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CONFIDENTIAL

May 23, 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. 36669-22

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

- February 21, 2025, complaint received
- March 25, 2025, preliminary review completed
- March 26, 2025, complaint package sent to Member
- April 6, 2025, response from Member received
- April 28, 2025, interview witness
- May 21, 2025 interview Member

Complaint Overview

During the February 5, 2025 closed session of Council a staff member and Councillor Richard Welburn (the "Member") had a discussion about procedural matters. Councillor Welburn responded by saying he did not need a lecture.

At the end of the closed session as the staff member was leaving, Richard Welburn was heard saying, "we got rid of the wrong one." Referring to the staff member and comparing them to a staff person that had been terminated.

Relevant Policy Provisions

The Code of Conduct

The Complaint engaged the following provisions of the Code of Conduct:

Section 7.0 – Conduct Respecting Others

7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality's Workplace Anti-Violence, Harassment and Sexual Harassment Policy.

7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.

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.

The Township of the North Shore Council Staff Relations Policy

The Complaint engaged the following provisions of the Township of North Shore Council Staff Relations Policy:

Section 5 – Guiding Principles

5.7 Control Anger

Members of Council should avoid the temptation to play up divisions or conflicts. Staff and Officers shall not be targets of derisive/vexatious comments/behaviour/conduct. The public expects Members to do the job that they have been elected to do. The public expects Staff and Officers to do the job that they have been hired to do. Comments on Staff and Officer performance shall be directed through the appropriate confidential performance reviews.

Code of Conduct Findings

The Member acknowledged saying that he did not need a lecture.

The Member denied saying, “we got rid of the wrong one”.

We interviewed members of Council who were physically present at the end of the meeting and one member recalled the statement being made, while the other member did not.

In November of 2024, we provided Council with a report finding that the Member had acted inappropriately toward members of staff. Specifically, we found that the Member stated that he would fire the same staff person referenced in the current complaint and “start over if he had it his way”.

On a balance of probabilities, we find that it is more likely than not that the statements were in fact made. Witnesses corroborate that the statement was made. Notwithstanding that not all witnesses recall the statement, the statement is consistent with other statements made by the Member in previous reports. On a balance of probabilities, we find it is more likely than not that the statement was made.

The statement breaches the following sections of the Code of Conduct:

7.1 - the Member did not treat staff appropriately and was abusive;

7.2 – the comment was insulting;

The statements breach the following section of the Township of the North Shore Council Staff Relations Policy:

5.7 – The comments are derisive and vexatious.

Recommendation

The Member breached provisions of the Code of Conduct and Council Staff Relations Policy related to treating staff with respect.

This type of behaviour is a significant departure from the degree of respect, civility and decorum expected of elected officials.

Unfortunately, this type of behaviour is a pattern repeated by the Member and a pattern that resulted in penalties being recommended in past reports.

Our recommendation as to penalty below reflects the continuation of the behaviour and also reflects that past penalties have not been sufficient to stop the behaviour.

Based on the history of staff interactions and the previous penalties, we recommend that Council impose the following penalty:

- Suspension of the Member's remuneration for 30 days.

A financial penalty sends a message that Council will not tolerate abusive behaviour of its staff. The financial penalty is also necessary to address the refusal of the Member to acknowledge his role in the problem and to encourage a change in his behaviour.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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TEF