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CONFIDENTIAL

July 4, 2024

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
Our File No. 36669-8 (Report 1)**

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

The key dates and events for this investigation are as follows:

- Complaints Received – February 26, 2024
- Preliminary Review Conducted
- Complaint Package sent to Member – April 12, 2024
- Response received from Member – April 19, 2024
- Member's Response sent to Complainant – May 7, 2024
- Interviews Conducted – May 2024
- Draft Report Provided to Member – June 2024

Complaint Overview

A Complaint was received regarding Councillor Tracey Simon (the "Member").

The Complaint made several allegations. This report refers only to those allegations that our office found survived the preliminary review and which required a full investigation. All other allegations were dismissed.

Specifically, this report details our findings with respect to the allegation that the Member told another Member to "grow a set" in email correspondence between members of Council.

Relevant Code of Conduct Provisions

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

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.

Factual Findings

No factual findings were required for this allegation. The email correspondence in which the comment was made was received and reviewed and the Member acknowledge during the investigation that she made the comment.

Code of Conduct Findings

The Member is alleged to have told another Member to “grow a set” in email correspondence with Council members.

We find that this comment constituted a breach of Section 7.2 of the Code of Conduct.

This type of comment is wholly inappropriate between Members of Council and is of a nature that is would be considered indecent, abusive and insulting to the member the comment was directed at.

Council members, even when they disagree or engage in debate, are expected to maintain a degree of civility and decorum in their communications with one another. Comments of this nature are not appropriate and rise to a level to be considered a breach of the Code of Conduct.

Recommendation

Our finding is that the Member did breach Section 7.2 of the Code of Conduct.

We find that the Member’s conduct fell below the standard expected of a Member of Council.

Our recommendation as to penalty reflects that Council will not accept conduct of this nature and includes elements that require the Member to reflect on their conduct and make appropriate changes to how they communicate with Council members in the future.

As such, we recommend that Council implement the following penalty and sanction:

- A reprimand; and
- A request for a public apology from the Member.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

A handwritten signature in black ink, appearing to read 'Tony E. Fleming', with several overlapping strokes.

Tony E. Fleming, C.S.
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