

A Book Review from *Canadian Public Administration*

*The Best Man for the Job:
Joe Fratesi and the Politics of Sault Ste. Marie*

By Harvey Sims

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Those of us interested in public administration have heard our friends sympathize about how boring that subject must be. The next time you hear that refrain you should recommend that the person read this book. This is a page-turner worthy of John Grisham, although Grisham could never have written this book. If this book were fiction, it would be dismissed as too outlandish to be realistic. A better literary comparison would be Kafka or Gabriel Garcia Marquez.

The broad outline of the story is fairly straightforward. Joe Fratesi, whose first claim to fame was shepherding the infamous English-only by-law through the Sault Ste. Marie council, had served for several years as a councillor and mayor. His next goal was to become a judge, but he never seems to have understood that his championing of the English-only by-law made him a pariah as far as the federal and provincial governments were concerned. Thwarted in his primary goal, he moved to his second. When the city's chief administrative officer (CAO) decided to retire early (possibly with some prodding from the mayor), Mayor Fratesi decided that he himself would be "the best man for the job" of CAO. He then convened an in-camera meeting of council at which he announced to councillors the CAO's resignation and put forward his own candidacy for the job. He gave councillors a list of conditions including, one, that there be no competition for the position and, two, that they appoint him to the position immediately. The only thing more astounding than this request is that council acceded in it with very little discussion. Some municipalities have to search for months to find the right person to fill their CAO slot; in Sault Ste. Marie, it can be done in a few hours.

The author of the book, Harvey Sims, was a retired federal public servant who had returned to live in his boyhood home. He soon became a participant observer in these events when he and another resident decided to take legal action to overturn council's decision and to have Fratesi found in violation of the Ontario Municipal Conflict of Interest Act.

Sims's copiously footnoted account of events begins with the English-only by-law controversy and ends about ten years later with the cessation of various legal actions and Mayor - excuse me, that should be CAO - Fratesi safely ensconced in his position. Sims weaves together discussions of his hometown's political culture, portraits of the various actors, and descriptions of the legal manoeuvring. It is not a pretty picture. Fratesi and his family come through as petty and vindictive. At one point, Fratesi consults a 1961 high school yearbook to spread the story that Sims's ambition as a seventeen-year-old was to "direct a public stoning" (p. 196). And local citizens, even community leaders, are loyal followers of the mayor-CAO, who has turned a formerly proud city into an object of ridicule in the national media. A local school pulls its dance from a hotel whose owner raises concerns that the English-only resolution has cost him business. Thus, the poor hotel-owner ends up being boycotted from two directions.

The details of the affair are quite complex but astonishing. Council recanted its original quick decision to appoint Fratesi and decided to hold a competition for the position, except that as the competition unfolds, there is only one "competitor" so the council reappoints their colleague Joe Fratesi as the new CAO.

In the meantime, Sims and another concerned citizen have begun a court action under the Municipal Conflict of Interest Act. In two separate cases tried before two different judges, Fratesi is found to have violated the act seven times and is prohibited from holding elected office for a total of ten years - almost the most severe penalty that can be imposed. However,

by the time the decision is rendered, Fratesi is no longer holding elective office; he had become the CAO, so the punishment is moot. This alone is something for Ontarians to ponder. Under existing legislation, someone can be prohibited from holding elective office for an extended period but can still hold the highest administrative office in a municipality. See what I mean about this being something out of Kafka?

The reactions of several councillors and many citizens to the judicial findings ranged from equating seven violations of the Municipal Conflict of Interest Act with a traffic ticket to seeing the conviction as another example of the French conspiracy out to get an important community leader and besmirch the good name of their community.

As a highly interested participant observer, Sims makes no pretence at objectivity. His goal is to state his case and offer advice about how to prevent a fiasco like this from occurring again. His ironic and humorous style makes the book an easy read. He dismisses his critics easily as "nutters" and similar epithets. This might seem rather harsh, but with opponents who can't distinguish the flag of Quebec from the flag of the Netherlands (p. 190), it is difficult to keep a straight face.

Sims has done an excellent job describing an important series of events in a clear and highly readable manner. He draws important lessons about ethical matters and good judgement. While his writing about the participants and the local community is acerbic, he allowed some people who were complicit in this to get off rather easily. He mentions certain deficiencies in the provincial Municipal Conflict of Interest Act, but does not dwell on this very much. (I need to declare a conflict here, since I was a member of the committee that Sims mentions that recommended sweeping changes to the legislation ten years ago. No substantive changes were made as a result of those recommendations.) Two aspects of this case highlight serious deficiencies in the legislation.

The fact that someone can be barred from holding a part-time elective office for actions involving moral turpitude while earning \$105,000 per year in the municipality's most senior administrative position makes a mockery of the justice system.

The second problem is the fact that an immensely important piece of legislation like the Municipal Conflict of Interest Act is enforceable only through private action. Sims and his associate had to spend significant amounts of their own money (which they were later lucky enough to recover through a fundraiser) to protect the integrity of the municipal system. Do we really want to entrust the integrity of our municipal government system to the ability of civic-minded people to conduct pizza-and-pop fundraisers?

A more troubling concern is what incidents like this say about the drive for more municipal autonomy. Many of us argue strongly that there is too much provincial involvement in municipal activities and that municipalities – the level of government closest to the people – should be given more autonomy. Unfortunately, stories like this undercut our arguments. This chronicle should remind all elected and appointed public servants that their office is an important public trust. They must act with integrity not only for ethical reasons but also because the integrity of the entire municipal system of government is judged by the actions of people who hold this public trust.

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