



Special Meeting of Council – Minutes

Tuesday, August 25, 2026

Location: Botwood Council Chambers

In Attendance: Mayor Myra Budgett
Deputy Mayor Jim Hancock
Councillor Harold Edison
Councillor Michelle Jacobs

Staff: CAO Rob Dennison
ACAO Tim Best

Also present: Six residents in the gallery

Absent: Councillor Eric Boone

1) Meeting called to order at 1:38 PM

2) Resolution to name acting town clerk

Be it resolved as per Section 66 of the Towns and Local Services District Act that the Town of Botwood, in the absence of the Town Clerk, appoint Tim Best as Acting Town Clerk for the purpose of this Special Meeting of Council for August 25, 2026.

- Moved by Deputy Hancock; seconded by Councillor Edison
- Aye: Myra Budgett, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-192

3) Winter Sand conditional award

Be it resolved that Council conditionally award the contract to provide 1,000 tonnes of winter sand to D Bryne and Sons Ltd at a cost of \$22.00 /tonne (\$25,300 w/HST) and upon acceptance of a sample of the aggregate, that Council officially award the contract for the 2026 winter sand to D Bryne and Sons Ltd.

- Moved by Councillor Edison; seconded by Jacobs
- Aye: Myra Budgett, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone

- Carried 4-0
- RESOLUTION # 26-193

4) Air Conditioner Repair at Town Hall

Whereas the air conditioning unit at Town Hall both cools and heats the building, and,

Whereas a complete new AC unit has been quoted at more than twice the price of a new condenser coil,

Be it resolved that Council approve the quote presented by J&C Refrigeration Limited for the materials, labour, and parts to replace the condenser coil in the air conditioning unit at Botwood Town Hall at a price \$7,995 plus HST.

- Moved by Councillor Edison; seconded by Jacobs,
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-194

5) Code of Conduct complaint review

a. Motion to table and acknowledge ministerial direction letter regarding Code of Conduct Complaints

WHEREAS the Town of Botwood received correspondence from the Honourable Chris Tibbs, Minister of Municipal and Community Affairs, regarding the Code of Conduct complaints submitted on March 11, 2026;

AND WHEREAS the complaints were filed against members of Council and senior staff, creating a potential reduced quorum issue due to possible conflicts of interest;

AND WHEREAS the Minister has advised that, following review of the information provided, all councillors are exempted from subsection 6(1) of the Municipal Conduct Act for the purpose of addressing the Code of Conduct complaints submitted on March 11, 2026;

AND WHEREAS the Minister has provided this direction pursuant to section 7(2)(b) of the Municipal Conduct Act, thereby permitting councillors to participate in discussion and vote on the March 11, 2026 Code of Conduct complaints;

AND WHEREAS the Minister has further noted that all other conflict of interest provisions continue to apply, including those relating to private interests, relatives, and personal relationships;

THEREFORE BE IT RESOLVED that Council formally acknowledge receipt of the Minister's correspondence regarding the March 11, 2026 Code of Conduct complaints;

AND BE IT FURTHER RESOLVED that Council adopt and rely upon the Minister's direction confirming that councillors are authorized under section 7(2)(b) of the Municipal Conduct Act to participate in discussion and vote on the March 11, 2026 Code of Conduct complaints;

AND BE IT FURTHER RESOLVED that Council proceed to address the March 11, 2026 Code of Conduct complaints in accordance with the Municipal Conduct Act, the Town's applicable Code of Conduct complaint process, and any independent legal advice received;

AND BE IT FURTHER RESOLVED that Council ensure the complainant is notified of the Minister's direction, as requested in the Minister's correspondence.

- Moved by Deputy Mayor Hancock; seconded by Councillor Edison
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-195

b. Resolution to close the meeting to public

Be it resolved that as per subsection 41 (1) (f) (j) of the Towns and Local Service District Act, Council close this meeting to the public for the purpose of a discussion related to Code of Conduct complaints.

- Moved by Councillor Jacobs; seconded by Councillor Edison
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-196

All residents left chambers 1:51 pm.

Rob and Tim Left chambers at 1:55 pm.

Rob and Tim returned to chamber at 2:10 pm.

Deputy Mayor Hancock left chambers at 2:18 pm.

Deputy Mayor Hancock returned to chambers at 2:23 pm.

Three residents had left the building, three returned to chambers at 2:24 pm.

c. Resolution to re-open the meeting to the public.

Be it resolved that as per subsection 41(2)(b)(v) of the Towns and Local Service District Act Council re-open this meeting to the public.

- Moved by Councillor Jacobs; seconded by Deputy Mayor Hancock
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-197

d. Motion to ratify decision to dismiss CoC complaints against staff

WHEREAS a Code of Conduct complaint has been filed naming the Chief Administrative Officer, Assistant Chief Administrative Officer, and the Town Clerk;

AND WHEREAS the complaint relates to the handling of matters following Councillor Warren Broderick's abstention from voting on Motion 25-179 at the December 10, 2025 Council meeting;

AND WHEREAS section 44(2) of the Towns and Local Service Districts Act addresses the obligation of a councillor to vote unless required to abstain due to a conflict of interest under the Municipal Conduct Act;

AND WHEREAS section 45(1)(j) of the Towns and Local Service Districts Act addresses circumstances in which a councillor's office may become vacant where the councillor fails to vote on a matter before Council when required to vote;

AND WHEREAS the CAO, ACAO, and Town Clerk are not voting members of Council and did not personally abstain from voting on Motion 25-179;

AND WHEREAS the complaint does not establish that the CAO, ACAO, or Town Clerk had unilateral legal authority to vacate the seat of an elected councillor;

AND WHEREAS the complaint does not establish that the CAO, ACAO, or Town Clerk acted in conflict of interest, acted dishonestly, acted in bad faith, acted for personal benefit, improperly influenced Council, or otherwise contravened the Town's Code of Conduct for Municipal Officials;

AND WHEREAS allegations relating to statutory offence provisions are not properly determined through a staff Code of Conduct complaint process;

AND WHEREAS the matter raised in the complaint is properly characterized as a procedural and legal disagreement regarding Council process, rather than evidence of misconduct by municipal staff;

THEREFORE, BE IT RESOLVED that Council ratify their decision from the closed portion of the August 25, 2026 special meeting of Council to dismiss the Code of Conduct complaint against the Chief Administrative Officer, Assistant Chief Administrative Officer, and Town Clerk on the basis that the complaint does not establish a breach of the Town's Code of Conduct for Municipal Officials by the named staff members.

- Moved by Deputy Mayor Hancock; seconded by Councillor Jacobs
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-198

e. Motion to ratify decision to dismiss Code of Conduct against council

WHEREAS a Code of Conduct complaint dated March 11, 2026, was filed by a resident against Mayor Myra Budgell, Deputy Mayor J. Hancock, and Councillors J. Jeans, H. Edison, M. Jacobs, and E. Boone;

AND WHEREAS the complaint alleges that the named members of Council failed to vacate the seat of Councillor Warren Broderick following his abstention from voting on Motion 25-179 at the December 10, 2025 Council meeting;

AND WHEREAS section 44(2) of the Towns and Local Service Districts Act addresses the obligation of a councillor to vote unless required to abstain due to a conflict of interest under the Municipal Conduct Act;

AND WHEREAS section 45(1)(j) of the Towns and Local Service Districts Act addresses circumstances in which a councillor's office may become vacant where the councillor fails to vote on a matter before Council when required to vote;

AND WHEREAS the complaint does not establish that the named councillors personally failed to vote, personally acted in conflict of interest, acted dishonestly, acted in bad faith, acted for personal benefit, or otherwise contravened the Town's Code of Conduct;

AND WHEREAS section 289 of the Towns and Local Service Districts Act is an offence provision and allegations of statutory offences are not properly determined through a Code of Conduct complaint process;

AND WHEREAS the Minister of Municipal and Community Affairs has provided direction under section 7(2)(b) of the Municipal Conduct Act permitting councillors to participate in discussion and voting on the complaints submitted on March 11, 2026;

THEREFORE BE IT RESOLVED that Council ratify their decision made in the closed portion of the August 25, 2026 special meeting, to dismiss the Code of Conduct complaint dated March 11, 2026, filed against Mayor Myra Budgell, Deputy Mayor J. Hancock, and Councillors J. Jeans, H. Edison, M. Jacobs, and E. Boone, on the basis that the complaint does not establish a breach of the Town's Code of Conduct by the named councillors.

- Moved by Councillor Jacobs; seconded by Councillor Edison
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-199

f. Motion to ratify decision to approve letter to resident

BE IT RESOLVED that Council ratify their decision made in the closed portion of the August 25, 2026 special meeting, to approve the draft letter to the complainant regarding the Code of Conduct complaints dated March 11,

2026, and authorize the Chief Administrative Officer to finalize and issue the correspondence on behalf of the Town.

- Moved by Councillor Edison; seconded by Councillor Jacobs,
- Aye: Myra Budgell, Jim Hancock, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-200

- g. Motion to ratify decision to hold hearing regarding Councillor Broderick**
Deputy Mayor Hancock declared a conflict of interest and removed himself from chambers at 2:32 pm. With three members of Council still present, and given that there are currently only five seats occupied on Council, the three remaining councillors constitutes a quorum as per subsection 43 (2) of the Towns and Local Service District Act.

WHEREAS: A conflict-of-interest complaint was filed against former Councillor Broderick regarding his participation in matters before Council on December 10, 2025, and January 14, 2026, which concerned penalties or sanctions previously imposed upon him;

AND WHEREAS the allegations include that Councillor Broderick may have participated in discussion or debate concerning his private interests, abstained from voting without formally declaring a conflict of interest, remained in the meeting room during consideration of the matter, and subsequently participated in discussion and voting respecting an amendment to the December 10, 2025 meeting minutes;

AND WHEREAS the Chief Administrative Officer has reviewed the complaint and the written response submitted by Councillor Broderick, prepared a written report pursuant to subsection 8(6) of the *Municipal Conduct Act*, and referred the matter to Council for consideration;

AND WHEREAS subsection 8(7) of the *Municipal Conduct Act* requires Council, no later than 15 business days after receiving the Chief Administrative Officer's report, to consider the complaint and report and, by resolution, dismiss the complaint, determine that the councillor or former councillor acted in a conflict of interest, or order an investigation;

AND WHEREAS the Chief Administrative Officer has recommended that Council conduct a hearing to provide Councillor Broderick an opportunity to address the allegations and to permit Council to review the complaint, written response, CAO report, meeting records, and supporting documentation before making its determination;

AND WHEREAS the correspondence received from the Minister under subsection 7(2)(b) of the *Municipal Conduct Act* exempts all councillors from subsection 6(1) for the purpose of discussing and voting on the Code of Conduct complaints submitted on March 11, 2026, while confirming that all other conflict-of-interest provisions continue to apply;

THEREFORE BE IT RESOLVED THAT COUNCIL RATIFY DECISION OF COUNCIL MADE IN CLOSED PORTION OF THE AUGUST 25, 2026 SPECIAL MEETING THAT:

1. The Council of the Town of Botwood shall conduct a hearing concerning the conflict-of-interest complaint or complaints filed against former Councillor Broderick.
2. The hearing shall be scheduled as soon as reasonably practicable and, in any event, within 30 calendar days of the adoption of this resolution, subject to Council also complying with the 15-business-day consideration requirement under subsection 8(7) of the *Municipal Conduct Act*.
3. Councillor Broderick and the complainant or complainants shall be provided with reasonable written notice of:
 - the date, time, and location of the hearing;
 - the allegations and matters to be considered;
 - the documents and evidence intended to be placed before Council;
 - their opportunity to provide written submissions; and
 - their opportunity to appear before Council and respond to the information relevant to the complaint.
4. The hearing shall be conducted in a procedurally fair and impartial manner. Council shall consider only the complaint, the response, the CAO's report, the supporting record, and submissions properly received through the hearing process.
5. Council shall receive the parties' evidence and submissions in a privileged meeting where permitted by the applicable legislation and Council's Rules of Procedure. Council's final determination shall be made by formal resolution and recorded in accordance with the *Municipal Conduct Act*.
6. Following the hearing, Council shall determine, by resolution, whether to:
 - dismiss the complaint;
 - determine that Councillor Broderick acted in a conflict of interest; or
 - order a further investigation under paragraph 8(7)(c) of the *Municipal Conduct Act*.
7. The Chief Administrative Officer is authorized and directed to:
 - establish the hearing date;
 - issue the required notices;
 - distribute a common hearing record to Council and the parties;
 - arrange for an accurate record of the proceedings;
 - obtain independent legal advice respecting the hearing procedure where necessary; and
 - prepare the appropriate resolution for Council's final determination.
8. No member of Council shall communicate privately with either party about the merits of the complaint before Council renders its decision, and any member who has a private interest, relevant personal relationship, or other

conflict not addressed by an applicable ministerial exemption shall make the required disclosure before participating.

- Moved by Councillor Jacobs, seconded by Councillor Edison,
- Aye: Myra Budgell, Harold Edison, Michelle Jacobs
- Abstained: Jim Hancock
- Absent: Eric Boone
- Carried 3-0
- RESOLUTION # 26-201

Deputy Mayor Hancock re-entered Chambers at 2:37 pm.

h. Mayor Budgell made the following statement

"Residents have the right to bring forward legitimate concerns. With that right comes a responsibility to use the municipal complaint processes reasonably, respectfully and in good faith. Council must balance the individual complaints against its broader duty to protect public funds."

i. Motion to Adjourn

Be it resolved to adjourn the meeting.

Moved by Councillor Edison; seconded by Jacobs

- Aye: Myra Budgell, Harold Edison, Michelle Jacobs,
- Absent: Eric Boone
- Carried 4-0
- RESOLUTION # 26-201

Meeting adjourned at 2:39 pm.

X

Myra Budgell
Mayor

X

Tim Best
Acting Town Clerk