dan Roveda filed an email complaining of favoritism and bullying. As the proper Form was not received, no further action was warranted.
- #6** A constituent complained that the Mayor Joanne Savage attempted to publicly shame and discredit CAO JP Barbeau at meeting of June 4/19. She would have caused persistent, excessive nit-picking,

unjustified criticism and constant scrutiny. I reviewed this complaint and listened to the relevant excerpts of the June 4th meeting and have determined that Mayor J. Savage had not breached any of the outlined sections of the Code of Conduct as indicated in the Request for Investigation form. It may be said that the debate became heated amongst other councillors but I did not find that the Mayor was malicious, nor was she persistent or unjustified but was rather seeking to advance a common goal, that of timelines to expect responses for queries from staff.

- #7** Councillor Lise Sénécal complains that Councillor Chris Fisher breached the Code of Conduct by not treating her with respect. After listening to the video replay of the meeting held on June 11/19, I have determined that he had not breached any of the sections included in the **Code of Conduct**. I did note the tension at that meeting. However, I had considered the highly contested motion by Councillor Fisher to amend a motion brought by her but the complaint process did not proceed any further.
- #8** Councillor Lise Sénécal complains that Councillor Dan Roveda breached the Code of Conduct by not treating her with dignity, understanding and respect, making unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness. After listening to the video replay of the same meeting held on June 11/19, I have determined that he had not breached any of the sections included in the **Code of Conduct**. I did, once again, note the tension at that meeting. However, I had determined that the complaint process not proceed any further.
- #9** Councillor Yvon Duhaime had sought clarification on a conflict of interest issue. Councillor was referred to sub-paragraph 5(11) Responsibilities: Conflict of Interest in SCHEDULE "A" to BY-LAW 2018/96 being the CODE OF CONDUCT FOR COUNCIL by which members of council are bound.
- #10** The Mayor had sought advice concerning potential conflict of interest and was referred to the relevant sections of the Code.
- #11** A constituent complains that Councillor Roland Larabie contravened the Code by displaying inappropriate behaviour at a community consultation meeting and that he did not consider the well-being of the Municipality and did not carry out his duties in a professional manner. I had determined that the councillor did not contravene the Code of Conduct in these circumstances. However, I believed that a meeting between the parties would be beneficial. I can confirm that such a meeting has been held and I was no longer involved in the investigation of this matter and considered this complaint resolved.
- #12** Councillor Denis Sénécal had sought clarification on a conflict of interest issue. Councillor was referred to sub-paragraph 5(11) Responsibilities: Conflict of Interest in SCHEDULE "A" to BY-LAW 2018/96 being the CODE OF CONDUCT FOR COUNCIL by which members of council are bound.
- #13** Mayor Joanne Savage complains that Councillor Dan Roveda breached the Code of Conduct by discriminating her, attempting to breach confidentiality or confidential information and by making unwelcomed remarks, insulting gestures or jokes which cause embarrassment or awkwardness. I have considered the specific sections of the Code of Conduct referred to and I have determined that Dan Roveda has not breached any of the outlined sections of the Code as indicated in the Request for Investigation form except for one (1). Frustration was indeed conceded on behalf of Councillor Roveda, but that, in and of itself does not justify a breach of his conduct. I did not find that he was breaching any confidential disclosure and/or making any improper use of the confidential information (though he should have remitted his notes as you all do at the end of a meeting), nor that he would

have discriminated on the basis of sex. I do find however, that the fact Councillor Roveda tore his personal notes at a closed session of Council and discarded them in the waste basket, then invited the Mayor to retrieve them from the basket was in fact an unwelcomed remark resulting in insult and/or embarrassment and that was in contravention of Section 5. (8) (viii) of the Code of Conduct for Council. I do accept that his behavior was directly related to the frustration he was feeling at that particular moment but that does not excuse the behavior as such.

I will provide these findings to Councilor Roveda and invite him to choose either of two of the following scenarios:

- 1) letter of apology to the Mayor for his misconduct, or
- 2) hold a meeting in MY presence to try to resolve the conflict of personality between both parties. He did in fact prepare a letter of apology and the case was closed.

#14 A constituent complains that Mayor Joanne Savage contravened the Code by not respecting the Responsibilities section of the Code of Conduct. I have now received and reviewed the chronology of events during the February 11th 2020 budgetary meeting by viewing the streamed version (both Part 1 and Part 2) and have determined that the Mayor has not contravened the Code of Conduct. In all of the circumstances, I accept your perception and her explanations. I have determined that Mayor J. Savage has specifically not breached any of the outlined sections of the Code of Conduct as indicated in the Request for Investigation form. I have considered all highlighted subsections in the complaint form under section 5. RESPONSIBILITIES, more particularly (2) Standard of Conduct (which includes (b) honesty, reasonable care, due diligence and (d) impartiality; (3)(c) Role of Council (v) and (vii) accountability, transparency of operations, carrying out duties of council; Role of Head of Council (ii), (iii) and (vi) presiding over meetings efficiently/effectively, leadership, carrying out duties of head of Council; (6) Respect the Decision Making Process, namely communicating accurately the decision of Council respectfully, whether or not agreeing to same; (7) Conduct Respecting Staff (c) maliciously or falsely harming the reputation of staff, (f) undermining same and finally (8) Interpersonal Behaviour of Members by (a) treating every person with dignity, understanding and respect and by (b) not discriminating. All that is not to say that the comments were always amicable and it may be said that the debate became heated amongst some councillors but I did not find that the Mayor was breaching the Code but was rather seeking to advance a common goal, that of engaging Council in the debate surrounding the budgetary issues. Her attempts to engage the councillors were evident throughout the meeting. At one point nearing the end of Part 1 of the streamed meeting, the question asked of Councillor Roveda was not specifically addressed to staff so the Chair responded to the best of her knowledge that the process was not quite over as she felt the question posed suggested that discussions were over. She then provided her ruling: "that her response to his question was provided as per question asked and that his comment shared could be perceived that we are finished with budget". The Councillor was visibly offended but never did he request an amendment to that ruling? The debate became heated and eventually both parties calmed but I did NOT see or hear anything that would be qualified as a breach in the Mayor's conduct at that time

#15 Councillor Dan Roveda complains that Mayor Joanne Savage breached the Code of Conduct by disrespecting him, initiated demeaning behaviour (bullying). I have considered the specific sections of the Code of Conduct referred to and I have determined that she had not breached any of the outlined sections of the Code as indicated in the Request for Investigation form except for one (1) that will be discussed further. I did not find that she had breached any other sections of the Code of Conduct for Council as alleged in the Request for Investigation. I do find however that, at the

very end of Part 1 of the streamed meeting of Feb 11th 2020 (specifically nearing the 1:28 mark of the stream), the fact that she had raised her voice to the point that he thought he could no longer speak and she went on by providing her ruling: "that your response to his question was provided as per the question asked and that his comment shared could be perceived that we are finished with budget"? He was visibly offended by the behaviour and tone of voice. However, both parties calmed shortly thereafter. I have determined that because of the raised tone of her voice, he could not have objected to the ruling on the point of order (to have that determination appealed by way of seeking an amendment by the majority of Members of Council), and that, indeed, failed to "enhance the role and image of the Council" and that was in contravention of Section 5.

RESPONSIBILITIES (1) Statement of Commitment of the Code of Conduct for Council. I do accept that this behaviour was directly related to the frustration the Mayor was feeling at that particular moment. Frustration was ever so evident by the demeanor (at that precise point in time) but that alone does not excuse the behaviour as such. It is in that context that I have determined that Her Worship has failed in the performance of her community role to "enhance the role and image of the Council and local government generally".

I suggested either of two of the following options:

- 1) letter of apology to Councillor Roveda for this misconduct, or in the alternative,
- 2) that you hold a meeting with Councillor Roveda (in MY presence) to try to resolve the conflict of personality between both parties.

Option of meeting was chosen however this meeting in person has yet to be held (Covid-19)

- #21** A constituent complains of Councillor Jeremy Seguin breached the Code of Conduct by directing Facebook comments that were rude, disrespectful, horrifying and unwelcomed.. an apology was directed to the constituent prior to our involvement and the councillor has since left his political life. No further action required.
- #22** Councillor Lise Sénécal complains that Councillor Chris Fisher breached the Code of Conduct by bashing her on a post. A formal Request for Investigation was required but never received. No further action.
- #23** A constituent has filed a complaint with the PROVINCIAL Ombudsman. No action required by our office.
- #24** Freedom of Information Request and provided.
- #25** Councillor Denis Sénécal complains that Councillor Chris Fisher breached the Code of Conduct by making inappropriate comments against him publicly. This investigation is on-going.
- #26** Councillor Denis Sénécal complains that Councillor Roland Larabie would have acted contrary to the Code of Conduct by acting in a conflict of interest by accepting personal financial gain under a contract with the Municipality . This file is still on-going.
- #27** This Request for Freedom of Information.
- #28** A constituent complains that Councillor Fisher has been breaching the Code by posting inappropriate comments on social media. This complaint process is still on-going.

#29 Another constituent complains that that Councillor Fisher has been breaching the Code by posting inappropriate comments on social media. This complaint process is still on-going.

I trust all to be satisfactory.

As always, keep healthy and stay safe!

Bonne soirée!

Patrice J. Cormier, B.A., LL.B.

Société Professionnelle *Julien & Cormier* Professional Corporation