

October 6, 2021

Mayor & Councillors
Township of Brudenell, Lyndoch & Raglan
42 Burnt Bridge Rd,
Palmer Rapids, ON K0J 2E0

Email: clerk-treasurer@blrtownship.ca

RE: IC Inquiry Regarding Councillor Budarick

Expertise for Municipalities (“E4m”), as Integrity Commissioner received a request for inquiry (hereinafter the “Request”) with respect to Andrea Budarick (“Councillor Budarick”), an elected member of the Township Council (“Council”) for the Township of Brudenell, Lyndoch and Raglan (“BLR”). The Requestor alleged that Councillor Budarick contravened the Township of Brudenell, Lyndoch and Raglan Code of Conduct (“Code of Conduct”) and/or the Council/Staff Relations Policy (“CSR Policy”).

The Requestor is a member of the public and are therefore entitled to make an Application for an inquiry under section 223.4 of the *Municipal Act*.

In the Request, the Requestor alleged that Councillor Budarick contravened the Code of Conduct when she:

- a) By her actions, toward Acting Clerk-Treasurer Valerie Jahn, former Clerk-Treasurer Michelle Mantifel, Deputy Clerk Virginia Phanenhour, Facilities Manager and Fire Chief Jordan Generick, and Charlie Behm, Roads Superintendent (collectively BLR Employees, on a number of occasions contravened the CSR and the Code of Conduct; and
- b) By her actions, toward BLR Employees, on a number of occasions contravened the *Occupational Health and Safety Act* (“OHS”).

After receiving the Request, we followed the inquiry process as set out in the Integrity Commissioner Inquiry Protocol. We did a preliminary review of each of the allegations to determine if they were within the jurisdiction of the Integrity Commissioner. Those matters not within the Integrity Commissioner’s jurisdiction are referred to be considered by other appropriate parties.

Allegations that a member of Council contravened the *OHS* are not within the jurisdiction of the Integrity Commissioner, have not been investigated by our office and have properly been referred to the appropriate authority. However, failure to comply with legislation, and in this circumstance specifically, the *OHS*, does constitute a contravention of the Code of Conduct.

Eleven (11) of the allegations received by our office were referred to be investigated under the *OHS*. In this circumstance, the allegations were brought before Council and our inquiry was suspended until the *OHS* investigation was complete. This report is to advise Council that we are aware that the *OHS* matter is complete, and our inquiry will be recommenced.

Additionally, we are advising Council that while we are aware of the *OHSA* investigation, we cannot report details. But it is clear that Councillor Budarick was found to breach the *OHSA* and her conduct was extremely offensive. Investigations of this nature and the detailed findings are statutorily confidential.

It is difficult for us to reconcile this statutory requirement for confidentiality and our duty to provide a public report to ratepayers and Council. However, Councillor Budarick has shown not only disregard for the ethical responsibilities in the Code of Conduct, but egregious and flagrant disregard for serious legislation like the *OHSA*. She has contravened the Code of Conduct

Upon finding a breach of the Code of Conduct, section 223.4(5) of the *Municipal Act, 2001* permits Council to levy a penalty of either a reprimand, or a suspension of the remuneration paid to the member in respect of their services as a member of council for a period of up to 90 days for each breach.

This is the second Integrity Commissioner inquiry related to the actions of Councillor Budarick wherein she was found to have contravened the Code of Conduct by acting contrary to provincial legislation.

We are most concerned that this behaviour must stop. It is destructive to the operation of BLR and is poisoning the work environment for staff and is diverting valuable taxpayer resources from providing appropriate service.

We very strongly recommend that Council request that Councillor Budarick resign her position on Council. It is clear, that she does not act appropriately and within her role as a Councillor. It is our opinion that her behaviour will be ongoing and will place BLR and perhaps Councillor Budarick personally at considerable risk of litigation.

Alternatively, should Council not wish to take such action or should Councillor Budarick refuse to resign Council should strictly impose that Councillor Budarick:

- i. Be removed from all boards and committees;
- ii. Not be allowed to communicate with staff directly, that all communications to staff go through an anonymized email address;
- iii. Not be allowed to attend the Municipal Office or municipal worksites where staff may be except for retrieving Council mail/packages, make bill payments, attend Council meetings or otherwise fulfilling her statutory roles and;
- iv. Be able to request the restrictions be reviewed in six (6) months.

We further recommend that Council consider conducting a workplace culture audit and prepare a wellness/workplace improvement strategy in order to acknowledge the considerable impact on staff and to create a healthier work environment.

Regards



Peggy Young-Lovelace
Director/Independent Consultant