

Council Allegations Against the Mayor

Location: Ontario

Topic(s): Council & Staff Relationships

Please describe the situation.

Council launched a judicial inquiry into a conflict of interest against the Mayor. The conflict centered around the Mayor's role in a development project. As a result, many of our planning and legal staff were involved in providing documents, being questioned at discovery, and testifying in front of the inquiry. Our Council of twelve members was divided seven against five, with a majority on this issue voting against the Mayor. This caused a rift and significant tension which became a challenge for staff to navigate on issues whether they were related to the inquiry or not.

What was the current political environment? What factors led to the situation? What were the events that unfolded in this particular scenario?

The situation developed when a newly elected Councillor, who was not a supporter of the Mayor, was able to convince the majority of the Council to launch an investigation into a potential conflict of interest. For those who may not be familiar with a judicial inquiry, it is an independent investigation that, once launched, is under the control of a commissioner of inquiry (in our case it was a judge). The municipality must fund the costs of the inquiry and the commission, like any tribunal, has the ability to subpoena documents, question witnesses and compel appearance at the hearing. All of these things took place during the course of an inquiry that lasted two years, and cost \$7 million. Because of the time it took to complete the inquiry, tensions were high for a significant period of time and staff often felt caught in the middle of the two sides.

How did you respond to or address the situation?

First, this was a complex legal process, so I surrounded myself with the best advisors I could find. That allowed me to feel confident when dealing with the Council. In order to navigate the challenges, I knew it was critical for staff to remain completely neutral during the inquiry process. The Mayor had been a long-standing elected official who was beloved in the community and so the temptation to support her and those who considered the inquiry unfair was certainly present. However, it was also clear that in our system it is the will of Council and not the will of any individual councillor, including the Mayor, that prevails.

Staff were directed to bring forward quarterly reports on the expenses of the inquiry. Each time they were presented it resulted in very difficult, tense conversations around the council table. In one-on-one conversations with the Mayor, she expressed frustration at the actions that staff took which she perceived as supporting the Council position. I explained the importance of staff neutrality and that staff had no option but to implement the council direction. It was difficult because she felt staff were being disloyal to her.

What lessons did you learn from this scenario?

I think the lessons learned really centered around the issue of never showing bias toward any member or group of Council. Staff independence must be the top priority when there is a divided Council. Recommendations that appear to support one side or the other must be carefully explained, justified with evidence and carefully vetted in order to ensure that the appearance of bias is completely removed if possible. It was also a requirement that courageous conversations take place between the CAO and members of Council any time accusations of bias were made so they could be refuted and hopefully resolved. When the judicial inquiry report was released it was determined that staff actions in relation to the substance of the inquiry were shown by the commissioner to be professional, impartial and appropriate under the circumstances, and that staff showed no bias despite any involvement they may have had in the project.

What advice would you give to someone going through a similar situation?

My advice through a situation like this is first be patient, understanding that things like this are not resolved quickly, and there is nothing you can do to accelerate the outcome. Understand the difficulty a situation like this places on the staff in and that they are looking to you for both an example and coaching on how to handle a challenge of this complexity. You need to be there for them, even when you are struggling yourself.

Find a way to deal with the stress and try not to take it home. Find a person or something that can help you cope with the tension that inevitably comes from being caught in the middle of a drawn-out conflict. I wish I had done this more effectively.

Keep your options open. In my case, the Councillor who led the push for the inquiry lost the next election and the Mayor was re-elected with very strong support from the community. Had that not happened, I believe I would have been terminated. As a precaution, I was reaching out to recruiters and looking at job opportunities in other municipalities. Fortunately, the next election resolved the issue and I was able to stay on in my municipality and have continued in my role now for an additional eight years. I know that could have turned out very differently.