

# Principles *Integrity*

## City of Burlington

### Code of Conduct Complaint Against Councillor Stolte

#### Recommendation Report

April 8, 2022

#### Introductory Comments

- [1] Principles *Integrity* was appointed the Integrity Commissioner for the City of Burlington in June of 2018. We also serve as Integrity Commissioner, and in some cases Closed Meeting Investigator, Lobbyist Registrar, and Municipal Ombudsman for over 40 Ontario municipalities as well as school boards and a police services board.
- [2] Integrity Commissioners carry out a range of functions for municipalities (and their local boards). They can provide guidance in ensuring a robust ethical framework, suggesting content and commentary for codes of conduct and assisting in the development of other policies. They are available to conduct education and training for members of council and local boards, and perhaps most importantly, when a Member requests advice on their ethical responsibilities, the Integrity Commissioner's response guides the Member and protects them against future complaints. Integrity Commissioners are also available to administrative leadership to guide policies and procedures which support good governance.
- [3] Good governance, including proper closed session procedures, supports meaningful ethical compliance.
- [4] Though it is not an Integrity Commissioner's primary function, they also review allegations that a Member has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.
- [5] When we deliver reports following an investigation our approach wherever possible is to provide tangible guidance for course correction, where appropriate, and improvement going forward.

#### The Complaint

- [6] On January 30, 2022 we received a complaint filed by Councillors Galbraith and Nisan alleging that Councillor Stolte had, on several occasions, breached the confidentiality obligations under the City's Code of Good Governance.

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[7] In particular, it was alleged that:

- On December 6, 2021, at the Corporate Services, Strategy, Risk and Accountability Committee (CSSRA), the Councillor publicly stated “the reality is that the final cost will be well above \$50M ...”, referencing an actual dollar figure for the purchase and redevelopment of Robert Bateman High School, whereas all discussion of costs were confidential;
- At a Committee meeting on November 15, 2021, the Councillor made detailed reference to confidential information regarding parking and community amenity space, whereas all detailed discussions on those matters had been confidential;
- The Councillor must have disclosed the presence of asbestos in the school, a fact which had only been discussed in closed session, as evidenced by comments made on social media by a family relation who could only have learned of it from the Councillor, as all discussion of the presence of asbestos in the building had been confidential;
- The Councillor advised a constituent that a particular committee of adjustment decision was to be considered by a Committee on January 10, 2022 on the Confidential/Closed Agenda; the Item listed on the public Agenda was identified only as “Confidential Update on a Litigation Matter”.

Three of the four matters in one way or another related to a major initiative of the City of Burlington related to the Robert Bateman High School surplus school site.

### Process Followed for the Investigation

[8] In conducting this investigation, Principles *Integrity* applied the principles of procedural fairness. This fair and balanced process includes the following elements:

- Reviewing the Complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the Complaint should be restated or narrowed, where this better reflects the public interest
- Notifying the Councillor of the Complaint and seeking her response
- Reviewing archived recordings of relevant meetings, agendas and minutes, reports, and other relevant documents

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- Interviewing relevant witnesses including the complainants and the Respondent
- Providing the Councillor with an opportunity to review and provide comments regarding the draft findings of the Integrity Commissioner
- Making our findings and determinations by employing the 'balance of probabilities standard' (whether an event more likely occurred than not).

### Background and Context

[9] Councillor Stolte has been a Member of Council since first elected in October 2018.

[10] She was one of five (5) first-time Members elected to Burlington Council in 2018.

[11] The City of Burlington has as part of its ethical framework a Code of Good Governance which is the policy touchstone underlying the assessments conducted in this report. The Code of Good Governance serves as the municipality's code of conduct.

[12] The provision of the Code which is most relevant to the conduct alleged in the complaint is found in paragraph 14, which provides as follows:

14. We will hold in strict confidence all information concerning matters dealt with in Closed Council meetings, matters subject to solicitor client privilege, personal information, or information that is otherwise determined to be confidential.

[13] Highly relevant to our review are the provisions set out in section 239 of the *Municipal Act*, which requires that Council's meetings be held in public, except in certain restricted circumstances.

#### **Meetings open to public**

**239** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

#### **Exceptions**

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(a) the security of the property of the municipality or local board;

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- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

[14] In order to meet in the absence of the public, section 239 of the *Municipal Act* requires as follows:

### **Resolution**

- (4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee or either of them shall state by resolution,
  - (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

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- [15] Councillor Stolte believes that the municipality's practices in applying these provisions inappropriately constrain her ability to engage the public in some matters being considered by Council. She wants to see a less frequent utilization of closed session, particularly for matters she believes ought to be publicly deliberated.
- [16] She perceives that, on occasion, closed session meetings are used to inappropriately obscure or block public knowledge and awareness of matters being considered.
- [17] The Councillor asserts that she has attempted unsuccessfully to move the administration and her Council colleagues towards what she believes is a better standard for greater transparency.
- [18] She challenged what she perceived as a paucity of information provided on the City's Agendas regarding confidential/closed meetings, as lacking in appropriate transparency and falling short of established standards.
- [19] Encountering resistance to more explicit identification of closed session items, she has taken it upon herself to review and compare the public meeting agendas of other Ontario municipalities.
- [20] In attempting to apply due diligence, she also undertook her own a review of the Open Meeting Guidelines published by the Ontario Ombudsman in regard to issues of concern to her.
- [21] Her survey of municipal practices and her understanding of the Ombudsman's conclusions on best practices only served to reinforce her concern that the City's practices were falling short.
- [22] The Councillor advised during this investigation that she felt her push towards increased transparency was met with resistance by the administration and her colleagues on Council, which she found to be frustrating.
- [23] She has conceded, during the course of this investigation, that in attempting to highlight the issue, and in an effort to force a discussion on the issue, she may have run afoul of the 'confidentiality' provisions of the Code.
- [24] We note that, during the course of our investigation, Council has requested that their appointed Closed Meeting Investigator provide a report reviewing Council's current practices regarding confidential/closed session meetings. It is not known at this time when, or if, such a review report is expected to be provided to Council and so we have provided our observations on the matter in this Report.

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[25] For the reasons below, we find that for two of the four complaints the Councillor has contravened the Code provision regarding confidentiality. Whether or not justification exists for greater transparency, it is not the case that one member of Council can determine that information should be publicly disclosed before Council as a whole has taken a stance on the issue. Maintaining confidentiality around confidential information and closed session deliberations is a cardinal rule for members of council.

### Closed Session Resolutions

[26] Governance of municipal councils and the conduct of council business is largely regulated and prescribed by legislation and by-law. Members of Council rely to a significant degree on the expertise and guidance of professional administrative staff.

[27] Council is obligated – subject to specific exceptions – to conduct its meetings in public. The rule, referred to as the ‘Open Meeting’ rule, has been set out above. The Open Meeting rule ensures transparency and allows the public the opportunity to monitor, influence and participate in decisions of its duly elected municipal council.

[28] In order to provide the public with notice of matters to be discussed in closed session, Council is required to provide, in public, sufficient information about the reason a matter will be dealt with in closed session. Subsection 239(4) expressly requires that the general nature of the matter to be in closed session form part of a closed session resolution which is adopted prior to Council meeting in the absence of the public.

[29] Even where a matter arises in the course of a public meeting which Council determines ought to be discussed confidentially, and which may properly be discussed in a closed session under the exceptions noted in section 239 (say to obtain legal advice), it is incumbent on Council to provide as much information regarding the nature of the matter to be dealt with in closed session by adopting the required resolution in public.

[30] In all cases – whether noted in advance on the public agenda or, where that is not possible, spontaneously resolving to move into closed during a public meeting – it is incumbent on a municipality to provide as much information regarding the nature of the matter to be dealt with in closed session.

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[31] The context for this investigation into Councillor Stolte's conduct arises in part around differing views on what constitutes sufficient information in the public agenda to meet the requirements of subsection 239(4).

[32] The leading practice which has evolved from caselaw and through guidance from the Ontario Ombudsman and adopted by municipal clerks and closed meeting investigators across the province is for municipalities to provide as much information as can be revealed about the matter or report, without undermining the very reason for dealing with the matter behind closed doors.

### Analysis of Complaints:

#### Publicly stating dollar figure of Bateman High School Redevelopment Project

[33] The first portion of the complaint pertains to whether 'information concerning matters dealt with in closed council meetings, matters subject to solicitor client privilege, personal information, or information that is otherwise determined to be confidential', were held in strict confidence (see Rule No. 14 of the Code).

[34] At its meeting of December 6, 2021, the City's Corporate Services, Strategy, Risk and Accountability Committee had on its agenda a confidential item described as follows:

5.4 Confidential real estate matter – Robert Bateman High School (L-32-21)

beneath which appeared the following:

Note: This item will be discussed at 1 p.m. and will be the subject of a Special Council meeting immediately following the Corporate Services, Strategy, Risk and Accountability meeting.

Pursuant to Section 239(2)(c) of the Municipal Act, a proposed or pending acquisition or disposition of land by the municipality or local board.

[35] Following the in-camera session a public motion was presented on the item:

Submit a formal offer to purchase the Robert Bateman High School Site as outlined in confidential Legal Department Report L-32-21

The motion was duly moved.

[36] In comments to the motion Councillor Stolte said as follows:

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*Certainly in keeping in very good consideration that there was a long discussion held in confidential session, I would just like to comment that the only way that I can in good conscience justify this very large price tag to purchase Robert Bateman High School is to commit to developing the property in the manner in which the community expects us to as a fully developed community centre for the residents of the city.*

*To purchase Bateman and not develop it as a community centre just does not make sense to me. The reality is that the final cost will be well above 50 million dollars to see that vision realized. A lot of information has not been shared with the community, including how this purchase may impact the acquisition of other lands. I believe that information is critical to be able to have in open conversations as much as possible so that each and every one of us is genuinely able represent the interests of our constituents.*

*The only way that I can support this motion in regards to exploring conditions of an offer is after having great assurances that there will be much more information coming forward before a final decision will be made in March of 2022.*

- [37] Immediately upon Councillor Stolte concluding her remarks the Clerk reminded councillors to keep their comments 'global.'
- [38] The Mayor, in her remarks on the motion, began by saying that *she would keep comments to what was in the public record.*
- [39] The Councillor readily admitted to publicly stating that the "final cost [for the Bateman project] will be well above \$50 million dollars..."
- [40] She states that the dollar figure of 50 million does not reflect any dollar amount ever discussed in closed session with respect to the purchase negotiations.
- [41] Nevertheless, it is recognized that reference to a specific dollar amount, where all negotiations and related costs have only ever been discussed in closed session, would reasonably be understood by the public to reflect the actual costs discussed. This has the affect of leaving the public with an erroneous or mistaken impression that other members of Council would feel must be corrected.
- [42] Those other members are however prevented from contradicting or correcting her statements without themselves breaching the confidentiality provisions of the Code. The misstating of information, purportedly discussed in closed session, therefore can be as inappropriate as stating actual factual information.

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- [43] We find that the Councillor's statement, although not actually disclosing real dollar amounts discussed in closed session, is fairly perceived as revealing confidential information, risks misleading the public, and compromises the ability of any other member of Council to contradict or correct the information.
- [44] The fact that the information does not reflect the specific actual dollar figure is not an answer which justifies the apparent breach. If such were the case, confidentiality of closed discussion could be breached with impunity simply by mis-stating facts and information subject to closed session deliberations.
- [45] Accordingly we find that the Councillor's reference to an actual dollar figure, where by implication the only source of that information is closed session, constitutes a contravention of the confidentiality provisions of the Code.

### Referenced Community Amenity/Green Space Strategy from Closed Presentation

- [46] The matter of the acquisition of the Robert Bateman School Site had been before the Environment, Infrastructure & Community Services Committee on November 15, 2021 and a public presentation was provided.
- [47] During the meeting, the Councillor stated publicly:

*In order for it to also be a wonderful opportunity in the broader sense to the community is that we would need to develop the community space. And I think that that is the only way we could go forward with this if we were committing to develop that space for the residents as well.*

*In order to do that this would be a very exciting yet very costly opportunity. I'm not saying that we shouldn't do it but I don't believe that we are being as open and transparent in giving as much detail as we should to the community when we talk about this.*

*I think that we do have information that would be helpful to make a broader decision. Decisions that could impact the green space, decisions that could impact other strategic acquisitions that we might want to look at down the road.*

*So I just think it's a very big decision and we're unfortunately under the gun to make a decision without having all the information that we need and that makes me really uncomfortable. It's now how I would like to make this decision.*

*So as I stated last week I'm really on the fence on this one. While I love the idea of the project I feel very uncomfortable with the lack of information that we're sharing.*

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- [48] The public presentation provided background and context for the project, and did not focus on confidential matters relating to the real estate negotiations. Indeed, the Committee was advised by the City Manager of the need to recognize that some aspects of the project were confidential and could not be discussed in public.
- [49] Given that the presentation was made in public and addressed at least in some measure the issue of park space/green space associated with the project, Councillor Stolte's remarks did not give rise to a breach of Rule 14, even if that topic *had* at some previous point been the subject of closed session deliberations.

### Disclosed Asbestos contamination as referenced by a family relation on social media

- [50] The Councillor has denied being a source of information for a posting on social media by a family member which spoke to the presence of asbestos at the Bateman High School.
- [51] She has advised that an eight-year old decommissioning report which is publicly available discloses the extensive degree of asbestos contamination at the school.
- [52] It is apparent that any Burlington resident closely following developments surrounding the Bateman High School would likely be aware of asbestos issues at the property, and there is no reason to believe the Councillor was the source of that information.
- [53] We find that the Councillor was not the source of the information referenced on social media about the asbestos contamination at the Bateman High School.

### Disclosed to constituent that 'Litigation Update' Item pertained to deliberations about Appeal of Committee of Adjustment Decision regarding 3088 Balmoral Avenue

- [54] The final allegation in the complaint is that Councillor Stolte advised a constituent that a particular committee of adjustment decision was to be considered by a Committee on January 10, 2022 on the Confidential/Closed Agenda; the Item listed on the public Agenda was identified only as "Confidential Update on a Litigation Matter":

Just wanted to bring you up to speed on a new issue with [Address].

I am back in the office today to read my Agenda's for next week's Committee meetings to see that the status of the City's Appeal of the Committee of Adjustment Decision has been included in our Confidential/Closed Agenda for Monday's meeting.

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I have reached out to our legal department as well as the City Clerk to dispute that this has thus far been a very open and public process and discussion and should not be dealt with in Closed session at this point. I am awaiting clarity but will continue to advocate that this item be moved to the Public agenda.

I know it is short notice but wanted to let you know in the hope that you might consider offering a short delegation before Committee on Monday January 10 to support the City's position appealing the CoA decision. If delegating the morning of is not an option to you then a brief written delegation for Council's consideration would help as well.

[55] The Councillor readily acknowledged that she emailed the constituent as alleged.

[56] She justifies her action by advising that:

- The matter at [Address] had been publicly discussed and part of the public process for (at the time) the past 9 months with the community being very actively engaged
- Her email, which was copied to all of Council, merely notified the constituent of the subject-matter so that the constituent could delegate the Committee on the matter
- She did not share any confidential information, the legal advice or staff recommendations and options, nor the outcome of discussions
- She believed she was merely implementing the intention of the Open Meeting rules which require that Council pass a resolution in public that includes meaningful information about the issue to be considered, and not merely rely on citing the exception.
- She has understood the advice of the Director of Legal Services to be that the simple identification of a municipal address of a property to be discussed in closed session is not a breach of confidentiality, but rather the best practice is to give as much information as possible before going into closed session.

[57] While we are sympathetic to the Councillor's perspective, the unilateral decision to disclose the municipal address of the property under consideration at closed session was, on its face, a contravention of the confidentiality provisions of the Code.

We find that the Councillor, in emailing the constituent about matter, contravened the confidentiality provisions of the Code.

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### Observations:

- [58] While there is no justification for a member of Council breaching the confidentiality of closed session by selectively revealing information which they believe is properly in the public realm or in the public interest to share, and while maintaining confidentiality must be recognized as a cardinal rule by members of Council, some of the concerns that the Councillor expressed in the course of this investigation bear closer scrutiny.
- [59] The resolution required by section 239 of the *Municipal Act* to give public notice of the items to be considered in closed session is required to provide as much information as possible about the general nature of the matter, without undermining the reasons for going into closed.
- [60] Simply put, it is insufficient to simply parrot the test of the statutory exception (e.g. ‘acquisition or disposition of land’) by re-stating it *without adding additional context*.
- [61] Where a municipal address or parties in a litigation can be publicly identified, that is a more appropriate description of the general nature of an item than simply stating ‘acquisition or disposition of land’ or ‘litigation matter’, which provide no information to the public about the matter to be considered.
- [62] We note that on the CSSRA meeting agenda for January 10, 2022 there were 4 items identified identically as ‘Confidential Update on a Litigation Matter’, a generic label which failed to provide meaningful information to the public about the general nature of the matter being considered in closed session.
- [63] The leading case on this issue is *Farber v. City of Kingston*<sup>1</sup>, in which a closed meeting was convened to discuss renaming a square to acknowledge a generous donation from a local family.
- [64] The matter was identified only as ‘legal advice’ which, although properly a basis to convene in closed, failed to provide any meaningful information to the public about the matter being considered.
- [65] In finding the information on the public agenda to be deficient, the Court of Appeal stated:

[18] ... the appellant argues that the resolutions stating that Council will go into closed session to consider “legal matters” were insufficient to comply with s. 239(4). She argues that such a resolution falls short of stating “the general nature of the matter to be considered at the closed meeting.”

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<sup>1</sup> *Farber v. Kingston (City)* (2007) 31 M.P.L.R. (4th) 31, at paras. 18-21 (Ont. C.A.); [“*Farber*”].

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[19] I agree. In the circumstances of this case, I do not think that the description “legal matters” is sufficient. In my view, the clear legislative purpose informing [s. 239](#) is to maximize the transparency of municipal governance so far as that as possible in the circumstances. ...

[20]...The notion of “the general nature of the matter to be considered” suggests more fidelity to transparent governance than that, while recognizing that a full description of the matter to be considered cannot be revealed to the public because of the very need to go into closed session.

[21] ... the resolution to go into closed session should provide a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason for excluding the public. Where the exception to the presumptive openness of Council meetings is that of privileged solicitor-client advice, there may be circumstances where the need for confidentiality encompasses even the information that such advice has been obtained on a specific issue. However, in this case no such suggestion is made. The broad issue to be discussed in closed session on April 5 and May 17 was privileged legal advice concerning the renaming of the Square. This triggered the exception in s. 239(2)(f). In the circumstances of this case, nothing has been put forward to suggest that the use of a general description such as this would impair any interest that the exception is designed to protect. At the very least, “legal matters” is inadequate to state the general nature of the matter to be considered at the closed meetings.

...

[66] The Ontario Ombudsman (and many municipal clerks) have endorsed this line of decision, primarily through a myriad of investigation reports and publication of Open Meeting Guidelines for municipal meetings which municipal administrative staff are encouraged to apply.

[67] While it is not possible to construct a hard and fast rule around precisely what must be disclosed in the public agenda, it is generally not sufficient to recite the exception or reference ‘litigation’ or ‘legal advice’ in a generic way, as this fails to meet the minimum requirement to provide the general nature of the matter to be considered.

[68] As articulated in a recent report from AMO’s Closed Meeting Investigator<sup>2</sup>:

There are certainly some instances where the very nature or particular sensitivity of a matter under consideration would allow for a less detailed description in a resolution. Additionally, there may be circumstances where the need for confidentiality encompasses even the fact that a matter is being discussed by Council where disclosure would impair any interest that the exception is designed to protect.

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<sup>2</sup> Closed Meeting Investigation Report, Aird & Berlis, May 11, 2021, City of Stratford

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However, this does not give the City blanket permission to shield its closed meeting discussions behind generic resolutions. The City must engage in the delicate exercise of balancing openness and transparency, on the one hand, with protecting the City's interests in the closed session item, on the other. Generic resolutions as a default are simply not sufficient.

If the City is engaged in the re-negotiation of a collective agreement with municipal employees, Council might choose to rely on the exception for "labour relations or employee negotiations." The identity of the bargaining unit and the very fact of collective bargaining taking place will be plain and obvious; the City's willingness to make concessions on wages or hours of work, for example, might not be. In such a circumstance, there would be no prejudice to the City's interest in protecting its bargaining position if its resolution to move into closed session stated such information. Simply reciting the exception for "labour relations" would not maximize transparency.

and the Report's Recommendation included the following:

The City should consider the objectives of open and transparent local government when drafting such resolutions and seek to provide as much information as possible without negating or severely derogating from the very reason the matter is being considered in closed session.

[69] It is the obligation of the municipality to ensure that Council's resolutions maximize transparency so far as possible.

[70] Councillor Stolte's position regarding the adequacy of the resolution for closed session meetings has some validity and the City should consider modifying its closed session resolutions to both qualify and disclose the items that are to be given closed session treatment.

[71] With that said, she bears responsibility for the two breaches of Rule No. 14 which did occur.

### Recommendations and Concluding Remarks:

[72] Maintaining confidentiality around closed session documents and information is a cardinal rule for all members of Council, and is one that is regularly referenced during orientation and training of newly-elected councillors, and reiterated repeatedly during the term.

[73] Indeed, the Province of Ontario requires only four mandatory provisions in a municipal Code of Conduct pursuant to Ontario Regulation 55/18, "Codes of Conduct – Prescribed Subject Matters", with confidential information being one of them:

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“1. For the purposes of section 223.2 of the Act, the following are the prescribed subject matters that a municipality is required to include in the codes of conduct for members of the council of the municipality and of its local boards:

1. Gifts, benefits and hospitality.
2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be.
3. Confidential information.
4. Use of property of the municipality or of the local board, as the case may be.”

[74] An Integrity Commissioner’s investigation report is not simply the conclusion of a technical exercise to determine whether there has been a breach of codified standards of behaviour.

[75] As noted at the outset, we see as our highest objective in reporting out on an investigation to be the making of recommendations that serve the public interest.

[76] Disclosure of confidential information is the kind of transgression that attracts a monetary sanction because the act fundamentally undermines the trust required for Councils to function properly and for the public to maintain respect for Council’s adherence to ethical standards.

[77] In our view, the principle that members of council must avoid disclosing confidential information is an important one.

[78] On the other hand, whether or not justification exists for greater transparency, it is not the case that one member of Council can determine that information should be publicly disclosed before Council as a whole has taken a stance on the issue.

[79] As noted, the Councillor has recognized that she ran afoul of the ‘confidentiality’ provisions of the Code in attempting to highlight and force discussion on the issue.

[80] Maintaining confidentiality around confidential information and closed session deliberations is a cardinal rule for members of council. As such, some sanction would be warranted, to signify that such action is not acceptable.

[81] In light of the Councillor’s acknowledgement, in the course of our investigation, and we do not believe a significant penalty is warranted.

[82] An Integrity Commissioner’s recommendations may include a reprimand, appropriate remedial actions or a monetary sanction of up to 90-days suspension

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of pay. Taking into account all of the circumstances, we believe that a 5-day suspension of pay is warranted.

[83] We therefore recommend:

1. That Council pass the following resolution:

That having been found to have breached the City of Burlington's Council Code of Conduct, Councillor Stolte's pay be suspended for a period of 5 days.

[84] We wish to conclude by thanking those who participated in our investigation.

[85] We will be pleased to be in attendance when this report is considered to answer any questions.