

REPORT REGARDING THE CONDUCT OF
CENTRAL ELGIN MAYOR SALLY MARTYN

Date: July 17, 2019

To: The Council of the Municipality of
Central Elgin

From: Mark G. McDonald
Integrity Commissioner

INDEPENDENT RESOLUTIONS INC.

Introduction:

On July 5, 2019 the Integrity Commissioner received a duly authorized Affidavit from a Central Elgin Resident (complainant) alleging that Mayor Sally Martyn contravened Council's Code of Conduct (The Code) by making disparaging comments about the complainant during a 'road trip' attended by Council and a number of staff on May 3, 2019. The complainant further alleges that the comments were relayed by parties in attendance with direct knowledge of the offending statements.

It is important to note that a number of other allegations were presented that go beyond the scope and jurisdiction of the Integrity Commissioner such as a procedural matter and other issues that fall within the purview and authority of Council in its decision-making capacity. These matters are not the subject of this inquiry for obvious reasons.

Inquiry Steps:

Prior to the issuance of the affidavit, the Integrity Commissioner met face-to-face with the complainant to review the allegations and to determine if there was merit in going forward. This is called the 'intake' stage of an inquiry. The Integrity Commissioner suggested that, in the circumstances, the complainant first try to resolve the matter informally by contacting the Mayor directly with the intention of describing the offending language and providing the Mayor with an opportunity to respond to the allegations. This was done by email, the Mayor responded and the complainant was not satisfied with the response as the complainant was seeking an apology for specific statements allegedly made by the Mayor. The Mayor denied making these alleged remarks and therefore did not apologize for them. This led to the filing of the affidavit mentioned above.

The Mayor was then given a copy of the complaint and an opportunity to respond to the various allegations contained within the affidavit. The Mayor's response was then shared with the complainant who, in turn, provided feedback to the Integrity Commissioner. The Integrity Commissioner then met with the Mayor face-to-face and provided the Mayor with preliminary findings and an opportunity to respond to these findings.

Principles of the Code of Conduct:

One of the primary purposes and intent of 'The Code' is to encourage and ensure interpersonal conduct, communications and interactions are consistent with legal requirements and that elected representatives are accountable for the interpersonal conduct standard of the Code of Conduct.

The Evidence:

Through the affidavit, the complainant alleges that the Mayor was overheard making specific disparaging remarks about the complainant. The Mayor, in response, admits to making specific other statements about the complainant that she acknowledges as offensive to the complainant and is willing to apologize publicly for this breach of The Code. The complainant, upon learning of this offer, chose not to accept it.

Findings:

The Mayor, by her own admission, is willing to apologize for statements that in her words were “not pertinent and may well have offended” the [complainant]. The complainant, on the other hand, believes the suggested apology is for a “sanitized version of her comments”.

The Integrity Commissioner is of the view that the Principles of the Code of Conduct shall prevail. In other words, elected officials must be held accountable for their behaviour and adhere to interpersonal conduct standards in The Code. Specifically, Section 5.3 states in part that Members.....” focus on issues rather than personalities” while Section 8.1 dictates a “duty to treat members of the public with respect and dignity”. The rule in Section 11.3 states that “Members shall refrain from making disparaging remarks about other members, members of the public, ‘etc.’.

Clearly, the Mayor has breached these sections of The Code and she is willing to apologize for it. Thus, the accountability principle is enforced.

While there is a difference of opinion as to the exact wording of the offensive language, there is an acknowledgement by the Mayor of the use of language that is offensive.

Determining, through a prolonged investigation of more than a dozen potential witnesses, whether one version of the language used was more accurate than another would lead to the same conclusion and findings. That is, a breach or breaches occurred and accountability should be the outcome.

For these reasons, I see no value in conducting a more fulsome investigation only to reach the same findings.

Conclusion:

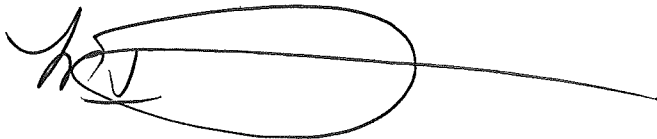
Council’s Code of Conduct has been violated in specific sections mentioned above.

The Mayor has acknowledged this and will be making a formal apology at the time when this report is under consideration. Her apology satisfies the principle of accountability under The Code. When determining recommendations on Code infractions to Council, the Integrity Commissioner gives weight to first-time infractions and the willingness of elected representatives to admit fault and to take responsibility for it. Accordingly, the following recommendation is presented for Council’s considerations:

Recommendation(s):

That Council adopt a finding that Mayor Martyn contravened various sections of the Code of Conduct respecting interpersonal conduct and communications, and
That given the Mayor’s apology for said contraventions, that no further action be contemplated.

All of which is respectfully submitted,



Mark G. McDonald
Integrity Commissioner