

Cape Breton Regional Municipality
Special Council Meeting – Minutes

**Monday,
February 27, 2023
11:00 a.m.
Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS**

Deputy Mayor James Edwards called the meeting to order.

Present:

Mayor Amanda M. McDougall
Deputy Mayor James Edwards (left 1:23 p.m.)
Councillor Gordon MacDonald
Councillor Earlene MacMullin
Councillor Cyril MacDonald
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Glenn Paruch, Chairperson (arrived 12:17 p.m.)
Councillor Steve Parsons
Councillor Ken Tracey
Councillor Darren O'Quinn
Councillor Lorne Green

Staff:

Marie Walsh, Chief Administrative Officer
John MacKinnon, Deputy Chief Administrative Officer
Deborah Campbell Ryan, Municipal Clerk
Demetri Kachafanas, KC, Regional Solicitor
Mike Targett, Community Consultation Coordinator
Sharon MacSween, Recording Secretary

Absent:

Councillor Darren Bruckschwaiger (Leave of Absence)

Summary of Decisions

Land Acknowledgement

Roll Call

1. Approval of Agenda

Motion to approve the February 27, 2023, Special Council Agenda and Addendum as circulated.
Carried.

2. Code of Conduct for Elected Municipal Officials

A Code of Conduct Complaint has been made by Councillor MacMullin against Mayor McDougall-Merrill.

The Code of Conduct was read the same into the public record.

2.1 Details of Complaint

Councillor MacMullin provided details of the Code of Conduct Complaint and requested to add conflict of interest to her complaint.

Council recessed.

Council reconvened.

A **Point of Privilege** was raised regarding meeting commitments and scheduling.

Council **agreed** that Councillor Paruch assume the Chair for the continuation of the meeting and deliberations.

Councillor MacMullin spoke to her formalized complaint, including the timeline of her requests for an investigation on what she believes is a breach of the Code of Conduct by Mayor McDougall-Merrill.

Summary of Decisions (Cont'd)

2.2 Response to Complaint

Mayor McDougall-Merrill indicated that the actions listed in the complaint do not meet the threshold of breaching the code of conduct. The Mayor spoke to the reason for reaching out to the Nova Scotia Human Rights Commission, to seek advice and guidance.

A **Point of Order** was raised to indicate that contact with Nova Scotia Human Rights Commission is out of context for the discussion.

The Mayor stated she did share information authored by members of Council that was not previously known by public. Mayor discussed the meetings that took place between CBRM staff and other organizations.

2.3 Referral to Council Deliberation:

Council adjourned for deliberations.

Council reconvened.

At this point in the meeting, the Chairman advised the following:

AGREED

With respect to the complaint by Councillor Earlene MacMullin alleging a breach of the Municipal Code of Conduct by Mayor Amanda McDougall-Merrill:

Council finds that on the balance of probabilities, Mayor McDougall-Merrill breached the Code of Conduct on the issue of “dissemination” of Council information to an outside party.

Council finds on the “RHI” issue there is no breach of the Code of Conduct.

Council imposes a formal written warning and a public apology to Councillor MacMullin.

Adjournment

Land Acknowledgement

Roll Call

1. Approval of Agenda

Motion

Moved by Councillor Green, seconded by Councillor Cyril MacDonald, to approve the February 27, 2023, Special Council Agenda and Addendum as circulated.

Motion Carried

2. Code of Conduct for Elected Municipal Officials

Deputy Mayor Edwards read the Code of Conduct complaint made by Councillor MacMullin against Mayor McDougall-Merrill.

2.1 Details of Complaint

Councillor MacMullin provided details of the complaint and requested to add conflict of interest to the complaint.

The Regional Solicitor advised that the discussion on process was held in private but discussion on the complaint would have been held in an open session.

The Regional Solicitor advised that the agenda was posed to the website and supporting documents will be placed on the website and that the process should be transparent, and all parties should feel that it is a fair process.

The Solicitor then recommended that Council recess and deliberate on how to proceed.

Mayor McDougall-Merrill and Councillor MacMullin both expressed they would like to continue the meeting after a recess to resolve the issue.

Council recessed at 11:49 a.m.

Council reconvened at 12:20 p.m.

Deputy Mayor Edwards advised he had an engagement that could not be rescheduled. He suggested that either the meeting be reconvened tomorrow or that another Council member assume the chair for the remainder of the meeting.

A **Point of Privilege** and concern was raised by Councillor Eldon MacDonald regarding meeting commitments and scheduling.

Continued...

Councillor Paruch offered to assume the chair for the continuation of the meeting; Council agreed.

The Regional Solicitor advised that Councillor MacMullin proceed to present her information first and will then be followed by the Mayor's response and then followed by questions from Council. Once both parties have presented their sides, Council will deliberate.

Councillor MacMullin provided her complaint info, including the timeline of her requests for an investigation on what she believes is a breach of the Code of Conduct by Mayor McDougall-Merrill. Councillor MacMullin expressed her belief of an email thread regarding Canada Day was brought to the attention of external parties. Councillor MacMullin read emails received from external parties and email between Councillor MacMullin and Mayor regarding New Dawn and the Rapid Housing Initiative process.

2.2 Response to Complaint

Mayor McDougall-Merrill indicated that the actions listed in the complaint do not meet the threshold of breaching the Code of Conduct. The Mayor provided the reason for reaching out to the Nova Scotia Human Rights Commission was to seek advice and guidance.

A **Point of Order** was raised by Councillor MacMullin to indicate that contact with Nova Scotia Human Rights Commission was out of context for the discussion.

Mayor Mc-Dougall-Merrill stated she did share information authored by members of Council that was not previously known by public. Mayor Mc-Dougall-Merrill discussed the emails that she released and other meetings between CBRM staff and other organizations.

Councillor MacMullin clarified what brought concern and what did not bring concern that led to the complaint of breaching the Code of Conduct. Councillor MacMullin also stated that the timeline of the process should have been shorter.

Solicitor Kachafanas informed that Council should only be asking questions for clarification and then deliberations should occur. The Solicitor noted that all Council will be involved in deliberations except Mayor McDougall-Merrill and Councillor MacMullin, that comments should wait until deliberations occur, and that deliberations should be done in private then come back to open session.

Additional discussion took place between Council and staff that everything is public because the public can apply to FOIPOP matters and emails.

2.3 Referral to Council Deliberation

Council adjourned for deliberations at 1:23 p.m.
Council reconvened at 3:24 p.m.

Continued...

Councillor Paruch, Chairman advised the following:

AGREED:

With respect to the complaint by Councillor MacMullin alleging a breach of the Municipal Code of Conduct by Mayor Amanda McDougall-Merrill, it was agreed:

- Council finds that on the balance of probabilities, Mayor McDougall-Merrill breached the Code of Conduct on the issue of “dissemination” of Council information to an outside party.
- Council finds on the “RHI” issue there is no breach of the Code of Conduct.
- Council imposes a formal written warning and a public apology to Councillor MacMullin.

Mayor McDougall-Merrill apologized and stated that there was no intent to offend any colleagues.

Meeting adjourned 3:26 p.m.

Councillor Glenn Paruch
Chairperson

Christa Dicks
Municipal Clerk
/slm