

RE: TOWN OF GRAVENHURST COMPLAINT INVESTIGATION #0120

I. Summary

This report presents the findings of my investigation under the Town of Gravenhurst Code of Conduct (the “Code”) relating to the conduct of Councillor Joanne Morphy (the “Respondent”) in connection with a complaint received February 11, 2020 (the “Complaint”).

The Complaint relates to conduct of the Respondent towards staff of the Town of Gravenhurst (the “Town”), through disrespectful language used in emails contrary to the Code rules that relate to respecting the role and independence of staff in the day-to-day business of the Town and the Council Staff Relations Policy.

The Complaint sets out allegations that the Respondent’s conduct contravened Rule 1 (Statement of Principles), Rule 3 (General Obligations), and Rule 8 (Discrimination and Harassment) of the Code and the Town’s Council Staff Relations Policy. While the Complaint did not specifically set out Rule 4 (The Role of Staff), I interpreted and reformulated the Complaint and determined that the Complaint raised the allegation that the Respondent’s conduct disrespected staff when she sent emails to other Members of Council using language that cast aspersions on the competence and efficiency of the work of staff. The Complaint also alleged that the Respondent’s email comments amounted to going over the Chief Administrative Officer’s (“CAO”) head and calling into question his staff oversight, thus undermining his authority as the senior most administrator. In so doing, the Complaint alleges the Respondent failed to adhere to the Council Staff Relations Policy. As such, the Complaint also alleged a breach of Rule 11(Council Policies and Procedures) of the Code. Rule 1 is not an operative, enforceable provision of the Code, so I make no further comment in respect of Rule 1.

The Complaint raises the following issues:

1. The Respondent impugned the reputation of the Chief Administrative Officer (“CAO”) and that of the Town Clerk in contravention of Rule 3.1(f) and (h), and Rule 4 through the use of disparaging emails and phone calls to the Mayor and Members of Council in December 2019 and January 2020. These emails and calls were used to communicate her belief that either or both of the CAO and the Town Clerk had misrepresented the outcome of an April 2019 decision of Council in relation to the status of the Executive Assistant to the Mayor and CAO position .
2. Through the use of disrespectful language in reference to staff actions in emails and phone calls to the Mayor and Members of Council, the Respondent failed to adhere to the common understanding of Council and staff’s respective roles and responsibilities, in contravention of Rules 4, 8 and 11 (insofar as the Respondent failed to adhere to the Town’s Council Staff Relations Policy).

I find that the Complaint sets out several issues, to which I reformulated Issue #1 and #2 and these 2 issues trigger various Code rules (3.1(f) and (h), 4, 8 and 11). However, this Complaint raises one issue: whether the emails sent by the Respondent to other Members of Council are subject to the Code rules and impose obligations on the Member to act in a certain way even if her emails were not directed to any particular staff member. I find that the language used by the Respondent in emails to Members of Council in respect of the 2020 Operating Budget deliberation and, in particular in the email inquiry from the Respondent dated December 26, 2019, cast aspersions on the integrity and honesty of the CAO and the Town Clerk. I find that though the Respondent did not believe that her emails would be seen by the CAO or Town Clerk and thus believing the email comments were not subject to the Code rules, I nonetheless, find that the Respondent’s conduct, though not intended to impugn Town staff’s professional role, had that result.

I found that the Respondent sending emails to other Members of Council, had the effect of creating the impression with the other Members of Council that the CAO and his staff’s explanation in response to the Respondent’s December 26, 2019 inquiry, was inaccurate and in some way, self-motivated as the staffing would benefit the CAO. While the Respondent’s stated objective was to ensure appropriate spending of taxpayer dollars in accordance with approved decisions of Council and not to cast a shadow of illegitimacy

on the honesty of staff, raising this issue with Members of Council who all know and work with the CAO and Town Clerk and who would be making a decision on the 2020 Operating budget based on the minutes prepared by staff, had the effect of criticizing staff and undermining their professional roles. I find the Respondent's conduct has not breached Rule 3.1 (f) in that I determined that she did not intentionally mislead or make statements known to be false. I find that the Respondent's belief that the minutes did not accurately reflect the March/April 2019 Resolution that was voted on at Council and her raising this issue through emails sent to Members of Council, had the effect of criticizing without staff being given an opportunity to defend their professional position. Notwithstanding the email sent by the CAO on January 20, 2020 (set out on page 8 below), the Respondent took her position to email exchanges and her use of disparaging language towards staff was in contravention of Rule 3 (h) Rule 4.1 and 4.4 (a).

The Respondent should have known that her statements would cast aspersions on the honesty and integrity of the CAO and his staff and be received by Members of Council an attempt to influence the independent administration of the business of the Town and, therefore, an attempt to influence staff from carrying out their professional duties. Those statements included: "I see litigation and a full out investigation unless a realistic explanation can be provided by the CAO or clerk," and, "We all know we did not vote to support a rehiring/full time/ renewal of contract of [named individual's] position." and "An investigation needs to be launched. We simply need to get to the bottom of this."

Based on the information that I reviewed during this investigation, I find that there has been a contravention of Rules 4.4(a) and 11 (Council Policies and Procedures). These rules underscore the division of roles and responsibilities and are intended to prevent Members of Council for inserting themselves into the day-to-day operations and transactions of staff. If the minutes of a Council meeting are inaccurate, the default for Members of Council is to ask staff to review document for accuracy. However, refusing to accept staff's explanation why it may seem as though there was a difference between what the Respondent thought she recalled Council approved in April 2019 and what was in fact approved, which turned out to be one in the same, the Respondent's conduct had the effect of casting doubt on the professional conduct of staff. The Council Staff Relations Policy states that:

Councillors acknowledge that

- Certain members of staff are statutory offices and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or deviated from;
- They will respect the administration and managerial chain of command as delegated within the CAO's By-law (By-law No. 2016-102, as amended);

The Respondent is a first-time councillor and has responded to this Complaint by saying that she had sought advice from the Integrity Commissioner, in particular in respect of whether any rules of the Code were triggered by the Mayor having shared her emails to him with the CAO. While I am bound by confidentiality and cannot share the content of the advice that I have provided to the Respondent, subsection 223.5(2.2) states that if a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 223.3 (1), the Commissioner may release part or all of the advice without obtaining the member's consent. I can state that it is notable that section 32 of Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") sets out the circumstances in which consent of an individual is not required when an officer of the municipality is disclosing personal information. Section 32 of MFIPPA states that the consent of the individual to whom personal information belongs is not required, if the disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and if the disclosure is necessary and proper in the discharge of the institution's functions. A Member of Council discussing business of the Town is not acting in their personal capacity and therefore has no reasonable expectation of privacy regarding their conversations. Business of the Town should not be carried out through emails of individual Members of Council. However, if the Mayor believed that the disclosure to the CAO was necessary for the proper discharge of the institution's functions, the Mayor was within his authority to share this information about the accuracy of Council minutes with the CAO. If there was a complaint against a staff person, this should appropriately to the CAO and if there is a complaint against the CAO, this should go to Mayor. However, in this Complaint, I have found that the Respondent had an issue about the accuracy of Council minutes and therefore this fell within

the administration of the Town. As a result, the Mayor was required to raise the issue with the CAO for consideration and action. Rule 4.3 of the Code sets out that a Member shall not publicly criticize staff and that if a Member has any issue with respect to any staff member, such issue shall be referred to the CAO.

The information that I have obtained during this investigation identifies that the Respondent did raise concerns about the accuracy of the April 2019 minutes with staff. However, Respondent's emails subject of this Complaint were not sent to staff and thus the Respondent conduct was not intimidating to staff. The emails did challenge staff's professional authority by undermining their honesty through emails to other Members of Council, however, this conduct does not rise to the level of harassment or workplace harassment. When reviewing actions or behaviour against the rule of the respectful workplace policies, it is how actions are perceived and not the intent of the author of the actions or impugned behaviour set out in the complaint. The Respondent in this Complaint sought clarification on the issue before Council relating to the 2020 Budget, to convert a contract position of EA/Special Projects Manager to a Full-Time position of EA to the Mayor and CAO. It was the Respondent's position that she did not believe that the staff's explanation of what was before Council "added up at all". She did not believe that what staff put forward in the staff report was what Council had agreed to. The Respondent stated in emails to other Members of Council that "[t]his is not the resolution we voted on". Notwithstanding the Respondent's stated intent to obtain sufficient information to determine what Council had or had not approved in 2019 relating to the proposed budget, her comment in an email to a Member of Council stating: "[t]his is your administration and your Council. We cannot let a few words on a paper which are allegedly untrue rule the day", did not had the effect of interfering with CAO and the Town Clerk's professional role in a manner that breached Rule 4.4 (a) of the Code, though it did have the effect of undermining staff's role and mandate of accurate minute-keeping, contrary to Rule 11, in respect of the Town's Council Staff Relations Policy. As a result, I find that the Respondent's behaviour did not demonstrate conduct that breached Rule 8 of the Code and did not meet the threshold of Workplace Harassment.

In the balance of the report, I discuss my investigative process, my assessment of whether or not there has been a contravention of the Code by the Respondent, my findings on the allegations in the complaint, my reasons for those findings, and my recommendations with respect to the appropriate sanction.

II. The Allegations in the Complaint

On February 11, 2020, I received a Complaint that named Councillor Joanne Morphy of the Town as the Respondent to the Complaint. The Complaint was submitted on the Township's Complaint Form.

In the Form, the Complainant stated that the Respondent had breached Rule 1, 3 and 8 of the Code. The Complaint alleged that the Respondent did not follow the Council Staff Relations Policy approved by Council, which requires Members of Council to understand their respective roles and responsibilities with staff as well as a common basis of their relationship. The Complaint further set out that the conduct of the Respondent has:

"offended the letter and the intent of the Town's Council Code of Conduct and Council Staff Relations Policy... [and] that Councillor Morphy impugned [the CAO's] name and reputation and that of the Town Clerk in attacking [their] work as officials with the Town through emails and phone calls to Members of Council. Using inflammatory and defamatory language she attempted to covertly rally Council Members to take action based on her belief that something untoward was done by either or both of the CAO and Clerk with respect to a certain Council decision...[the] CAO ... sent a memo [...] to Council defending the Clerk's actions on the matter and indicating that she has acted professionally and ethically.

After a preliminary classification, I reformulated the Complaint to set out allegations of contraventions of Rules 3, 4, 8 and 11, and I determined that the Complaint raised 2 issues:

1. Impugned the reputation of the CAO and that of the Town Clerk through the use of inflammatory

and defamatory language and disparaging emails and phone calls to the Mayor and Members of Council, in an attempt to communicate her belief that either or both the CAO and the Town Clerk had misrepresented the outcome of an earlier Council budget decision;

2. Failed to adhere to the rules of the Town's Staff Relations Policy, thereby failing to treat staff with respect.

In particular, the Complainant included an email exchange between the Respondent and other Members of Council in which she stated:

I have scripted the message below to be returned to [CAO] however the Mayor has asked me to reconsider and have a conversation with [CAO]. Do you recall the events as I do?

I have no agenda here. I only know I DID NOT vote to reinstate the EA position which is what the documentation forwarded to me represents.

Please show your support or disagreement before I move forward and send this to [CAO] and ask for an explanation.

Time for Council to be running the Town.

The rules of the Code enshrine, as a general proposition of a municipal accountability regime, that individual Members of Council must recognize the importance of conducting the business of the Town in accordance with the rules of the Procedural By-law at properly constituted meetings of Council and respect for the professional roles of staff. Members of Council are to strive to create an atmosphere before, during and after Council meetings and through email and social media communications that is conducive to solving issues before Council, using respectful language and behavior in relation to fellow members, staff and the public. As a general proposition, Members of Council should not conduct Town business via email and when Members communicate through informal email and verbal communications, they must do so with decorum. Members of Council should not communicate via email or otherwise in such a way as to denigrate the decisions of Council or the professional reputation of staff. In reviewing the emails sent by the Respondent, I note that she used two email addresses not associated with the Town. To be clear, all Members of Council must conduct themselves with appropriate decorum at all times, including in their electronic communication with one another, Township staff and the public. Town business should be conducted at appropriately convened meetings and official email communication should be conducted on official email accounts. As leaders in the community, democratically elected to represent and make decisions in the best interest of all residents of the Town, Members of Council are held to an exemplary standard of behavior that requires them to avoid making disparaging comments about staff, other members of Council and the public, at Council meetings and through emails. Conversations carried on by Members of Council over email or otherwise using disparaging language about staff, is conduct subject to the Code rules.

The Respondent's Position. Was the Complaint frivolous or vexatious?

I considered the Respondent's statements in the reply to the Complaint, in particular that:

The series of discussions regarding the EA Position began as a 2020 budget question. It was one of many budget questions given to all departments as the CFO requested that we get any budget questions handed in ahead of time to the Senior Leadership Team.

In [the] CAO budget, he was asking for a \$26,000 increase relating to full time staff benefit costs which I needed further clarification on. It was my understanding he did not have any full-time staff.

In the 2019 budget, the Mayor and CAO wanted to make the position of the “Mayor and CAO Executive Assistant” a full-time position from the current two-year contract. At the 2019 Budget, many Councillors were crafting resolutions in opposition of this budget request. Indeed, we did contest the creation of a new full time EA position and voted in majority against it.

When the 2020 budget came out, the CAO, in explanation of the \$26,000 increase being requested in his budget document that it was to, and I paraphrase, satisfy the cost of benefits for full time staff which the EA position had been voted on by Council to be renewed. We did not recall the vote happening this way and questioned it.

The Respondent suggested that real reason, the complaint was brought forward was because the CAO wanted to have unfettered decision-making without Council oversight and the complaint is his way to shut down any criticism of the CAO’s decisions. In short, the Respondent contends that the complaint is baseless, frivolous and vexatious. I do not agree with the Respondent’s position. I did not find that there was a dishonest purpose in making the Complaint. The Respondent claims that even though other Members of Council also questioned the accuracy of the minutes from the April 2019 Council decision and that they too sought additional information, the Complainant did not file Code complaints against them. During my preliminary classification, I determined that the Complaint did not suggest that no other Members raised the same issues brought forward by the Respondent, but rather the pivotal issue of the Complaint was the inappropriate and disparaging manner in which the Respondent raised her issues.

I did not find that the Complaint was filed to cause aggravation. The conduct alleged in the Complaint fell within the ambit of the Code rules.

III. Relevant Code and Town Policy Provisions

3.0 General Obligations

3.1 In all respects, a Member shall:

- f) refrain from making statements known to be false or with the intent to mislead Council or the public; [...]
- h) accurately communicate the decisions of Council and respect Council’s decision-making process

4.0 The Role of Staff

4.1 Council as a whole approves the budget, policies and governance of the Town through its by-laws and resolutions. An individual Member does not direct nor oversee the functions of the staff of the Town

4.3 A Member shall not publicly criticize staff. Should a Member have any issue with respect to any staff member, such issue shall be referred to the CAO.

4.4 A Member shall respect the role of staff in the administration of the business and governmental affairs of the Town, and acknowledge and appreciate that staff:

- a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;

8.0 Discrimination and Harassment

8.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying, coercion or intimidation, and ensure that their work environment is free from discrimination and harassment.

8.2 A Member shall not use indecent, abusive or insulting words, phrases or expression toward any member of the public, another Member or staff.

8.3 A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status disability, age, or record of offences for which a pardon has not been granted

11.0 Council Policies and Procedures

11.1 A Member shall observe and adhere to the policies, procedures, and rules established from time to time by Council.

22.0 Investigation

22.1 The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in his or her sole discretion, that no additional information is required, or where otherwise required by the *Public Inquiries Act* or where the Integrity Commissioner has not otherwise terminated the inquiry:

a) provide the Member with an outline of the complaint with careful thoroughness of detail to allow the Member to understand the complaint against him or her, but the Integrity Commissioner shall not have any obligation to disclose:

i) the identity of the complainant, or

ii) the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner,

unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolutely discretion;

b) request that the Member provide a written response to the allegations in the complaint to the Integrity Commissioner within ten (10) business days;

c) provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within ten (10) business days;

24.0 Advice Provided to Member by Integrity Commissioner

24.1 Subject to section 10.2 of the Code, a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.

27.0 Findings

27.1 If the Integrity Commissioner determines that:

a) there has been no contravention of the Code or section 5, 5.1 or 5.2 of the *MCIA*, or

b) a contravention occurred but:

i) the Member took all reasonable measures to prevent it;

ii) sought and followed the advice of the Integrity Commissioner and provided all relevant facts known to him or her;

iii) it was trivial;

iv) it was committed through inadvertence; or

v) it resulted from an error in judgment made in good faith;

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act*, including but not limited to, a recommendation of no penalty.

Council Staff Relations Policy

Statement of Principles

The following key statements of principles are intended to facilitate an understanding, application and interpretation of this Policy. Council and staff are to:

- Recognize that positive internal relations are central to the collective ability to provide good governance and instill a high level of public confidence in the administration of the Town
- Relate to one another in a respectful, professional and courteous manner while understanding and respecting each other's roles
- Work together to further the common goal of serving the public good

A. Allegations of the Complaint

The Complaint alleges that the Respondent failed to adhere to Rule 3 and 4.4 of the Code and did not act in good faith and made statements known to be false or with the intent to mislead Council or the public. The Complaint sets out that the Respondent made statements that impugned the reputation of the CAO and the Town misrepresented the outcome of a decision that Council made at budget time for the 2019 Operating Budget about the status of the Executive Assistant to the Mayor and CAO position

There are established practices at the Township in respect all meetings of Council, including budget deliberations. The procedural by-law sets out that minutes of meetings will be taken by the Town Clerk. The Complainant advised that in the 2019 Operating Budget, the CAO's budget was reduced based on the incorrect assumption that benefits would not be paid for a contract position – this was an error. The incumbent EA position was a long term, full-time employee. The budget for 2019 was therefore understated. The new person occupying the EA contract is also a long-term full-time employee on secondment to the contract position and therefore benefits would continue to be paid. This situation required an adjustment to the 2020 budget to more accurately reflect actual costs. There were several motions put forward in respect of the Operating Budget at the 2019 Operating Budget meeting. I have set out some of the motions below. Of relevance to the matter being investigated is the following motion that was moved and carried at the March 19, 2019 Special Council Operating Budget Meeting.

Moved by Councillor Morphy Seconded by Councillor Klinck

#110 BE IT RESOLVED THAT the position of EA/Special Project be renewed as a contract position.

CARRIED

On January 20, 2020, the CAO provided the following response to the Respondent's email question:

Good day Jo.

On December 26, 2019 you sent an email with 2 questions related to the 2020 Operating Budget. The questions had to do with the EA in the CAO's Budget.

Question 1: "I believed we had voted to end the last

EA contract and yet it says we voted for “No change as per Council direction April 2019” in regards to the EA position. I have copied Kayla so that she can please provide me the resolution we crafted on that.” Answer: This question was asked by another Member of Council mid-2019 and an answer was shared with all of Council at that time. Council approved the funding for an EA contract on an ongoing basis and the Resolution is attached hereto.

Question 2: From the 2020 Operating Budget document you asked, “I also do not understand the reference being made to full time benefits for a contract position?” Answer: In the 2019 Operating Budget, the CAO’s budget was reduced based on the incorrect assumption that benefits would not be paid for a contract position – this was an error. The incumbent in the EA position was a long term, full-time employee so when they took the contract position, as in a secondment, benefits were not taken away. The budget for 2019 was therefore understated. The new person occupying the EA contract is also a long-term full-time employee on secondment to the contract position and therefore benefits will continue to be paid for. This requires an adjustment to the 2020 budget to more accurately reflect real costs. These costs are associated with the employer paid portion of benefits including pension. I trust this answers your questions but feel free to let me know if you need further clarification

During the investigation, the Complainant and others with whom I spoke advised that they had told the Respondent on numerous occasions that content of some of her emails to other Members of Council were disparaging and were likely contrary to the Code and the Council Staff Relations Policy. In response, the Respondent said that she did not recall that there had been a Council approval of the contract position. Instead the Respondent recalled that the 2019 discussion around the Operating Budget was whether to have a full-time position or remove the position and not whether to have a full-time position or a contract position. The Respondent did not understand that though the CAO was seeking a \$26,000 increase, this was not to convert the EA contract position to a full time position, but rather to cover the staff benefits costs of the person who was occupying the contract position who was a full time employee to whom benefits were entitled in their home position. Although there were discussion about creating a new full time position of the Mayor and CAO Executive Assistant, the final decision approved by Council was to approve the funding for an EA contract position on an ongoing basis with an increase in the Operating Budget to cover the cost of the benefits to the incumbent who was a full time employee.

The Respondent’s reply to the allegations of the Complaint:

In response to the Complaint, the Respondent states that:

The series of discussions regarding the EA Position began as a 2020 budget question. It was one of many budget questions given to all departments as the CFO requested that we get any budget questions handed in ahead of time to the Senior Leadership Team.

In [...] CAO budget, he was asking for a \$26,000 increase relating to full time staff benefit costs which I needed further clarification on. It was my understanding he did not have any full-time staff.

In the 2019 budget, the Mayor and CAO wanted to make the position of the “Mayor and CAO Executive Assistant” a full-time position from the current two-year contract. At the 2019 Budget, many Councillors were crafting resolutions in opposition of this budget request. Indeed, we did contest the creation of a new full time EA position and voted in majority against it.

When the 2020 budget came out, the CAO, in explanation of the \$26,000 increase being requested in his budget document that it was to, and I paraphrase, satisfy the cost of benefits for full time staff

which the EA position had been voted on by Council to be renewed. We did not recall the vote happening this way and questioned it.

Many other Councillors recalled it differently as well. After a lot of back and forth, we simply wanted a closed session to discuss the topic.

Through my review of the Respondents' responses, supporting documentation and my discussions with witnesses, the Respondent's comments in her emails demonstrate that she believed that staff were not providing accurate and complete information to council on an important budget issue. The Respondent had run on a platform of not adding any new full-time positions to the 2020 budget and she was committed to maintaining her commitment to the electorate.

From an aerial view, the Respondent should have known that sending emails to other Members of Council claiming that staff had misrepresented the decision taken by Council in April 2019 was disrespectful, especially in light of the fact that in one of the emails, another Member of Council suggests that perhaps what Council thought they approved in April 2019, was something else. In other words, another Member of Council suggests in their email response to the Respondent's allegations of misrepresentation by staff, that perhaps there is a misunderstanding in what was approved by Council. However, instead of taking this suggestion to seek to better understand what the misunderstanding may be, the Respondent seems to forcefully continue on her path of challenging the accuracy of staff minute-taking.

I note that the Town does not have a specific policy that sets out the procedure to be followed by a Member of Council who seeks clarification on information provided by staff. While the absence of such a policy does not act as a reason to condone the Respondent's conduct, I do accept the Respondent's justification that the absence of a "way forward" when decisions are unclear, did play a significant role in her choice of actions. I address this policy gap below.

In accordance with the Council Staff Relations Policy, Members are representatives of the entire Town:

- Staff serve the whole of Council rather than any individual member
- They govern, provide political direction and make decisions as a Town
- [...]

- As individual members, they have no greater access to records or information held by the Town than any member of the public and that they cannot access records for information otherwise protected from disclosure by the *Municipal Freedom and Protection of Privacy Act* or in accordance with the process set out in that statute

If the Respondent believes that staff is not providing important information to them or generally, to the public (if the information is not lawfully covered by an exemption that allows non-disclosure under MFIPPA), then Members of Council are required to request additional information through Council

The Respondent goes on to say that:

I am not the first to bring this matter up. It had apparently already been a point of discussion for [the CAO] and some of his staff members more than once in the previous year. At that time, questioning the vote by other Councillors was not considered to be alarming or damaging to [the CAO].

I bring to your attention a few attached emails from fellow Councillors stating our recollection of events and that all we wanted to do was to get together in closed session to discuss the matter.

I never accused [the CAO] publicly of anything nor did I take any formal action. We wanted clarification which we tried to get through the Mayor which we understood to be our “Report Direct” for lack of a better word. **If we as Council cannot privately discuss our employee [the CAO], then who can?** No formal letter was given to his file and no damage to his reputation was made intentionally or otherwise.

I also was not of the belief that the Mayor would forward all my personal and believed to be confidential emails regarding an employee to the actual employee in question. As such I strongly argue that any of those conversations between myself and the Mayor be disregarded. It was **never my intention nor can it be proven** that my concerns to the Mayor should be seen by [the CAO] I believe this makes his said accusations against me moot.

In the end, we were satisfied when Mayor Kelly said he would contact the Integrity Commissioner for clarification.

Your response was clear. You gave us two options to address the situation. Revisit this area for discussion at the January Council Meeting or during the February Budget deliberations which is exactly what we did.

I note that Members of Council early in their term, received on June 25, 2019 and October 28, 2019 governance and policy training delivered by the Integrity Commissioner, in respect of explaining the role of a councillor, in particular in respect of receiving information presented to Council as a group and then make decisions based upon that information for the benefit of the Township.

In describing the role of an individual Councillor, the *Municipal Act, 2001* (the “Act”) does not set out any specific role. Section 5 of the Act states that powers of the municipality must be exercised by its council, according to approved by-law unless otherwise stated. Section 224 of the Act sets out that the role of council is to – represent the public and the interests of the town, develop policies and programs, ensure accountability and transparency regimes are in place, oversee the public purse and maintain the financial integrity of the municipality and carry out the statutory duties of council. In addition, the Province of Ontario’s Municipal Councillors Guide gives guidance in identifying the role of municipal councillors. The Guide sets out the general role of a councillor and states that their policy, fiduciary and representative roles are carried out as a collective.

There is no statutory description of the role of an individual councillor. Rather, both the Act and municipal jurisprudence clearly set out that it is Council and not individual councillors who make decisions on Town budgets and other significant by-laws and policy decisions. The Ontario Court of Justice General Division (*University Village (Guelph) v the City of Guelph*)¹, stated very clearly, what is enshrined in the Act, which is that in Ontario, the decision-making authority of municipalities lies with the municipal council and that council, as a whole, exercises executive, legislative, administrative functions.

When a Member of Council is elected, they cease to represent a particular group or matter of interest and become one part of the governing body recognized by the Act as the decision-maker of the municipality. Members carry out their official activities in a way that will foster and enhance respect for government.

¹ [1992] O.J. No. 324, 22 R.P.R. (2d) 107 (Gen Div), aff’d [1995] O.J. No. 1839 (CA)

It is a general practice at the municipal level of government to have informal discussions between staff and individual Members of Council in preparation for discussions on the approved agenda items. The Respondent and all Members of Council may speak with staff without triggering Code rules, as long as individually and outside of Council as a whole, they do not materially advance an item on an approved Council agenda. This example is to be distinguished from the actions of the Respondent in Issue #1, which were directed at discussing a matter beyond the informal and rather entering into a substantive discussion that lawfully is prescribed to occur at a Council or Committee meeting. While Members of Council received training on the rules of the Code of Conduct, which included the limited role of an individual Member of Council, the information delivered at the training session did not specifically address the process to be followed by a Member of Council when seeking clarification and further information from staff in respect of a Council decision or a Town policy.

As part of the reply to the Complaint, the Respondent provided an email thread as her evidence that her conduct in sending the emails to other Members of Council had been tied into advice by the Integrity Commissioner. I did not provide advice to the Respondent but rather to Council. Subsection 223.5(2.2) of the Act states that:

The advice that I provided was to Council in response to a request from the Mayor on behalf of Council. The Memorandum dated January 10, 2020 provided my opinion as Integrity Commissioner, in respect of whether a request by some Members of Council to have a Closed Meeting to clarify the debate, voting, etc. related to the 2019 budget item Executive Assistant, is permitted under the provisions of the *Municipal Act* and the Code of Conduct. Council, through the Mayor, advised that some councillors believed that the minutes from the April 2019 meeting were not reflective of the discussion and voting that took place at the March 19, 2019 and April 16, 2019 Operating Budget meetings. During the 2019 meetings, Members of Council debated the 2019 Operating Budget, which included the discussion of whether to hire a permanent Executive Assistant to support the Chief Administrative Officer and the Office of the Mayor of the Town of Gravenhurst. I advised that proposing a reporting relationship for an identified new position in the Town's organization, is a governance issue and that during the 2019 Operating Budget meetings, the Town was discussing whether certain salary policy decisions would be made and reasons for doing so (salary freeze). I concluded that a decision to amend a pre-established Pay for Performance program is a policy decision which has the effect of allowing movement of salary ranges based on performance and that these type of general discussions about salary range and compensation packages are properly discussed in open meetings. In an email dated December 26, 2019, the Respondent sent an email to the CAO and another staff person stating:

Good Afternoon [CAO and another staffer],

I am finding the explanation given in the operating budget does not quite fill in all the gaps for me and I hope one of you can make this request for an increase more clear.

To begin, I believed we had voted to end the last EA contract and yet it says we voted for "No change as per Council direction April 2019" in regards to the EA position. I have copied [the Town Clerk] so that she can please provide me the resolution we crafted on that.

Once I am satisfied that I somehow misunderstood the decision that was made, I can ask to have the reason for a \$26,000 + increase further explained to me.

Here is the explanation from the report:

"EXPLANATION FOR SIGNIFICANT CHANGES FROM 2019 BUDGET

Staff Costs: Increase of \$26,368

No change as per Council direction April 2019

- Most of this increase is due to an incorrect assumption that was made for the 2019 Operating Budget in relation to the contract nature of the EA position."

I simply do not understand what the above means? I also do not understand the reference being made to full time benefits for a contract position?

I look forward to hearing back in response to my two questions.

When advised in January 2020 discussions on the 2020 Operating Budget that there would be a Staff Costs Increase of \$26,368 in the EA position and no change in accordance with the Council April 2019 decision, the Respondent said:

“I simply do not understand what the above means? I also do not understand the reference being made to full time benefits for a contract position?”

This review is not so much about the Respondent not recalling what Council had agreed on in respect of the EA position, how the Respondent went about seeking clarification on her recollection of the minutes from 2019 and the language the Respondent used about staff in her emails to other Members of Council. Even when the Respondent was shown the April 2019 Council Resolution, she was not satisfied that the minutes accurately reflected what Council agreed regarding the continuation of the EA contract position. If the Respondent wanted to question the decision or staff, it should not have been by email and to the extent that the Respondent wanted to talk about upcoming business of the Town and actions of staff by email, these emails must be respectful. I find that this is a misunderstanding on the part of the Respondent who believed that the subject of the Council decision was a vote on contract v full time and she misunderstood that the minutes said there would be new full-time position.

The Respondent's allegations that the minutes of the April 2019 Operating Budget meeting were inaccurate have not been borne out. I am not the arbiter of whether the minutes were accurate or not accurate. However, upon review of the minutes in respect of the allegation of the conduct of the Respondent, I note that the Town Clerk was accurate in her minute-taking. This is very important to state publicly because although the aspersions were cast through emails not sent to staff, all Members of Council received the Respondent's emails and it is important to state that the Town Clerk's minutes were accurate and her professionalism in her role is without blemish.

B. Did the Respondent's conduct breach Rules 3, 4, and 11 of the Code and Town's Staff Relations Policy?

The Complaint set out an allegation that the Respondent contravened Rules 4.4 and 11 (Council Policies and Procedures) insofar as the Council Staff Relations Policy states that:

Councillors acknowledge that

- Certain members of staff are statutory offices and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or deviated from;
- They will respect the administration and managerial chain of command as delegated within the CAO's By-law (By-law No. 2016-102, as amended);

The Respondent is a first-time councillor and has sought advice from the Integrity Commissioner. I have obtained information during this investigation that gives evidence of the Respondent behaving in a way that was perceived by staff as intimidating and challenging their professional authority. The position of Town Clerk is a statutory office prescribed by statute, specifically the Act:

Clerk

228 (1) A municipality shall appoint a clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality. 2001, c. 25, s. 228 (1)

The Town Clerk recorded without comment the resolution of the April 2019 meetings. The Respondent's allegations that the content of the December 19th staff report was not reflective of the discussion April 2019 resolution and voting that took place at the March 19, 2019 and April 16, 2019 meetings went beyond asking for clarification as to whether there was an error in the Minutes. Rather, she called into question to honesty and professional ability of the Town Clerk and the CAO to whom she directly reports and who reviews her performance. When reviewing actions or behaviour against the rule of the respectful workplace policies, it is how actions are perceived and not the intent of the author of the actions or impugned behaviour set out in the complaint. The Respondent in this Complaint sought clarification on the issue before Council relating to the 2020 Budget, to convert a contract position of EA/Special Projects Manager to a Full-Time position. It was the Respondent's position that she did not believe that the staff's explanation of what was before Council "added up at all". She did not believe that what staff put forward in the staff report was "factual". The Respondent stated in emails to other Members of Council that "[t]his is not the resolution we voted on".

As stated above, notwithstanding the Respondent's stated intent to obtain sufficient information to determine what Council had or had not approved in 2019 relating to the proposed budget, her comment in an email to a Member of Council stating: "[t]his is your administration and your Council. We cannot let a few words on a paper which are allegedly untrue rule the day", had the effect of undermining and disrespecting the roles of the CAO and the Town Clerk in a manner that breached Rule 4.4 (a) and of the Code, and Rule 11 of the Code, in respect of the Town's Council Staff Relations Policy. Section 11 of the Code requires all Members observe and adhere to the policies, procedures, and rules established from time to time by Council, which includes the Council Staff Relations Policy.

The purpose of the Policy is to provide and maintain a working environment that is based on respect for the dignity and rights of everyone in the organization. General obligations of the Council Staff Relations Policy require Council and staff to:

1. Relate to one another in a courteous, respectful and professional manner
2. Maintain formal working relationship in order to promote equality and discourage favouritism
3. Understand their respective roles and responsibilities and appreciate and respect the roles and responsibilities of others
4. Work together to produce the best results and outcomes and for the collective public interest of the Town
5. Act in a manner that enhances public confidence in local government

By requiring Members to comply with policies of the City, Rule 11 incorporates into the Code by reference, the obligations found in the Council Staff Relations policy. A violation of the Policy would amount to a breach of the Code.

On December 26, 2019, January 7, 2020 (6 emails) and January 8, 2020 (6 emails), the Respondent sent out several derogatory emails to other Members of Council. Even though the Respondent's emails were not sent to the Complainant or other Town staff, emails between councillors are subject to the Code – even if they are not sent to the staff members about whom they speak negatively. The reason is that emails to Members of Council can go beyond the recipients and the sender can lose control of the emails which were sent. But further, even if the emails remain within the confines of the Members of Council to whom they were sent, **how** the Respondent discussed her conclusions and her recollection of what Council approved versus what was set out in the minutes written by staff, suggested that staff was intentionally misleading Council. While the Respondent may have thought that she was in a zone of privacy, in fact, a complaint about the minute-taking of the Town Clerk must be addressed by the CAO so it was entirely proper for the Mayor to provide the Respondent's emails to the CAO. The Mayor advised the Respondent on several occasions to refrain from sending emails to discuss Town business, and to in particular avoid using a tone or language that

denigrated staff. I find that the Respondent's use of language about staff in emails to other Members demonstrated conduct that ought to have been known to be insulting and denigrating to the professional reputation of staff, even though not directed to the staff. As a result, I find that the Respondent contravened Rule 4.4(a) However I do not find that the behaviour met the threshold of a contravention of Rule 8 of the Code.

Usually, harassment is behaviour that the actor ought reasonable to have known is unwelcome. Certainly, if the employee makes it known, then future indiscretions may amount to harassment. However, there is no obligation on the part of the employee to have made it known in order for a finding of harassment to be made. However, harassment may also occur from a serious, single remark or action and need not be directed at a particular individual. A "poisoned work environment" can result from degrading or humiliating comments, behavior or displays of material not directed to a specific individual that create an uncomfortable atmosphere.

I find that the comments made by the Respondent in emails, did form part of a course of vexatious comment, however I do not find that the comments were intended to discredit or harass the Complainant or staff. Based on the information that I received during this investigation, there is no doubt that the Respondent believed and was acting on their recollection of the March and April 2019 budget discussions of Council. The evidence I have received from the Respondent and others with whom I spoke, demonstrates that the Respondent took the position that staff withheld from or did not accurately convey information to Members of Council. On December 28th the CAO responded to the Respondent's accusations of staff presenting inaccurate information by saying:

Hi. Hope everyone is enjoying family and friends over the break?!

[...]I just wanted to acknowledge your email and manage expectations. We'll be responding once I'm back on the 6th.

[Staff and the Town Clerk] my recollection is that most of this has been asked and answered at least twice so please find appropriate references for when we can discuss. Thx
Cheers

In response to the Respondent's emails suggesting the Town Clerk's information contained in the staff report was inaccurate, another Member of Council stated in the email exchange:

Hi All,

[...]I do recall the decision as well, and you are correct I was opposed to renewing the EA position-- I understood that this position would evaporate with [a named staff] departure.

I was pretty thrown off by the resolution staff provided which clearly shows we voted the opposite. Is it possible staff incorrectly recorded the vote? Or did council misinterpret the resolution whereby we voted yes thinking it meant "Yes, remove the EA position" when in fact we needed to say "No, terminate the position"?

Reflecting on that day I thought our intentions were quite clear, and I do recall as [a named Councillor] stated some, lets call it friction, at the table as a result of the vote.

Thanks,

Certainly, the Respondent's behaviour as set out in the emails she sent to other Members of Council is not to be condoned and based on the information that I have received and reviewed during this investigation, the Respondent frequently participates in offline email discussions that question the outcome of matters discussed at Council. These discussions relate to the day-to-day business of the Town and are more appropriately discussed at Committee or Council and not through email exchanges with individual Members

of Council. I conclude that the Respondent's conduct did breach rule 8, however, the contravention was made because the Respondent and another Member of Council believed that Council had voted for an action, but in fact they had voted with wording that meant something different. The Respondent had the professional expertise of the CAO and the Town Clerk and should have afforded the respect to the statutory roles and sought out clarification from these senior subject matter experts rather than participating in email conversations with other Members of Council taking the position that "a few words on a paper which are allegedly untrue rule the day". Those "few words on a paper" were the accurate minute of the Town Clerk a professional staff member who had faithfully and accurately captured in the minutes, the decisions of Council on a particular budget item. The Respondent could certainly have communicated that her understanding of what Council had approved in March and April 2019 was not the same as what was contained in the staff report in respect to the EA position. However, to jump from a position uncertainty to a position that staff was in some way acting improperly was not conduct that aligns with Councillor obligations under the Code. I find that with reference to Rule 8, the Respondent's conduct did not amount to workplace harassment under the Town's policy, but did breach rule 8 under the Code. For the reasons set out above, I find that the Respondent breached Rule 8 of the Code but that the contravention was committed through inadvertence.

C. Conclusions

In a 2015 Court decision, the Court set out that the Member of Council had stated unapologetically:

²Fundamentally, Buck's perspective on her right to say whatever she wanted when it came to criticism of Town staff and fellow colleagues can be found in her concluding statement in her blog of June 2, 2009 (Exhibit 32), "I am a woman hear me roar", in which she stated:

...What we have here is worth the fight. Yes, people know I'm there. Yes, you will always know what's going down. It is what I promised. It is what I will continue to deliver. With my Blog...as good as the best and better than the rest. *My head is unbowed.*

In this decision, the Court confirmed that the lawyer who had been retained to act as Integrity Commissioner to investigate the original Code complaint, had found that the Town of Aurora Council had:

- (a) revealed confidential information from closed meetings, in contravention of section 2 of the Code;
- (b) demonstrated little consideration for the decision-making process of Council and were disrespectful of the Mayor, members of Council and of Council as a whole in breach of section 3 of the Code; and,
- (c) perhaps most importantly, were highly critical of various members of staff in contravention of section 4

At paragraph 191 of the above decision, the Court finds that:

The right to freedom of speech in our society is not an absolute right. While freedom of speech is a cherished right in a free and democratic society, there are reasonable limitations. The Town of Aurora, like many towns and cities in the Province of Ontario, has a Code of Conduct that purports to codify parameters of reasonable conduct for elected Town officials. One of the provisions in the Town Code is a requirement that elected officials refrain from publicly criticizing Town staff. The reason for this limitation is obvious. Employees of the Town of Aurora are like federal and provincial civil servants. They have no ability to respond to public criticisms made of them in a public forum.

The CAO and his staff have no ability to respond to public criticism made of them in a public forum. While the email exchanges between the Respondent and other Members of Council were not conducted in public, as set out by the Complainant in the Complaint:

Instead of following up on my offer to further clarify, Councillor Morphy launched into an email campaign to create the impression with other Members of Council, including the Mayor, that my

² Buck v. Morris, 2015 ONSC 5632, Ontario Superior Court of Justice, paragraph 39

explanation was false and that some wrong-doing was afoot. Where a reasonable set of questions posed to me might have been useful in helping her understand that her “beliefs” were not correct, she instead used provocative and inflammatory statements such as, “I see litigation and a full out investigation unless a realistic explanation can be provided by the CAO or clerk,” and, “We all know we did not vote to support a rehiring/full time/ renewal of contract of [a named staff] position.” And further, “An investigation needs to be launched. We simply need to get to the bottom of this.”

Even though the Respondent was not the only Member of Council who believed that the information in the staff report did not align with their recollection of what Council had approved in April 2019, and though the Complainant contends that in those same email threads, “a more reasonable and respectful perspective [was] offered by Councillor [...] who in one part of the email thread said, “[i]s it possible staff incorrectly recorded the vote?”, the intent Respondent’s inquiries was to seek clarity on decisions of Council and not to malign staff. That being said I find that the Respondent did breach rules 3, 4.3, and 11 of the Code through inadvertence. I have found that the Respondent was wrong in her belief that making denigrating comments about the Complainant and the Town Clerk was not captured by the Code because they were made to Members of Council by email and not directly to the staff. The Respondent is a Member of Council and made these comments to Town Councillors. There was not an expectation of privacy insofar as the Mayor was required to provide the allegations of staff wrongdoing to the CAO. Once appointed, Council Members are held to a higher standard of conduct than private citizens. In addition, Members may voice disagreement and make comments about matters before them during Council or Committee debates pursuant to the rules of the procedural by-law and within the parameters of the rules of the Code of Conduct. However, they must not make disparaging comments about Council’s decision-making, a Member of Council, or staff casting aspersions on any platform or forum.

I find that the Respondent believed that her actions of sending emails to Members of Council, were not captured by the rules of the Code of Conduct, when in fact they were. All Members of Council received Code of Conduct training in June and December 2019, however, emails to and from Members of Council was not specifically raised or addressed. I do not find that the Respondent ought to have known that emails sent to other Members of Council were captured by the Code. This is exactly the type of circumstance in which the Integrity Commissioner may exercise her discretion to relieve a Respondent against a penalty under the Code. Accordingly, I find that the Respondent did contravene the Code rules 3, 4.3, and 11, but that the contravention was committed through inadvertence.

Going forward, however, with the release this decision, Members of Council will not be able to rely upon a lack of understanding of the contents of the Town’s By-laws to shield them from penalties for not observing their obligations under the Code of Conduct where Code matters come before the Integrity Commissioner for review.

Throughout this investigation, it has become clear that there is uncertainty about the Town process for clarifying Committee and Council minutes. Going forward, whether there is already a Town process in place or if there is not, clear guidelines should be developed and if already in place, effectively communicated to Members of Council so that they understand the appropriate path to follow. To the extent that any Member of Council has concerns about actions or decisions of staff, these matters should go to the CAO. In summary, if Council wants to address a gap, they believe to exist in carrying out Town business, Council should develop a process

I have carried out a thorough review of the allegations of this Complaint and have found that there are elements that are concerning, in particular the disrespectful language used by the Respondent in emails to other Members of Council suggesting untoward behaviour by the Town Clerk. I see no evidence of anything but exemplary professional conduct by the Town Clerk. Councillors should believe that it is ever appropriate to talk about people, staff or the public, in a way that is disrespectful over emails. Councillor discussions over email are captured by the rules of the Code. If any Member of Council believes that there is a gap in Town policy, the procedural by-law sets out how motions should be brought forward for discussion and if there is a gap or lack of understanding on how to make changes to policy, the remedy is to fix the gap through approved processes. If a Member of Council has a complaint against staff, Rule 4.3 prescribes that the complaint be given to the CAO. Email correspondence between Members of Council unhappy with the

outcome of Council decisions, is not how Members appropriately participate in municipal politics. Town business should be run in a respectful, open and transparent manner, in the light of Committee and Council meeting, unless there is a lawful reason why the discussion of Council should take place in closed session pursuant to the rules of the procedural by-law and section 239 of the Municipal Act.

This complaint has raised a number of issues and I decided to go address the issues raised thoroughly as part of the educational component of my mandate as the Town's Integrity Commissioner. My comments throughout this report focus on how things should be run in municipal government and the importance of having clear processes and that Members of Council understand the processes for raising issues and making changes. In the future concerns about minutes and decisions of Council should be dealt with respectfully and not through email communications. I found that the Respondent never intended for her emails to be seen beyond the Members to whom they were sent. What the Respondent suggested in her emails was incorrect: the Town Clerk did not accurately draft the minutes of the April 2019 meeting. While I do not recommend any penalty against the Respondent for the reasons I detail above, I strongly remind all Members of Council that they are required under the Code to act with the utmost respect towards staff.

To the extent that there the actions of the Respondent were a breach of Code, I find that they were committed through inadvertence.

D. Integrity Commissioner Recommendation

In accordance with Rule 26.2 of the Code, where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended remedial or corrective measure or action.

Pursuant to Section 27(1)(b) of the Complaint Protocol. The Integrity Commissioner recommends:

1. That there be no penalty as there has been a finding of contravention that was committed through inadvertence.

However, it is clear that the effect of the Respondent's conduct undermined the professional integrity of the CAO and the Town Clerk. I therefore make the following additional recommendation of remedial action.

2. That the Respondent

Tender a written apology to the Town Clerk and the CAO within 10 days of the tabling of this Report. The apology will be submitted to the Integrity Commissioner who will determine its sufficiency.

3. That the appropriate staff work with the Integrity Commissioner to develop a best practice document to guide Members of Council in respect of the intersection between Procedural By-law and the Code of Conduct and what process to be followed where a Member identifies gaps in policy.
4. If Council adopts #2 recommendation, failure of the Respondent to comply with the Council decision, will be considered a breach of this Code.

In accordance with Rule 28.1 of the Code:

Upon receipt of a report from the Integrity Commissioner with respect to the Code, the Clerk shall place the report on the next regular agenda of Council for consideration by Council. Council must consider the report at that meeting and may accept or refuse the recommendations set out in the report and accept, refuse or vary any penalties or sanctions contained in the report. A report from the Integrity Commissioner may also be considered by Council in advance of its next regular meeting should Council agree to hold a special or other meeting before its next regular meeting to consider the report.

I remain seized of this Complaint Investigation until Council makes its decisions on the above-noted recommendations and if the recommendations are approved by Council, until they are implemented.

Respectfully submitted,

May, 6. 2020



Suzanne Craig
Integrity Commissioner

March 19, 2019 Operating Budget Committee Meeting : Relevant Motions

1.Hiring Freeze

Councillor engaged in a discussion regarding terminology, and recruitment of existing and new positions, options for amendments.

Moved by Councillor Morphy, seconded by Councillor Pilger

THAT the motion be deferred until the conclusion of other motions.

Councillor Cairns - Yea
Councillor Gordon - Yea
Councillor Klinck - Yea
Councillor Lorenz - Nay
Councillor Morphy - Yea
Councillor Murray - Nay
Councillor Pilger - Yea
Councillor Varney - Yea
Mayor Kelly - Nay
CARRIED

Moved by Councillor Morphy Seconded by Councillor Klinck

BE IT RESOLVED THAT there be no new hires of employees for the corporation, excluding seasonal employees

AND THAT this freeze of new hires be in place until the 2020 operating budget is approved

DEFERRED

2.Executive Assistant / Special Projects Position

Council engaged in a discussion regarding contract extensions and combining the identified position with the Records and Information Assistant position.

Councillor Cairns - Yea
Councillor Gordon - Nay
Councillor Klinck - Yea
Councillor Lorenz - Nay
Councillor Morphy - Yea
Councillor Murray - Nay
Councillor Pilger - Yea
Councillor Varney - Yea
Mayor Kelly - Nay

Moved by Councillor Morphy Seconded by Councillor Klinck

#110 BE IT RESOLVED THAT the position of EA/Special Project be renewed as a contract position.

CARRIED

3.Records and Information Assistant

Council engaged in a discussion regarding the role of the position, impact on the capital records management program, impact on other services, analysis of the position in future years, evolution of the position, and impact of automation.

Councillor Cairns - Yea
Councillor Gordon - Nay
Councillor Klinck - Yea
Councillor Lorenz - Yea
Councillor Morphy - Yea
Councillor Murray - Nay
Councillor Pilger - Yea
Councillor Varney - Yea
Mayor Kelly - Nay

Moved by Councillor Lorenz Seconded by Councillor Cairns

#111 BE IT RESOLVED THAT the position of Records and Information Assistant be removed from the Legislative Services operating budget after the conclusion of the existing contract

CARRIED

Hiring Freeze

Moved by Councillor Morphy, seconded by Councillor Klinck,

THAT the motion be withdrawn.

Councillor Cairns - Yea
Councillor Gordon - Yea
Councillor Klinck - Yea
Councillor Lorenz - Yea
Councillor Morphy - Yea
Councillor Murray - Yea
Councillor Pilger - Yea
Councillor Varney - Yea
Mayor Kelly – Yea

CARRIED

Moved by Councillor Morphy Seconded by Councillor Klinck

BE IT RESOLVED THAT there be no new hires of employees for the corporation, excluding seasonal employees AND THAT this freeze of new hires be in place until the 2020 operating budget is approved

WITHDRAWN