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December 4, 2024

SENT BY EMAIL TO: clerk@southalgonquin.ca

Mayor and Council
Township South Algonquin
7 Third Avenue
PO Box 217
Whitney, ON
K0J 2M0

Dear Mayor and Council:

**RE: Complaint to Integrity Commissioner
Code of Conduct Complaint
Our File No.: 35965-28**

We received a complaint against Councillor Joe Florent and Councillor Sandra Collins (the “Members”). 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.

Complaint

On October 2, 2024 Council held a meeting where the Integrity Commissioner's report outlining his findings against Councillor Florent in a previous investigation was discussed. Councillor Florent, in response to the recommendations of the report, stated that he did not threaten reprisal against a member of the public because they brought a complaint, but rather the reprisal was because the person had attempted to "blackmail" the Township.

The complaint alleged that Councillor Collins restated and reinforced this allegation in her comments at the same meeting.

Timeline of Investigation

The key dates and events during the course of this investigation are as follows:

- October 9, 2024, complaint received
- October 16, 2024, complaints provided to the Members
- October 16, 2024, response from Councillor Florent received
- October 16, 2024, confirmation that Councillor Collins is out of the country
- November 5, 2024, response from Councillor Collins received
- November and December, 2024, interviews conducted

Factual Findings

Councillor Collins chaired the meeting of October 2, 2024. After receiving the verbal report from the Integrity Commissioner, Councillor Florent made a statement. Councillor Florent stated that his comment that the complainant "has to pay the price for as long as I'm on council.", and that he would not deal with the individual or any group represented by that individual was not retaliation because of the complaint brought by the complainant earlier (referring to the first complaint against Councillor Florent dealt with by our office). Instead, Councillor Florent stated he took that position because of the attempt to "blackmail" Council by the complainant. Councillor Florent explained that the complainant attempted

to get Council to approve a financial request made by a group represented by the complainant (that had previously been refused by Council) in exchange for not commencing the initial complaint against Councillor Florent.

Councillor Collins then asked the Integrity Commissioner for direction on how to proceed as “blackmail is very, very serious to an organization”. Councillor Collins did not adopt the allegation of Councillor Florent.

Councillor Collins later in the meeting did consider the allegation of “blackmail” when she spoke about the appropriate penalty and stated that in her view the reprisal was purely in response to “if you give me my money then the complaint would go away”. While not expressly endorsing the allegation of “blackmail”, Councillor Collins relied on the allegation as a reason to not impose a penalty on Councillor Florent.

Code of Conduct

The Code of Conduct provides:

9(1) Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the *Council Procedure By-law*.

Section 6.2.1 of the Procedural By-law states:

No member shall:

Use offensive, insulting or indecent words or unparliamentary language in or against the Council or against any member of Council, staff or guest.

The complainant was not a “guest” as it is considered in the Procedural By-law, so the remaining operative section of section 9(1) is an obligation to act with “decorum”.

12(1) All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

Whether the statements constituted “abuse, bullying or intimidation” is at issue in this investigation.

Findings

It is important to state at the outset that the Integrity Commissioner did not investigate whether the complainant in fact made an offer to not proceed with an earlier Code of Conduct complaint in exchange for a Council resolution to provide funds to a local organization.

The Complainant denies they acted inappropriately and stated that they met with staff simply to explore an informal resolution to the original complaint before it was filed. Informal resolution of possible complaints is a legitimate process under the Code of Conduct.

Councillor Florent was not part of the conversation where the alleged “offer” was made. Councillor Florent and all of Council was told by staff what was said by the complainant in that meeting with staff. Therefore, the Councillor based his judgement on what he heard from staff.

We make no finding as to what occurred at the meeting between staff and the complainant – and no finding that what Council was told was correct or incorrect. That finding is not relevant to the allegations related to the meeting of October 2, 2024.

What is before the Integrity Commissioner are the statements of Councillors Florent and Collins at the October meeting.

Decorum

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

9(1) Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the *Council Procedure By-law*.

Councillor Collins did not adopt the allegation of “blackmail” as suggested in the complaint. As Chair, Councillor Collins asked the Integrity Commissioner how to proceed as the allegation of “blackmail” was very serious for the Township. In considering the penalty recommendation, Councillor Collins considered the alleged conduct of the complainant to be a mitigating factor.

Councillor Florent did accuse a member of the public – who was not named and was not otherwise identifiable – of “blackmailing” the Township.

In order to determine if the statement was contrary to the Code of Conduct, the Integrity Commissioner must first determine if the Members’ behaviour constituted conduct that was in keeping with Council decorum as required by Rule 9 (1).

Oxford defines “decorum” as “Behaviour in keeping with good taste and propriety.” Merriam-Webster defines it as, “Propriety and good taste in conduct or appearance.”

In *McConnell v. Ford* ([2015 ONMIC 4 \(CanLII\)](#)) an Integrity Commissioner found that even actions done without intent to harm or actions with a commendable motive, can still lack decorum. In this incident, a councillor ran through council Chambers to assist his brother in a possible physical altercation. This was considered a breach of the requirement to act with decorum.

In *Councillor Danko Tweet (Re)* ([2024 ONMIC 11 \(CanLII\)](#)), a statement containing the words “ungrateful, self-righteous toddlers” was found to be an ad hominem attack and therefore a breach of decorum (even though the councillor was making the statement to defend local police).

In *Shaughnessy (Re), 2017 ONMIC 8 (CanLII)* a Councillor wrote letters to the editor that did not accurately portray decisions made by Council and was “suggestive towards the intent of other council members.” The Councillor used the terms “egregious decision,” stated that the decision was “myopic and defies logic” and stated that key points were “ignored by some Council members.” The Integrity Commissioner held that those actions, in combination with other incidents where the Councillor used unparliamentary language, engaged in name calling and stormed out of meetings, breached the provision in the relevant code of conduct which required members to conduct themselves with decorum.

The Integrity Commissioner finds that Councillor Collins did not breach decorum. Decorum did not require members of Council to denounce the allegation. Further, members of Council were asked by Councillor Florent to consider his allegation as a mitigating factor in whether to impose a penalty. Councilor Collins’ statements were in keeping with decorum in this instance and this aspect of the complaint is dismissed as against Councillor Collins.

Councillor Florent’s allegation of “blackmail”, regardless of whether he believed it to be true, is a breach of decorum.

Using the word “blackmail” has a criminal or illegal connotation to the average person and is perceived by the public as a very negative act. Councillor Collins underscored this when she commented at the meeting that the allegation is “very, very serious for the Township”. Based on the jurisprudence cited above, the fact the allegation was made is in and of itself a breach of decorum.

Councillor Florent could have described the allegation differently and used language that was not inflammatory or suggestive of a criminal act to make the same point. We find that Councillor Florent did breach the Code of Conduct as his statement was not in keeping with the expected decorum of a Council meeting.

Treating Members of the Public without Abuse

The Complaint also engages the following section of the Code of Conduct:

12(1) All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

As stated above, for purposes of this complaint, it is not necessary to determine whether the allegation was correct – what is relevant is what Council was told by staff about the meeting with the complainant.

The Councillor relayed his understanding of what he was told by staff and characterized that understanding by using the word “blackmail”. He asked Council to consider the allegation

as a mitigating factor when they were considering whether to impose the recommendation from the Integrity Commissioner's report.

Staff confirmed that they advised Council of the meeting with the potential complainant after it occurred and relayed the nature of the "offer" from the potential complainant. Staff confirmed with Council that they were not recommending the Township accept the offer and the potential complainant was told that if they felt they had a legitimate complaint they could avail themselves of the complaint process.

"Blackmail" is defined as:

"the act of getting money from people or forcing them to do something by threatening to tell a secret of theirs or to harm them". (Cambridge Dictionary)

"extortion or coercion by threats especially of public exposure or criminal prosecution" (Merriam-Webster Dictionary)

"the action of threatening to reveal a secret about someone, unless they do something you tell them to do, such as giving them money." (Collins Dictionary)

Based on what Councillor Florent was told about the meeting with staff, the Integrity it is apparent how the Councillor came to his conclusion or characterization of the behaviour. Whether it was or was not a reasonable conclusion to arrive at is however irrelevant to this assessment. For the reasons as found above, making this allegation in public is an abusive statement to make about a member of the public. The criminal or illegal connotation of the word "blackmail" is such that attaching that characterization to any person's conduct is a form of abuse.

The Integrity Commissioner finds that Councillor Florent should not have made the allegation and that doing so is a breach of the Code of Conduct.

The Integrity Commissioner finds that Councillor Collins was not abusive or inappropriate – her statements captured in the recorded meeting do not cross this threshold and the complaint is dismissed as against Councillor Collins.

Recommendation

The Integrity Commissioner recommends that Council issue a reprimand to ensure that the public understand that it does not condone the comments made by Councillor Florent.

In making this recommendation, the Integrity Commissioner has considered the reasons behind Councillor Florent's comment and finds that the penalty should be mitigated by the fact that the Councillor was influenced by staff's recounting the substance of the meeting with the complainant. In the circumstances, the Councillor's understanding of the nature of the offer was not unreasonable; but how that was communicated to the public in the Council

meeting was not appropriate. In addition, the name of the complainant was never publicly disclosed, which is also a mitigating factor.

The choice of words lent the meeting between staff and the complainant an air of illegality that was not appropriate, and for that reason a penalty is recommended.

Cunningham, Swan, Carty, Little & Bonham LLP



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Enclosure