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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 2)**

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 11, 2024
- Response received from Member – April 15, 2024
- Member's Response sent to Complainant – April 18, 2024
- Complainant's Response Received – April 23, 2024
- Interviews Conducted – May 2024

Complaint Overview

A Complaint was received regarding Mayor Tony Moor (the "Member") with respect to the February 7, 2024 closed meeting of Council.

The Complaint alleged that the Member was aggravating or "egging on" another Member of Council who had raised his voice and was upset during the meeting.

Relevant Policy Provisions

The Code of Conduct

Section 6.0 – Conduct at Meetings

6.1 Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

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.

Section 8.0 – Conduct Respecting Staff and Officers

8.1 Under the direction of the senior administrative staff, and in accordance with the decisions of Council, staff and Officers are required to serve the municipal corporation as a whole. Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer.

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

Factual Findings

No factual findings were required in this investigation. We reviewed video footage of the closed session meeting that was the subject of the Complaint and as such there is no dispute as to what occurred or what was said by the Member during the meeting.

The video footage reviewed indicates that the Member responded to questions of the other member of Council and engaged in discussion with him. However, none of the footage reviewed support a finding that the Member aggravated the other Member or “egged him on” as alleged. To the contrary, we find that the Member was respectful and attempted to reduce tensions a number of times during the meeting.

Code of Conduct Findings

Had the Member been found to have encouraged, aggravated or “egged on” the other Member of Council during the February 7, 2024 meeting of Council it is possible our investigation may have concluded there was a breach of the Code of Conduct provisions outlined herein regarding civility and conduct respect staff and other members. This possibility necessitated our office conducting a full investigation into the allegations.

However, our finding based on the evidence reviewed is that the Member did not engage in any inappropriate behaviour during the February 7, 2024 closed session of council and that the Member therefore did not breach the Code of Conduct during this closed session.

As such, our investigation has concluded and the Complaint is dismissed.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

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

Tony E. Fleming, C.S.
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(Local Government / Land Use Planning)
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