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CONFIDENTIAL

June 20, 2025

SENT BY EMAIL TO: municipalclerk@townshipofthenorthshore.ca

Mayor and Council
c/o Rachel Jean Schneider, Clerk
Township of The North Shore
P.O. Box 108, 1385 Hwy 17
Algoma Mills, ON
P0R 1A0

Dear Ms. Schneider:

**RE: Code of Conduct Complaint – Report – Councillor Richard Welburn
Our File No. 36669-25**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

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The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Timeline of Investigation

- May 26, 2025, complaint received
- May 29, 2025, Preliminary review
- May 30, 2025, complaint package sent to Member
- June 2, 2025, response from Member received
- June 3, 2025, supplementary response from Member received
- June 3, 2025, new complaint received for the same incident
- June 16, 2025, Interview Member

Complaint Overview

On May 25, 2025, Councillor Richard Welburn (the “Member”) sent an email to the Mayor and copied residents. The residents copied had raised the issues dealt with in the email with the Member. The email contained the following statements that are subject to this investigation:

I am writing to bring to your immediate attention a matter raised by residents [redacted] regarding a longstanding by-law concern related to a neighbouring property. They submitted a formal complaint over a year ago regarding [redacted] yet no visible action appears to have been taken to address the issue.

This lack of follow up is deeply disappointing. When residents take the time to file formal concerns and complete the paperwork, they deserve a timely and professional response. Instead, the situation seems to have been left unresolved for over one year, despite assurances from our By-law Officer that it would be looked into.

More broadly, this is not an isolated concern. It reflects a troubling pattern in which staff appear to be disproportionately focused on select matters while large portions of the township are seemingly neglected. This selective attention undermines the confidence our residents place in this municipality and raises questions about fairness and accountability.

Relevant Policy Provisions

The Code of Conduct

The Complaint engages the following provision of the Code of Conduct:

Section 8.0 – Conduct Respecting Staff and Officers

8.3 Every Member shall show respect for staff and Officers, and for their professional capacities and responsibilities.

Code of Conduct Findings

The text of the email is not in dispute.

In his written response, the Member stated:

My email was not a formal complaint, nor was it meant to undermine anyone. It was a representative inquiry on behalf of a constituent who feels ignored and discouraged. ... The comments made in the email were shared between myself and the Mayor, and I had a reasonable expectation they would remain in that context.

My email did not name or directly criticize any individual staff members. It reflected a concern shared with me by a resident, and I noted that the pattern they described was consistent with other concerns I have received in recent months. This was not a baseless accusation — it was a reflection of sentiment that continues to grow in the community. I used respectful language and made no personal attacks. I did say there appears to be a growing trend of inconsistent enforcement, but that was presented as an observation and not as a condemnation.

...

My role is to bring forward concerns and advocate for residents, not to manage how staff may personally react to constructive scrutiny or legitimate inquiries.

Despite his statement to the contrary, the email was not shared privately with the Mayor. There was no reasonable expectation that the email would be private, because the Member copied the email to the residents of the Township who raised the complaint in the first instance.

It is appropriate for a member of Council to share complaints about staff among members of Council. What is not appropriate is for a member of Council to go beyond simply reporting a complaint and include personal comments about the professionalism of staff. Sharing those inappropriate comments in correspondence with residents is also inappropriate.

The Member characterizes his statements as an “observation and not as a condemnation”.

The text of the email cannot fairly be characterized as “observation”. The Member stated, “It reflects a troubling pattern in which staff appear to be disproportionately focused on select matters while large portions of the township are seemingly neglected. This selective attention undermines the confidence our residents place in this municipality and raises questions about fairness and accountability.”

The Member accuses a staff member of neglecting their job duties; that is a condemnation and not merely an observation. This condemnation was copied to the residents who brought the complaint in the first place; making this a public condemnation.

The email breaches the following section of the Code of Conduct:

8.3 Every Member shall show respect for staff and Officers, and for their professional capacities and responsibilities.

The complaint contained background information about the history of the original complaint and how staff had responded initially. Our investigation did not consider whether the accusations of the Member were accurate or otherwise. Regardless of whether the Member believed his statement, or whether any evidence existed to support the accusations, the breach of the Code of Conduct arose when the Member accused a staff member of being delict in their job in an email copied to residents.

Recommendation

The Member breached provisions of the Code of Conduct related to respecting staff's professional capacity and responsibility.

This is not the first complaint we have investigated related to the Member's comments about staff.

Unfortunately, this type of commentary is part of a larger pattern of behaviour that resulted in penalties being recommended in past reports.

Our recommendation as to penalty below reflects the continuation of the behaviour, but also considers that the statements were far less inflammatory than in previous reports. Despite the fact that the comments are less aggressive than in past investigations, the Integrity Commissioner is recommending a financial penalty to continue the message that this is not acceptable behaviour.

We recommend that Council impose the following penalty:

- Suspension of the Member's remuneration for 10 days.

A financial penalty is necessary to send a message that Council will not tolerate improper behaviour towards staff. The financial penalty is also necessary to address the continuation of the behaviour and to encourage a change in this behaviour.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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