

## Integrity Commissioner finds Code of Conduct breach by Councillor Sheen

Sheen to donate pay to Kids Help Phone

**By Riley Murphy**

Local Journalism Initiative Reporter

Councillor Dave Sheen faced two Integrity Commissioner Reports due to Code of Conduct Complaints at the Town of Caledon General Committee Meeting on September 23, resulting in a loss of pay for 15 days.

Councillor Sheen has moved to donate his withheld pay for the 15 days to the charity Kids Help Phone.

“While I'm disappointed in the outcome of the Integrity Commissioner's investigation, I'm relieved that this lengthy process has concluded. Ironically, the very concern I raised on May 20 – how Strong Mayor powers might affect municipal staff – has now received much greater attention through this process. Beyond that, the broader issues raised during this investigation have shone a light on the overall accountability process, which I believe is also an important conversation for our community to have,” shared Councillor Sheen to the Citizen.

Mayor Annette Groves and Caledon CAO Nathan Hyde filed the complaints.

The complaints were regarding comments made by Councillor Sheen at the May 20 Council meeting regarding the issuance of a Fill Permit for 0 Shaw's Creek Road.

Both complaints were filed for the same comments, but were stated to be addressed in separate reports as “they raise different sections of the Code of Conduct.”

These comments are included as stated in the Integrity Commissioner Reports.

“If staff run into difficulties, it'll be easy they can come back to Council – it isn't in the motion. That's a problem for me particularly in a Strong Mayor Power environment where there is an enormous pressure on staff to give the Mayor what she wants.”

After the Mayor raised a Point of Order regarding the comments, Councillor Sheen said, “Fair enough, I don't retract them. We are working, staff and all of us, in a Strong Mayor environment and we can't ignore that. That is a factor at play here.”

Councillor Sheen then added: “What if there is all kinds of pressure not to bring it back [to Council]???”

Hyde shared that these comments violated sections 5.2 and 5.4 and the Policy Statement of the Code of Conduct, which includes: “Members shall acknowledge and respect the fact that employees work for the Town as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without undue influence from any Members at any point in the policy making process.”

“Members shall refrain from publicly criticizing employees, in a way that casts aspersions

on their professional competence and credibility.”

“Members demonstrate an understanding of the fundamental rights, privileges and obligations of their elected or appointed position;”

Mayor Groves shared these comments violated Section 3.4.

Members may communicate a position that is contrary to that determined by Town

Council. In doing so, Members will accurately communicate the decisions of Town Council

and refrain from making disparaging comments about other Members or about Council's

processes and decisions.

David Boghosian, Integrity Commissioner, Town of Caledon, said the meeting was a key finding I made based on Councillor Sheen's responses and responses to questions I posed to him was that he had no evidence that Mayor Groves had in fact tried to influence or pressure staff to go along with their wishes at any point in time.

Councillor Sheen responded to this statement, saying, I didn't have evidence of inappropriate pressure from the Mayor or unprofessional conduct by staff, because I didn't have it, and that's not what I was accusing them of. I was not focused on individual staff members. I was focused on the concept of Strong Mayor powers and the impact that it has on municipal civil servants.

In the report, Councillor Sheen stated that the motion that was discussed at the time of the comments was brought forward by the Mayor and was not based on an application from the

landowner, a procedural detail that several members of Council and the public found unusual.

This, combined with the evolving nature of leadership and staff roles within the municipality since the introduction of Strong Mayor powers, informed my remarks, said Councillor Sheen.

Boghosian also shared that without a doubt in my mind there were two clear staff members who would be regarded as the target of the comments that Councillor Sheen made.

He shared there's no doubt that the vast majority of the public would think he was referring to specific staff.

I find that the influential meaning or impression left by the impugned statements of Councillor Sheen is that Town staff generally, and the two specific senior staff persons having responsibility for dealing with the file that was under consideration in particular, could not be trusted to act professionally and objectively, said Boghosian. His comments conveyed the impression that in the event they encountered problems with fulfilment of the conditions in the motion, these officials might well bend to the enormous pressure from the Mayor to waive the conditions nevertheless, and not let Council know about those problems.

He shared that he has no doubt Councillor Sheen did not intend to cast dispersions on the professional competence and credibility of Town staff.

Many delegates in Councillor Sheen's defence that evening called on freedom of speech.

Boghosian referenced the Balancing Code Values with Freedom of Speech section of the reports. There's a section called Section 24 of the Charter, and it says that the rights set out in the Charter are subject to reasonable limits, reasonably imposed in a free and democratic society.

He concluded that Sheen's statement went beyond the protection that political speech provides in the context of commenting on staff, because Strong Mayor powers were not a legitimate issue in the debate.

I found that at the May 22nd meeting, Councillor Sheen was stating that there is an enormous pressure on staff to give the Mayor

what she wants,? says Boghosian. ?He did not say that it, right, hypothetically could be. He didn't say there may be. He said emphatically that there is enormous pressure on staff to give the Mayor what she wants.

?I found that Councillor Sheen's words would lead reasonable members of the public to believe that it was a fact known to him that the Mayor routinely pressured staff to give her whatever she wanted.?

Boghosian, in terms of penalty, determined a 15-day suspension of remuneration and an apology to the two staff members he felt the comments were aimed at. An additional 15-day suspension of pay was deemed necessary, along with an apology to Mayor Groves.

Councillor Sheen, in both the reports and in Council, said his ?remarks were not intended as criticism of any individual staff member or their professionalism. Rather, my comments reflected sector-wide concerns about the systemic impacts of Strong Mayor powers on municipal staff and governance. This is a matter of public policy debate and not a reflection on the competence or objectivity of Town employees.?

?I was surprised when I received on my daughter's 16th birthday that there was also this investigation, that I was to be docked 30 days' pay, and that he didn't believe what I intended to say,? shared Councillor Sheen at Council.

He shared that he wished he had more time to reflect on his words at the time, but that the meeting at hand was ?quite dynamic,?, referencing the May 20 Council meeting.

?Heated things get said in a Council Chamber, that's politics. We try to say it respectfully.?

Councillor Sheen also shared he did not retract his comments at the time as he was expecting Mayor Groves to ask him to retract them, ?but she didn't.?

?While I respect the Integrity Commissioner and his role in our municipality, I must respectfully disagree with his conclusions about my remarks on May 20,? says Councillor Sheen. ?I meant no malice.?

Councillor Sheen then apologized to the two staff members for ?for any impact my comments have on their professional reputations?, as well as to Mayor Groves for ?or any unintended effects of my comments.?

In terms of his ?punishment,? Councillor Sheen shared that he doesn't believe he did anything wrong, but if a punishment should be made, it should be ?concurrent.?

He argued that, since the same comments were used in both reports, a penalty of only 15 days should be imposed.

Boghosian countered with 20 days.

?I take my responsibility very seriously,? said Councillor Sheen. ?And this experience is reminding me again to choose my words carefully, which I'll probably learn to do. But this experience won't change my commitment to always do the right thing. To ask the tough questions that need to be asked and continue to press for openness, accountability and transparency.?