



## Town of Arnprior Staff Report

**Subject: Complaint under Code of Conduct**

**Report Number: 21-02-08-01**

**Report Author and Position Title: Maureen Spratt, Town Clerk**

**Department: Client Services**

**Meeting Date: February 8, 2021**

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### **Recommendations:**

That Council receive the “Complaint under Code of Conduct” dated January 29, 2021, submitted by Mr. W. Hunter, Integrity Commissioner attached as Appendix A to Report Number 21-02-08-01 and consider the recommendations contained within Appendix A.

### **Background:**

Municipalities are required to appoint an integrity commissioner who reports to council and is responsible for performing in an independent manner the functions assigned by the municipality with respect to the application of the code of conduct and of any procedures, rules and policies of the municipality governing the ethical behaviour of members of council and local boards. Mr. William Hunter was first appointed in 2013 as the Town’s Integrity Commissioner and continues in that role today.

### **Discussion:**

The Integrity Commissioner is an independent and impartial position that reports directly to municipal council and whose powers and duties are set out in the *Municipal Act, 2001*. Section 223.4 of the *Municipal Act, 2001* provides that an Integrity Commissioner may conduct an inquiry into allegations about whether a member of council or local board has contravened the Code of Conduct. Following an investigation, council may act upon the Integrity Commissioner’s findings including imposing reprimands and suspending members.

Attached, as Appendix A to this report is a report from Mr. W. Hunter, Integrity Commissioner, regarding a complaint made against a member related to a posting on “What’s Up Arnprior” on December 18, 2020. Mr. Hunter will be in attendance at the February 8, 2021 Meeting to answer any questions of Council.

**Options:**

N/A

**Policy Considerations:**

N/A

**Financial Considerations:**

N/A

**Meeting Dates:**

N/A

**Consultation:**

N/A

**Documents:**

Appendix A – Integrity Commissioner Report

**Signatures**

**Reviewed by Department Head:** Jennifer Morawiec

**Reviewed by General Manager of Client Services/Treasurer:** Jennifer Morawiec

**CAO Concurrence:** Robin Paquette

**Workflow Certified by Town Clerk:** Maureen Spratt

PRIVILEGED & CONFIDENTIAL

## Town of Arnprior

Integrity Commissioner  
Suite 101 – 85 Plymouth Street, Ottawa, Ontario  
K1S 3E2  
Telephone: 613-232-5773  
Facsimile: 613-232-3509  
www.viceandhunter.ca

**BY E-MAIL**

*January 29, 2021*

Town of Arnprior  
105 Elgin Street W.  
Arnprior ON K7S 0A8

**Attention:** Maureen Spratt, Clerk

Dear Ms. Spratt:

**RE: Complaint**

I have reviewed the responses Councillor McGee made to the complaint against her. The complaint related to a posting Councillor McGee made on What's Up Arnprior on December 18, 2020 as follows:

Let me get this straight.... He blindsides Council with his "plan" on Monday, fails to apologize to the BIPOC community for his CBC blunder, turns his racist shovel into a backhoe, and leaves Council shocked and unprepared to deal with a plan we haven't seen, and then openly criticizes (sic) us and suggests that WE are holding things up?

No. Just no.

Gloves Off

To be clear: These are MY personal comments, and mine alone.

## PERSONAL & CONFIDENTIAL

In addition, on January 6, 2021 Councillor McGee further posted on What's Up Arnprior and shared a link to an Inside Ottawa Valley article which reported on December 24, 2020 concerning the December 23, 2020 council meeting. In that article, there was a reference to and a quotation of what Councillor McGee previously posted on What's Up Arnprior on December 18, 2020.

On January 28, 2021, on InsideOttawaValley.com Councillor McGee's posting, referred to above, was quoted again. It has been referred to in various tweets. It appears that the statements Councillor McGee used, in breach of the Code of Conduct, are attracting attention over a considerable period of time which is not surprising given the verbiage used in the initial post.

The complaint was that by using certain language such as the Mayor ". . . turns his racist shovel into a backhoe. . ." and "Gloves off" and "He blindsides Council with his "plan" "Councillor McGee breached the following parts of the Town's Code of Conduct:

3.3 - Media Communications - It is understood that the Mayor as Head of Council, as per section 226(1)(c) of the Municipal Act, 2001 is the primary spokesperson, which does not prohibit other Members of Council, therefore the following shall apply:

- Members of Council will accurately communicate the decisions of the Town of Arnprior Council, even if they disagree with the majority decision of Council, and by doing so affirm the respect for and integrity in the decision-making process of Council. A Member may state that he/she did not support the decision, or voted against the decision. (emphasis added)
- Members shall refrain from making judgemental or critical comments about other Members of Council or staff, or about the Town Council's processes and decisions.
- Members at all times shall refrain from speculating or reflecting upon the motives of other Members of Council or staff, when communicating with the media.
- Members of Council will keep all confidential information confidential, until such a time arises that the matter can properly be made public. A breach of confidentiality by Members diminishes public confidence.

### 5.1 Interpersonal Behaviour

## PERSONAL & CONFIDENTIAL

(a) Treat Every Person with Dignity, Understanding and Respect:

- Members shall refrain from abusive conduct, personal charges, verbal attacks, discrimination or gossip upon the character of motives of municipal employees, Councillors, Committee Members, Volunteers, or the public. Members shall abide by the Town of Arnprior's Workplace Violence Prevention and Workplace Harassment Policies and Programs, as well as the Ontario Human Rights Code, and shall take these policies and legislation and their contents into account at all times when considering etiquette. All dealings with any person are to exhibit a high degree of professionalism and are to be based on honesty, dignity, understanding, respect, impartiality and fairness.

(c) Do not Engage in Violence or Harassment of Any Kind:

- No Member shall engage in any form of Violence or Harassment, as defined in Section 1 of this document, taken from the Town of Arnprior's Workplace Violence Prevention and Workplace Harassment Policies and Programs and the Ontario Human Rights Code, as amended.

Section 10 (1) of the *Human Rights Code* states that "harassment" means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

In Councillor McGee's response to me, she acknowledged that she posted to What's up Arnprior on December 18th, 2020 ("the Post") and that the Post was a contravention of the Code of Conduct. In her defence, she stated:

While the end does not necessarily justify the means, it was because of my concern for Council that I posted what I did. In hindsight, I should have simply undertaken the efforts I made to coordinate a Special Council Meeting, and I should have reported any concerns to the Integrity Commissioner. In future, this is what I will do. I am hoping that you understand that while my methods clearly need fine-tuning, it was because of my defense of Council and its proceedings that I posted what I did to Facebook.

As can be appreciated, once the harm has been done, especially on social media, which is widely read, Councillor McGee's acknowledgment to me that she acted improperly and breached the Code of Conduct does not eliminate or reduce the continuing harm done by her breach of the Code of Conduct.

PERSONAL & CONFIDENTIAL

***Possible Penalties***

Section 223.4 (5) Of the *Municipal Act, 2001* states that the municipality may impose either of the following penalties on a member of council, if the Commissioner reports to the municipality that, in his opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.

Council may also take the following additional actions:

- i. Remove the Member from an Advisory Committee or Board.
- ii. Remove a Chair of a Committee or Board.
- iii. Repay or reimburse the compensation received.
- iv. Return property or reimburse for the value of it.
- v. Request for a public apology to Council, the complainant, or both.
- vi. Any other fair and reasonable sanction given the circumstances.

***Recommendation***

Given the seriousness of this matter and taking into account that Councillor McGee appears to realize the harm done and accepting her assurance that she will not repeat such verbiage, my recommendation to Council is that Councillor McGee's remuneration in respect of her services as a member of council be suspended for a period of Thirty (30) days.

**INTEGRITY COMMISSIONER**

Per:



**WILLIAM R. HUNTER**

WRH/sc

cc. Councillor Lisa McGee

cc. Complainant