

Town of Arnprior Staff Report

Subject: Complaint under Code of Conduct

Report Number: 21-03-22-01

Report Author and Position Title: Maureen Spratt, Town Clerk

Department: Client Services **Meeting Date:** March 22, 2021

Recommendations:

That Council receive the "Complaint under Code of Conduct" dated March 8, 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 complaints respecting Mayor Stack. Mr. Hunter will be in attendance at the March 22, 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:

Reviewed by General Manager, Client Services/Treasurer: Jennifer Morawiec

CAO Concurrence: Robin Paquette

Workflow Certified by Town Clerk: Maureen Spratt

Town of Arnprior

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BY-MAIL

*March 8, 2021*Our File No.: 2021 - 050

Town of Arnprior 105 Elgin Street W. Arnprior ON K7S 0A8 Attention: Maureen Spratt, Clerk

Dear Ms. Spratt:

Re: Complaints Respecting Mayor Walter Stack

Introduction:

Towards the end of the year 2020, discussions were commenced in the Town of Arnprior about the presence of "racism" or "systemic racism". The media became interested and interviewed various councillors and Mayor Stack. The issue became divisive in that a majority of council were of the opinion that there was "systemic racism" in Arnprior. Mayor Stack agreed that there was "racism" in Arnprior, but he was not prepared to say that racism was systemic until he was provided with facts and evidence.

Although the issue of whether there is "racism" or "systemic racism" in Arnprior and the responses to that issue are the primary basis of the complaints, that issue is irrelevant to my inquiry. Rather, this inquiry only relates to whether Mayor Stack breached the Town of Arnprior's Code of Conduct, not his views on racism or systemic racism. If there has been a breach, then I will discuss my recommendations.

Factual Background:

At a meeting of the council of the Town of Arnprior, held on December 14, 2020, Mayor Walter Stack commented on the racism issue, noting that he read the accounts and opinions of individuals; reached out to contacts with experience; asked staff to look at the municipality's role

as it relates to this issue and looked at things that council can do moving forward. Mayor Stack proceeded to read four ideas in the hopes that council would pass a resolution and put these items into action. Mayor Stack closed his comments recognizing there are problems with racism in Arnprior, however, he was not prepared to say racism is systemic in Arnprior until he is provided with facts and evidence.

Members of Council voiced their concern that they needed to have more time to look at the wording of the action items. Following a brief discussion, Council agreed to review the action plan and bring forward a motion at the next meeting of Council for discussion and consideration.

On December 18, 2020 Councillor Lisa McGee made an entry on a web site, *What's Up Arnprior*, as follows:

Let me get this straight.... He (Mayor Walter Stack) 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 critizes (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.

On December 23, 2020, a special meeting of council was held. A motion was brought:

Whereas systemic racism is a serious issue, and it exists in the Town of Arnprior; and

Whereas there have been delays in providing the Black, Indigenous, and People of Colour (BIPOC) community with a formal apology for denying the existence of systemic racism in the Town of Arnprior.

Therefore Be It Resolved That we, the Members of Council, for the Town of Arnprior acknowledge the hurt caused by these delays, and apologize to all members of the BIPOC community.

All member of Counsel voted in favour except Mayor Stack who abstained.

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 have attracted attention over a considerable period of time which is not surprising given the verbiage used in the initial post.

The Integrity Commissioner was requested to investigate and did. He determined that the councillor breached the Code of Conduct and made a recommendation for a suspension of remuneration. At a subsequent council meeting on February 8, 2021, Councillor McGee admitted that she had breached the Code of Conduct and apologized for her posting. Her apology was accepted by council and the Integrity Commissioner's report was tabled.

In late January 2021, Mayor Walter Stack caused a letter to be delivered to each household in Arnprior, at his expense. A copy of the letter is attached hereto as Exhibit "A". Mayor Stack made it clear as follows:

I want to have it understood that I respect anyone's right to their opinion and to state that opinion as I would expect them to do the same for me without bias. A difference in opinion is not a difference in principle.

My Opinion is that I do not believe Racism is Systemic in Arnprior by either of the definitions above. I certainly DO NOT believe it is embedded as a normal practice in our Community and I do not apologize for MY OPINION.

Mayor Stack made several other comments, some of which are as follows:

That said I will be making statements that will call out those who have attacked our Community and myself with the same type of bias that they would like others to think they are above. (Page 1)

Ms. Perfitt and Ms. Sophie Dore say; it means Racism is embedded as a normal practice in our society. So Ms. McGee this is not defining it to suit my needs-- this is your supporters definition. (Page 2)

It appears five of my Council Colleagues have a different perspective on Racism in Arnprior, hence their apology. (Page 3)

I would ask anyone who has evidence of a prosecutable racist offence by any Arnprior official to bring it forward and we will address it immediately. Perhaps Councillor McGee has this evidence and would like to bring it forward. She has made the reference of my Racist Shovel moving to Racist Backhoe so I will ask her to bring her evidence forward that supports her accusation that I am a Racist. (Page 3)

In closing I hope that as we move ahead we can make attempts to improve on our past and begin real dialogue and progress not POLITICS.

MY OPINION! My closing statement on the topic. (Page 4)

Complaints

On January 27, 2021, the first complaint was received by me to be followed closely by the second complaint. These two complainants are from a wife and husband. As their complaints are almost identical, I make these comments as they relate to both complaints. Following is a summary of the complaints:

Code of Conduct - Section 2(b)

(b) Fulfill their (Councillors) duty to act honestly and exercise reasonable care and diligence

Mayor Stack refused to acknowledge the existence of systemic racism. He only acknowledged isolated acts.

Mayor Stack named two constituents in his four page letter mailed to households in Arnprior when it was not called for.

It is clear Mr. Stack was calling us out to make a point and that puts us at risk for harassment and potential harm in the community.

Code of Conduct - Section 2(c)

(c) Act in a way that enhances public confidence in local government

It is unreasonable for someone to go to such lengths to defend their ignorance on a topic that so directly and greatly impacts his BIPOC constituents.

His letter closes with "MY OPINION! My closing statement on the topic" which suggests he is no longer interested in being called on his inability to acknowledge and hear his constituents. This does not enhance confidence in local government.

Code of Conduct - Section 2(d)

(d) Identify and resolve situations which might involve a conflict of interest or a potential issue of position and authority

His position as head of our town is to hear his constituents and protect their interests. Rather than protect the interests of the BIPOC community, he leaned into his white privilege and decided no such issue existed here, and then used council meetings to deny their experiences of systemic racism. This is not upholding the values of the town.

By naming the constituents who spoke up to hold him accountable in a letter mailed to households in Arnprior, Mayor Stack was using his position in office to make a point to the public that he will put his constituents (who are advocating for safety) in harm's way for his own interest. It is not the public interest to be intimidated into silence on topics that matter.

Code of Conduct - Section 5

(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.

Respecting human rights - It is unprofessional to mail a four page pamphlet to households in Arnprior naming three women who've asked him to do his job - to be accountable for his words.

Code of Conduct - Section 5(b)

(b) Do not Discriminate:

In accordance with the Ontario Human Rights Code, Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability.

It is my opinion that it is not an accident that the mayor called out two female constituents when I am aware of dozens of letters he received from constituents of other genders.

Code of Conduct - Section 5(c)

(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,

Respecting harassment - I charge that Mayor Stack's naming of two constituents falls under harassment. Under the Human Rights Commission, harassment is defined as: "Harassment is a form of discrimination. It includes any unwanted physical or verbal behaviour that offends or humiliates you.

Mayor Stack's Response to Complaints

Mayor Stack was provided with a copy of the complaints. His abridged response to the complaints is attached hereto as Exhibit "B". Some of his comments are as follows:

As I have said in all of my statements on this issue, I clearly deplore all forms of racism or racist attitudes in our community. Since the issue was first brought to my attention, I made a very sincere attempt to understand the concerns that were raised and to review the positions, including my own, on the question of systemic racism and white privilege. My intent was to be honest and forthright and give serious consideration to all points of view.

It truly was not my intent to engage in a public debate that could potentially tarnish the wonderful community of Arnprior. I am very much looking forward to the Staff Report mandated by Council that is to be brought forward in March and real dialogue on this important issue, beginning with Council's 4 step plan that has been outlined in Council's motion.

I do not agree that my mailing of a flyer to the residents of the Town of Arnprior was unprofessional and there needs to be some context considered regarding the sending of the flyer.

. . . behind the scenes, I have been the subject of many abusive attacks and have been directly named by many individuals. In the flyer, I simply addressed several comments that were made by persons that had already decided to identify themselves and attacked me in the media.

Although I have never sent a flyer to the residents of Arnprior, I felt I needed to let the residents of Arnprior know that I am not a racist and that racist acts in Arnprior or anywhere else are abhorrent and not to be tolerated.

The reference to me putting my foot down refers to the fact that I abstained from a vote of Council referring to systemic racism (I did not vote against it as stated by the complainant). I said at the time that I am still struggling with the terminology around systemic racism including white privilege and unconscious bias. I have stated several times that I support Council's initiatives regarding racism and education and the motion put forward to Council was approved by Council.

I do regret the wording in my flyer, "My Opinion! My closing statement on the topic." What I meant by this was that I would make no further direct comments on this issue. I should have made it clear that I would be dealing with the issue at Council and as part of the public meeting process of Council and as a member of Council.

Complainant's Response to Mayor Stack's Response

One of the complainants responded to Mayor Stack's response to the complaints. The response repeats the complainants' position on systemic racism. Briefly, it stated: "There is no debate about racism. There is no debate about systemic racism, either". It continued by saying, "Sending a 4 page letter to the town defending yourself against those you named in the letter is a misuse of your position of Authority". It also stated that, "Your opinion is not valid, sir, when your constituents are literally telling you that they have an issue in the town YOU are responsible for making safe for all".

In addition the response said: "Mayor Stack's flyer goes against the part of the code that says council speaks in alignment once a decision is made by the majority. You may delicately share your views if they differ - but respectfully. This flyer was so far beyond respectfully disagreeing, nor did it respect the majority of council."

The complainant's response concludes by saying, "I am anxious to learn how the IC rules on this matter and that it does not need to be escalated to the Ontario Ombudsman".

Analysis

As I said at the outset, the discussion of whether there is "racism" or "systemic racism" in Amprior is irrelevant to my inquiry.

Freedom of expression has for a long time been the cornerstone of Western civilization. The fact that various people have different views on a subject is not a weakness but strength. The well-know philosopher, John Stuart Mill, said in his essay, *ON LIBERTY*, and published in 1859;

First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility. Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

The Canadian Charter of Right and Freedoms states in Section 2:

- 2. Everyone has the following fundamental freedoms:
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

All this to say, I find that it was not a breach of the Code of Conduct for Mayor Stack to express his views about "racism" and "systemic racism". I will move on to discuss how Mayor Stack expressed himself.

Mayor Stack decided to send a letter to the residents of Arnprior. Although this was unusual, I do not find that sending the letter, in itself, was a breach of the Code of Conduct. The complainants do not allege that the sending of the letter was the breach. Rather, they are offended by some of the contents.

In particular, the complainants' view was that it was ". . . unprofessional to mail a four page pamphlet to households in Arnprior naming three women. . . ". They site various provisions in the Code of Conduct to support their complaint. At least two of these women had been publically communicating their unflattering views about Mayor Stack's position on the internet and in CBC interviews. From Mayor Stack's response to the complaints, it was clear that he was under a lot of pressure from the criticism. Hence, he sent out the letter to explain his views.

Disposition

Section 3.3 (Media Communications) of the Code of Conduct makes it clear that the Mayor, as Head of Council, is the primary spokesperson. This gives the Mayor an added responsibility to affirm the respect for and integrity in the decision-making process of Council. The section requires all Members of Council to refrain from making judgmental or critical comments about other Members of Council or staff, or about the Town Council's processes and decisions. Finally,

it requires that all Members of Council shall at all times refrain from speculating or reflecting upon the motives of other Members of Council or staff, when communicating with the media which includes radio interviews, postings on the internet and brochures.

Section 5.1 (Interpersonal Behaviour) requires all Members of Council to treat every person with dignity, understanding and respect and requires all Members of Council to refrain from abusive conduct, personal charges, verbal attacks, discrimination or gossip upon the character of motives of municipal employees, Councillors.

I find that when Mayor Stack wrote in his letter:

That said I will be making statements that will **call out those** who have attacked our Community and myself with the same type of bias that they would like others to think they are above. (emphasis added)

I would ask anyone who has evidence of a prosecutable racist offence by any Arnprior official to bring it forward and we will address it immediately. Perhaps Councillor McGee has this evidence and would like to bring it forward. She has made the reference of my Racist Shovel moving to Racist Backhoe so I will ask her to bring her evidence forward that supports her accusation that I am a Racist. (emphasis added)

he was in breach of sections 3.3, and 5.1 of the Code of Conduct. The letter was not simply an explanation of his position; it made judgmental and critical comments about another Member of Council, referred to two members of the community and failed to treat the named persons with dignity and understanding even though they may not have extended the same courtesy to him.

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

This matter is related to the previous complaint against Councillor Lisa McGee as described above, which was not made by Mayor Stack. As indicated, in that complaint, which related to serious statements made by Councillor McGee about Mayor Stack on a web site which were repeated by various media, the Integrity Commissioner recommended a suspension of remuneration. Council discussed the report and decided to table the Integrity Commissioner's report without a suspension of remuneration or any penalty to the councillor. In my opinion, that decision of council influences my recommendation respecting the complaints against Mayor Stack. His breach of the Code of Conduct was much less egregious than Councillor McGee's. Accordingly, I recommend that Mayor Stack receive a reprimand and be advised to carefully consider how he deals with councillors and constituents in the future.

Yours very truly,

INTEGRITY COMMISSIONER

Per: W.K.Munter

WILLIAM R. HUNTER

WRH/sc

EXHIBIT A



"TO ALL THE RESIDENTS OF ARNPRIOR"

Mayor Walter Stack

Transcription per poor scan quality:

As Councillor Grinstead said at the December 23, 2020 Council meeting for anyone to label anyone else a Racist without ever having a discussion to attempt to understand the other's position does not support a positive begininging to a process of dialogue an improvement.

Important to note that Councillor Grinstead and I were given no notice of this meeting until we received notice by email from the Deputy Clerk which is a mandatory 24-hour notice.

First: I wanted to clearly state my position on Systemic Racism in Amprior. I have searched a number of sources for the definition of Systemic from legal, to the dictionary and the definition that Ms. Sophie Dore and Ms. Perfitt have so directly sent me by email.

Dictionary says: acting out with a system or method, it is orderly, organized or procedural routine.

Ms. Perfitt and Ms. Sophie Dore say: it means Racism is embedded as a normal practice in our society. So Ms. McGee this is not defining it to suit my needs --- this is your supporters definition.

I want to have it understood that I respect anyone's right to their opinion and to state that opinion a I would expect them to the the same for me without bias. A difference in opinion is not a difference in principle.

My Opinion is that I do not believe Racism is Systemic in Arnprior by either of the definitions above. I certainly DO NOT believe it is embedded as a normal practice in our Community and I do not apologize for MY OPINION.

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Transcription per poor scan quality:

It appears five of my Council Colleagues have a different perspective on Racism in Arnprior, hence their apology.

Do I believe there are racists attitudes resulting in individual acts with our Community, I am sorry to have to say absolutely. I deplore these attitudes and acts and as I did on the CBC interview. I do offer an apology to all victims of

appears live of my Council Colleagues have a different emploring on Rachard in Ampring honce their applicate Dalbeline digre are recipis minutes resulting in male white th our Community, I am sory to have to say replacety. Leaguisms these estatedus and acts and as I dist on a CBC improvers. I do other an applicacy to all sixtless of not despicable acts President and discrimination can be rescined tout being being or foward others, are there such informer of exercise theirs the Last took at the chatter tion March abserted to a L'ostac i baye a diay to lead and so! the star time a day to be well the fact of dry Tarould unrive any a of the Manicipal Act give ear to come early a be falle to also

such despicable acts. Prejudice and discrimination can be personal individual behaviour toward others, are there such people around, of course there are! Just look at the chatter on Social Media.

Those elected to a Council have a duty to lead and set an example, and they also have a duty to protect the interests of their community. I would invite anyone to explain which provision of the Municipal Act gives us authority, as Municipal Council, to require people to be intelligent, educated, decent, or nice to each other. Which provision of the Municipal Act empowers us to prevent racist or biased thinking? So should few try to educate the ignorant and teach them to be more humane by having training programs and be advocates for inclusivity? Of Course We Should!!

The Legislative Assembly of Ontario has passed the Ontario Human Rights Code, which makes it a serious and prosecutable offence to discriminate in any public service. I would ask anyone who has evidence of a prosecutable, racist offence

by any Amprior official to bring it forward and we will address it immediately. Perhaps Councillor McGee has this evidence and would like to bring it forward. She has made the reference of my Racist Shovel moving to Racist Backhoe so I will ask her to bring her evidence forward that supports her accusation that I am a Racist!!

None of us are perfect, we all make mistakes. But we should make our decisions and take our actions based on our own thoughts and beliefs for the betterment of the whole Community. Not follow the Pied Piper.

I am not clear on the background of my critics as it relates to the Town of Amprior, but I did not move here a few years ago and assume I know all of what is good for Amprior. I have a family pride and history of more than a century embadded in Amprior. It was most of my life here and 16 years of dedication and bard work on this Council committee to Community service and the benement of my fellow residents. As one email sent to me and "be the Mayer for all". I am the bidyer for all, not just individual groups or makes, but inclusive of all groups and issues.

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EXHIBIT "B"

Mayor Stack Response

As I have said in all of my statements on this issue, I clearly deplore all forms of racism or racist attitudes in our community. Since the issue was first brought to my attention, I made avery sincere attempt to understand the concerns that were raised and to review the positions, including my own, on the question of systemic racism and white privilege. My intent was to be honest and forthright and give serious consideration to all points of view.

It truly was not my intent to engage in a public debate that could potentially tarnish the wonderful community of Arnprior. I am very much looking forward to the Staff Report mandated by Council that is to be brought forward in March and real dialogue on this important issue, beginning with Council's 4 step plan that has been outlined in Council's motion.

As the Mayor of Arnprior and as a citizen I pride myself on being professional, honest, and respectful of others, in my interactions with others.

I do not agree that my mailing of a flyer to the residents of the Town of Arnprior was unprofessional and there needs to be some context considered regarding the sending of the flyer. Subsequent to the article by the CBC regarding systemic racism in the Ottawa Valley I was approached by a reporter and was asked to comment on systemic racism in Arnprior. I stated honestly that I did not believe racism was systemic atthe Town of Arnprior, while at the same time I state d that all acts of racism are despicable. From that point on I was the subject (as was my family) of very nasty, disrespectful and hurtful comments and attacks on social media, including being called a racist.

Although I have never sent a flyer to the residents of Arnprior, I felt I needed to let the residents of Arnprior know that I am not a racist and that racist acts in Arnprior or anywhere else are abhorrent and not to be tolerated.

The complainant seems to take offence that I did not reply to a letter that was also sent to all members of Council. I felt at the time that although this letter captioned to me that it was a public document and a matter that needed to be addressed by all of Council.

The complainant readily admits that she is an advocate for her position and I give her full credit for her convictions. Being an advocate in this case means that the complainant has been identified by numerous media outlets, and voluntarily participated in numerous media broadcasts, including segments aired on CBC and CTV and is active on social media. In a CBC article on January 6, 2021, the complainant readily identified herself and with regard to me state d, "The fact that he put his foot down tells me and I hope it tells everyone else, that Arnprior has outgrown this mayor and these small-minded views." The reference to me putting my foot down refers to the fact that I abstained from a vote of Council referring to systemic racism (I did not vote against it as stated by the complainant). I said at the time that I am still struggling with the terminology around systemic racism including white privilege and unconscious bias. I have stated several times that I support Council's initiatives regarding racism and education and the motion put forward to Council was approved by Council.

At the same time, behind the scenes, I have been the subject of many abusive attacks and have been directly named by many individuals. In the flyer, I simply addressed several comments that were made by persons that had already decided to identify themselves and attacked me in the media.

In my flyer to residents, I mentioned that the complainant had sent me an email with a definition of systemic racism and that I reviewed the email and expressed the opinion that

racism in not "normal practice" in Arnprior, a parameter included in the definition of systemic racism provided to me by the complainant. In terms of publicity, the complainant has been public on this issue in written articles, television segments and public meetings of Council. I refer again to the article in CBC news on January 6th where I was referred to as small minded and it was hoped that everyone else in Arnprior has come to that same conclusion.

I do regret the wording in my flyer, "My Opinion! My closing statement on the topic." What I meant by this was that I would make no further direct comments on this issue. I should have made it clear that I would be dealing with the issue at Council and as part of the public meeting process of Council and as a member of Council.

As explained above, the individuals that I mentioned in my flyer were those that readily and previously identified themselves in the media and made specific accusations against me. It certainly had nothing to do with gender or any other discrimination.