



**CORPORATION OF THE TOWNSHIP OF MELANCTHON**

**ADDENDUM TO AGENDA**

**THURSDAY, NOVEMBER 19, 2020 - 5:00 P.M.**

**12. Police Services Board**

1. OPP Selection Process - Inspector Detachment Commander, Dufferin Detachment - Interview Panel
2. Melancthon Township Police Services Board - Municipal Representative

**14. Correspondence**

**\* Items for Information Purposes**

13. Integrity Commissioner - Supplementary Report to Council: File CC-2020-01 - Mercer v. White
14. Integrity Commissioner - Memorandum to Council Secondary Transparency Report: Code of Conduct File CC-2020-01 - Mercer v. White

## Denise Holmes

---

**From:** Smyth, James (OPP) <James.Smyth@opp.ca>  
**Sent:** Tuesday, November 17, 2020 12:33 PM  
**To:** cheyanne.hancock@townofmono.com; mj.walker@sympatico.ca; chickey@mulmur.ca; dennis.connie@zing-net.ca; Denise Holmes; blundellsja@gmail.com; nmartin@amaranth.ca; bcurrie@amaranth.ca; mtownsend@townofgrandvalley.ca; ssoloman@townofgrandvalley.ca; kwallace@orangeville.ca; Ttaylor@orangeville.ca  
**Subject:** OPP Selection Process - Inspector Detachment Commander - Dufferin Detachment

Good afternoon,

As you may be aware, the recent amalgamation of Orangeville Police Service into the O.P.P. has resulted in an increased detachment strength and several position/personnel changes at Dufferin Detachment. One critical change is that the Detachment Commander position has been elevated in rank from Staff Sergeant to Inspector.

As a result, we have initiated a competitive process to identify the most qualified candidate for the position of Inspector Detachment Commander. A key part of the process is the formation of a panel comprised of members of your respective Police Services Boards and O.P.P. Command staff. This panel will be charged with conducting scored interviews with the candidates.

With that goal in mind, I would like to begin the process of forming the interview panel and have the following requests:

We are suggesting a tentative date of Tuesday December 8<sup>th</sup> for the interviews to take place at Dufferin Detachment (Primrose location). We hope to be able to complete the interviews in one full day. Currently twelve officers have been invited to apply and we should be in a position to short list for interview early next week.

Could you provide the name and contact information for one individual from each PSB who will be participating? Given that there are six PSB's, we would be open to having a smaller number of panelists if there is agreement that one person could represent more than one PSB.

If you have any questions or concerns, please free to contact me by email or the phone number below.

Thank you.

Superintendent Jim Smyth  
Director of Operations  
Central Region, Ontario Provincial Police  
705-238-1185

## Denise Holmes

---

**From:** Integrity Commissioner <IntegrityCommissioner@fasken.com>  
**Sent:** Wednesday, November 18, 2020 4:24 PM  
**To:** Denise Holmes  
**Subject:** Supplementary Report to Council  
**Attachments:** Mercer v White (No 2) 2020 ONMIC 16.PDF

This email contains privileged or confidential information and is intended only for the named recipients. If you have received this email in error or are not a named recipient, please notify the sender and destroy the email. A detailed statement of the terms of use can be found at the following address: <https://www.fasken.com/en/terms-of-use-email/>.

Fasken has a COVID-19 management plan in place. We prioritize maintaining a safe workplace; encourage social distancing and uphold privacy and confidentiality for those we work with. We have reduced the need to attend our offices to necessary visits, and are minimizing in-person meetings. We have enhanced digital communications with you through telephone & web conferencing, secure email, Fasken Edge, etc.

Please do not visit our offices without an appointment in advance; and please excuse us if we do not shake your hand. In the event the risk of COVID-19 increases and affects our ability to provide legal services or representation, we will make the best arrangements within our power to obtain time extensions and/or adjournments. We appreciate your understanding.

> [COVID-19 Resource Centre for Businesses](#)

*Ce message contient des renseignements confidentiels ou privilégiés et est destiné seulement à la personne à qui il est adressé. Si vous avez reçu ce courriel par erreur, S.V.P. le retourner à l'expéditeur et le détruire. Une version détaillée des modalités et conditions d'utilisation se retrouve à l'adresse suivante : <https://www.fasken.com/fr/terms-of-use-email/>.*

*Fasken dispose d'un plan de gestion de la situation en lien avec la COVID-19. Notre priorité est de maintenir un milieu de travail sécuritaire, d'encourager la distanciation sociale et d'assurer la protection des renseignements personnels et de la confidentialité au nom des personnes pour lesquelles nous travaillons. Nous avons réduit le nombre de visites nécessaires à nos bureaux et réduit au strict minimum les réunions en personne. Nous avons amélioré les communications numériques par téléphone, par vidéoconférence, par courrier électronique sécurisé, par l'intermédiaire de Fasken Plus, etc.*

*Nous vous prions de ne pas vous présenter au bureau sans rendez-vous et veuillez nous excuser d'avance si nous ne vous serrons pas la main. Si le risque de propagation du virus COVID-19 augmente et atteint notre capacité à fournir des services juridiques ou de représenter nos clients, nous ferons tout en notre pouvoir pour prendre les meilleures dispositions afin d'obtenir des reports et/ou des ajournements. Nous vous remercions pour votre compréhension.*

> [Centre de ressources sur la COVID-19 pour les entreprises](#)

---

TOWNSHIP OF MELANCTHON INTEGRITY COMMISSIONER,  
GUY GIORNO

**Citation:** Mercer v. White (No. 2), 2020 ONMIC 16

**Date:** November 18, 2020

## SUPPLEMENTARY REPORT ON INVESTIGATION

---

1. On November 15, I issued the report *Mercer v. White*, 2020 ONMIC 15.
2. The report dismissed Councillor Margaret Mercer's Complaint that Mayor Darren White had breached sections 1.14, 1.15, and 1.16 of By-law 11-2019, A By-law to Adopt a Code of Conduct for Members of Council & Members of Local Boards.
3. I reported that Councillor Mercer's complaint was unfounded.
4. I found that Councillor Mercer made claims unsupported by the evidence
5. I found Councillor Mercer's account of what occurred to be unreliable.
6. I noted several instances in which Councillor Mercer's versions of events was at variance with fact.
7. Councillor Mercer's Complaint was submitted July 28, 2020, on the wrong form. It was resubmitted on the proper form, August 4.
8. This morning, I received a letter from a lawyer for Councillor Mercer.
9. Councillor Mercer's legal letter was six pages long, including attachments. It demanded that I "immediately rescind the Report on account of non-compliance with the Township's Complaint Protocol."
10. According to Councillor Mercer, through her lawyer, report 2020 ONMIC 15 should not have been issued, because she had previously withdrawn her complaint in writing.
11. The letter claimed that Councillor Mercer had withdrawn her complaint. The letter claimed that I had no authority to issue report 2020 ONMIC 15 because it was based on a withdrawn complaint. The Mercer-lawyer letter claimed that I had been procedurally unfair and issued a report that I had no authority to make.
12. In the first report, 2020 ONMIC 15, I found that Councillor Mercer made claims that were inconsistent with fact.
13. Her legal correspondence today is another example.
14. Contrary to the claim in the Mercer-lawyer letter, Councillor Mercer never withdrew the complaint on which report 2020 ONMIC 15 was based.
15. She did withdraw a 2019 complaint. She withdrew it on January 4, 2020.
16. She withdrew a prior complaint, not this one.

17. I cannot accept Councillor Mercer's claim that withdrawal of a previous complaint on January 4 has any bearing on the complaint she would subsequently submit on July 28, and officially file on August 4.

18. After I pointed out that he had been misinformed of the facts, the lawyer withdrew the request to rescind report 2020 ONMIC 15, and he apologized. However, he claimed that Councillor Mercer experienced "confusion" about which complaint was involved.

19. I cannot accept that Councillor Mercer confused her 2019 complaint with her 2020 complaint. She withdrew the former seven months before the latter was submitted.

20. While I accept that the lawyer may have been confused, I do not accept that Councillor Mercer was confused about whether her 2020 complaint was withdrawn.

21. On September 3, she asked, "Could I get an update on my complaint please?" On September 9, she asked if I would proceed on her complaint without the Mayor's response. On September 22, she wrote, "I stand fully behind my original complaint." These were odd things to write if she believed her 2020 complaint had been withdrawn.

22. In the last few days, Councillor Mercer has emailed me several times to object to the dismissal of her complaint: "You have done a disservice here." ... "You have capitulated and I'm disappointed in your service." ... "You have said I'm wrong on every point and given the mayor all the rights and total power to continue."

23. Not once did Councillor Mercer mention that she had withdrawn her complaint. On the contrary, she was upset that I had not upheld her complaint.

24. Today's claim of complaint withdrawal is of very recent origin and inconsistent with her previous writings. I do not, therefore, accept that Councillor Mercer experienced "confusion" about having withdrawn the 2020 complaint.

25. Councillor Mercer was aware that she never withdrew the complaint on which report 2020 ONMIC 15 was based. She nonetheless had her lawyer demand that I rescind the report, on the basis of a non-existent withdrawal.

26. Report 2020 ONMIC 15 has already been issued, but Councillor Mercer's most recent claim – to have withdrawn this complaint when in fact she did not – is further reason to conclude that her description of events is not reliable.

27. I have found that Mayor White did not contravene the Code of Conduct.

28. Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Guy Giorno". The signature is fluid and cursive, with a prominent initial "G" and a long, sweeping tail.

Guy Giorno  
Integrity Commissioner  
Township of Melancthon

November 18, 2020

## Denise Holmes

---

**From:** Integrity Commissioner <IntegrityCommissioner@fasken.com>  
**Sent:** Wednesday, November 18, 2020 9:30 PM  
**To:** Denise Holmes  
**Subject:** Township of Melancthon File CC-2020-01: Second Transparency Report on Cost  
**Attachments:** Township of Melancthon File CC-2020-01 Second Transparency Report on Cost.PDF

Attached is the report of the cost of the supplementary report.

This email contains privileged or confidential information and is intended only for the named recipients. If you have received this email in error or are not a named recipient, please notify the sender and destroy the email. A detailed statement of the terms of use can be found at the following address: <https://www.fasken.com/en/terms-of-use-email/>.

Fasken has a COVID-19 management plan in place. We prioritize maintaining a safe workplace; encourage social distancing and uphold privacy and confidentiality for those we work with. We have reduced the need to attend our offices to necessary visits, and are minimizing in-person meetings. We have enhanced digital communications with you through telephone & web conferencing, secure email, Fasken Edge, etc.

Please do not visit our offices without an appointment in advance; and please excuse us if we do not shake your hand. In the event the risk of COVID-19 increases and affects our ability to provide legal services or representation, we will make the best arrangements within our power to obtain time extensions and/or adjournments. We appreciate your understanding.

> [COVID-19 Resource Centre for Businesses](#)

*Ce message contient des renseignements confidentiels ou privilégiés et est destiné seulement à la personne à qui il est adressé. Si vous avez reçu ce courriel par erreur, S.V.P. le retourner à l'expéditeur et le détruire. Une version détaillée des modalités et conditions d'utilisation se retrouve à l'adresse suivante : <https://www.fasken.com/fr/terms-of-use-email/>.*

*Fasken dispose d'un plan de gestion de la situation en lien avec la COVID-19. Notre priorité est de maintenir un milieu de travail sécuritaire, d'encourager la distanciation sociale et d'assurer la protection des renseignements personnels et de la confidentialité au nom des personnes pour lesquelles nous travaillons. Nous avons réduit le nombre de visites nécessaires à nos bureaux et réduit au strict minimum les réunions en personne. Nous avons amélioré les communications numériques par téléphone, par vidéoconférence, par courrier électronique sécurisé, par l'intermédiaire de Fasken Plus, etc.*

*Nous vous prions de ne pas vous présenter au bureau sans rendez-vous et veuillez nous excuser d'avance si nous ne vous serrons pas la main. Si le risque de propagation du virus COVID-19 augmente et atteint notre capacité à fournir des services juridiques ou de représenter nos clients, nous ferons tout en notre pouvoir pour prendre les meilleures dispositions afin d'obtenir des reports et/ou des ajournements. Nous vous remercions pour votre compréhension.*

> [Centre de ressources sur la COVID-19 pour les entreprises](#)



# FASKEN

Fasken Martineau DuMoulin LLP  
Barristers and Solicitors  
Patent and Trade-mark Agents

333 Bay Street, Suite 2400  
P.O. Box 20  
Toronto, Ontario M5H 2T6  
Canada

T +1 416 366 8381  
+1 800 268 8424  
F +1 416 364 7813  
  
fasken.com

## MEMORANDUM

---

**To:** Council  
Township of Melancthon

**From:** Guy Giorno  
Integrity Commissioner

**Date:** November 18, 2020

**Re:** Transparency: Code of Conduct File CC-2020-01

---

In relation to the report issued today:

File CC-2020-01  
*Mercer v. White* (No. 2)  
2020 ONMIC 16

### **Further Cost of Inquiry**

The total cost to the Township of the further activity, leading to and including the supplementary Code of Conduct inquiry report, not including HST, is as follows:

Hours (Nov. 18, 2020): 3.3 @ \$100/hour

Total: \$330