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CONFIDENTIAL

August 7, 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. 36669-27**

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

- July 3, 2025, complaint received;
- July 2025, Review video recordings and conduct preliminary review;
- July 17, 2025, complaint package sent to Member;
- July 22, 2025, interview Member;
- July 22, 2025, request documents from Township;
- July 31, 2025, interviews.

Complaint Overview

On July 2, 2025, Councillor Richard Welburn (the “Member”) is alleged to have breached a Council direction not to communicate with staff except by emails sent through the Mayor.

The complaint alleges that the Member followed a staff member from the Township offices into Blind River. The staff member was on Township business. While the staff person was walking through a parking lot to attend to Township business it is alleged that the Member spoke to the staff person from their vehicle to tell them they had a trailer taillight out and had an unsecure load in the trailer.

Relevant Policy Provisions

The Code of Conduct

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

5.1 Every Member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council.

Code of Conduct Findings

Integrity Commissioner Reports 36669-4 and 36669-10, dated December 2, 2024, recommended that Councillor Welburn only communicate with staff through emails directed

to the Mayor. The emails would be reviewed by the Mayor and forwarded as appropriate. This communication protocol was to be in place for 12 months. Council adopted this recommendation on January 15, 2025 by resolution. The communication protocol was therefore in full force and effect on July 2, 2025.

The staff person observed the Member sitting in the Township parking lot while they were preparing to leave. When the staff person left the Township offices, the Member also left and travelled to Blind River.

When the staff person arrived in Blind River, they parked at edge of the parking lot with the trailer. The staff person was on the phone at the time and did not leave the vehicle until they finished their conversation. As the staff person was walking to the bank they heard something and saw the Member's truck out of the corner of their eye.

The Member did not get out of their truck and told the staff person that they had a light out on the trailer and that the load was not secure. The staff person knew they were not supposed to talk with the Member and so they did not respond.

The Member's version of events is consistent with the staff person's.

The Member denies following the staff person to Blind River. The Member was at the Township offices for a specific purpose and had errands in Blind River later that day. An email sent by the Member to the Mayor before he met with the Mayor on July 2 confirms that the Member advised the Mayor that he would be travelling to Blind River after their meeting at the Township offices.

The Member arrived in Blind River and went to the grocery store. When they came out they saw the staff person and the Member confirmed that they advised them that a light was out on the trailer and that the equipment in the trailer was improperly secured.

The timing of events is not consistent with the conclusion that the Member was deliberately following the staff person. The Member always intended to travel to Blind River after meeting the Mayor; there is no basis to infer that they went to Blind River only to follow staff. Additionally, the delay in the staff person leaving the Township vehicle and walking to the bank is consistent with the Member's version of events where they went to the grocery store after arriving in Blind River. The Member did not park beside the staff person or confront them immediately after they arrived.

We find that the Member did not deliberately follow the staff person, rather they were simply travelling in the same direction coincidentally.

The Member was not in the parking lot after the staff person finished in the bank; that was the last they saw of the Member that day.

The Member also emailed the Mayor with his concerns about the tail light and unsecure load in the trailer from the parking lot; that email is consistent with the communication protocol.

The staff member had a body cam record portions of the incident. We obtained the recording and confirmed that when the staff member walked across the parking lot after conducting Township business that they checked the trailer lights. The recording did not capture whether the lights were functioning properly. The staff member confirmed that one side of the trailer lights was not functioning. The staff person was able to fix the light before leaving. The staff person disagreed that the load was unsecure as the trailer was a landscaping trailer with a riding mower in the back which they believed was properly secured.

The recording did not capture any interaction with the Member.

Notwithstanding that communicating with staff in person is a breach of Council's direction, it is unreasonable to expect that after witnessing a safety issue that the Member would not take immediate steps to ensure the safety of Township staff, Township vehicles and the travelling public. In the circumstances, we do not consider the Member's actions to be a breach of the Code of Conduct. There must be a reasonable exception to the direction of Council in these types of circumstances. The interaction between the Member and the staff person was otherwise not a breach of the Code of Conduct – the Member was polite and the staff person only took issue with the fact that any communication took place, not the nature of the communication.

Recommendation

The Member did not breach the Code of Conduct. As such, no sanction or penalty is recommended.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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(Local Government / Land Use Planning)
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TEF