

Report of Integrity Commissioner for  
The Corporation of the Township of Morley

For

Complaint Under the Code of Conduct

Concerning the conduct of  
Reeve Telford Advent, Councillor Jamie Beal and Councillor Paul Brown

Patrick W Giles

## **Authority of Integrity Commissioner**

The Integrity Commissioner was appointed pursuant to an agreement amongst the Corporation of the Township of Alberton, The Corporation of the Township of Dawson, The Corporation of the Township of Lake of the Woods, The Corporation of the Township of LaVallee, and The Corporation of the Township of Morley, dated June 1<sup>st</sup> 2022. Schedule A of the agreement designates an Integrity Commissioner and alternate Integrity Commissioners for each Township. This agreement appoints the Integrity Commissioner for the purpose of conducting inquiries of complaints under the Code of Conduct. The appointment does not give authority to the Integrity Commissioner to conduct inquiries under the Municipal Conflict of Interest Act and therefore no inquiries have been conducted for any alleged conflict of that Act.

## **Complaint**

Six allegations of breaches of the Code of Conduct and one allegation of a breach of the MCI Act are outlined in the complaint. As stated above there is no authority for the Integrity Commissioner to deal with the alleged breach of the MCI Act.

- 1) Allegation of Direct Breaches of the Code of Conduct.  
This alleges breaches of the following Sections of the Code of Conduct: 3.1, 3.2, 4.2, 4.3, 4.5, 4.6, 5.1, 5.2, 5.3, 5.4, 8.2, 10.1 and 12.1.
- 2) Allegation of Breaches of the Code of Conduct via the Council-Staff Relations Policy.  
This alleges breaches of the following Sections of the Code of Council-Staff Relations By-Law: 9.1, 9.2, 9.2, 9.5, and 9.6.
- 3) Allegation of Breaches of the Code of Conduct via the Procedural By-Law and Notice By-Law.  
This alleges breaches of the following Section of the Code of Conduct: 2.3, because the gathering was a quorum of council and being a closed meeting within the meaning of sections 238 and 239 of the Act, and did not follow various requirements of the Procedural By-Law.
- 4) Allegation of Breaches of the Code of Conduct via Breaches of the Purchasing By-law.

This alleges a breach by the Reeve of Section 2.3 of the Code of Conduct, allegations that the Purchasing By-Law confers no role for members of council to participate in the sourcing of vendors or suppliers.

- 5) Allegation of Breaches of the Code of Conduct via Breach of Operational Procedures and Policies of the Municipality.

This alleges breaches of procedures of the Public Works By-Law, the Snow By-Law and the Human Resources Policy.

- 6) Allegation of Breaches of the Code of Conduct via Breaches of the Act.

This alleges breaches of the following sections of the Municipal Act: 224 to 229, and 258(1).

### **INQUIRY**

After review of the document containing the alleged Code of Conduct I contacted the Clerk-Treasurer for the Township of Morley in order to obtain copies of various documents including minutes of the meeting of December 12 2022, a copy of Resolution #4 of November 26 2022 a resolution to appoint Council members to various Township Committees, Council-Staff relations Policy and the Code of Conduct. In addition to inquiries made to the Clerk-Treasurer for clarification of some of the mentioned documents, I made contact with each of the three Respondents as well as the Complainant in the allegation of breaches of the Code of Conduct.

### **Findings**

- 1) The Resolution #4 of November 26 2022 appointed members of Council to various committees. This included the appointments of Councillors Brown and Beal to the Roads & Public Utilities Committee. The resolution further appointed the Reeve to each standing committee.
- 2) By appointing the majority of Council members to each committee this makes each committee subject to all provisions of applicable law.
- 3) The Minutes of the December 12<sup>th</sup> 2022 Council meeting state "Public Works Superintendent Working Conditions were discussed, as there is

much snow forecasted in the next week. Council agreed that the Roads Committee should meet with the Public Works Superintendent to discuss spare-operators and levels of services.”

- 4) The Committee was requested to meet with the Public Works Superintendent by virtue of the comments for the December 12<sup>th</sup> 2022 meeting.
- 5) The Committee being a majority of Council was then obligated to follow all requirements under the Code of Conduct, the Procedural By-law and the Notice By-law for a public meeting. The Committee neglected to comply with these requirements.
- 6) Since there are no recorded minutes of the proceedings from the meeting of the Roads Committee we are left with the memory of the Complainant and the Respondents.
- 7) From my review of the Complainant Document and the discussions with the Complainant and each of the Respondents there are significant differences of opinion in what actually occurred at the meeting. Therefore, it is extremely difficult to determine what possible breaches of the Code of Conduct may have occurred.
- 8) I find that by the Committee did not complying with the Procedural By-law and Notice By-law there was a breach of the Code of Conduct.
- 9) As previously noted, I have not been appointed as Integrity Commissioner for complaints under the Municipal Conflict of Interest and therefore, I am not giving any comments on any allegations under that legislation.

### **Penalties**

Penalties for a Member who contravenes the Code of Conduct shall be those authorized under Subsection 223.4(5) of the Municipal Act, 2001 including:

- (i) A reprimand; and/or
- (ii) Suspension of the remuneration paid to the Member(s) in the respect of his or her services as a Member of Council, or of the local board, as the case may be, for a period of up to ninety (90) days.

## **Recommendations**

- 1) It is recommended that the Township undertake a review of the structure committees and the membership on those committees.
- 2) Should Township continue to have three members of council on committees then procedures should be established to ensure that any committee meetings are conducted in accordance with the Code of Conduct and all applicable law.
- 3) Should the Municipality reduce the number of council members on each committee, it is recommended that the municipality create a Standard Operating Procedure for each committee to ensure compliance with the Code of Conduct and all applicable law.
- 4) It is recommended that the municipality consider further training and orientation for the members of council.
- 5) It is recommended that timely reviews of policies, procedures and legislation be undertaken in order to ensure that council members and the township remain compliant with the Code of Conduct and all applicable law.
- 6) It is recommended that the penalty for the three members of Council be in the form of a reprimand.

## **Duty of Council**

The Council is to consider and make a determination on the recommendations in this report.

Respectively submitted this 28th day of March 2023.



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Patrick W Giles

Integrity Commissioner.