

INTEGRITY COMMISSIONER'S REPORT

Date: June 16, 2020

Item: Townsend, Hayden and Beer v. Van Alstine

Recommendation: Be It Resolved That:

The compensation paid to Councillor Maureen Van Alstine as a member of Council, be suspended for a period of ninety (90) days commencing with the next pay period.

Background:

I received 3 complaints against Councillor Van Alstine from the Mayor, the Chief Administrative Officer and one member of Council, Sandra Hayden, essentially about the same alleged offences she committed contrary to the Council Code of Conduct. (the "Code") At an open session of Council held on February 11, 2020, the respondent introduced three Notices of Motion, the first and third of which are the subject of the complaints and are attached as Appendix 1 and 2 to this report.

The first Notice of Motion calls for the CAO to be reprimanded for her failure to require a written budget from the Chief Building Official to present at a budget meeting held on February 5, 2020. No prior request to the CAO for such a budget had been made by the Councillor and no discussion with the CAO occurred before introducing the motion. I received a response from the respondent referring to "The very disrespectful presentation by the CBO during his verbal presentation of his budget" at the meeting. It has been confirmed to me by staff that Councillor Van Alstine did not attend that budget meeting where this "disrespectful presentation" is alleged to have occurred.

The respondent had received training as a member of Council where she learned that criticism of any member of staff can only be made in camera. The complaint from the CAO refers appropriately to the introduction of the Notice of Motion as a public display attempting "to belittle, demean and discredit" her.

The third notice of motion, Appendix 2, introduced by the respondent at the same meeting, is unintelligible but appears to call for the Town financial statements for

2018 and 2019 to be changed to accord with general accounting principles. Ms. Townsend is an experienced chartered professional accountant filling the role of both CAO and Treasurer for the municipality. The respondent has no accounting credentials.

This is not the first example of the respondent attempting to demean staff. At a Corporate Services Committee meeting held on December 3, 2019, as the meeting was moving into closed session, she yelled at the Manager of Financial Services telling her that she must leave the meeting. I attempted to resolve the complaint by requesting the consent of the manager to accept a public apology from Councillor Van Alstine. Before I received that consent, the Councillor read an apology at a meeting of Council which showed no contrition. The respondent alleges that the apology was sincere but I disagree, having watched the video of the meeting.

Analysis:

The following sections from the Code apply to the conduct of the respondent:

"3. CONDUCT OF MEMBERS

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and respect. . .

8. STAFF RELATIONS

8.3.1 No Member Shall:

- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;*
- (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or*
- (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff."*

The introduction of the first Notice of Motion to a public meeting of Council calling for the reprimand of the CAO is unmistakably a malicious and false attempt to impugn the professional and ethical reputation of Ms. Townsend as well as to intimidate her, contrary to the Code.

The third motion, Appendix 2, is clearly an amateurish attempt to discredit the CAO's professional capabilities, again presented to open Council with no justification and without any basis in accounting.

In a final response from Councillor Van Alstine received today, she refers me to Section 224 of the *Municipal Act* which sets out the role of Council. She interprets

this section to require members of Council to “make sure that senior management does its job correctly.”

She fails to understand the difference between management and governance of a municipality. Management requires professional staff hired on the basis of experience and education giving them the capability to comply with the very complex business and legislative requirements of a municipality. Governance is accomplished by elected members of Council representing the community to ensure that the values and mores of the community are followed.

Conclusion:

In my opinion, Councillor Van Alstine has failed to demonstrate any failure by the CAO or other staff of the Town of Espanola to professionally carry out their duties and to do so “correctly”.

I have concluded that the respondent continues to display an unjustified lack of respect for the professional competence of the CAO. It is a second offence by this Councillor against staff. I can only recommend that a sanction be imposed that might cause her to stop interfering with the operations of the municipality. I recommend that the maximum suspension of her compensation paid to her as a member of Council be imposed.

A handwritten signature in blue ink, appearing to be 'R. Swayze', is written above a horizontal line.

Prepared By: Robert Swayze
Integrity Commissioner