

**REPORT ON THE INVESTIGATION INTO A COMPLAINT
REGARDING IGNACE COUNCIL
BEING IN BREACH OF THE TOWNSHIP OF IGNACE
CODE OF CONDUCT**

DATE: February 20, 2020

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1. INTRODUCTION

On February 6, 2020 I was contacted by telephone by Tami Dodwell, a resident of the Township, speaking about a program to remove rocks from the front of the Ignace Plaza. Some of the rocks were delivered to the residence of the CAO/Clerk and she expressed interest in explaining her complaint to me in person.

On February 10, 2020, Tami Dodwell met with me to explain concerns.

2. BACKGROUND

During my meeting with Ms. Dodwell she explained that the Township advertised on the Township website that they would be removing the rocks 'along the Highway 17 Corridor/Ignace Plaza Area' and that the "rocks will be available to Qualified Ratepayers for the purposes such as: Landscaping, Beach Erosion Protection and other Approved Uses". The advertisement went on to say that "Interested Ratepayers may provide their proposal: In person to The Township Municipal Office or e-mail to ctarrant@ignace.ca"

Some of the rocks were delivered to the residence of the CAO/Clerk and her husband – Marshalina Reader and Patrick Reader on October 8, 2019. Since Ms. Dodwell lives a couple of doors from the Reader residence she observed that three (3) large dump trucks were deposited on the Reader's property near the lake and some of the rocks were dumped on an adjacent neighbour's property.

Less than two weeks later (October 18th) workers arrived at the Reader residence with a front end loader, one bobcat, a large dump truck, a half ton truck and three town workers and took the rocks away to the local landfill site. The lead-hand was asked what was going on, she responded with..."they were rectifying a problem, that the rocks were placed on the neighbours property and the town was now removing them" but "just the rocks on the said neighbours property" (ultimately all rocks were removed) . This work went on from early morning to late afternoon. The tedious nature of the work was unusual because removing the rocks involved manual labour (hand bombing the rocks), perhaps in an effort to lessen property damage. It was a big deal. The questions that come to mind are:

- Did any other residents get the kind of service that the CAO got (removal when misplaced)?
- Did the CAO and/or her spouse submit a proposal?
- If so, what did they propose to do with the rocks?
- One can only speculate that they were intended to go in the lake for shoreline work (if that was the case the Ministry of Natural Resources would have strict guidelines and permits that would come in play).
- Was there some issue with MNR permitting?
- If the CAO paid the town for the job, can other residents also purchase town services over and above mandated ones?
- If there was an invoice and payment, would it be available for public viewing?
- Did the council pass a motion for the Chief Administrative Officer to take advantage of this service?

- Was this a conflict of interest?
- Why were the removed rocks taken to the dump before residents had a second chance to submit proposals for them?
- To date I have been unable to get answers to most of these questions. I spoke with Councillor Hart on two occasions. She told me that after looking into the issue that there was no fraud, no wrong-doing and that the whole project stayed within budget. Does that make it all ok? Basically she gave me no details. Councillor Hart said that it wasn't the CAO but her husband that requested the rocks and that the CAO wasn't even home when the workers came to deliver or remove the rocks. Eye witnesses can testify that she was in fact there at the initial delivery and removal times for both the delivery and removal of the rocks.
- What was the total cost of the rock removal project from the properties of the CAO's and adjacent neighbour?
- Importantly, who paid for the removal of these rocks? Were funds misused in this situation?

At the suggestion of Councillor Hart I emailed Charles Tarrant (the senior staff person responsible for operations) to find out more about the proposal. I also texted Councillor Hart and asked why the rocks were not moved to the CAO's property from the neighbouring property, instead of hauling them to the landfill site. I have yet to receive a response from either.

All of the questions and concerns above revolve around the removal of the rocks, not the delivery. I and many other tax payers would like a timely and complete response to the above questions.

3. Summary of the Complaint

The formal written complaint was received from Tammy Dodwell on the evening of February 10th, 2010. The basis of her complaint is as follows:

It is the removal of the rocks that is a concern for this ratepayer. Ms. Dodwell sees a breach of the following sections of the Council Code of Conduct:

- 1) Mayor and Council in not responding to her queries have not "carried out their duties in a fair, impartial, accountable, transparent, open and professional manner".
- 2) A member shall avoid waste, abuse and extravagance in the provision of public resources.
- 3) A member shall expose fraud and corruption of which the member was aware.
- 4) No member of Council shall grant any special consideration, treatment or advantage in matters related to his/her position on Council to any other citizen.
- 5) No member shall use or permit the use of Township land, facilities, equipment, supplies, services, staff or other resources.

4. INVESTIGATIVE PROCESS

The process followed for this complaint was simply to interview the Township Council, the property owner and the Public Works Operations Manager to find the truth about what really happened with the delivery and subsequent removal of the rocks to the Reader property.

5. SUMMARY OF FINDINGS

The main reason for the Complaint was that the Township Council failed to 'adequately' reply (in the estimation of Tammy Dodwell), to her email of November 15, 2019. Ms. Dodwell sent an email to all of Council asking approximately ten (10) questions regarding the placement of rocks (October 8, 2019) and subsequent removal (October 18, 2019) from the Reader property. Ms. Dodwell is primarily concerned with the removal of the rocks.

Councillor Hart has spoken to Ms. Dodwell on at least two times about her concerns but still had questions. Tammy Dodwell also spoke to Councillor Waldock about the rocks being on the wrong property and about whether the costs of removal were accounted for properly. Ms. Dodwell still had questions, for which Councillor Waldock attempted to answer some of them by email. Mayor Cunningham was aware of Councillor Hart and Councillor Waldock's communication and assumed this would suffice as a 'reply' from Council.

The answers to the questions Tammy Dodwell asked Council are as follows:

- All residents received the same level of service if they wanted rocks. There were several properties that received rocks. However, Councillor Lucas is aware of some seniors that would have applied for rocks had the advertising been clear that the Township would be *delivering them*.
- Anyone who applied for rocks received them. Patrick Reader applied for the Township for rocks with the strict caveat from his wife (the Township CAO/Clerk) that she has no part of the request or subsequent delivery. The CAO/Clerk was not involved at any stage of the delivery or removal of the rocks at the Reader property.
- What was the purpose or proposed use of the rocks? That was up to each applicant. The Reader rocks were intended to be placed along the shoreline but that never materialized.
- There was no issue with the MNRF. Patrick Reader is familiar with the necessary permits should the rocks have ultimately remained on his property.
- No payments were made to the Township for the rocks, no invoicing issued for the delivery or removal by anyone.
- All rocks that were removed from the Plaza/Hwy area were spoken for.

6. CONCLUSIONS

There have been a number of conclusions and speculation around this project as it pertains to the delivery and removal of rocks to the Reader property. These are the facts:

- Patrick Readers put in a request for the rocks to the Township staff person in charge of this project – Charles Tarrant. The request was for thirty five (35) cubic metres which, according to Mr. Tarrant, would be three truck loads.
- The Public Works Staff delivered three truck loads to the Reader property. However, the rocks were actually dumped on the neighbouring property owned by the Zappitelli's.
- Patrick Reader realized that the rocks were placed on the wrong property when he got home. In addition, Mr. Reader realized that the rocks were too large for what he would be using them for (placing along the shoreline). The Zappitelli's were contacted and with Mrs. Zappitelli's approval, the rocks were removed.

- Public works were somewhat aware of the separation of the two lots - the garage that the Zappitelli's owned right next to the Reader property - but assumed that the portion of the lot nearest the lake was owned by the Readers.
The Public Works Department took full responsibility for dumping the rocks on the wrong property and remedied the situation by removing them.
- Since all of the requests for the rocks had been fulfilled, the Public Works chose to dispose of the rocks at the Township Landfill.
- Ms. Dodwell is a neighbour of the Readers and saw that the rocks were being delivered and then taken away. Only a part of her questions were answered by Councillor Hart and Councillor Waldock. Councillor Hart had discussed Ms. Dodwell's issues with Councillor Waldock, however, Mrs. Dodwell's was not identified during these conversations but referred to only as "a concerned citizen". This confused Ms. Dodwell as Councillor Waldock advised her that he did not discuss her questions with Councillor Hart.
- With regard to the budget for this project, Mr. Tarrant advised that the total costs were absorbed by the Public Works operations budget. There was no dedicated specific budget for this project .
- The speculation that the MNRF was involved is false. At no time did the MNRF pressure the Public Works or Mr. Reader.
- There was no conflict of interest on the part of the CAO/Clerk nor was there any fraud, wrongdoing or 'cover-up'.

7. RECOMMENDATIONS

It is recommended that Council ensure that any future questions made of Council be replied to by letter or email with the consensus of Council as a whole. As head of Council, the Mayor should ensure proper communication is replied to regarding any query from a ratepayer."

8. SUMMARY

I would like to thank Tammy Dodwell in presenting her concerns. I would also like to thank the co-operation of Mayor Cunningham, Councillor Waldock, Councillor Hart, Councillor Lucas and Public Works staffer Charles Tarrant.