

Town of Caledon

Office of the Integrity Commissioner

To: Mayor and Members of Council
Attn: Patrick Trafford
Acting Town Clerk

From: John E. Fleming
Integrity Commissioner

Date: November 8, 2023

Subject: **Final Report to the Council**

**CODE OF CONDUCT COMPLAINT RE:
ACTIONS OF MAYOR ANNETTE GROVES**

Sections 14.3, 14.4, 14.6, 16.1, 16.3 and 16.4 of the Town of Caledon Code of Conduct for Members of Council and Designated Boards obligate the Integrity Commissioner to provide a report to Council regarding investigation of a complaint where there is a finding of a breach of that Code by a Member.

Specifically those sections read as follows:

14. Investigation

14.3 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended corrective action.

14.4 The Town Clerk shall give a copy of the report to the complainant and the Member whose conduct is concerned. Subject to the conditions in paragraph 14.6, that Member shall have the right of reply when the report is considered by Council.

14.6 If the report of the Integrity Commissioner includes sanctions of a pecuniary nature, such as the replacement of property or its value, of monies spent or suspension of remuneration paid to the Member, then the Member shall not have a right of reply. In lieu of a right of reply, the Integrity Commissioner shall invite the Member to submit a written response to the report.

16. Public Disclosure.

16.1 The Integrity Commissioner, Director of Administration/Town Clerk and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any

investigation, except as required by law and as required by this complaint protocol.

16.3 At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that a breach has occurred.

16.4 All reports from the Integrity Commissioner to Council will be made available to the public on Caledon.ca.

I received a complaint on August 7 2023 and have now completed my investigation of that complaint, reviewed the relevant evidence and testimony and prepared the attached report.

My report on this matter speaks for itself, and it is submitted for the *information* of Council, pursuant to s. 14.3 of the Code, reproduced above.

s. 14.4 requires that the (Acting) Town Clerk provide a copy of the report to:

- The respondent, Mayor Groves. I request that the (Acting) Town Clerk ensure that Mayor Groves is in receipt of a copy.
- The complainant. I choose not to ask the Acting Town Clerk to do so, given that I have chosen to protect the identity of the Complainant, and hereby certify to Council that I have directly provided a copy to the Complainant.
- Finally, s. 14.6 provides that the respondent Mayor Groves may, if she so chooses, provide a response to my report, *in writing*. While the Code is silent as to whom such a response should be directed, it would seem most appropriate for such a response to be provided to the Council.

s. 16 addresses the matter of Public Disclosure. Those requirements have been satisfied, as set out above.

Conclusion

The accompanying report is submitted for the information of Council. No immediate action is required by the Council respecting this matter. The Town's Finance officials will note that the responsibility for implementing the sanctions imposed rests with them.

Respectfully submitted

John E. Fleming C Dir
Integrity Commissioner

**John E. Fleming C Dir
Integrity Commissioner
The Town of Caledon**

**Report to the Council
RE: CODE OF CONDUCT COMPLAINT
ACTIONS OF MAYOR ANNETTE GROVES**

Background

I have been appointed by Council as the Integrity Commissioner for the Town of Caledon to serve in that role for the period from January 1, 2020 to December 31, 2023. The appointment was approved by the previous Council on December 17, 2019 by adoption of By-Law 2019-77.

As Integrity Commissioner, as set out in both the Council Code of Conduct (the “Code”) and my contract with the Town of Caledon, it is my function to:

- a. Provide information and education to the Council and the public regarding the Code of Conduct and the role of the Integrity Commissioner
- b. Provide advice to members of Council regarding their ethical obligations and responsibilities under the Code of Conduct, and any other procedures, rules or policies covering their ethical behaviour; and
- c. Conduct inquiries and investigations of alleged contraventions of the Code of Conduct in accordance with the procedures set out in the Code, and make decisions, including the imposition of penalties, in regard to such alleged contraventions.

Receipt of a formal complaint

On August 7, 2023, I received a formal complaint concerning the conduct of Mayor Annette Groves, alleging that on two different occasions the Mayor attempted “to improperly influence or direct the Town of Caledon’s bylaw staff and/or to interfere in the execution of their duties.”

The Code sets out a process to be followed when formal complaints are filed with my office. The first step in that process is to undertake an Intake Review (s.11.6), to determine whether the complaint falls within my mandate, and is not frivolous or vexatious.

I undertook that review, and determined that the complaint, on the basis of the complainant’s detailed submission, was worthy of further investigation.

All of the requirements set out in Option B: Formal Complaint Procedure (s. 11.5) have been followed.

I followed the process set out in s. 14.1 of the Code.

I forwarded a copy of the complaint on August 14, 2023 to the respondent and provided her with the opportunity to respond within 10 days. The Mayor responded on August 26, 2023. I forwarded her responses to the complainant on August 28 2023 and provided 10 days to comment on the Mayor’s response. I received the reply shortly after. All of these steps were completed in a timely way.

Based on the information provided to me, I concluded that there were grounds for me to undertake an investigation, as set out further in s. 14.2 of the Code of Conduct.

All parties were requested to maintain confidentiality while my investigation proceeded.

The allegations

The complainant's allegations, summarized, are as follows:

Complaint #1

Regarding 12415 Coleraine Drive and the construction of an asphalt plant

The complaint alleged that the Mayor was attempting to improperly influence the Town's (then) Director, Building & Municipal Law Enforcement Services. The then-Director in his independent and statutory role as Chief Building Official (CBO) had issued an Order to Comply and a Stop Work Order on the owner of that property. In an email to the then-Director, the Mayor on behalf of herself and Councillors Russo, Rosa and Napoli expressed "(we) wish that no further actions taken against the property."

The complainant asked that I review the email exchange provided as a part of the complaint and the circumstances surrounding that exchange to determine if the Mayor's actions were contrary to the Town's Code of Conduct.

Complaint #2

Regarding clean-up of illegally dumped material at 17055 Hwy 50

Town staff, a contractor and an OPP officer were on site at the property to clean up illegally dumped material. I was advised that the owner had failed to remove that material, in response to an order from the Building & Municipal Law Enforcement Services staff.

The complaint alleged that the complainant learned on August 4 that when an enforcement team had arrived on site on August 2 to remove the illegally dumped material, the owner called the Mayor who intervened to have the enforcement actions halted.

The investigation

My investigation included a review of documentary evidence and conduct of oral interviews.

I reviewed extensive documentation made available to me including, attachments to the original complaint and numerous other documents obtained under my authority per the *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sched. 6.

I, together with my legal counsel, conducted a series of interviews with individuals who were believed to have had knowledge of the matters complained about. In total, we interviewed 7 individuals, the majority of those conducted following my issuance of a Summons and conducted under oath making use of the powers accorded to me as Integrity Commissioner under the *Municipal Act, 2001* (the "Act") and the *Public Inquiries Act, 2009*.

Legal counsel

Early on in my lengthy tenure as Caledon's Integrity Commissioner, the Town retained legal counsel for me. The investigation undertaken in this matter is the first and only time I have engaged the services of that retained counsel. I made that decision based on the gravity of the complaint, the complexity of the fact situation, and the changing legal context following the recent passage of the *Strong Mayors, Building Homes Act, 2022*, S.O. 2022 and associated changes to the Act.

The law firm retained on my behalf by the Town in 2019 is Adair Goldblatt Bieber LLP, represented by an experienced partner of that firm, Ms. Julia Wilkes. Ms. Wilkes has been of considerable assistance to me in navigating the evolving relevant municipal law in Ontario.

The context

The complaint addresses the conduct of the Mayor in relation to Town Staff. Through the investigation, it became clear that the actual conduct was not in dispute; however, the Mayor believed that such conduct properly fell within the exercise of her authority. The Mayor contends that she, as an elected official, has the authority to “work with” bylaw enforcement on behalf of her constituents. My investigation and subsequent analysis has considered carefully the Mayor’s assertions about the meaning of “work with” and whether or not the approach she has followed is compliant with the Code of Conduct and the Council-Staff Relations policy incorporated in that Code.

In 2023, the Regulations to the Act were amended to include new municipalities to the list of those to which Part VI.1 Special Powers and Duties of the Head of Council applied. Effective July 1, 2023, the Town of Caledon was included in the Regulations made under the Act, providing an expanded role and powers to the Mayor of the Town. The second matter addressed conduct in August 2023. Despite the new application of the legislation to Caledon, Mayor Groves testified that she did not rely on Strong Mayor powers in respect of the Highway 50 matter.

The relevant facts

Complaint #1:

Regarding 12415 Coleraine Drive and the construction of an asphalt plant

The history over the past 4-5 years pertaining to this particular property is well known to Council. In sum, the original applications to seek all the changes necessary to build an asphalt plant on this property were denied by Council (during the prior term of Council). That denial led to an appeal before the Ontario Land Tribunal (“OLT”) by the proponent and owner of the property. The OLT determined that the use ought to be permitted subject to certain conditions that were to be met before any work proceeded on the site. Those conditions included a number of steps to be approved by the Town of Caledon, as well as an approval of the use by the Ontario Ministry of Environment Conservation and Parks.

Despite that OLT order, I have reviewed extensive evidence that the owner/proponent of the property proceeded with the delivery, installation and partial construction of the proposed plant, with none of the required approvals in place. For clarity, I make no finding that the plant went into operation (that to my knowledge has not occurred). Rather, the delivery of additional fill, subsequent grading of that fill, and the delivery and assembly of the many requisite parts and structures for the plant proceeded at a considerable pace, as regularly viewed and inspected by Town enforcement staff.

Subsequently and with that work ongoing, despite the lack of approvals in place, the Director, Building & Municipal Law Enforcement Services and his staff proceeded to exercise the Director’s statutory authority to issue an Order to Comply and a Stop Work Order under the *Building Code Act*, 1992 c. 23. Those Orders were issued on April 14, 2023. On April 20, 2023, bylaw enforcement issued a further Order to Comply in relation to the delivery of fill and the use of fill to change the grade of the property.

Mayor Groves, by way of an email dated May 3, 2023 to the Director, intervened or attempted to influence the duties of the Director, citing support of Councillors Russo, Rosa and Napoli, indicating “....**we wish to have no further actions taken against the property located at 12415 Coleraine Dr. either from Building or Bylaw.**”

The Mayor in that same email indicated that the owner “.....has submitted his application and is working with staff to obtain the necessary permits and approvals for the site.” At the relevant time, no such application had been submitted. Evidence indicated that as of June 1 2023 (some 6 weeks later) the Planning Application was “...open with the appropriate submissions to the Town *not yet received.*”

The Director responded clearly setting out his position that the Mayor was attempting to interfere with his exercise of statutory and delegated duties. A Councillor witness testified that after receiving that email, they determined that they should not be involved and played no other role in respect of this property.

The Mayor took a different decision.

Protracted discussions and interactions ensued. I have reviewed substantial evidence that the Mayor did not follow up with the then Director and instead began to engage with both the Manager (who was then supervised by the Director and later became Acting Director) of the Department and one of the By Law Enforcement Officers in her quest to have enforcement actions stopped. She attended on site at the request of the property owner when a bylaw officer was conducting a follow-up inspection.

As of the writing of this report, resolution of this matter remains outstanding, with charges filed on the matter still before the Court.

Complaint #2:

Regarding clean-up of illegally dumped material at 17055 Hwy 50

The incidents surrounding this second complaint pertain to a large amount of contaminated soil being dumped at the subject address, and the responsible person’s failure to remove that material, as ordered by the By Law enforcement staff of the Town.

For over three months, Town enforcement officials made numerous attempts to have the responsible person remove the illegally dumped and contaminated material; however, those requests had not been complied with by the responsible person named in the order.

As a result of the non-compliance with an order, bylaw enforcement officials determined that the Town would carry out the required work. Staff attended at the property on August 2 together with a contractor engaged to load and haul away the material in question, supported by a member of the Caledon detachment of the OPP. Prior to the work beginning, the person subject to the removal order contacted the Mayor by telephone. Once he reached the Mayor, he passed his phone to the senior by law enforcement official on site. That by law officer spoke to the Mayor at the time. **The direction from the Mayor to the bylaw official and subsequently to the acting Director was clear: the “clean-up activity was to be stopped.”**

After confirmation from his supervisor, the enforcement officer dismissed the contractor and the contractor’s associated equipment at significant expense to the Town.

On more than one occasion, throughout the matters subject to these complaints, the Mayor referred to the work of the Director and his team as “cowboys” and their actions as “defamatory.” In her evidence before me, she asserted that the use of such language was not intended to be derogatory but meant only that they were “not working with constituents.”

Mayor Groves testified that it is her long-standing practice to respond to issues, concerns and problems brought to her attention by her constituents (including a myriad of individuals, companies and community groups) as problems or perceived problems arise in the community. Mayor Groves sees it as part of her duties to intervene on behalf of those constituents to discuss matters with bylaw officers and building code enforcement. Mayor Groves denied that she “directed” any staff but instead stated that she asked that staff stop taking enforcement actions while the constituents were “working with” various Town departments.

Mayor Groves was given the opportunity to provide any evidence that she believed was relevant to the matters. Mayor Groves testified about other occasions when she interacted with bylaw enforcement and helped to reach a “successful resolution” of the matter.

My analysis

Having reviewed email communications, the notes and file summaries prepared by Town staff regarding both of these events, and heard the evidence of the witnesses, I conclude that Mayor Annette Groves inserted herself into enforcement matters. The question I have to address is whether the Mayor’s actions were contrary to the Code of Conduct and the Council-Staff Relations Policy. I address the Council-Staff Relations Policy separately while noting that it is formally incorporated in the Code of Conduct by s. 5.8 as required under s. 270 of the Municipal Act.

1. The Relevant Code and Policy Provisions

I have excerpted the relevant provisions below (emphasis added):

Code of Conduct

Purpose

Members behave in a manner that is both **ethically responsible and accountable** at all times in upholding the public interest and will withstand public scrutiny;

Policy Statement

Members shall be committed to performing their functions with integrity, honesty and accountability, and **to avoid the improper use of the influence of their office**, and conflicts of interest, both real and apparent;

s. 5.3

In addition, Members shall acknowledge and **respect the fact that Town employees carry out directions of Council as a whole and administer the policies of the Town.**

Members shall **refrain from using their position to improperly influence employees in their duties or functions** to gain an advantage for themselves or others.

s. 5.4

Members shall refrain from publicly criticizing employees, in a way that casts aspersions on their professional competence and credibility.

s. 5.8

Members of Council shall be subject to the Council-Staff Relations Policy, as required by Section 270 of the Municipal Act.¹

Council-Staff Relations Policy

Guiding Principle, bullet 3

¹ The relevant provisions of s. 270 of the Municipal Act state:

Adoption of policies

270 (1) A municipality shall adopt and maintain policies with respect to the following matters:

- 2.1 The relationship between members of council and the officers and employees of the municipality.*

Direction to staff is provided only by resolution of Council through the Chief Administrative Officer; **no Member of Council has authority to direct the performance of any work carried out by staff.**

Roles and Responsibilities

5.1:Council as a whole, not individual members of Council, is responsible to provide direction to Staff through the CAO

6.5: **Members of Council will respect the independent authority of Staff to interpret and apply the law or policy, where such authority has been assigned to that staff position, including but not limited to building inspection, enforcement and land-use procedural matters.**

The Respondent's conduct in relation to the Highway 50 property occurred after the Town of Caledon was added to O. Reg. 530/22 Part VI.1 of the Act. The new statutory provisions in s. 284.2 to 2084.17 of the *Municipal Act, 2001* allow the Mayor to direct staff in certain circumstances in a manner not previously permitted under municipal legislation. Those directions are subject to requirements that the direction be provided in writing to staff and that the Mayor notify the Clerk, CAO, Council and the public of the direction. In her evidence, Mayor Groves confirmed that she did not rely on the new "strong mayor powers" (i.e., s. 284 of the Act) in engaging with bylaw enforcement in relation to the Highway 50 property. Accordingly, I have not detailed those provisions or conducted a thorough analysis of them here.

2. Analysis of the provisions

I provided all Members of Council with the Caledon Integrity Commissioner – Reference Guide in November 2022. In attempting to clarify my interpretation of the Code and Council-Staff Relations Policy, I included the following explanations:

2. Council staff relations

The Code of Conduct is very clear as to the distinction between the duties, responsibilities and authority of members of Council and municipal staff. Elected officials must be clear that direction to municipal employees flows from decisions of the Council as a body, through the Chief Administrative Officer. Councillors must refrain from attempting to give direction to Town employees directly.

For this reason, Council has put in place the **Council-Staff Relations policy**, a copy of which is included in the Reference Guide at **Tab 4**.

3. Improper use of the authority of an elected official

Closely allied with the above noted policy is the matter of the impropriety of any member of council attempting to exert influence or direction generally within the operations of the municipality or in the community. The enforcement of by-laws, rules, policies etc. that apply broadly within the community are the responsibility of municipal staff and the Ontario Provincial Police (where applicable).

For specific reference, the Code makes the following provisions:

- *Members demonstrate an understanding of the fundamental rights, privileges and obligations of their elected or appointed position;*
- *Members shall be committed to performing their functions with integrity, honesty and accountability, and to avoid the improper use of the influence of their office, and conflicts of interest, both real and apparent;*

Section 5 of the Code is titled "Relations with Employees". The focus of these provisions is to delineate the role of council from the role of staff, ensure that Members of Council recognize that directions to staff come from Council as a whole and not individual members of Council, and acknowledge that staff are accountable to the CAO. Interference by a Member of Council can disrupt the employee's understanding of the

supervisory chain of command and can cause stress on employees who are uncertain to whom they report (and whose instructions they ought to follow).

Section 5.3 of the Code prohibits individual Members of Council from providing direction to Town employees as it requires Members to acknowledge and respect that employees carry out directions of Council as a whole (through the CAO).

Section 5.3 further prohibits Members from improperly influencing employees in their duties or functions to gain an advantage for themselves or others. In many jurisdictions, this is considered an “improper use of influence” provision, which prohibits Members from acting for purposes other than the performance of their public duties. It is a violation of this provision for a member to interfere with the independence of staff with the authority to apply building inspection or enforcement laws or policy to the private advantage of an individual constituent. While the interpretation is not limited by the Council Staff Relations Policy, my analysis of the phrase “improperly influencing employees” is informed by the language of s. 6.5 of the Council-Staff Relations Policy which requires Members to respect the authority of Staff to interpret and apply the law or policy where authority has been assigned to staff including building inspection and enforcement.

Section 5.4 prohibits members from publicly criticizing employees in a way that casts aspersions of their professional competence and credibility. In my view, “publicly criticizing” is not limited to comments made at public meetings. Rather, a member of council making comments about one staff member to another staff member constitutes a public criticism.

Section 5.8 of the Code requires Members of Council to adhere to the Council-Staff Relations Policy enacted pursuant to s. 270 of the *Municipal Act*.

The Guiding Principle and s. 5.1 reiterate that Council as a whole provides staff direction through the CAO and that no Member has authority to direct the performance of any work carried out by staff. While these provisions may require update to be consistent with s. 284.2-17 of the *Municipal Act* and the new strong mayor powers, those are not at issue in my report.

Section 6.5 of the Council-Staff Relations Policy requires Members of Council to respect the independent authority of Staff to apply the law or policy including matters related to building inspection and enforcement. I interpret those provisions to preclude Council Members from inserting themselves into ongoing building inspection and bylaw enforcement matters. This ensures that Members of Council do not interfere with the independent investigations of officers particularly where Members of Council are not fully versed on the history of the property and the investigation and enforcement steps to date. Members of Council may assist their constituents in requesting status updates but may not otherwise insert themselves in the enforcement process. My interpretation is supported by materials distributed to Council members in February 2023 about the independence of Chief Building Officials (which Mayor Groves stated that she had never read).

Findings

At the core of the matters before me is the nature and extent of the legitimate power of any Member of Council, and in this case, the Mayor, in respect of building code and bylaw enforcement matters. The Coleraine matter pertained to both the enforcement of the *Building Code Act* as well as the enforcement of the Town's Bylaws, while the Highway 50 matter related to the enforcement of the Town's Bylaws. The enforcement actions in both complaints were undertaken under the lawful authority of the Director and his senior officers, using their discretion and powers to ensure compliance.

Central to all of the factors to be considered in both the complaints is the fact that the attempts to intervene were aimed either directly or indirectly to the person who held the position of Director Building & Municipal Law Enforcement Services, or the Director's subordinates. The Chief Building Official (CBO) is a statutory position, meaning it is established in provincial legislation, and must be afforded independence in the exercise of its various duties. While one could conclude that only the CBO aspect of the Director's formally defined role is afforded that independence, it is clear that Town Council intended for the bylaw department to exercise its duties in an independent matter as set out in the Council-Staff Relations Policy. Further, in passing a host of bylaws for a wide range of matters in the management of a healthy, orderly and safe community and in developing a bylaw enforcement department, it was and is the intention of the Council that such bylaws would be enforced in an unbiased and disciplined manner through properly trained, unbiased officials.

I received considerable evidence that significant pressure was placed on staff. This created a fundamental change – or at minimum – confusion as to who staff were to receive instructions from with respect to enforcement of Code and bylaws. I heard about the significant impact on staff including second-guessing in fulfilling their assigned authority. Whether or not Mayor Groves provided direct instruction, staff felt intimidated by the head of council showing up and expressing herself on behalf of property owners to influence the performance of staff's duties.

In both of these matters the question of boundaries arises; where does the "bright line" lie between constituents simply raising issues or concerns with elected Members of Council about their interactions with Town officials, **and** the real or perceived attempts by an elected official to *interfere with those officials carrying out their authorized duties*. Mayor Groves adamantly insisted to me, in her evidence, that there is a need for greater use of discretion in the manner in which enforcement staff exercise their authority.

Simply put, the issues raised in both complaints appear to be focused on the Mayor's most determined goal of substituting her judgement for that of the staff given authority under Town bylaws and/or relevant provincial statutes.

In my view, the fact that Mayor Groves has, on other occasions, engaged with bylaw in respect of ongoing enforcement matters does not change whether her actions violate the Code or the Council Staff Relations Policy in these instances. Rather, it shows a pattern of Mayor Groves interfering with staff in the exercise of their independent duties. As those other matters are not before me as complaints, I focus only on the two matters subject of the complaint in reaching my findings.

Complaint #1

The Director and his staff had exercised their authority under Town bylaws and the *Building Code Act*. Despite ongoing enforcement proceedings, Mayor Groves interfered and attempted to interfere with the exercise of those duties. As a result of the Mayor's intervention in the exercise of the Director's statutory duties and those of his staff, I find that the Mayor was acting outside of her legitimate authority in violation of s. 5.3 and 5.8 of the Code. Specifically, Mayor Groves violated s. 5.1 and 6.5 of the Council Staff Relations Policy.

Further, I find the use of the phrase "cowboys" to refer to bylaw enforcement staff violated s. 5.4 of the Code as such language "cast aspersions on the professional competence and credibility" of officials of the Town who carry out challenging tasks in the enforcement of the rules set out in the Town's bylaws.

Complaint #2

There do not appear to be any issues involved in the removal of illegally dumped material that pertain to the statutory role of the CBO as staff began the process with a contractor to remove those materials. Rather, this was a bylaw enforcement activity. The powers vested by the Town in the Building & Municipal Law Enforcement Services Department were being lawfully followed with the oversight of the Acting Director.

Once again, and at the request of a person subject to an Order to Comply, the Mayor chose to intervene, expressing quite clearly her wish for the full enforcement process to be stopped, and no further action taken.

I find that the Mayor breached the Code of Conduct and the Council Staff Relations Policy with reference to the same sections of the Code and the Policy identified in Complaint #1.

A word of caution

As Integrity Commissioner, I have three overall responsibilities, detailed in the Code and described in the Background section of this report.

This will be, given the conclusion of my tenure as Caledon's first and only (to date) Integrity Commissioner, my final report to Council.

I hope and trust that much will be learned from what has occurred over the years and more specifically here, going forward.

My advice is that serious consideration should be given by all Members of Council as to their role, specifically where it is appropriate to engage with staff and where it is not. That advice is forcefully offered to Mayor Groves, and less directly to the other councillors whose names appeared in this matter.

There is considerable change afoot in Caledon; some of that to be imposed on the Town as direction from the Province of Ontario unfolds, and some of it as a result of the actions of the Mayor and the new Chief Administrative Officer, reportedly as preparation for a new and stand-alone Town.

The Mayor asserted to me quite strongly in her testimony on these matters her belief that there is a need for a different culture in the Town of Caledon, one that places higher value on problem solving and working with constituents to find better solutions to problems. I take no issue, philosophically, with her stance on that. I do take strong exception, however, with her premise that she has the authority to substitute her judgement, unilaterally, or as she describes it her "discretion" on enforcement of provincial legislation and municipal bylaws.

All of the rules and policies of the Town have been in place for a considerable period of time, and in my experience have served the Town extremely well. As I take my leave as the Town's Integrity Commissioner as of December 31 of this year, I wish the Town well, and urge all Members to exercise great care in the way they conduct themselves through a period of what is, realistically, existential change.

I have taken into consideration in my analysis of both complaints whether or not there were reasonable efforts on the part of the Town to familiarize all Members of Council with 'the rules' about their role and conduct, both before and after the passage of the Strong Mayors legislation. I am aware of a detailed presentation on the Code of Conduct and all that pertains to it because I was a presenter at a fulsome discussion of those matters on November 16 2022, along with Mr. John Mascarin, legal counsel to the Town. Mayor Groves chose to absent herself from that session, departing just before it began. Mayor Groves absented herself from a second orientation session for the new Council on November 22 2022 which I also attended.

I have been advised that at the time of the passage of the Strong Mayors legislation that a detailed presentation was provided to Council concerning all aspects of the provisions of that Act. That presentation addressed the details of the powers granted by the statute to the Mayor, including a provision that when such powers are exercised by the Mayor that a written record is to be provided to the Clerk and to each member of Council.

While it is not a part of the sanction I am imposing below, it is my advice that the Town once again conduct a careful training program for all Members of Council, including the Mayor, on the Code of Conduct, the Council-Staff Relations Policy and applicable Provincial laws, with a clear focus on the limits on the authority of elected officials.

Council members will recall it being made clear at the orientation sessions that the Town of Caledon , along with only the City of Hamilton, has delegated to me the power to not only make findings in respect to complaints but also to make decisions around the imposition of sanctions. The sanctions imposed in this matter follow below.

Sanctions:

As noted above, Caledon is one of only two known municipalities that chose to delegate the determination of sanctions for members of Council where the Integrity Commissioner has found a breach of the Code of Conduct and the Council-Staff Relations policy. With that in mind, I have considered very carefully what sanction is appropriate.

I have considered several factors, including:

1. Mayor Annette Groves is an experienced municipal councillor (and now Mayor), at both the local and regional levels.
2. She chose to absent herself from highly relevant training regarding the subject matters of these complaints. I find that to be especially of concern, considering the fact that she is indeed the head of and the leader of a Council with several new Members elected and in attendance at those important training sessions.
3. The seriousness of the misconduct.
4. In my judgement, Mayor Groves does not appear to appreciate the seriousness of her misconduct, the difficult position in which she has placed statutory officers and bylaw staff, and instead has asserted that this was acceptable practice in her view.
5. Mayor Groves has never been found in breach of the Town Code of Conduct.

Given that there were two separate acts of misconduct which led to breaches of the Code, I am permitted to sanction the Mayor up to 180 day suspension of pay.

Within the mandate granted to me as Integrity Commissioner, I direct the following:

1. With regard to the breaches of the Code of Conduct including the Council-Staff Relations Policy in respect to Complaint #1, regarding 12415 Coleraine Dr., that the Treasurer suspend the remuneration paid to Mayor Groves for a period of two weeks, commencing as soon as possible following the meeting at which this report is considered by the Council;
2. With regard to the breaches of the Code of Conduct including the Council-Staff Relations Policy in respect to Complaint #2 regarding 17055 Highway 50, that the Treasurer suspend the remuneration paid to Mayor Groves for a further period of two weeks, commencing as soon as possible following the two week suspension set out in #1;
3. For clarity, I am imposing a sanction on Mayor Groves of a 4 (four) week suspension of her compensation from the Town of Caledon for these breaches of the Code of Conduct and associated Policy.

4. Finally, I have determined that I will not exercise the additional sanction set out in s. 18 of the Code which authorizes me to reprimand the respondent. I can only trust that Mayor Groves will have realized as a result of these findings and sanctions that there are very real limitations on her power and authority as the head of the elected body that governs the municipality.

Respectfully submitted for the information of Council.

John E Fleming C. Dir.

Integrity Commissioner

November 8 2023