



## Township of Adjala – Tosorontio

Council Agenda – Special Meeting  
Thursday, June 14, 2018  
5:30 p.m.

1. **Call to Order**
2. **Adoption of the Agenda**
3. **Disclosure of Pecuniary Interest and the General Nature Thereof**
4. **Reports from Unfinished Business**

### **4.1 Integrity Commissioner Report – Nigel Bellchamber, Amberley Gavel Ltd.**

#### **Recommendation:**

**Whereas** Council has adopted a Council Code of Conduct dated June 23, 2016 which outlines a standard for acceptable conduct for members of council in performing their role of representing the Township of Adjala-Tosorontio; and

**Whereas** the Municipal Act, s. 223.4(5) authorizes the Municipality to impose certain penalties as identified by the Municipal Act if a member of council has contravened the Council Code of Conduct; and

**Whereas** Council has received a complaint against Councillor Pinto under the Council Code of Conduct; and

**Whereas** Council, under Resolution 17-147, dated April 10, 2017, directed that Amberley Gavel be appointed as Integrity Commissioner to investigate the complaint; and

**Whereas** the Integrity Commissioner has determined that he has jurisdiction to proceed with an investigation and to report; and

**Whereas** the Integrity Commissioner has completed his investigation into the complaint and filed a report dated May 27, 2018; and

**Whereas** the Integrity Commissioner has found that in his opinion Councillor Pinto has on multiple occasions been disrespectful to his colleagues on municipal council and in doing so has contravened the Council Code of Conduct; and

**Whereas** in the opinion of the Integrity Commissioner the behaviour has been disruptive to the conduct of business at the council table and has to some degree created a negative public perception of Council; and

**Whereas** the Integrity Commissioner has made recommendations as to the penalties to be imposed on Councillor Pinto;

**Now therefore be it resolved:**

**That** the report of the Integrity Commissioner dated May 27, 2018 be accepted; and

**That** Councillor Pinto be reprimanded for having contravened the Council Code of Conduct by being disrespectful on multiple occasions to his colleagues on municipal council, for being disruptive to the conduct of business at the council table and for creating a negative public perception of Council; and further

**That** Councillor Pinto be directed to acknowledge publicly at a Council Meeting his inappropriate behaviour as a remedial measure.

**Recommendation:**

**Whereas** Council has adopted a Council Code of Conduct dated June 23, 2016 which outlines a standard for acceptable conduct for members of council in performing their role of representing the Township of Adjala-Tosorontio; and

**Whereas** the Municipal Act, s. 223.4(5) authorizes the Municipality to impose certain penalties as identified by the Municipal Act if a member of council has contravened the Council Code of Conduct; and

**Whereas** Council has received a complaint against Councillor Meadows under the Council Code of Conduct; and

**Whereas** Council, under Resolution 17-147, dated April 10, 2017, directed that Amberley Gavel be appointed as Integrity Commissioner to investigate the complaint; and

**Whereas** the Integrity Commissioner has determined that he has jurisdiction to proceed with an investigation and to report; and

**Whereas** the Integrity Commissioner has completed his investigation into the complaint and filed a report dated May 27, 2018; and

**Whereas** the Integrity Commissioner has found that in his opinion Councillor Meadows has on multiple occasions been disrespectful to his colleagues on municipal council and in doing so has contravened the Council Code of Conduct; and

**Whereas** in the opinion of the Integrity Commissioner the behaviour has been disruptive to the conduct of business at the council table and has to some degree created a negative public perception of Council; and

**Whereas** the Integrity Commissioner has made recommendations as to the penalties to be imposed on Councillor Meadows;

**Now therefore be it resolved:**

**That** the report of the Integrity Commissioner dated May 27, 2018 be accepted; and

**That** Councillor Meadows be reprimanded for having contravened the Council Code of Conduct by being disrespectful on multiple occasions to his colleagues on municipal council, for being disruptive to the conduct of business at the council table and for creating a negative public perception of Council; and further

**That** Councillor Meadows be directed to acknowledge publicly at a Council Meeting his inappropriate behaviour as a remedial measure.

**5. Confirmation By-Law**

**Bill 1842 – A By-law to confirm the Proceedings of Council of the Township of Adjala-Tosorontio at its special meeting held on June 14, 2018.**

**Recommendation:**

**That** Bill 1842 to Confirm the Proceeding of Council at its special meeting held June 14, 2018 be introduced a first, second and third time and enacted as a By-law of the Township of Adjala-Tosorontio.

**6. Adjournment**

To: The Council of the Township of Adjala- Tosorontio

From: Amberley Gavel Ltd., Integrity Commissioner

Date: May 27, 2018

**Background**

On April 10<sup>th</sup>, 2017 the Council of the Township of Adjala-Tosorontio by resolution filed a complaint under its Code of Conduct against Councillor Robert Meadows and against Councillor Floyd Pinto.

The council appointed Amberley Gavel Ltd. as its Integrity Commissioner for the express purpose of Investigating and reporting on this joint complaint.

A witness statement was prepared by Deputy Mayor Little who was the mover of the motion that was adopted by council to file the complaint. This witness statement was quite lengthy and detailed a large number of alleged infractions against the Code by the Councillors. Many of the allegations actually predated the adoption of the Code of Conduct.

Review officers for Amberley Gavel Ltd. met with members of Council and staff, as well as the respondents to review the allegations. Even though we were aware that the allegations that predated the adoption of the Code were not ones that we could report on, we reviewed them to gain a deeper understanding of issues at the Township.

The review officers prepared a lengthy summary of their interviews and provided them to the principals of Amberley Gavel. It was clear to us from this report that there was significant conflict among council members with respect to many policy and procedural matters.

Issues had been referred to the Ontario Provincial Police and the Canada Revenue Agency for investigation and/or review. We are unaware of any actions that have been taken by either agency as a result of these referrals.

As we were preparing a draft report in In the fall of 2017 we received a request for an interview with Messrs. Pinto, Meadows, and their solicitor which we attended. We received from them submissions with respect to our jurisdiction, and matters related to process.

We have considered their submissions and engaged in a number of telephone calls with the solicitor since that time.

We have determined that we do indeed have jurisdiction and should proceed.

**Findings and Recommendations.**

It is indeed clear to us, that Councillors Meadows and Pinto have on multiple occasions been disrespectful towards their colleagues on Municipal Council and in doing so breached the Code of Conduct.

The behavior has been disruptive to the conduct of business at the council table and has to some degree created a negative public perception of Council.

It's unfortunate that this perception has arisen. Members of the public are not in a very good position to make informed judgements with respect to the performance of the municipal corporation as they often have very limited information. As one commentator observed, from 100 feet away no one can tell who started the fight, but they do know if a fight is taking place, and generally speaking, people don't like it. Conflict around the municipal council table serves no one well. Councillors need to know how to disagree agreeably.

Having determined that Councillors Meadows and Pinto breached the code of conduct it is our responsibility to turn our mind towards an appropriate penalty for each.

The Municipal Act limits the authority of an Integrity Commissioner only to making a recommendation or recommendations. Council is in turn, limited to imposing one or the other of a reprimand, or a suspension of pay for up to 90 days.

In making a recommendation with respect to penalty we are concerned as to why two normally articulate gentlemen have resorted to the tactics that they have both within and outside the council chambers.

It appears to us that it is largely the shortcomings of the administrative policies and procedures at the Township that are at fault. Their frustration in achieving compliance with prevailing municipal standards has led to the inappropriate behaviors of Councillors Pinto and Meadows. We do not condone those behaviors; however, these factors are relevant considerations for us in determining what we believe is an appropriate recommendation to council regarding penalties.

Thus, we recommend that Councillors Meadows and Pinto be formally reprimanded by resolution of Township Council.

Because we believe their objectives were in the best interests of the Township in the short and longer term we do not recommend a further penalty at this time.

While outside our scope, we do have two other recommendations to make.

The first is to recommend to Council that it engage a qualified independent third party to review and report to Council on its administrative practices and procedures with a wide ranging mandate.

The second is to ask Councillors Meadows and Pinto to acknowledge publicly at a Council Meeting their inappropriate behaviour.

This individual or firm chosen for the review should be one that is familiar with municipal government but be independent of the municipality and its current administration. We are prepared to recommend such an individual to Council.

Investigations under codes of conduct are not very effective ways to resolve disputes that arise at the council table.

When inappropriate behaviors do surface the first reaction of a Council should be to determine if there is a root cause rather than to proceed with an investigation. Codes of conduct are not designed to examine policy or allow for procedure review and complaints can lead to enhanced conflict rather than to its resolution.

We believe that having an independent review will reduce conflict and inappropriate behaviour and also benefit the Township in the long run.

Nigel Bellchamber

Amberley Gavel Ltd.

BILL 1842

**The Corporation of The Township of Adjala-Tosorontio**

**By-Law No. 18-**

**A By-Law to Confirm the Proceedings of Council of The Township of Adjala-Tosorontio at its Special Meeting held on June 14, 2018**

**Whereas** pursuant to Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*") the powers of a municipality are to be exercised by its council by by-law; and

**Whereas** it is deemed expedient that the proceedings of the Council of the Township of Adjala-Tosorontio at this meeting be confirmed and adopted by by-law;

**Now Therefore** the Council of the Corporation of the Township of Adjala-Tosorontio enacts as follows:

1. **That** the actions of the Council of the Corporation of the Township of Adjala-Tosorontio in respect to each recommendation contained in all reports, motions, resolutions and other action passed and taken by the Township of Adjala-Tosorontio at this meeting is, subject to prior approval of the Ontario Municipal Board or other Provincial or Crown Ministry or agency, where required, hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
2. **That** the Mayor and Clerk and the proper officials of the Corporation of the Township of Adjala-Tosorontio are hereby authorized and directed to do all things necessary to give effect to the actions of the Council of the Township of Adjala-Tosorontio referred to in the preceding section.
3. **That** the Mayor and Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of the Corporation of the Township of Adjala-Tosorontio.
4. **That** the provisions of this By-law shall take full force and effect with the passing hereof;
5. **That**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 14th day of June, 2018.

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**Mary Small Brett, Mayor**

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**Dina Lundy, Clerk**