

DECISION OF THE INTEGRITY COMMISSIONER

TOWNSHIP OF BLACK RIVER-MATHESON

ALLEGATION: CODE OF CONDUCT CONTRAVENTION

BY: MAYOR LADEROUTE



*Office of the Integrity
Commissioner*

Prepared By:

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I. EXECUTIVE SUMMARY

- [1] On August 15, 2019, our office received an email from Township CAO, John Regan (“Mr. Regan”) advising that he intended to request an Integrity Commissioner inquiry regarding Mayor Gilles Laderoute (“Mayor Laderoute”). No specific details were provided from the CAO at that time. On August 25, 2019, our office received Mr. Regan’s formal inquiry request [Schedule A, dated August 22, 2019] in which he alleged that Mayor Laderoute contravened eleven (11) sections of the Township’s Code of Conduct, eight (8) sections of the Council-Staff Relations Policy and the Oath of Office for members of Council. Mr. Regan also made complaints under other workplace policies that are not within the jurisdiction of the Integrity Commissioner and have been otherwise dealt with and will not be discussed herein.
- [2] Mr. Regan reported that he spoke to undisclosed municipal staff members, on or about August 14, 2019 and advised them of his intention to submit a complaint to the Integrity Commissioner. Applications requesting an inquiry by the Integrity Commissioner, must be made in writing. This requirement is outlined in the Municipality’s Code of Conduct.
- [3] The Council-Staff Relations Policy allows for complaints/concerns to be received by the Clerk who then directs them to the appropriate party. There is no specific requirement that the complaint be made to the Clerk in writing unlike the Code of Conduct.
- [4] For clarity, the email received by our office on August 15, 2019, indicated Mr. Regan’s intention to request an inquiry but did not provide the nature of his request, the alleged Code of Conduct violations nor any particulars of his complaint. It was a bare statement of his intention to file a complaint without more.
- [5] In his formal complaint Mr. Regan references the request date as “Verbally Filed August 14, 2019” and includes contraventions of the Council-Staff Relations Policy that ought to have been filed separately with the Clerk.
- [6] We do not accept either of these dates [August 14 and August 15, 2019] as the filing date of Mr. Regan’s request for inquiry and find that August 25, 2019, when the written complaint with particulars was forwarded to the Integrity Commissioner as the filing date of Mr. Regan’s complaints.
- [7] We mention it to be clear that Mr. Regan’s reliance on the August 14, 2019 date in no way impacts the inquiry itself or our findings. It does, however, give us pause to consider if this complaint by Mr. Regan is a reprisal against the Mayor in that the timing of the request for inquiry to our office is somewhat suspicious. Mr. Regan alleged that the behaviour of Mayor Laderoute has been continual for close to a year, which roughly coincides with the length of time Mr. Regan has been employed with the Township. Up until August 25, 2019, Mr. Regan had made no formal complaints to the Integrity Commissioner. On two (2) occasions prior to August 25, 2019, Mr. Regan reported

concerns to our office and sought advice/guidance neither involving Mayor Laderoute [one involved Councillor Barber, the other Cassandra Child and a quorum of Council].

[8] Of importance in our consideration and analysis of whether this complaint is one of reprisal, are the following:

- a. On August 9, 2019, the Township hosted a wine and cheese event in support of the Thelma Myers Historical Museum (the Museum) in Matheson, Ontario. Mr. Regan was in attendance.
- b. After the wine and cheese event, there was a tour of the Museum that was not part of the organized and sanctioned event. Mr. Regan was one of the parties who attended the wine and cheese event and ought to have known this tour was inappropriate. Further, witnesses alleged Mr. Regan was the one who organized and led the after-hours tour, which he denies.
- c. On August 13, 2019, our office received a request for inquiry regarding an after-hours tour of the Museum [this is subject of a separate report].
- d. On August 14, 2019, during a regular meeting of Council, Mr. Regan was directed by Council to provide written reports regarding several projects he was responsible for on behalf of the municipality.
- e. On August 15, 2019, a closed meeting of Council was held after which, Mr. Regan received a workplace suspension pending an investigation into his involvement in the after-hours Museum event and various complaints against him.

It is our opinion, that the timing of Mr. Regan's request for inquiry to the Integrity Commissioner and his insistence on the August 14, 2019 date, is likely an attempt to use his complaint to deflect attention from and minimize his own actions. However, that is not the request for inquiry currently before us.

[9] For brevity, we have summarized the allegations relating to Mayor Laderoute and our findings as follows:

The allegation that Mayor Laderoute breached the Council-Staff Relations Policy section 5 (3) by contacting staff directly and not going through the CAO, including requests to have his own Mayor's office, is **SUBSTANTIATED**.

The allegation that Mayor Laderoute breached the Council-Staff Relations Policy section 5 (8) by attempting to direct Mr. Regan on how to fill a Council vacancy is **SUBSTANTIATED**.

The allegation that Mayor Laderoute breached the Council-Staff Relations Policy more specifically, section 5 (3) by having direct conversations with the Station (Fire) Chief without the authorization or involvement of Council about the building of the Ramore Firehall is **SUBSTANTIATED**.

The allegation that Mayor Laderoute breached the Code of Conduct section 8(3) and the Council-Staff Relations Policy section 7(1) and 7(2) by speaking to Mr. Regan in an improper tone/using aggressive body language regarding Mr. Regan and Ms. Child

attending an awards ceremony on June 20, 2019, in Iroquois Falls is **SUBSTANTIATED.**

The allegation that Mayor Laderoute breached the Code of Conduct sections 6 (1) and 8 (3) by speaking to Mr. Regan in a disrespectful manner during the August 13, 2019 Council meeting is **UNSUBSTANTIATED.**

The allegation that Mayor Laderoute breached the Council-Staff Relations Policy by having a conversation with staff members about how Mr. Regan was spending money is **UNSUBSTANTIATED.**

The allegation that Mayor Laderoute breached the Council-Staff Relations Policy by directing Mr. Regan to provide monthly reports when he was not present is **UNSUBSTANTIATED.**

The allegation that Mayor Laderoute breached the Code of Conduct by participating in illegal meetings is **UNSUBSTANTIATED.**

The allegation that Mayor Laderoute breached the Code of Conduct or the Council-Staff Relations Policy by speaking to Ms. Child in an intimidating manner regarding not wanting to move out of Council chambers when she asked him to do so is **UNSUBSTANTIATED.**

The allegation that Mayor Laderoute breached the Code of Conduct by making comments that Ms. Child was incompetent and did not know her job is **UNSUBSTANTIATED.**

II. LEGISLATIVE FRAMEWORK

- [10] Under section 223.4(1)(a) of the *Municipal Act*, Council, a member of Council or a member of the public may make a request for an inquiry to the Integrity Commissioner about whether the member has contravened the Code of Conduct applicable to that member.
- [11] Section 270 of the *Municipal Act* was amended as of March 1, 2019, requiring municipalities to adopt a Staff-Council Relations Policy. If a staff person believes a member of Council has contravened this policy, they can file their complaint with the Clerk who will then refer the matter to the Integrity Commissioner to conduct an inquiry.
- [12] When a matter is referred to us, we may then conduct an inquiry in accordance with the Municipality's Integrity Commissioner Inquiry Protocol and, upon completion of the inquiry, we may make recommendations to Council on the imposition of penalties.

III. THE REQUEST

- [13] The request for inquiry under the Township's Code of Conduct before us was properly filed in accordance with the *Municipal Act* and the relevant policies and procedures for the Township of Black River-Matheson.
- [14] We received multiple complaints from former CAO, John Regan alleging that Mayor Laderoute contravened sections 6.1, 7.1, 7.2, 8.1, 8.1, 8.3, 8.5, 10.1, 10.5, 13.1, 13.2 of the Township's Code of Conduct and sections 5.2, 5.3, 5.4, 5.7, 5.8, 5.9, 5.10, 5.11 of the Staff-Council Relations Policy.

IV. THE INQUIRY PROCESS

- [15] The responsibilities of the Integrity Commissioner are set out in section 223.3(1) of the *Municipal Act*. On March 1, 2019, section 223.2 of the *Municipal Act* was amended, and municipalities were required to adopt a Code of Conduct. Further, municipalities were to appoint an Integrity Commissioner who is responsible for the application of the Code of Conduct. Complaints may be made by Council, a member of Council or a member of the public to the Integrity Commissioner for an inquiry about whether a member has contravened the Code of Conduct that is applicable to that member.
- [16] After receiving the complaints, we followed the inquiry process as set out in the Integrity Commissioner Inquiry Protocol. We did a preliminary review of each complaint which resulted in the decision to conduct an inquiry. Jane Martynuck, a professional investigator with Investigative Solutions Network (ISN), was assigned, as an agent of the Integrity Commissioner, to carry out an investigation of Mr. Regan's allegations. The inquiry followed the process outlined in section 5 of the Integrity Commissioner Inquiry Protocol which included reviewing the available evidence, interviewing Mr. Regan, witnesses, and Mayor Laderoute.
- [17] The conclusions we arrived at with respect to these matters are based upon the standard of a balance of probabilities. Balance of probabilities is a civil burden of proof, meaning that there is evidence to support the allegation that the comments or conduct "more likely than not" [50.1%] took place, and that the behaviour is a breach of the Township's Code of Conduct. As required, assessments of credibility have been made. These assessments are based on:
- whether or not the individual had first-hand knowledge of the situation,
 - whether or not the individual had an opportunity to observe the events,
 - whether or not the individual may have bias or other motive,
 - the individual's ability to clearly describe events,
 - consistency within the story,
 - the attitude of the individual as they were participating,
 - any admission of dishonesty¹

¹ *Farnya v. Chorny* (1951), [1952] 2 D.L.R. 354 (B.C.C.A.), at Para 10, 11. *Alberta (Department of Children and Youth Services) v. A.U.P.A. (2009)*, 185 LAC (4th) 176 (Alta.Arb.)

- [18] Worthy of note, is the fact that investigator Jane Martynuck determined that Mayor Laderoute was somewhat credible but preferred to have supporting evidence for his information. Mrs. Martynuck deemed Mr. Regan to be not credible and found that he misled her during the investigation. Mrs. Martynuck was not prepared to accept Mr. Regan's evidence unless it was thoroughly vetted and confirmed by another credible source. The balance of the witnesses in this investigation were deemed to be credible.

V. THE FACTS

Contacting staff directly

- [19] It has been alleged by Mr. Regan that on a regular basis and in multiple instances, Mayor Laderoute would contact staff directly on various matters instead of going through the CAO, Mr. Regan, thereby breaching section 5 (3) of the Council-Staff Relations Policy. The Policy requires that communication between staff and members of Council go through the CAO. This communication between Mayor Laderoute and staff included making requests to staff that was subordinate to the CAO for him to have his own Mayor's office.
- [20] Mayor Laderoute stated in his interview that, "You [meaning a member of the public] come and talk to me as Mayor and when it affects a department, I stop the conversation, I go and get the individual [meaning a staff person], which John [Regan] didn't like, but I grabbed the individual [staff person], here please answer." This demonstrates that Mayor Laderoute would approach staff, without first going to the CAO, and immediately direct the staff person's attention away from the duties and priorities they had been assigned.
- [21] The ideal standard would be for Mayor Laderoute to advise the member of the public of the appropriate staff person to speak to and provide contact information for the that person. It would also be appropriate for the Mayor to advise the CAO of the inquiry from ratepayers to determine whether there were other people in the organization who should be involved.
- [22] The Director of Corporate Services, Ms. Cassandra Child ("Ms. Child"), provided information that Mayor Laderoute had made mention to her of wanting his own office in the Township building on more than one occasion. This is another example of Mayor Laderoute speaking to a member of staff regarding municipal matters.
- [23] While the investigator noted that there is no evidence to suggest the various breaches of conduct were malicious or for any inappropriate reason, the allegation that Mayor Laderoute breached section 5 (3) of the Council-Staff Relations Policy was **SUBSTANTIATED**. To be clear, the Council-Staff Relations Policy and the *Municipal Act*, 2001 do not give an individual Councillor, nor the Mayor, authority to direct staff in the absence of Council or apart from in a properly constituted Council meeting. This is a technical breach of the Council-Staff Relations policy and one that Council may wish

to address by examining the policy or implementing a complaint/feedback/inquiry policy to provide both ratepayers and members of Council with further guidance on how to appropriately deal with these situations.

Attempting to direct Mr. Regan on how to fill a Council vacancy

- [24] It has further been alleged that Mayor Laderoute attempted to direct Mr. Regan on how to fill a Council vacancy. Text messages and witness information indicated that Mayor Laderoute had concerns over the process that was going to be used to fill the vacancy on Council created by the resignation of Ms. Kyla Riach.
- [25] Council directed Mr. Regan to consider how the vacancy on Council could be filled and to provide a report to Council with a process to be used. It is clear, that Mayor Laderoute had a preference as to how the position would be filled and made his opinion known to Mr. Regan. Mayor Laderoute expressed his desire for non-personalized voting cards to Mr. Regan via text message. The text message read: "*Hey John. Let's go ahead with the arena and the Ward 6 non-personalized voting process*"; clearly providing direction to Mr. Regan and contrary to section 244 of the *Municipal Act, 2001* which prohibits secret ballots.
- [26] The *Municipal Act, 2001* in sections 224 and 227 provides that Council as a body gives direction to staff and not an individual member of Council. Mayor Laderoute attempted to direct Mr. Regan regarding the advice he should give to Council with respect to the process for filling the Councillor vacancy. For this reason, the allegation that Mayor Laderoute breached section 5 (8) of the Council-Staff Relations Policy is **SUBSTANTIATED**. It is appropriate for Mayor Laderoute to speak to the CAO about this issue and even to advise the CAO of the Mayor's viewpoint on the matter. It is not, however, appropriate for Mayor Laderoute to tell the CAO what his advice to Council should be. This is what Mayor Laderoute did when he sent the message advising the CAO of the process to be used. The investigator also added that there is no evidence to suggest this breach of conduct was malicious or for any inappropriate reason.

Conversations with the Fire Chief about the building of the Ramore Firehall

- [27] Mr. Regan alleged that Mayor Laderoute had direct conversation with the Station (Fire) Chief, Mr. Gilbert Gadoury [who is also a public works employee], regarding the building of the Ramore Firehall.
- [28] Mayor Laderoute stated that "*Fire Chief Captain Mr. Gadoury*", had approached him with concerns about the Ramore Firehall and the safety of the residents. Mayor Laderoute further stated that he advised Mr. Gadoury that they needed to set up a meeting with the CAO, Fire Chief Guy Lamb, Mr. Gadoury and himself.
- [29] When interviewed Mr. Gadoury recalled that he did speak very briefly with Mayor Laderoute prior to the start of the new Firehall ground-breaking ceremony and that the conversation was not detailed. Mr. Gadoury reported that he just had some concerns. Mr. Gadoury claimed he told Mayor Laderoute that he had been trying to get a hold of

Mayor Laderoute and Mr. Regan to talk about why they were told to get out of the old building, being evicted with little to no notice and the new firehall just beginning to be built.

- [30] Mayor Laderoute advised Mr. Regan of this brief discussion and indicated that Mr. Regan was very upset by it. Further, Mr. Gadoury provided information that Mr. Regan approached Mr. Gadoury during the ground-breaking ceremony and was “very aggressive” when speaking to him, telling Mr. Gadoury that he was not to talk to anyone about what was going on, more specifically, not to talk to anyone but Mr. Regan himself.
- [31] The investigator, noted that while there is a breach here, what must also be considered is the way that Mr. Regan dealt with Mr. Gadoury. By all accounts Mr. Regan behaved in a very intimidating and aggressive manner. This is consistent with Mr. Regan’s behaviour, as reported by other witnesses. Several witnesses reported concerns about job security because of their participation in this inquiry.
- [32] Of interest, is that Mr. Regan confronted Station (Fire) Chief Gadoury and not the Mayor about this breach of protocol when both parties ought to have been aware of the established Council-Staff Relations Policy. More specifically, the policy contemplates that the staff person would go to the CAO and then would set up a meeting with Council, not a single member of Council. It is apparent that Station (Fire) Chief Gadoury did go to the CAO with this issue without satisfaction. Unfortunately, the policy does not provide a mechanism for staff in an event where a CAO is not relating information of staff concerns to Council or facilitating meetings between Council and staff. It appears that Station (Fire) Chief Gadoury did attempt at first to follow the policy without satisfactory results. He then approached the Mayor to set up a meeting between the Mayor, the CAO and himself and in this effort, the Mayor got caught in a breach situation.
- [33] The allegation that Mayor Laderoute breached section 5 (9) of the Staff-Council Relations Policy was **SUBSTANTIATED** by the investigator, however, there is no evidence to suggest the breach was malicious or for any inappropriate reason.

Speaking to Mr. Regan in an improper tone/aggressive body language

- [34] The allegation is that Mayor Laderoute used an improper tone and aggressive body language in addressing Mr. Regan about he and Ms. Child attending a high school scholarship awards ceremony.
- [35] Due to the request to attend the awards ceremony being last minute, as a result of an administrative oversight, none of the Municipal Councillors nor Mayor Laderoute were able to attend. Ms. Child mentioned to Mr. Regan that it was too bad that no one was able to go, and Mr. Regan then suggested that the two of them (Child and Regan) attend.
- [36] Mayor Laderoute advised that he did question Mr. Regan afterwards as he had concerns about the decision to have two staff people attend the function in terms of

public optics. Mr. Regan described Mayor Laderoute as being very angry and authoritative during this discussion and that Mayor Laderoute's face was "beet red".

- [37] Ms. Child stated that she heard two versions of the event. Regarding Mayor Laderoute, she recalled that Mayor Laderoute told her that when meeting with Mr. Regan, Mayor Laderoute stood up from his chair and puffed out his chest and asked Mr. Regan "what did you just say to me" or something to that effect, and Mr. Regan walked away. Ms. Child recalled Mr. Regan's version was that he told Mayor Laderoute that he runs daily operations and decides who goes and something to the effect of "whether you like it or not" and walked away.
- [38] The investigator concluded that there was no doubt that an emotional exchange happened between Mayor Laderoute and Mr. Regan and that on a balance of probabilities she found that the combination of rising from his chair, puffing his chest at Mr. Regan and saying "what did you just say to me" which connotes a tone of superiority does lead to the conclusion that Mayor Laderoute did speak inappropriately or unprofessionally to Mr. Regan in this incident. It is noted, however, that it appears the behaviour and manner of speaking was inappropriate by both parties with Mr. Regan being insolent, insubordinate and disrespectful of the Mayor by saying that he runs the daily operations whether Mayor Laderoute likes it or not and walking away from the Mayor. Unfortunately, we are dealing with a complaint against Mayor Laderoute and this provocative behaviour by Mr. Regan does not provide an exculpatory excuse for Mayor Laderoute's behaviour in this matter.
- [39] Therefore, the allegation that Mayor Laderoute breached the Code of Conduct section 8 (3) and the Council Staff-Relations Policy sections 7(1) and 7(2) is **SUBSTANTIATED.**

Speaking to Mr. Regan in a disrespectful manner during the August 13th, 2019 Council meeting

- [40] Mr. Regan alleged that Mayor Laderoute did not let Mr. Regan fulfill the duties of his job, would not acknowledge him when he raised his hand, would not let him answer questions, and spoke to him in an aggressive manner at a Council meeting held on August 13th, 2019.
- [41] Mr. Regan also reported that Mayor Laderoute contacted the municipal lawyer when it [according to Mr. Regan] was not Mayor Laderoute's place to do so.
- [42] The investigator listened to the recording from the August 13th, 2019 Council meeting, and found that Mayor Laderoute's tone was firm, but not aggressive or rude.
- [43] The Mayor's conduct was notably different than he had exhibited in previous Council meetings, where several witnesses and Mayor Laderoute reported that Mr. Regan tended to control the meetings. Two witnesses from the August 13th, 2019 meeting described Mayor Laderoute's behavior as him having "found his voice" which we take

to say that they were not offended by Mayor Laderoute's conduct and that he was taking over the Chair position at the meeting.

- [44] Witnesses also suggested that during this meeting, it seemed like Mayor Laderoute had enough of Mr. Regan and was putting his foot down. At times, witnesses stated that Mayor Laderoute may have been abrupt, but it appeared as though he was tired of being dictated to and was putting Mr. Regan "in his place". Mayor Laderoute chose not to hear from Mr. Regan a few times and gave opportunity for Council to weigh in.
- [45] It is clear that Mr. Regan did not like the requirements for written, detailed financial reports that Council was considering. It is also clear that the witnesses report that the CAO had historically controlled the Council meetings and that this had changed.
- [46] We find that this allegation, on a balance of probabilities and in light of the Mayor's role as Head of Council and the fact that the CAO was continuing to interrupt the meeting, is **UNSUBSTANTIATED**.
- [47] In regards to Mayor Laderoute contacting the municipal lawyer, Mayor Laderoute had no choice other than to consult with the Integrity Commissioner and legal counsel for the Township, as the matter he was needing advice on had to do with the CAO, Mr. Regan. There was nothing inappropriate with Mayor Laderoute seeking assistance in drafting resolutions directing the CAO to provide written reports with respect to major capital projects in the Municipality. This complaint is therefore **UNSUBSTANTIATED**

Having a conversation with staff about how Mr. Regan was spending money

- [48] The allegation is that Mayor Laderoute violated the Council-Staff Relations Policy by discussing Mr. Regan with other municipal staff regarding the spending of money.
- [49] Mayor Laderoute reported that he had a conversation with Councillor Kyla Raich about the profit allocation from Council's Teeny Tiny Summit Event, and that Mr. Regan had decided without Council's approval to donate these monies.
- [50] Mr. Regan reported this incident to have occurred March 11th, 2019. but Ms. Raich was not hired by the Township until April 8th, 2019. Therefore, it is clear that Ms. Raich was not a staff member, and the allegation that Mayor Laderoute breached the Council-Staff Relations Policy is **UNSUBSTANTIATED**.

Directing Mr. Regan to provide monthly reports when he was not present

- [51] Mr. Regan alleged that Mayor breached the Council-Staff Relations Policy by directing him to provide monthly reports during a Council meeting on June 25th, 2019 which he did not attend.
- [52] The investigator learned that the discussion surrounding having Mr. Regan provide verbal monthly and quarterly reports occurred during the closed portion of the June 25th

meeting. Council spoke on how they would like to make the CAO more accountable within his position and then passed a motion directing him to provide monthly and quarterly reports in the open meeting, which is completely within their purview as Council. For these reasons, the allegation that Mayor Laderoute breached the Council-Staff Relations Policy is **UNSUBSTANTIATED**.

Participating in illegal meetings

- [53] The allegation is that Mayor Laderoute breached the Code of Conduct by participating in illegal meetings in the form of serial meetings to influence Council on how to vote in an upcoming election, and in the form of a gathering outside the Township building after a Council meeting.
- [54] Mayor Laderoute does not recall any illegal meetings. Ms. Child described the incident in which Mr. Regan accused her of having an illegal meeting. She described how four members of Council were discussing yard sales outside the Township building and one of the Councillors asked her if they could put a notice of motion on the next agenda regarding the appointment of a new member of Council. Ms. Child confirmed that this was their formal notice and agreed to put the item on the agenda. The investigator confirmed with the Integrity Commissioner that this incident was not deemed to be an illegal meeting.
- [55] Councillor Carrie Cumming described that Mayor Laderoute contacted all or almost all of the current Council to discuss what was going on in regard to filling the vacancy on Council and did not discuss it with her. She indicated that three people on Council confirmed meetings with him. Councillor Cumming believed that Mayor Laderoute had spoken to most of the Councillors about having Joanne Barber fill the empty seat on Council and she, Councillor Cumming, felt excluded.
- [56] The investigator spoke to a number of Councillors, whom she found credible, and all denied having any conversations regarding Barber's appointment. Based on the information available to the investigator, this is **UNSUBSTANTIATED**.

Speaking to Ms. Child in an intimidating manner regarding not wanting to move out of Council chambers when she asked him to do so

- [57] As noted earlier in this report, Mayor Laderoute does not have his own office in the Township building. When Mayor Laderoute attends the Township office to conduct municipal work on Wednesday afternoons, he uses the Council chambers as a work area.
- [58] This allegation is in reference to Ms. Child requesting that Mayor Laderoute move out of Council chambers to another workspace as she had need of Council chambers to complete an administrative duty. Upon receiving this request, Ms. Child indicated that Mayor Laderoute became frustrated and stated that he does not like being told to move because he has made it very clear that his office hours are from 1:00 to 4:30 in Council

chambers every Wednesday, and that they should basically work around that schedule and not bother him or ask him to move offices.

[59] Mayor Laderoute ended up not moving that day. When asked if she felt intimidated by Mayor Laderoute or his behavior when she asked him to move, Ms. Child said she was not and that Mayor Laderoute was simply expressing his views out of frustration at not having his own office.

[60] As such, the allegation that Mayor Laderoute breached the Council-Staff Relations Policy and the Code of Conduct is **UNSUBSTANTIATED**.

Making comments that Ms. Child was incompetent and did not know her job

[61] Mr. Regan alleged that Mayor Laderoute had breached the Code of Conduct by commenting on Ms. Child and saying she was incompetent in her work.

[62] Mayor Laderoute denied this allegation and provided in his interview that he thinks Ms. Child is passionate, has a lot of knowledge, and has the potential to go far in this industry. Mayor Laderoute also indicated that Mr. Regan had said things about Ms. Child and suggested she was not qualified for the position.

[63] Mr. Regan told the investigator that Mayor Laderoute had said Ms. Child made too much money, that she was in over her head, that she was incompetent and that she required a lot of work. Ms. Child was very hurt as this was not how she and Mayor Laderoute had carried out their personal relationship. When Ms. Child informed Mr. Regan that she was going to speak to Mayor Laderoute about these comments, Mr. Regan discouraged her, telling her to take the high road and he himself would deal with Mayor Laderoute on that issue. When Ms. Child did eventually speak to Mayor Laderoute, he denied having said them and in fact provided information he had heard from Mr. Regan indicating that Ms. Child was being highly critical of Mayor Laderoute. The investigator found that this allegation in fact appeared to indicate that Mr. Regan was trying to pit Ms. Child and Mayor Laderoute against each other leaving himself [Mr. Regan] as the “go-between” between them to deal with a problem that did not in fact exist.

[64] This allegation that Mayor Laderoute breached the Code of Conduct is **UNSUBSTANTIATED**, due to Mayor Laderoute being evasive on some of his answers, and as a result of Mayor Laderoute and Mr. Regan saying the same things about each other. The investigator cannot say with certainty that Mayor Laderoute did not make negative comments about Ms. Child.

VI. THE OPINION

- [65] There are a number of allegations substantiated against Mayor Laderoute. Almost all of the events relate to him overstepping his role as a member of Council into the day to day operations of the Township. Further, most of the breaches require a very strict interpretation of the Code and a situation that is not contemplated where it appears that the CAO was not properly reporting to Council.
- {66} Additionally, we are mindful of the facts that existed when the complaint was made in that it was after the unauthorized Museum tour and at a point when Mr. Regan's actions were coming under scrutiny. The sheer volume of complaints and the dated nature of some of them (many are about events that were several months old at the time the complaint was filed) give a distinct appearance that the complaints filed by Mr. Regan were strategic in an effort to shift focus away from him. It appears that Mr. Regan compiled many of these events and kept them until some time when he needed them instead of dealing with legitimate problems in a timely manner or by providing good advice and training to the Head of Council as was his role as CAO.
- [67] Mr. Regan certainly attempted to make Mayor Laderoute's conduct appear much more malicious and egregious than it was found to be. In most instances, Mayor Laderoute was acting in good faith, although he did exceed the authorities he had in his role as Mayor.
- [67] Although Mayor Laderoute breached the Code of Conduct, his conduct is not egregious in any way and merely reflected the building frustration and uncertainty that Mayor Laderoute and Council were feeling in regard to Mr. Regan at that moment in time.

VII. RECOMMENDATIONS

Our recommendations are as follows:

1. Without exception, the Investigator found that while Mayor Laderoute technically breached the Code of Conduct and the Council-Staff Relations policy on a number of occasions, the breaches were not malicious or ill-intentioned. As such we do not recommend any penalty for Mayor Laderoute (penalties under the *Municipal Act* being a reprimand or suspension of remuneration). Instead we recommend further training as discussed below.
2. The bulk of the substantiated allegations stem from Mayor Laderoute exceeding his statutory role as a Member of Council and Mayor. As such we highly recommend that in depth training about the role of Head of Council be provided to Mayor Laderoute by the Integrity Commissioner for the Municipality. The relationship between the CAO and the Mayor is critically important as a professional relationship. It is the CAO's role as Council's most trusted advisor to provide and facilitate training for the Head of Council. We also recommend that if the CAO position is filled, Council should ensure that BOTH the CAO and

Mayor have leadership training to understand and strengthen their mutually supportive roles. Frankly, this training should occur even if Council does not replace the CAO but decides that another staff person will be the senior advisor to Council.

3. In addition to the foregoing training, education for all of Council on their statutory roles and their responsibilities under their Code of Conduct and their Council-Staff Relations Policy should be conducted forthwith.
4. Many Mayors have offices within the Municipal office. If Mayor Laderoute wants an office, the proper course of action would be for him to bring that issue before Council and seek a Council resolution that he have an office. This is an example of Mayor Laderoute appearing not to know where he should direct inquiries and not understanding, precisely, his role which, in essence, is as a Councillor but with additional responsibilities as detailed in sections 225 and 226.1 of the Municipal Act, 2001.

DATED May 12, 2020