

THE CORPORATION OF THE TOWNSHIP OF JOCELYN 3670 5th Side
Road R.R. #1 Hilton Beach, Ontario POR 1G0
Clive Henderson Treasurer Deputy Clerk
Phone (705)246-2025 Email: admin@jocelyn.ca

The following is my response to the final report of Jocelyn Township's Integrity Commissioner. This investigation was started because non resident, non taxpayer Phyllis L. MacKay made a complaint August 30th/2023.

The Treasurers response to the Final Report:

The Final Report by the Integrity Commissioner (I will refer to the Integrity Commissioner as "IC" throughout my response) states: "*Interviews of the complainant, respondent and witnesses were held after this date (November 14/2023) and up to December 20, 2023*".

The IC informed the Township by email on December 21/2023 that she would present her final report at the January 9th/2024 Council meeting. On January 2/2024 the IC informed the Township that as of December 31/2023 she had invoiced the Township \$10,166.50 exclusive of HST for her investigation. The IC went on to state that she would have to revise her estimate of \$15,000.00 for the investigation to \$20,000.00 exclusive of HST. On January 3/2024 the IC informed the Township that she would not be ready to present her final report on January 9/2024 due to a personal issue. The final report was not presented until our March 12/2024 Council meeting. I believe in transparency and accountability, and it is with that in mind that I am writing this report to highlight what I believe has been a waste of taxpayer's hard-earned money.

Let's start with what the investigation achieved or rather may have achieved as it will be up to Council to implement the IC recommendations. The IC makes a lot of recommendations regarding policies and procedures that need updating or may be lacking. Council is aware that there are by-laws and policies that require updating as well as creating new by-laws and policies that currently do not exist that would be beneficial to council, officers, staff, committees and the ratepayers. Council, officers, and staff were made aware of this during a training session in February 2024 with the Ministry of Municipal Affairs, whom we have been working with since the mass resignation of staff and 2/5 of Council in the summer of 2023. It should be noted that most of these policy and procedure "infractions" predate the mass resignation of staff and Councillors Stevens and Callahan, the IC

investigation; and the formation of JRAG (Jocelyn Ratepayers for Accountable Government). It is unfortunate that we must pay the IC for information that is provided for free by The Ministry of Municipal Affairs and Housing.

All the pedantic discussion in the IC report about policy and procedure could be leveled against Council as a whole and myself as a Pro Bono Officer for not making Council aware of the lapses in policy and procedure. For example, the IC states on page 9 under “**CONCLUSIONS**”

IC Allegation #1: Reeve Henderson violated the overall purpose of the Code of Conduct.

a. Reeve Henderson violated the overall purpose of the Code of Conduct By-law 2019-1417, by not having an Acting Reeve act in his place once the complaint was received by him. The Intake Procedures state that, “Upon receipt of a complaint involving the Reeve, the Clerk shall immediately advise the Council member appointed as Acting Reeve at the time of the allegation who is authorized to act in place of the Reeve.”

Clerks Response: The IC has misdirected herself for the simple fact that she is holding the Reeve accountable for an action that Council as a whole is responsible for enforcing. In Councils defense there is no record of Council ever appointing an Acting Reeve.

Another misleading narrative that has often been repeated is that Reeve Henderson appointed me (his brother) to an officer position; this false narrative has been **repeated** by our IC and was most recently repeated in an article on SOO [TODAY.com](https://www.soo.today.com). The minutes of our July 11/2024 Council meeting show clearly that Councillor Crowder made a motion to appoint me, and it was seconded by Councillor Gilbertson. A recorded vote was not taken as the two Councillors formed a majority of Council.

Page 11 of the IC report states: **RECOMMENDATIONS**

“There can be no action of Council to impose suspension of remuneration of Reeve Henderson given he does not receive any remuneration. However, the Integrity Commissioner recommends that Council consider the following with respect to Reeve Henderson and the Council itself:

1.0 Issuing a motion of reprimand to Reeve Henderson for violations of the Code of Conduct By-law 2019-1417, as identified in this report.

2.0 Requesting that Reeve Henderson apologize to the public at a meeting of Council and provide a written apology to be posted on the township's website, for not abiding by the Code of Conduct By-law 2019-1417."

Let's get to the heart of the matter, which is the rudeness allegation. It is the only allegation where a penalty has been recommended.

Under conclusions the IC states: **Allegation #2:** Reeve Henderson has "demonstrated inappropriate conduct" ... "with respect to unacceptable actions exhibited in open meeting, the lack of decorum and respect."

a. Based on the balance of probabilities, the Integrity Commissioner concludes that it is more likely than not that members of the public were treated disrespectfully and without courtesy, by Reeve Henderson, in violation of the overall purpose and underlying principles of the Code of Conduct By-law 2019-1417.

The IC backed this up with a statement from her lawyer. **Her Lawyer stated:** "With respect to Allegation No. 2(a), that is a factual finding and you have made a determination based on the balance of probabilities."

For those of you who don't know; "a balance of probabilities" is anything over 50%. Therefore, an important question is what criteria did the IC use to decide which individuals to interview about the alleged rudeness of Reeve Henderson. The IC restricted her inquiry to the July 21 and August 8/2024 Meetings. I took it upon myself to canvass the 4 members of Council, 3 Officers of our Township and 8 members of the public that I knew were present at one or both of those meetings. None of those individuals were interviewed by the IC. I did not ask those individuals if they thought Reeve Henderson was rude, however an overwhelming majority voluntarily stated that in their opinion Reeve Henderson was not rude. I did not count myself in the survey for obvious reasons. It is my conclusion, based on a balance of probabilities that Reeve Henderson was not rude, and the Township has unfortunately wasted well in excess of \$20,000.00

As your Clerk/Treasurer it is part of my duties to be concerned about needless spending. I should add that it is also my duty to bring issues of wasteful spending to the attention of the Council Members and you the taxpayers of our wonderful community.

Thank you for taking the time to read my response,

Clive Henderson

Treasurer Deputy Clerk Clive Henderson