

Bancroft Council debates appropriate conduct

By Tony Pearson

A Facebook posting by Bancroft Councillor Bill Kilpatrick prompted a lot of pushback at last week's meeting of Bancroft's Committee of the Whole. The issue was the acceptability of councillors having meals paid for by companies that do or may do business with the town.

The issue first arose with respect to the Rural Ontario Municipal Association (ROMA) conference last winter, where some councillors and town officials were taken to dinner by a company that has a contract with the town and was planning to bid on another. At that time, the issue was raised in a session of council which was closed to the public and the press. In that session, it was agreed to get a legal opinion on the propriety of the town reps' action. A lawyer then gave an opinion that the practice did not violate any laws. (The lawyer's letter remains confidential). There the matter rested for a while.

Then at the Ontario East Municipal Conference (OEMC), a somewhat similar situation cropped up, when the Bancroft delegation was invited to "an appreciation dinner" by two local businesses, Greenview Environmental (who monitor the waste site) and Ontario Clean Water Agency /OCWA (who look after Bancroft water and sewer). In this case, the companies were not paying for the whole tab; rather each town rep used a \$35 meal chit; the companies picked up the costs above this. (In the ROMA case, Greenview picked up the whole tab.)

Nonetheless, Kilpatrick felt that in the interests of transparency, he had to disclose the invitation. He also cited Bancroft's Code of Conduct, which states that "Dealings with businesses and other interests must be able to bear the closest possible scrutiny and avoid risk of damage to public confidence." He noted that while the Code permits dinners such as these if they are infrequent, cost less than \$100, and are "appropriate to the occasion?", it also states that councillors should either refrain from contact with businesses who wish to do business with the town, or disclose such contact to Council and the public. (Incidentally, on Kilpatrick's Facebook page, Hastings Highlands Mayor Vivian Bloom stated that her council had turned down the Greenview invitation.)

The Kilpatrick posting in turn prompted a letter to the press from Bancroft's Mayor Bernice Jenkins. She noted that OEMC offered valuable workshops, as well as chances to network with representatives of other towns to trade ideas. "When we attend a conference," she wrote, "your councillors and staff leave their home and families for two or three days. Reasonable expenses are covered. There is no additional pay from the Town of Bancroft. We car pool when possible. It is a valuable opportunity to learn from the experts and our colleagues."

As for the Code of Conduct, its stated purpose is "to enhance public confidence that elected representatives and employees operate from a basis of integrity, justice, and courtesy." Chief Administrative Officer Hazel Lambe, who also attends such conferences, stated that "in the end, it's a matter of common sense." She added that the Bancroft Code allows the town to appoint an Integrity Commissioner to handle such disputes "thus the reference of the ROMA case to the lawyer."

To ensure that matters were clear, Deputy Mayor Paul Jenkins called for a review of the Code, originally passed in 2013. His goals were to avoid more spending on lawyers and a "chill" on conference attendance, as well as undermining the benefits to be gained by attending. The mayor also noted that it was important that municipal representatives take advantage of situations where they can learn from their peers in other areas, and that this can often happen at social occasions.

Councillor Paul Jenkins was also concerned about businesses which might have qualms about their town dealings if their confidentiality was compromised. Jenkins felt that the use of social media to revive an issue which had already been raised and resolved was itself a violation of the Code of Conduct; at best, he said, "it's flogging a dead horse." Councillor Charles Mullett noted that those who question an action can go to the Clerk of Council with any objections. In the end, he noted, judgement would be delivered at election time.

Mayor Bernice Jenkins questioned whether highlighting such issues could damage the town, as well as tie up Council business. "If we had to examine every councillor's every action, it would consume all our time," she stated. In reply, councillor Kilpatrick stressed the need to keep the public informed "a question of transparency; If there is no problem, there will be no concern." Kilpatrick insisted that he had only done what the Code of Conduct required "disclosed a possible conflict, so as to ensure his impartiality was clear.. As for jeopardizing town business, he stated that where municipal spending was involved, the contracts "such as with Greenview and OCWA "were public information, as they should be. So dealings with the companies needed to be public as well. "We are accountable to the public, not a lawyer", he declared.

In the end, Mayor Jenkins requested a staff report on the Code be brought to November's council meeting, but with no further request for a legal opinion. "I was a part of the development of the current Code," she said, "and I realize that interpretations can

change with the times. So we'll talk it through again, and seek clarity for the future. But obviously, we shouldn't declare every cup of coffee, or every hand-out pen. For example, I was handed a scarf by Highland Shores Children's Aid, who are using it to promote their campaign against child abuse; that seems OK to me. We need to make sure we know the spirit of the code, and we need to apply it with understanding and with trust. Councillors must respect each other, and respect the Council as a unit.?