

REPORT OF INTEGRITY COMMISSIONER

For

The Corporation of the Municipality of Wawa

Inquiry Report for Council

Complainant –

Respondent – Mayor Ron Rody, Municipality of Wawa

Summary of Investigation
Findings and Conclusions and Recommendations

Prepared By: Antoinette Blunt, MPA, CHRE, FHRPA
Integrity Commissioner, The Municipality of the Corporation of Wawa

Date: Wednesday May 26, 2021



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Background Information

Antoinette Blunt, President, Ironside Consulting Services Inc. was initially appointed by The Corporation of the Municipality of Wawa on Wednesday October 23, 2019, as Interim Integrity Commissioner effective Wednesday October 23, 2019 to Friday February 28, 2020. Subsequently, on Tuesday January 28, 2020, the members of Municipal Council passed By-Law No. 3269-20, appointing Antoinette Blunt as Integrity Commissioner from Wednesday January 29, 2020 to Wednesday December 21, 2022.

A request for an inquiry was received from the Complainant, [REDACTED], on July 21, 2020 by email, alleging Mayor Ron Rody contravened the following:

1. Municipal Conflict of Interest Act, Sections 5.5.1 and 5.2;
2. Council Code of Conduct Sections 11 and 13;
3. Section 4 of the Oath of Office; and
4. Municipal Act, Section 106

On October 20, 2020, the Integrity Commissioner advised [REDACTED] in writing, that his Request for Inquiry was being dismissed with respect to his allegations related to the *Municipal Conflict of Interest Act*. All conditions were not met including the expiration of the six-week limitation period under section 8(2) of the *Municipal Conflict of Interest Act* and s.8(3) of the *Municipal Conflict of Interest Act*, and all of the conditions under subsection (3) have to be satisfied to be exempt from the six-week limitation period. A Preliminary Information Report was provided to Mayor and Council dated November 6, 2020 noting these conclusions and findings.

On January 25, 2021, [REDACTED] sent a letter to the Integrity Commissioner, indicating [REDACTED] did not agree with the conclusions and findings and noted he found nothing related to his allegations of violation of the Council Code of Conduct Sections 11 and 13. [REDACTED] did not indicate [REDACTED] position regarding allegations of violation of Section 4 of the Oath of Office; and the Municipal Act, Section 106.

On February 19, 2021, the Integrity Commissioner wrote to [REDACTED] confirming that as per the letter to [REDACTED] dated 29 October 2020, [REDACTED] Request for Inquiry was dismissed as it was found reasonable to conclude that [REDACTED] had knowledge of the allegations against Mayor Ron Rody well before July 21, 2020, the date on his Request for Inquiry. Also, that based on a legal opinion received, specifically the expiration of the six-week limitation period under section 8(2) of the *Municipal Conflict of Interest Act* and s.8(3), all of the conditions under subsection (3) were not met, and would have to be satisfied to be exempt from the six-week limitation period. In the letter of February 19, 2021, the Integrity Commissioner also stated to [REDACTED] that the allegation that Mayor Ron Rody appeared to have violated Item 4 of the Declaration of Office, that any violation of the Oath of Office would fall under the Municipal Conflict of Interest Act, and that based on a legal opinion received, and specifically, the expiration of the six-week limitation period under section 8(2) of the *Municipal Conflict of Interest Act* and s.8(3), all of the conditions under subsection (3) were not met, and would have to be satisfied to be exempt from the six-week limitation period.

In the letter of February 19, 2021, the Integrity Commissioner also stated to [REDACTED] that based on a legal opinion received, section 106 of the Municipal Act, prohibits a “municipality” from bonusing and therefore any violation of the Section 106 of the Municipal Act regarding bonusing would fall outside the

jurisdiction of the Integrity Commissioner. In the letter of February 19, 2021, the Integrity Commissioner advised ██████ that an investigation into ██████ Request for Inquiry regarding ██████ allegations of Mayor Rody's violation of the Council Code of Conduct Sections 11 and 13 would proceed, and that the extent of the investigation would be related to the provisions of By-law 3173-19, Code of Conduct for Council and Board/Committee Appointees, which was in force on July 21, 2020, meaning that the investigation would be limited to the February 18, 2020 regular Council meeting, for which particulars were given in lines 73 to 81 of ██████ "Details of Alleged Code of Conduct Contravention".

Complainant – ██████

██████ raised a number of points regarding Council's decision that he alleged were conflicts of interest by the Mayor. The complainant was advised previously, as noted, that this investigation was restricted to the complainant's allegations that Mayor Ron Rody violated the Council Code of Conduct Sections 11 and 13.

██████ stated ██████ was not present at the meeting of Council held on February 18, 2020 either physically or virtually. ██████ stated ██████ did not believe Mayor Rody had any personal gain with respect to the Golf Club. ██████ stated ██████ believed the Mayor's share in the Golf Club was not worth anything and he was not benefitting financially as a shareholder in the Michipicoten Golf Club; also, that it was fair to say, that with respect to decisions made by motions passed by Council at the regular meeting of February 18, 2020, that it was Council's role to act, make decisions and pass motions that they believed to be in the best interests of the ratepayers of the Municipality of Wawa.

██████ stated ██████ believed influence came from the Mayor to write-down the debt expense from the Michipicoten Golf Club but provided no evidence of influence. ██████ stated ██████ knew the "spirit" of the original agreement with the Michipicoten Golf Club was not to write-down the debt expense, ██████ ██████ stated the Municipality owns the land and provides the licence to Michipicoten Golf Club to operate the golf Club.

Respondent – Mayor Ron Rody

Mayor Ron Rody advised the Integrity Commissioner that he was physically present at the meeting of Council held on February 18, 2020. Mayor Rody stated that at the closed meeting of Council held on February 18, 2020, he participated but there were no discussions about the Michipicoten Golf Club.

Mayor Rody stated that given that it was determined there was a need to change the agreement with the Michipicoten Golf Club, and the action taken was to ask "legal" regarding the next steps. (Note: Action – Minutes of Regular Council Tuesday February 18, 2020 "legal to prepare a new loan agreement for the Michipicoten Golf Club"). Mayor Rody stated he was a Board member of the Michipicoten Golf Club and that the majority of time he was on the Board was in the 1990s. Mayor Rody stated he held a share that cost him \$50.00 until recently, and that his share held no value and has never affected him in any way to provide him with an advantage over any other person using the golf Club. Mayor Rody stated the original purpose for holding a share was to allow one to be a member of the Board and that as far as

the “spirit” of the agreement with the Michipicoten Golf Club, Mayor Rody stated he pays the same to be a member as other members do. Mayor Rody stated that with respect to the decisions of Council he does not give orders or take charge as he has no power individually, and that the power comes from Council as a whole, indicating each member of Council votes on matters individually, and he accepts that.

Third Party Interviews/Reports

The Integrity Commissioner interviewed Maury O’Neil. Ms. O’Neil was present at the Regular Council Tuesday February 18, 2020 and confirmed she did not witness any undue influence by Mayor Rody with respect to other members of Council.

Subsequent to year end, the Golf Club submitted \$77,900 in qualifying capital purchases and Council forgave repayment of the same amount. The forgiveness will be reflected in the 2021 financial statements. The balance of the loan is reported at \$111,192 on the December 31, 2020 financial statements.”

The Audit Findings Report to Council from KPMG dated April 30, 2021, which was presented to Council on May 4, 2021 included the findings that stated that during the year the terms of the loan advanced to the Golf Club were updated. The new terms called for Council to approve the portion of the loan to be forgiven annually in amounts equal to approved capital purchase made by the Golf Club.

Gordon P. Acton, legal counsel for the municipality, stated that the municipality had the full capacity and acted appropriately regarding the write-down of a portion of the outstanding loan of the Golf Club.

Conclusions

The Integrity Commissioner concludes that there is no evidence to support that Mayor Ron Rody violated the Council Code of Conduct Sections 11 and 13.

Findings

Based on the foregoing, the Integrity Commissioner finds that Mayor Ron Rody did not violate the Council Code of Conduct Sections 11 and 13.

Recommendations

There are no recommendations arising from this investigation.



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, June 15, 2021

Resolution # RC21121	Meeting Order:9
Moved by: <i>Pat Tait</i>	Seconded by: <i>M Hatfield</i>

RESOLVED THAT the Council of The Corporation of the Municipality of Wawa does hereby receive the Report of the Integrity Commissioner, a copy of which is attached hereto;

AND FURTHER that the Report be posted on the Municipal Website.

RESOLUTION RESULT		RECORDED VOTE		
<input checked="" type="checkbox"/>	CARRIED	MAYOR AND COUNCIL	YES	NO
<input type="checkbox"/>	DEFEATED	Ron Rody		
<input type="checkbox"/>	TABLED	Bill Chiasson		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Mitch Hatfield		
<input checked="" type="checkbox"/>	PECUNIARY INTEREST DECLARED	Robert Reece		
<input type="checkbox"/>	WITHDRAWN	Pat Tait		

Disclosure of Pecuniary Interest and the general nature thereof.

Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: *Cathy Cyr*

MAYOR – RON RODY	CLERK – CATHY CYR
<i>R Rody</i>	<i>Cathy Cyr</i>