

January 17th, 2022

Mayor Levesque & Members of Council
Township of Chapleau
20 Pine Street
P.O. Box 129
Chapleau, ON P0M 1K0

By Email To: cao@chapleau.ca

RE: Preliminary Integrity Commissioner Report

Your Worship & Members of Council

Our office received four (4) Requests for Inquiry from members of Council related to the actions of Mayor Michael Levesque on three (3) occasions. Pursuant to the Integrity Commissioner Inquiry Protocol, we conducted a preliminary review of all complaints received. We have determined that we will not be conducting a full inquiry on any of the complaints.

Herein is our report outlining our reasons.

THE REQUEST

The Requestors alleged that Mayor Levesque contravened the Township's Code of Conduct when he:

1. First Request for Inquiry – Media Release:

Mayor Levesque issued a Media Release on March 30th, 2021, pertaining to Council's decision related to a request to support the High School Reunion. The Requestors alleged that the Media Release was only reflective of the Mayor's personal position rather than that of Council, and that the other two voting members of Council should have been given an opportunity to review the article prior to its release. Further, it is alleged that the article was retaliatory towards constituents who expressed their opinions on social media, and that the Mayor's response to questioning on the matter during the April 12th Council meeting was intimidating. The Requestors alleged that this represents improper conduct at a meeting, was disrespectful to Members of Council and is an example of improper use of influence.

2. Second Request for Inquiry – Voting at Electronic Meeting:

During the Council meeting on March 8th, 2021, which was held by teleconference, Mayor Levesque identified individual Council Members and asked them to move motions at a meeting instead of following the process of individual Council members putting their names forward to

move and second. The Requestor alleged that this represents improper conduct and use of influence and was disrespectful to Council Members.

3. Third Request for Inquiry – Disclosure of Confidential Information:

On April 28th, 2021, Mayor Levesque was interviewed by the local radio station during the course of which he reported that Council had issued a counter-offer to a CAO candidate. The Requestor alleges this was a disclosure of confidential information related to an in-camera meeting of Council on April 26th, 2021.

LEGISLATIVE AUTHORITY

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 a member or members have contravened the Code of Conduct.

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, if a breach is found, we may make recommendations to Council on the imposition of penalties.

INQUIRY PROCESS

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.

After receiving the complaints, we followed the inquiry process as set out in the Integrity Commissioner Inquiry Protocol. We undertook a preliminary review of the allegations which resulted in a decision not to conduct an inquiry and to dismiss the matters.

FACTS

MEDIA RELEASE

On February 8th, 2021 representatives from the High School Reunion Committee attended a regular meeting of Council to request financial and staff support for their event scheduled for summer 2022. They were advised that the Township faces funding shortfalls due to the extraordinary expenses associated with the COVID pandemic and the matter was tabled until the next meeting.

Reference: Regular Council Minutes February 8th, 2021

On March 8th, 2021 Council discussed the request from the High School Reunion and a motion to support their request was defeated. Councillors L. Bernier and N. Schuurman declared Conflicts of Interest as employees of the school and members of the event organizing committee.

Reference: Regular Council Minutes March 8th, 2021

On March 12th, 2021 Mayor Levesque issued a letter to the Reunion Committee advising them that *“Council has considered the matter carefully and respectfully declined your request. Council is confident that the Committee has the resources and capacity to successfully organize the event and encourages them in their efforts”*.

Reference: Council Agenda Package April 12th, 2021

According to the Requestor, members of the Public made comments on Facebook that were critical of Council’s decision. We also reviewed the Facebook posts and confirm that it was apparent that there was considerable dissent and confusion amongst constituents regarding the planning and financing of the event.

On March 30th, 2021 the Mayor authored a Media Release which was issued on the Township’s social media page titled *“Council Reports: Our Position on the Reunion”*.

On April 12th, 2021 Councillor L. Bernier addressed concerns related to the Media Release and the March 12th letter to the Reunion Committee at a Regular Meeting of Council. During the discussion, Mayor Levesque responded that during his time in office, he had not been questioned by Council on his statements made to the media and he asked why he was being questioned now. The discussion also addressed concerns about the timing of Council’s receipt of the March 12th letter as they first received a copy as part of the April 12th Agenda Package. This latter issue was resolved at the meeting.

DECISION

The March 30th Media Release issued by the Mayor was reflective of the decision made by Council. The Mayor presented a fair depiction of the limitations and challenges faced by the Township, including financial pressures, COVID-19 response and the lack of a full-time CAO which would not be disputed by anyone and are, in general, legitimate reasons for a municipality to restrict and remove themselves from financial support for the Reunion.

We find that the Media Release was politely worded and not retaliatory, nor does it *“add fuel to the fire”* as was alleged. It is clear that the Mayor was trying to show support for the Reunion but also provide information for constituents in the community in an effort to eliminate misunderstanding regarding Council’s position on the event.

The Mayor's April 12th comment about not having been questioned previously regarding statements made to the media is not found to be unapproachable in nature. We find that this exchange may have been a spirited conversation between two individuals in a workplace, but Mayor Levesque's response was not meant to be intimidating as the Requestor alleged.

While the other two voting Members could have been consulted prior to the Media Release being published on social media, there are no protocols or by-laws which require Council's approval, and this does not represent a Code of Conduct violation.

This matter is therefore dismissed.

VOTING AT ELECTRONIC MEETING

On March 8th, 2021, the Requestor alleged that Mayor Levesque identified individual members of Council by name during the Regular Meeting of Council and asked them if they would move or second the resolutions.

For example, Mayor Levesque asked "*Gerard, will you move*" to which Councillor G. Bernier said "yes".

The Requestor confirmed that the meeting was held by teleconference and there are often delays as the Members of Council wait to avoid speaking over one another.

DECISION

It is our belief that the COVID-19 pandemic has provided significant technical issues for municipalities, including the need to navigate new ways of hosting meetings with remote access for Council Members and the public. Since the beginning of the pandemic in March 2020, the Township adopted the use of a teleconference platform for their Council meetings rather than a virtual platform which provide for visual participation. The difficulty in holding a meeting over the telephone is that the participants cannot see each other and can result in several individuals speaking at once. Additionally, the Mayor cannot see if a Councillor has their hand up as he would in a meeting in Council Chambers.

Moreover, the Mayor presides over the Council meeting. There is no provision in the *Municipal Act* or the Township's Procedure Bylaw that governs how the Mayor is to solicit a mover and seconder for a motion to table a matter for debate/consideration. The Most practical solution, which has been applied by many Mayors, is to request a specific Councillor if they are interested in moving or seconding a motion. In fact, this practice has been adopted by many Councils as a method of improving the flow of the debate and decision-making process in an electronic meeting.

It is our opinion that the Mayor was using vocal prompts to improve the flow of the meeting. There was nothing malicious in his approach nor is the approach a way to influence a Member on how to vote on a matter. A Councillor may respectfully reply that they are not interested.

This matter is therefore dismissed.

DISCLOSURE OF CONFIDENTIAL INFORMATION

On April 26th, 2021, Council met in-camera to discuss one matter concerning labour relations or employee negotiations related to the recruitment of a CAO. Upon rising from the in-camera session, Council passed a resolution authorizing Mayor Levesque to issue a revised offer of employment to the CAO candidate, as recorded in the open-session Minutes.

Reference: Regular Council Minutes April 26th, 2021

On April 28th, the Mayor gave an interview to the local radio station saying that Council had issued a counter-offer to a CAO candidate.

Reference: JJAM FM Interview ([available online at this link](#))

DECISION

Members of the public were privy to the discussion concerning the issuance of a counteroffer to a CAO candidate if they were in attendance (teleconference) at the April 26th meeting and subsequently from the published Minutes of the open session.

It is evident that Mayor Levesque disclosed only what was discussed in an open session of Council on the local radio.

This matter is therefore dismissed.

SUMMARY

It is unfortunate that the Councillors who made the Requests for Inquiry did not consult with the CAO/Clerk to determine if the Mayor's actions were out of line. Requests for inquiry are not free. The money expended on these types of complaints ought to have been spent on Township priorities. These allegations appear petty and possibly retaliatory. At the very least they are an indicator of an underlying communication issue or lack of respect for each other.

Members of Council do not need to like each other, they need to respect the position. It is an honour to be elected to sit on a Municipal Council and those at the Council table should act accordingly.

When we dismiss matters that have come before us, we on occasion make recommendations. We feel it necessary under the circumstances to recommend

that the CAO/Clerk provide training on the Procedure Bylaw and on the role of the Mayor versus the role of a Councillor in accordance with the *Municipal Act*.

Respectfully,

A handwritten signature in black ink, appearing to read 'Hannigan', with a long horizontal flourish extending to the right.

Colleen Hannigan, RPP, MCIP
E4m Integrity Commissioner Consultant
Municipal Governance and Planning