

October 6, 2021

Office of the
Integrity Commissioner

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 Lidtkie

1894 Lasalle Blvd.
Sudbury, ON P3A 2A4

Tel. 705-863-3306

Fax. 705-806-4000

www.e4m.solutions

Expertise for Municipalities (“E4m”), as Integrity Commissioner received a request for inquiry (hereinafter the “Request”) with respect to Trevor Lidtkie (“Councillor Lidtkie”), an elected member of the Township Council (“Council”) for the Township of Brudenell, Lyndoch and Raglan (“BLR”). The Requestor alleged that Councillor Lidtkie 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 Lidtkie contravened the Code of Conduct when he:

- a) By his 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;
- b) By his actions, toward BLR Employees, on a number of occasions contravened the *Occupational Health and Safety Act* (“OHSA”) and the *Ontario Human Rights Code* (“OHRC”).

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 with the Integrity Commissioner’s jurisdiction are referred to be considered by other appropriate parties.

Allegations that a member of council contravened the *OHSA* and the *OHRC* 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 *OHSA* and the *OHRC*, does constitute a contravention of the Code of Conduct.

Thirteen (13) of the allegations received by our office were referred to be investigated under the *OHSA* and/or the *OHRC*. In this circumstance, the allegations were brought before Council and our inquiry was suspended until the *OHSA* investigation was complete. This report is to advise Council that we are aware that the *OHSA* 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 Councillor Lidtkie was found to breach the *OHSA* and the *OHRC*. His conduct was extremely appalling. 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 Lidtkie 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* and the *OHRC*. Further that he has not taken responsibility for any of his actions and denied that his actions are inappropriate or problematic. He 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 Lidtkie wherein he 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 Lidtkie resign his position on Council. It is clear that he does not act appropriately and within his role as a Councillor. It is our opinion that his behaviour will be ongoing and will place BLR and perhaps Councillor Lidtkie personally at considerable risk of litigation.

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

- 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 his 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

A handwritten signature in blue ink that reads "Peggy". The signature is written in a cursive, flowing style.

Peggy Young-Lovelace
Director/Independent Consultant