

Present: Mayor Mitchell
Councillor Drumm (Participating Virtually)
Councillor Leahy (Participating Virtually)
Councillor Lee (Participating Virtually)
Councillor Mulcahy (Participating Virtually)
Councillor Newman (Participating Virtually)
Councillor Roy (Participating Virtually)
Councillor Shahid (Participating Virtually)
Councillor Yamada (Participating Virtually)

Also Present: M. Gaskell, Chief Administrative Officer
H. Ellis, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Douglas, Legislative Specialist (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Delegations

2.1 Niki Lundquist, Resident

Refer to Item 3.1, Report on Code of Conduct Complaints Against Council Members from Guy Giorno, Integrity Commissioner

Niki Lundquist emphasized the significance of the complaint against Councillor Leahy. Ms. Lundquist acknowledged Councillor Leahy's efforts to address the issue and accept responsibility for his actions. She explained that Councillor Leahy's actions and words have a negative impact on community members, particularly women. Ms. Lundquist emphasized the importance of acknowledging behavior, accepting the consequences, and recognizing the impact of one's actions in order to restore respect among Members of Council and the community.

2.2 Fred Shady, Resident

Refer to Item 3.1, Reports on Code of Conduct Complaints Against Council Members from Guy Giorno, Integrity Commissioner

Fred Shady provided a character reference for Councillor Leahy, highlighting the charitable and other community initiatives he has participated in. Mr. Shady urged Council to consider no formal reprimand against Councillor Leahy.

2.3 Theresa Corless

Refer to Item 3.1, Reports on Code of Conduct Complaints Against Council Members from Guy Giorno, Integrity Commissioner

Theresa Corless provided a character reference for Councillor Leahy, noting his integrity, compassion, and care for the community. Ms. Corless advised that she was opposed to a formal reprimand by Council. She noted the steps Councillor Leahy has taken to rectify his actions and educate himself to prevent similar issues from repeating. Ms. Corless further noted that Councillor Leahy's actions to rectify the issue align how other municipal Councils have responded to a contravention to the Council Code of Conduct.

3. Items for Consideration

3.1 Reports on Code of Conduct Complaints Against Council Members from Guy Giorno, Integrity Commissioner

A question and answer period ensued between Members of Council and Guy Giorno, Integrity Commissioner regarding:

- clarification regarding the formal definition of 'reprimand' in relation to a violation to the Council Code of Conduct;
- clarification regarding Councillor Leahy's admission of guilt, given that he issued a complaint against himself;
- the intent of a formal reprimand being to deter similar conduct or to maintain public confidence;
- the responsibility of Council to make a decision on the penalty to be applied and the need to consider the Integrity Commission's recommendation;
- whether Council Members in local municipalities have been reprimanded for similar breaches of the Council Code of Conduct in the past; and,
- whether a formal reprimand may include a financial penalty.

Discussion ensued between Members of Council regarding:

- the importance of confidentiality to protect the integrity of the complaint investigation process by the Integrity Commissioner, as referenced in the Municipal Act and the Council Code of Conduct;
- details of the circumstances that took place at the Regular Council meeting of October 4, 2021;
- actions taken by Councillor Leahy following the incident, including public and private apologies, and involvement in sensitivity training;
- the authority of Council to decide what action to take, including the imposition of a penalty/reprimand;
- the negative impact of this incident on Members of Council;
- the goal of sensitivity training;
- the benefits of imposing a formal reprimand;
- the goal of the Code of Conduct being to establish a confidential and professional way for Members to address issues and build a strong, respectful team with a positive vision;
- the need to regularly review the Council Code of Conduct;
- public awareness of the events that took place as noted in the complaints; and,
- ensuring a fair decision is made by considering the context of the situation, Councillor Leahy's character, and the broader circumstances through which the incident occurred.

Resolution # 01-21

Moved By Councillor Newman

Seconded By Councillor Drumm

That the Integrity Commissioner's reports be received for information (Leahy, 2021; Forbes v. Leahy, 2021; Stevens v. Leahy and Yamada, 2021; Mulcahy v. Leahy and Mitchell, 2021) and that no further action be taken by Council.

Carried on a recorded vote as follows:

	For	Against	Abstained
Councillor Drumm	x		
Councillor Leahy	x		
Councillor Lee		x	
Councillor Mulcahy		x	
Councillor Newman	x		

Councillor Roy		x	
Councillor Shahid		x	
Councillor Yamada	x		
Mayor Mitchell	x		
	5	4	0

4. Confirmatory By-law

4.1 Confirmatory By-law

Resolution # 02-21

Moved By Councillor Yamada
Seconded By Councillor Leahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on January 10, 2022 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

5. Adjournment

5.1 Motion to Adjourn

Moved By Councillor Newman
Seconded By Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 6:21 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor