

# **Chatham-Kent Code of Conduct Complaints #020125 and Complaint #110325 Investigations Consolidated Report**

## **1. Summary**

This Report sets out the findings of my investigation conducted pursuant to the Municipality of Chatham-Kent Code of Conduct (the "Code") in response to two formal complaints. I received Complaint 020125 ("Complaint 1") regarding the conduct of Councillor Alysson Storey ("Respondent 1") and Councillor Rhonda Jubenville (Respondent 2", together with Respondent 1, the "Respondents"). Complaint 1 relates to comments made by the Respondents at a Town Hall meeting held in Dresden, Ontario on October 20, 2024 ("Dresden Meeting") and at the subsequent council meeting. The events cannot be understood without reference to the matter that gave rise to the community discussion, which was the consideration of options for the construction and location of the Chatham-Kent Town Hall.

On March 11, 2025, during my investigation of Complaint 1, I received Complaint 110325 ("Complaint 2") against Respondent 1. Complaint 2 relates to the alleged continued misconduct in relation to the development of the new Chatham-Kent Town Hall and Civic Centre, including her social media posts.

Due to the overlapping nature of Complaint 1 and Complaint 2 (together, the "Complaints"), I determined that I would consolidate the investigations into a single investigation and report. This report sets out my findings with respect to the Complaints.

The Complaints raise concerns regarding the alleged misuse of the influence of office, public misrepresentation of facts, and undermining of the professional integrity of municipal staff. The Complaints further allege that the Respondents' conduct breached the principles of respectful communication as outlined in the Code.

The majority of the allegations raised in the Complaint took place prior to approval of the new Council Code of Conduct that came into force on December 16, 2024. Thus, while Complaint 2 was received in March 2025 and while there has been a continuation of conduct that was alleged in Complaint 2, as part of my investigation I have applied the rules of the 2019 Council Code of Conduct where applicable.

In the balance of the report, I discuss my investigative process, my assessment of whether there have been contraventions of the Code by each Respondent, my findings on the allegations in the Complaints, my reasons for those findings, and my recommendations with respect to the appropriate sanction.

In Complaint 1, I found that the actions of the Respondents represent conduct that reflects poorly on the functioning and unity of Council. While dissent and debate are essential features of democratic governance, they must be expressed within the bounds of respectful discourse with a good faith attempt to check facts.

With respect to Complaint 1, I found that Respondent 2 did not violate the Code in relation to her comments about the CKHub at the Dresden Meeting or the subsequent Council meeting. I determined that Respondent 2 asked questions of staff at the October 21<sup>st</sup> Council meeting not because she was attempting to undermine staff but rather, because notwithstanding her disagreement with the CKHub project, she wanted the questions of her constituents to be answered through a public statement at Council that would confirm that there would be no closures of libraries in rural areas as a direct result of moving the Town Centre to old Sears Mall location.

However, although I found that the Respondent 2 did not contravene rules 14 and 15 of the Code with respect to her conduct at the Dresden Town Hall Meeting through her comments about the CKHub, I found that with respect to her comment relating to her Ward 4 Council colleague, Respondent 2 ought to have known that her comment undermined her Council colleague. I found that the conduct of Respondent 2 was inappropriate and disrespectful towards her Ward 4 Council colleague, insofar as, a reasonable person in attendance at the October 20th event would believe that the other Ward 4 Councillor, who was not in attendance, did not care about the objection to the CKHub raised by her constituents in particular against the backdrop of her Ward 4 Council colleague, voting in favour of the CKHub next phase and refusing to bring forward a motion “to stop” the CKHub by requesting a reconsideration. At the Dresden Town Hall Meeting, Respondent 2 gave the impression that the other Ward 4 Councillor was turning a deaf ear to cries of her residents and was act not supporting her constituents to protect rural community centres and libraries. I do not condone this conduct which I believe left the attendees at the meeting with the impression that the Ward 4 Councillor who did not attend did not care about the concerns of her constituents. However, I find that Respondent 2 is not required to speak for another Member of Council and did not contravene Rule 15 of the Code insofar as her conduct did not rise to the level of ***not treating a fellow Council colleague in a civilized way and without abuse, bullying or intimidation***. I further find that Respondent 2’s text message to her Co-ward 4 councillor did not violate Rule 10.

I found that Respondent 1 contravened the Code with respect to the allegations in both Complaint 1 and Complaint 2. I found that Respondent 1 contravened the Code in relation to her comments about staff. The findings were not with respect to her right to advance a political position - which fully within the scope of a Member of Council - but rather about the inaccuracy of her statements which left the impression that the CKHub project team did not address accessibility standards and linked the move to the old Sears Mall location to resulting loss of municipal services in particular in rural areas and library closures. Her conduct undermined staff. A councillor may speak on a matter of importance to the community but may not make misstatements about staff’s advice or drive a narrative which undermines staff reports through unsupported suggestions. For example, Respondent 1 repeatedly stated that staff had not provided answers to questions on accessibility and inferred that staff intentionally omitted to advise Council that library and other municipal services closures would occur in rural areas as a direct result of the CKHub project.

I set out my detailed reasons in the report below.

## **2. The Allegations in the Complaints**

### *a. Complaint 1 Allegations and Applicable Rules*

#### *The Allegations*

Complaint 1, filed on January 2, 2025, outlines a series of alleged contraventions arising from the conduct of the Respondents during the Dresden Meeting on October 20, 2024 and a subsequent council meeting.

The core allegations can be summarized as follows:

- 1. Improper Use of Influence and Misleading Public Engagement:**
  - That the Dresden Meeting was either organized or co-organized with the public and attended by both Respondents, and was advertised in a way that misled residents to believe it was a municipally sanctioned consultation.
- 2. Disrespectful Comments With Respect to Subject-Matter Expertise of Staff and the Consultant:**
  - That the Respondents publicly alleged that staff and the retained Consultant failed to provide credible responses to accessibility-related concerns of the public and the members of the Accessibility Advisory Committee.
  - That the Respondents made or supported unsubstantiated claims, such as the possible closure of rural libraries and service centres, which were not part of any Council report or municipal plan.
  - That the Respondents used the occasion to challenge or discredit decisions previously made by Council, specifically related to the Downtown Chatham Hub (CKHub) project.
- 3. Inappropriate Comments about a Ward Co-Councillor and Improper Use of Influence through comments in a text message:**
  - At the Dresden Town Hall, Respondent 2 stated that she and the other Ward 4 Councillor do not work together and had no working relationship with another member of Council (Co-Ward Councillor), which contributed to a perception that the Co-Ward Councillor did not care about the concerns of her constituents and that only Respondent 2 cares for the concerns of the Ward constituents specifically and the rural public generally. This also contributed to a division sentiment within the municipality.
  - In a text message, Respondent 2 attempted to inappropriately influence the decision of the other Co-Ward 4 Councillor.
- 4. Allegations of Harassment by a Named Private Citizen**
  - That Respondent 1 used her time at the Town Hall to disclose a personal account of alleged harassment by a private citizen (a named individual) against her, in a way that served no constructive municipal purpose.

The supporting documentation included resident emails, a summary of remarks made by the Respondents, and time-stamped segments from the October 21, 2024 Council meeting.

### *The Applicable Provisions from the Code of Conduct*

Complaints 1 and 2 allege that the above-noted conduct contravened the following 2019 Code Rules:

- **Rule 10** – Improper Use of Influence
- **Rule 13** – Conduct at Council and Committee Meetings
- **Rule 14** – Conduct Respecting Staff
- **Rule 15** – Discreditable Conduct

### **Rule 10 – Improper Use of Influence**

No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of member's position as a member of Council or local board or committee to improperly influence the decision of another person to the private advantage of the member, or the member's parents, children or spouse, friends, or associations, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. [...]

For the purposes of this provision, "private advantage" does not include a matter that is of general or broad application or that concerns the remuneration or benefits of the member.

This Rule includes avoiding conduct that may give rise to the perception that a Member is using their position to gain an advantage, shape public opinion improperly, or influence a matter outside the scope of the duties of a councillor.

### **Rule 14 – Conduct Respecting Staff**

[... ] Under the direction of the Chief Administrative Officer, staff serve Council as a whole and the combined interests of all members as evidenced through the decisions of Council.

[...]

Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual member of faction of the Council.

Members shall not maliciously or falsely injure the professional or ethical reputation of staff, or the prospects or practice of staff, whether in public or in private, and all members shall show respect for the professional capacities of staff.

[...]

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by individual members when performing their duties. The key requirements of these duties include dealing with constituents and the general public, participating as committee members and participating as Council representatives on agencies, boards, commissions and other bodies.

## **Rule 15 – Discreditable Conduct**

All members of Council have a duty to treat members of the public, one another, and staff in a civilized way and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies, in addition to other federal and provincial laws.

### **b. Complaint 2 Allegations**

I received Complaint 2 on March 21, 2025.

The allegations are set out in the 4 page Summary of Allegations, as well as emails, posts, and videos contained in a USB device (21 files) submitted by the Complainant.

Respondent 1 made several posts on her Facebook social media titled “Council Conversations” and comments in Council meetings which set out the position of Respondent 1 that staff had not addressed her accessibility concerns and the immediate result of the CKHub project (moving three municipal facilities from their current location) moving to the old Sears location, would be library closings in the rural areas and ballooning costs leading to increased taxes.

I have summarized the allegations from the supporting documentation here. This summary is not an exhaustive listing of every example provided by the Complainant:

#### **1) Accessibility Concerns**

“For whatever reason, deputations were removed from that Council meeting and why that is I actually don’t know and at this point I am not interested in politicking over it. It could have just been an oversight....but either way my motion is pretty clear...to put deputations back into that meeting so folks can come to council and give a deputation whether they are for or against the project....You should as a citizen have the right to come to a council meeting and give your feedback in person to elected officials....” (October 3, 2024 Respondent 1 Facebook post)

Respondent 1 had been previously advised by staff that:

Our understanding is Council gave administration direction on the type of public engagement they were wanting for this project which included open houses, stakeholder meetings and a Let's Talk survey. Administration followed that direction. Should Council wish administration to take a different approach now, that will be up to Council as a whole.

There will more opportunities for the public to attend Council meetings during further decision points on this matter.

"Plus with the accessibility concern about the old Sears site, many current users of the library – seniors, those with disability issues, etc. will have a much harder time getting to and around the space. I cannot support taxpayer dollars being used to restrict citizens from their own spaces – especially the Library." (Quote from comments from Respondent 1 to resident October 20, 2024 email)

"There are accessibility concerns both with the property and the facility, which I am bringing a motion on at the meeting on Monday. And it does not provide any benefit to any community outside of Chatham, which is the majority of the population." (Quote from comments from Respondent 1 on social media October 20, 2024)

## 2) Rural Library Service Reductions

"Councillor Alysson Storey reached out to me and expressed concerns over the impact of the ckhub project on future library services in Dresden and other communities in Chatham-Kent. Will the project impact services in my area and other areas in Chatham-Kent? And can we guarantee there will be no closures in the future in Chatham-Kent?" (Quote from comments from an email from [a named individual] on October 21, 2024)

"There has been no mention in any report of reduction in service levels to libraries related to the CK hub project. I have not, and will not support reduction in library services. I will ask this question in open session this evening for a response from staff." (Quote from comments from email response - a Member of Council)

"Thanks for reaching [named individual], I had constituents reach out from [...] who attended a meeting in Dresden who mentioned the same sentiment regarding loss of services in Blenheim and Dresden." (Quote from comments from email from a Member of Council October 21, 2024)

"My primary concern with this new plan is not only will it hurt the library in Chatham, but libraries across Chatham-Kent." (Quote from email comments from Respondent 1 to a resident October 20, 2024)

“As a Library Board member, I don’t feel comfortable cutting libraries or reducing their hours to almost nothing just so we can have a few more square feet.” (Quote from email comments from Respondent 1 to resident October 20, 2024)

“We aren’t getting that proper investment with the old Sears site unfortunately and as it stands right now, it only puts library services across CK at risk.” (Quote from email comments from Respondent 1 to resident October 20, 2024)

### 3) Incorrect financial figures and tax impacts

“There is also a huge risk that our taxes will go up substantially on both our homes and businesses if this goes through, and undoubtedly has cost overruns like almost every construction project we are engaged with now.” (Quote from Snapchat February 2025 comments of Respondent 1)

“The numbers raise a lot of questions I agree – the Civic Centre numbers have already been proven too high and the numbers for the move to Sears are too low.” (Quote from email comments from Respondent 1 to resident October 20, 2024)

“Not to mention no mention of the costs of increased staffing for the old Sears site or additional operating costs. Or any contingency if the project has cost overruns – which almost every single project that has come to our table has had- sometimes as much as 8 times the initial cost.” (Quote from email comments from Respondent 1 to resident October 20, 2024)

“To date, I have not heard any real neutral opinions and very few positive opinions but with such a costly move, unless the feedback was overwhelmingly positive, I would have a difficult time supporting it. When something is going to cost \$60-100M, in this economy and so many in our community struggling, and so many other financial pressures in our Municipality. I can’t in good faith support it.” (Quote from email comments from Respondent 1 to resident October 20, 2024)

“Similar events are happening here in Chatham-Kent. It doesn’t make any sense here either, when private developers’ desire apparently supercede the overwhelming will of citizens.” (Quote from social media comments from Respondent 1 to resident January 24, 2024)

“There are serious concerns about the accessibility of this site and my motion is meant to address that. We cannot use taxpayer money to create more barriers and less access to public services”. (Quote from Snapchat on or around February 2025 comments from Respondent 1)

### 4) Claiming Civic Centre renovations could be cheaper, or phased-in

“I share your concerns about the high estimated costs, and the lack of detailed financial information about the purchase and move to the old Sears building. I believe we should fix what we currently own, which will cost significantly less. With proper

maintenance, like any building, our publicly-owned facilities will last for many more decades to come. These buildings are not at end of life, by any stretch.”(Quote from email comments from Respondent 1 to resident January 6, 2024)

“So you are aware, some proponents of this proposal have stated publicly that the \$60M price tag is not the true cost. They have stated that after selling off our public assets, this proposal will cost the taxpayer much less. This position is based on many unproved assumptions, including assuming what these public assets would sell for. I would ask, if you are presented with this position, to question how they came up with these numbers. I have asked these questions as well, and have yet to receive a response with any concrete information”. (Quote from email comments from Respondent 1 to resident January 6, 2024)

‘As a Councillor, I am not comfortable saddling us with these unnecessary costs.” (Quote from email comments from Respondent 1 to resident January 6, 2024)

“Would you be willing to consider sending your email as a deputation for the January 15<sup>th</sup> Council meeting/ It’s a very straightforward process and will ensure your comments are part of the record. I would also encourage you, if appropriate, to share your concerns with your network of friends, family and neighbours. Every citizen of this community has the right to know how their tax dollars are being spent and this proposal is no exception.” (Quote from email comments from Respondent 1 to resident January 6, 2024)

## 5) Overwhelming Opposition

“To date, I have not heard any real neutral opinions and very few positive opinions but with such a costly move, unless the feedback was overwhelmingly positive, I would have a difficult time supporting it” (Quote from email comments from Respondent 1 to resident October 20, 2024)

“I want to thank everyone – literally thousands of you - who shared your feedback with Council on the old Sears proposal. The feedback we received was overwhelmingly against this proposal but the votes last night did not reflect that. I am deeply sorry. My questions last night of whose needs are we truly serving with this very costly proposal remain” (Quote from social comments from Respondent 1 – general post on page January 15, 2024)

“Third time is a charm I hope tonight... The irony is that last week was the International Day of Persons with Disabilities so this actually lines up well. The main reason I brought this motion forward – the main concerns that underpin why this was brought forward by me with the support of the Accessibility Advisory Committee (AAC) was that there is an estimated 25 thousand people in CK with an identified disability – about 1 in 4 people in our population and that the accessibility legislation as it currently stands in Ontario has not been updated in about 20 years ...that legislation does not cover the vast majority of barriers that people with disabilities face Just wanted to



make sure that this was front and centre as we enter into the next phase of this planning if we do move into the Downtown Hub in the old Sears building. ..We can harken back to a month ago when the AAC ...have all dedicated countless hours to make our community more accessible to all especially when it comes to this project and we had several deputations that night – so we did send a letter to Council supporting the motion that was over a month ago. There was great discussion that night at Council...AAC has provided important feedback and this motion has captured what this Committee would like to see in this next design phase and what they would like to see is listed out in the motion (Item 16(c) December 2024 Council Meeting Motion of Respondent 1- Ensuring Access for all Residents to the Chatham-Kent Community Hub)

Respondent 1 sent an email to staff requesting - a copy of a contract that the municipality recently entered into with an architect for approximately \$2Million dollars to prepare detailed designs for a potential future municipal CKHub building. A public Council Report was prepared by administration with details regarding the scope of work etc.. On the strength of that report, Council provided direction to administration to enter into the contract and in fact, the architect attended Council, delivered a presentation and fielded questions from Councillors regarding their experience with similar projects, proposed approach to the assignment, commitment to accessibility etc. Respondent 1 made the request for the document voted against the resolution and opposes the project (December 2024).

In addition, the Respondent 1 communicated in the February, 2025, Snapchat group post that: "...I have a motion to ensure that if this proposal does go ahead, the old Sears site will be as accessible as possible to ALL of our citizens. There are serious concerns about the accessibility of this site and my motion is meant to address that. We cannot use taxpayer money to create more barriers and less access to public services."

### *The Applicable Provisions from the New Code of Conduct*

Most of the allegations (and the supporting documents) contained in Complaint 2 are in relation to conduct prior to December 16, 2024 when the new Code of Conduct was enacted. Only a few comments alleged to have contravened the Code were after December 16, 2024. However, the Complainant clearly sets out in Complaint 2 that the supporting documentation was meant to be examples of conduct that ran afoul of the Code and not the entirety of the conduct alleged to have contravened the Code. While an Integrity Commissioner may review any and all documents available to her in the investigation of the Complaint, the principles of procedural fairness require the Respondent to know the case against them.

As a result, I have reviewed the relevant provisions of the 2019 Code and the New Code (applicable post-December 16, 2024). The relevant provisions of the 2019 Code are the same as those relating to Complaint 1 and are set out above, except that the 2024 Code contains a new provision – Tradition Media and Social Media Communications – Rule 14, which was not a provision of the 2019 Code.

During the intake preliminary classification of the Complaint 2, I determined that the following Rules from the New Code were relevant but the new Code provisions of Rule 13 could not be applied to allegations of conduct that occurred prior to December 2024. In addition the 2019 Code set out the provisions regarding Conduct Respecting Staff under Rule 14 whereas the 2019 Code set out these obligations under Rule 15. The provisions of Rules 10 and 15 (previously Rule 14) remained the same in the new Code. I set out the relevant provisions of the 2024 Code below.:

### Rule 13: Conduct at Council and Committee Meetings

13.1 During Council meetings, members shall show respect and conduct themselves with decorum and mutual respect at all times during presentations by staff, public and fellow members.

13.2 Decorum will include, showing respect for deputations and for fellow members and staff, showing courtesy, respect and not distracting from the business of Council during presentations and when other members have the floor to speak.

13.3 Members must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect.

13.4 Members may not make statements known to be false or make a statement with the intent to mislead Council or the public;

### Rule 14: Traditional Media and Social Media Communications

14.1 Members shall respect that the Mayor is the official spokesperson for Council and all positions of same for both traditional and social media communications, unless otherwise provided for (as per the stipulations of the Acting Chair by-law or other informal arrangement made from time to time).

14.2 Members will accurately communicate the decisions of Council even if they disagree with the decision, so that there is respect for and integrity in the decision-making processes of Council.

14.3 Members may state that they did not support or voted against a decision of Council but should refrain from making disparaging comments about other Members and the process whereby the decision was undertaken.

14.4 Aspects of this Code applying to communications with the traditional media and public shall also apply to communications using social media. Members shall express themselves on social media respectfully, in an open, transparent and

publicly accountable manner and in accordance with the principles set out in the Code.

14.5 Members shall be mindful that social media use does not excuse them from their obligations under this Code, regardless of if a disclaimer is posted that views expressed therein are only personal opinions and not those of Chatham-Kent..

[...]

14.8 Members shall consider their public obligations to engage in dialogue with those who may disagree with them; however, Members are not obligated to accept abuse, bullying, harassment, trolling, threatening behaviour or conduct that violates the law by anyone on social media (including fellow Members). When facing abuse on social media, Members should seek guidance from staff and the Integrity Commissioner, report to the social media platform, or, in extreme cases, advise appropriate legal authorities about, individuals who are engaging in any of the behaviour noted above. The Integrity Commissioner may be relied upon for advice in these instances prior to any such action being taken Members must be careful not to block the public from having access to the social media accounts they use to perform their duties of office, simply because those users express criticism of the Member's Conduct or disagree with their stated positions.

Commentary: The content of any Member's communications, regardless of method of communication, shall be accurate, honest and respectful of other persons, including other Members, Staff and the public.

### **3. Investigation Process**

I received Complaint 1 on January 2, 2025. In accordance with Rule 22 of the Code entitled the Code Protocol, I conducted a review of the complaint to determine if it was frivolous, vexatious, not made in good faith or if there were insufficient grounds for an investigation. After having conducted a preliminary review, I made the decision to commence an investigation. On January 13, 2025, my Office formally acknowledged receipt of the Complaint 1 and initiated an investigation in accordance with the Council-approved Complaint Protocol.

In accordance with section 22.5(e) of the Code<sup>1</sup>,

---

<sup>1</sup> The Conduct complained of occurred in October 2024. In November 2024, the Code was amended. The Complaint was received in January 2025 after the amendments to the Code. Accordingly, the references to the procedure are those of the now-in-force Code of Conduct including the protocol. The references to the Code provisions allegedly breached are those from the 2019 Code which was in effect at the time of the alleged misconduct.

e) Investigation i. If the Integrity Commissioner has decided to commence an investigation, the Integrity Commissioner shall:

a. provide the Member with an outline of the complaint within ten (10) days with careful thoroughness of detail to allow the Member to understand the complaint against him or her, but the Integrity Commissioner shall not have any obligation to disclose:

- the identity of the Complainant, or
- the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner, unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolutely discretion;

As Integrity Commissioner, I conducted a preliminary review to determine if the allegations presented grounds to commence an investigation. I found that there were sufficient grounds to investigate.

This investigation was very detailed and required the review by this Office of a large number of emails, videos of council meetings, social media posts, staff reports and presentations.

The steps undertaken during this investigation specific to Respondent 1 were as follows:

- Respondent 1 was formally notified and provided with a summary of the allegations and supporting documentation on January 13<sup>th</sup> and was invited to provide a written response within ten (10) business days.
- On January 18<sup>th</sup>, Respondent 1 responded to the Notice of Complaint requesting clarification on the allegations and a time extension until January 27<sup>th</sup>. I provided clarification to Respondent 1 on January 18<sup>th</sup> and I granted a time extension to January 27<sup>th</sup>. On January 27<sup>th</sup>, Respondent 1 provided a written response to the Complaint. She advised that she would be away Feb 2-13 and would then be attending meeting in Washington, D.C. attending meetings in her role representing Chatham-Kent on the Board of Directors of the Federation of Canadian Municipalities. Respondent 1 advised that she wanted to provide additional details regarding the clarifying information listed in my clarification letter. Respondent 1 requested a further time extension until March 7 to provide her supplementary reply to the Complaint. On March 7<sup>th</sup>, Respondent 1 submitted her supplementary reply to the Complaint.

The steps undertaken during this investigation specific to Respondent 2 were as follows:

- Respondent 2 was formally notified and provided with a summary of the allegations and supporting documentation on January 17<sup>th</sup> and was invited to provide a written response within ten (10) business days.

- On January 31<sup>st</sup>, Respondent 2 responded to the Notice of Complaint and stated that she needed clarification on some of the allegations.
- On February 28<sup>th</sup>, I conducted a telephone interview with Respondent 2 at which time I provided oral clarification to the Complaint allegations and received supplementary comments from Respondent 2.
- On April 30, I advised Respondent 2 that I had consolidated two complaints and confirmed that my decision to consolidate the two complaints in one investigation would not affect them.

In respect of Complaint 2, I took the following steps:

- Respondent 1 was formally notified of Complaint 2 on April 24, in which she had been named as the respondent. I provide Respondent 1 with a four-page Summary of Allegations of Misinformation (Appendix A1 pages 1-4). As a follow-up to this Notice, I forwarded to Respondent 1 by courier a Memory Drive which contained several large files included in the Complaint package. (USP device - Zipfiles).
- After providing Respondent 1 with Notice of Complaint 2, she wrote to me and sought clarification of Complaint 2. I communicated about the overlap with Complaint 1 as well as the new conduct at issue in Complaint 2 (which was wider in scope.)
- Between May 13 and 28, I exchanged several emails with Respondent 1 about the volume of materials provided in support of Complaint 2, including addressing her concerns that someone had been following her around for close to a year and a half and taking such a close interest in her comments for 17 months. She expressed concerns that the complaint process was an attempt to silence her in respect of the Civic Centre matters. I granted multiple extensions of the time to respond to the allegations and provided information on the Code requirement that I evaluate whether the complaint was frivolous, vexatious, or not made in good faith, my discretion to refuse to continue an investigation in certain circumstances, and the confidentiality obligations within the Code.
- On May 30, I received Respondent 1's response to Complaint 2.

In relation to both Complaint 1 and Complaint 2, I took the following steps:

- I interviewed individuals who were in attendance at the October 20, 2024 Dresden Town Hall, reviewed emails between the Respondents and members of the public and reviewed video recordings of the October 21, 2024 Council meeting.
- I reviewed Council reports and resolutions related to the CKhub project, including the resolution passed on October 30, 2023, rejecting various Civic Centre redevelopment options.
- I interviewed senior municipal staff to confirm timelines, consultation records, and the public record concerning the CKhub project.

Section 22.5 of the Code of Conduct for Members of Council (the “Code”) states under subsection (e)(iii):

The Integrity Commissioner will complete a report and report on any investigation normally within ninety (90) days of having received the Complaint.

As I made the decision to consolidate the investigation report of the two Complaints, and determined that I would not meet the ideal 90-day timeline to report on Complaint 1, I advised the parties and the Clerk on the reasons for the delay, in accordance with the Code.

### *Respondent 1’s Objections to the Complaints - Preliminary Issues*

Some of the evidence provided related to conduct more than one year prior to the filing of the complaint was filed. Section 22.1 of the 2024 Code sets out a limitation of one year for bringing a complaint after the alleged violation occurred. The 2019 Code sets no limitation period. In particular, there are several allegations about conduct on January 6 and January 15, 2024. I have considered this conduct only in respect of allegations of harassment which require any inquiry into the alleged pattern of conduct which continued into fall 2024. I have not reviewed the January 2024 conduct as an independent breach of any Codes Rules.

In her reply, Respondent 1 stated that she was advocating on behalf of constituents who have brought these concerns to her attention and that the Complaint was brought forward because the Complainant disagreed with her and the constituents who were against the CKHub generally and the move to the old Sears location. Respondent 1’s statement was grounded in her belief that the Complaint was “baseless and vexatious” and “an abuse of the integrity complaint process”.

It is sometimes the case that, on a preliminary review, the Integrity Commissioner is unable to form the opinion that a Complaint is frivolous, vexatious or not made in good faith or that there are no or insufficient grounds for an investigation. Often such a determination cannot be made until after an investigation has commenced and the Integrity Commissioner has heard from both parties.<sup>2</sup> As a result, I considered and re-evaluated throughout the investigation whether the Complaints were frivolous, vexatious, or not made in good faith.

Respondent 1 stated that the Complaints form a pattern of vexatious actions to silence her seeking information which demonstrates “bad faith”. ‘Bad faith’ in general connotes the conscious doing of a wrong. In a decision of the Information and Privacy Commissioner, the Commissioner accepted that bad faith is:<sup>3</sup>

The opposite of “good faith”, generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfil

---

<sup>3</sup> *Town of Ajax (Re)*, 2015 CanLII 2437 (ON IPC) at para. 18.

some duty or other contractual obligation, not prompted by an honest mistake as to one's rights, but by some interested or sinister motive. ... "bad faith" is not simply bad judgement (sic) or negligence, but rather it implies the conscious doing of a wrong because of dishonest purpose or moral obliquity; it is different from the negative idea of negligence in that it contemplates a state of mind affirmatively operating with furtive design or ill will.

So long as a complaint is properly addressed to matters within the Code, as it has in the Complaint before me, in my view merely having a collateral purpose for making a complaint does not by itself mean the complaint is made in 'bad faith.'. A valid complaint that addresses Conduct caught by the Code will generally not be in bad faith, in the absence of actual or constructive fraud, design to mislead or deceive, or a dishonest purpose. I find no wrongdoing motivating the Complaints. I do not find that the Complaints were filed as a reprisal against Respondent 1. I found no evidence that the Complaint were brought to harm or silence Respondent 1, although I recognize that the issues at the core of the Council discussions were divisive and responding to allegations of a Code Complaint, is time consuming.

On July 3, 2025, I provided the Respondents with my draft findings and granted them an opportunity to correct any errors or omissions of fact prior to finalization of this report. This is not an opportunity to raise new submissions or submit objections to the findings. This is simply an opportunity for the Respondents to provide comments on errors or omissions of fact and to provide their statement with respect to the draft findings, which as Integrity Commissioner, I will consider in my final report.

Respondent 1 requested an extension which I granted. On July 26 2025, I received comments from Respondent 1. Respondent 1 complained about having inadequate time to review; however, I had granted the Respondent 21 days to provide comments on my draft findings. The time provided was well-beyond the typical 5 days provided to a respondent.

Respondent 2 did not provide comments on the draft report.

#### **4. Factual Background- Chatham-Kent Community Hub (CKHub)**

To understand the Complaints, it is necessary to review the background of the ongoing consideration about where to locate certain municipal services. For several years, the municipality has been considering whether to relocate the Civic Centre and other municipal services.

A more detailed review of those discussions is set out in Appendix B.

In February 2024, the Municipality of Chatham-Kent (“CK”) created a Stakeholder Engagement Group (“SEG”) with the mandate to provide a forum for feedback to municipal staff, consultants, and Council at key points while developing the Chatham-Kent Community Hub (“CKHub”). Municipal staff planned up to 3 meetings with the SEG during the Detailed Concept Design Phase over 5 months. These meetings were to be planned as workshops, interview, or working sessions with all or some members of the SEG based on the topic at hand.

The SEG was composed of a member of the CK Public Library Board, CK Museums Advisory Committee, CK Accessibility Advisory Committee, CK Gallery Advisory Committee and Representatives of the Municipal Administration.

The SEG acts in an advisory capacity providing feedback to municipal staff assigned to the project and Municipal Council and is not responsible for the decisions made about the project.<sup>4</sup>

In October 2023, CK Council authorized staff to proceed with the further exploration of the option to purchase a portion of the Downtown Chatham Centre and relocate (Option 5). The high cost estimate was \$53M. The other remaining option was Option 2 - Renovate the Existing Civic Centre. The staff report set out a high cost estimate of \$37M (not including Fire Station #1).<sup>5</sup>

*a. January and March 2024*

The Complaint sets out Respondent 1’s comments from a January 6, 2024 email to a resident:

I share your concerns about the high estimated cost, and the lack of detailed financial information about the purchase and move to the old Sears building. I believe we should fix what we currently own, which will cost significantly less. With proper maintenance, like any building, our publicly-owned facilities will last for many more decades to come. These buildings are not at end of life, by any stretch.

That is why I voted against the Budget and tax increases last month. It’s why I continue to ask for more transparency and accountability on this proposal. And it’s why I am presenting a motion at the next Council meeting on January 15<sup>th</sup> to address the concerns of the thousands of Chatham-Kent residents who I have spoken with directly or who have shared their feedback online, who do not support this unnecessary expenditure, especially during such uncertain economic times. My motion also includes the questions related to accessibility and parking as you mentioned. There are far too many questions and too few answers with it comes to this proposal.

---

<sup>4</sup> CK Community Hub Presentation, Stakeholder Engagement Group Meeting 2

<sup>5</sup> Staff Report dated October 2, 2023 <https://pub-chatham-kent.escribemeetings.com/filestream.ashx?DocumentId=12079>



So you are aware, some proponents of this proposal have stated publicly that the \$60M price tag is not the true cost. They have stated that after selling off our public assets, this proposal will cost the taxpayer much less. This position is based on many unproven assumptions, including assuming what these public assets would sell for. I would ask, if you are presented with this position, to question how they came up with these numbers. I have asked these questions as well, and have yet to receive a response with any concrete information.

Also – so you are aware (I have also seen some confusion about this in the public): the current proposal as it stands today (it has changed multiple times) is that the private developers have asked the Municipality to purchase the old Sears building only. Which makes this proposal even less financially sound in my mind. The rest of the downtown mall will remain in the private developer's hands. [...]

[Resident's name], I believe this is one of the most expensive proposals to ever come to Council (so far, the most this term – and perhaps in many years previous). By that measure, this is one of the most important decisions Council will be making during this Council term. As it stands right now we could be paying for this for generations to come. As a Councillor, I am not comfortable saddling us with these unnecessary costs.

That's why hearing what you have to say is so important. Would you be willing to consider sending your email as a deputation for the January 15<sup>th</sup> Council meeting? It's a very straightforward process and will ensure your comments are part of the record. I would also encourage you, if appropriate, to share your concerns with your network of friends, family and neighbours. Every citizen of this community has the right to know how their tax dollars are being spent and his proposal is no exception.

On January 15, 2024, there was further discussion at council. The following are excerpts from the January 2, 2024 Staff Report:

### **Recommendations**

It is recommended that:

1. Administration be authorized to proceed with completing the Detailed Concept Design Phase for the Chatham-Kent Community Hub which consists of a combined Civic Centre, Library and Museum at the former Sears building.
2. The contract amendment in the amount of \$166,098.97 (including HST) for Project Management and Development Services of the Chatham-Kent Community Hub, be approved to Nustadia Recreation Inc. and funded from the Building Lifecycle Reserve.

3. Council authorize Administration to hire a contracted Project Manager – Facilities for a period of three years in order to support the design and construction of the Chatham-Kent Community Hub, in the amount of \$396,000, and be funded from the Building Lifecycle Reserve.

### **Background**

On June 28, 2021, Council directed Administration “to prepare a report regarding options for relocation or redevelopment of municipal assets including, but not limited to, the Civic Centre as part of the plans to redevelop the Downtown Chatham Centre property”. Shortly afterwards, Administration issued a survey on behalf of 100 King Street CK Holdings Inc soliciting ideas from the public as to how the DCC site could be redeveloped.

On June 13, 2022, Administration brought a report to Council regarding 100 King Street CK Holdings Inc “Imagine Chatham-Kent” proposal. The Imagine Chatham-Kent proposal has been revised several times based on discussions with 100 King Street CK Holdings Inc and the Municipality’s investigations into whether purchasing part of the DCC property would be feasible, as described in the August 14, 2023, report to Council.

On October 3, 2022, Council approved the consulting award for Nustadia Recreation Inc for Project Management and Development Services to lead further public consultation, feasibility and business case assessment, and engineering and financial review for the proposed Imagine Chatham-Kent project at the Downtown Chatham Centre.

On October 30, 2023, Council approved the following recommendations in evaluating the public consultation conducted for the Imagine Chatham-Kent proposal:

“That:

1. Administration does not proceed any further with the following options:
  - a. Option 1, Do Nothing/Address Requirements on an As-needed Basis.
  - b. Option 3, Renovate the Existing Civic Centre/Library Expansion/Cultural Centre
  - c. Option 4, Build a New Civic Centre at a New Location
2. Administration report back, as soon as possible, with an action plan and funding source to address the various Life Safety concerns identified in the Building Condition Assessment report for the Civic Centre.
4. Should Council wish to expand the existing level of service by expanding the library and further enhance the Municipality’s cultural assets, then proceed with the further exploration of Option 5, Purchase a Portion of Downtown Chatham Centre and Relocate, subject to the following conditions:

- a. The terms include a mandatory buy-back provision of the property at the same negotiated sale price by the Investor Group should the Municipality decide not to proceed with a redevelopment for municipal purposes within 18 months from the time of a final transaction; and
- b. The Investor group guarantee to provide a set amount of parking spaces required for municipal needs at commercially reasonable rates, satisfactory to the Municipality.

5. That the library be granted 35000 square feet in the new facility and the Curator and Chief Librarian be included in the planning phase.”

Subject to Council approval of the report “Purchase of Part of the Downtown Chatham Centre Property from 100 King Street Holdings Inc.” on this agenda, the purpose of this report is to provide an overview of the next steps related to the development of the property.

### **Comments**

The development of an integrated Civic Centre at the former Sears building would include a consolidation of the existing Chatham Library, relocation of the Museum portion of the Cultural Centre, and the Civic Centre.

The following is a summary of the current square footage of each facility for reference:

- Civic Centre – 43,500 square feet. (Administration space, atrium, Council Chambers. Fire Station #1 is an additional 11,500 square feet and there is 5,900 square feet. of storage space in the basement, which is below the regulated flood elevation)
- Chatham Library – 22,960 square feet (*35000 sq. ft in the new facility*)
- Cultural Centre – 18,980 square feet (not including the Kiwanis Theatre)

### **Total – 85,500 square feet**

In terms of available space, the former Sears building currently has approximately 100,000 sq.ft. of space between the two floors. It is not anticipated that 43,500 square feet will be required for administrative purposes as currently exists at the Civic Centre, considering modern office design aspects and other considerations such as hybrid work options. Therefore, there would be ample space to accommodate 35,000 square feet for the new Library as directed by Council.

It is acknowledged that there is not sufficient space to accommodate all the cultural centre aspects, but there would be ample space to consider a new modern museum to alleviate the existing space constraints at the cultural centre. There would also be opportunities to consider shared flex-space options and there is also the potential to add additional space to front of the building along King Street.

## **Due Diligence**

Further to the direction provided on October 30, 2023, Administration has undertaken additional preliminary work including:

Capital Construction Budget Contributory Value – Hanscomb Quantity Surveyors was retained to develop a revised Class “D” for Contributory Value Assessment which determined an estimated savings of \$11,738,340 when utilizing the existing Sears structure.

Condition Assessment of Existing Structure – WSP Canada was retained to review the building structure and building envelope (walls and roofs), reporting on their current condition, and providing recommendations for renewing or repairing these components, noting no evidence of notable structural concerns that could impact the reported renovation plans. In their opinion, assuming normal maintenance of building systems and appropriate engagement of design professionals as part of renovations, the structure of the building can last an additional 50 plus years.

The next step is to undertake design to produce architectural concept drawings and develop procurement specifications to complete indicative design related materials and products that coincide with concept drawings.

The Detailed Concept Design phase will include floor plans, furniture plans, 3D concept drawings, design briefs for the mechanical, electrical, plumbing and specifications. An updated costing (Class C estimate) for the new concept would also be provided.

Nustadia has retained the services of a proposed sub consultant, Architecttura Inc. Architects, located in Windsor. The firm provides an integrated team of architects, interior designers, civil/structural/mechanical/electrical engineers to complete the concept drawings.

Architecttura has completed various projects including city halls, libraries, museums, and office buildings including the City of Windsor City Hall, Budimir Public Library, Optimist Public Library, Windsor Public Library Main Branch expansion, Leamington Arts Centre, St. Clair College Applied Health Science Centre, Chatham-Kent Secondary School, The HUB – Blenheim and St. Clair College – Chatham Campus. Further information regarding Architecttura can be found on their website (<https://www.architecttura-inc.com/>).

The timeline for the Detailed Concept Design phase is approximately 5 months.

As part of this phase, a Stakeholder Engagement exercise will be undertaken to better define a Functional Space Program (FSP). The architecture firm along with Library / Museum consultants would collaborate with the Chief Librarian and Curator to define the key objectives and priorities that would go into the development of the concept design.

The concept design would be presented to the Library Board for input. A public information centre would be held to provide the arts, culture and library community and the general public an opportunity to provide valuable input on proposed concept design.

At the January 15, 2024 meeting, Council accepted Staff's recommendations set out at the outset of the report.

At the same meeting, Respondent 1 brought forward a motion dated December 11, 2023 seeking the following:

Be it resolved that before any tenders are prepared, Administration prepare a report to council in open session including the following financial and site information:

- full operating and capital costs of the old Sears site, including construction costs;
- all municipal funding sources required to pay for either option - moving to the old Sears site or fixing what we already own; and
- all tax impacts to residents.

Before final approval of the purchase of the old Sears building, a full building condition report be included in the Report to Council. This condition report should have at least equal amount of detail and costing as the existing reports on the Civic Centre, Library and Chatham-Kent Museum.

If the Municipality moves ahead with purchasing the old Sears building a steering committee is established to provide feedback and input, including staff from relevant departments and relevant stakeholders.

If the Municipality moves ahead with purchasing the old Sears building, what control over its use the existing owner would retain in the purchase and sale agreement is made clear.

If the Municipality moves ahead with purchasing the old Sears building, agreements related to parking will be clear and whether municipal staff, library and museum users, volunteers and visitors to City Hall have to pay for parking to use these facilities.

Regular updates in open session of Council on costs incurred, including approximate cost of staff time.

Administration prepare a full accounting of potential impacts of this proposal on the operations of taxpayer-owned buildings in communities outside of Chatham.

Any costs related to the items listed above come out of the \$2Million fund approved by the previous Council.

During the Council meeting, Respondent 1 withdrew her motion.

In March 2024, Council approved a motion to have all municipal funding sources required to pay for the proposal for the old Sears building options presented to Council in advance of the report where voting on next steps will occur.

*b. The CK Staff Report, posted on October 3, 2024*

There was a staff report distributed to members of council on October 3, 2024 and links to related materials, were added to the Let's Talk page of the Chatham Kent public website on October 7, two weeks prior to the October 21 Council meeting to consider approving a detailed design plan for use in the construction procurement process. In fall 2024, several community Town Hall meetings were held by community groups – not the municipality - to hear public comments. Councillors were often invited to those meetings which were not typically attended by staff.

The staff report made the following recommendations:

Administration be authorized to proceed with the Detailed Design phase for the Chatham-Kent Community Hub based on the Detailed Concept Design development and return to Council for approval prior to proceeding with the construction procurement process.

The completion of the detailed design for the Chatham-Kent Community Hub project inclusive of the Park Avenue Business Centre alterations be awarded to Architecturra Inc. in the amount of \$2,177,683.46 (including HST), funded from the Buildings Lifecycle Reserve.

As part of the Background of the Staff Report, staff set out that:

On January 15, 2024, Council directed administration to proceed with the Detailed Concept Design phase for the Chatham-Kent Community Hub, consisting of a combined Civic Centre, Library, and Museum at the former Sears building (100 King Street, Chatham). This was to include the development of architectural concept drawings, floor plans, 3D models, and an updated cost estimate. Council also authorized staff to execute an agreement to purchase the property with negotiated terms including a buyback provision such that the Municipality can trigger the re-purchase of the property at the same purchase price within 18-24 months, should the Municipality decide not to proceed with redevelopment of the property. This provision suggests that there is an “opt out” if the municipality changes its mind. This suggests that the interim decision is subject to change and that the municipality can back out for any reason. In February 2024, staff brought an information report to Council which detailed the stakeholder engagement process for the Detailed Concept Design phase of the project.

This report included the formation of a Stakeholder Engagement Group (SEG) with members from the following groups.

- Chatham-Kent Public Library Board
- Municipal Museums Advisory Committee
- Chatham-Kent Accessibility Advisory Committee

- Representatives of Municipal Management
- Gallery Advisory Committee (included through Council motion)

This report also identified that a public information centre would be held to provide the public an opportunity to provide input on the proposed draft concept design. In March 2024, Council approved a motion to have all municipal funding sources required to pay for the proposal for the old Sears building options presented to Council in advance of the report where voting on next steps will occur. This report is being provided two weeks in advance of the meeting date where it will be considered by Council.

Staff have developed the Detailed Concept Design for the Chatham-Kent Community Hub, centered on revitalizing the former Sears building at 100 King Street. The current facilities, including the Civic Centre, Chatham Library branch, and shared museum areas, utilize 78,160 square feet of space. While this layout has served as a base for municipal services, it limits flexibility, lacks modern amenities, and restricts the capacity to accommodate future growth. The existing buildings do not fully support evolving community needs or provide adequate space for shared programming and multifunctional uses. **The proposed redesign aims to address these challenges by optimizing space utilization, enhancing accessibility, and creating adaptable spaces that better serve both municipal operations and public engagement.**

[...]

**The design prioritizes universal accessibility, adhering to principles that guarantee barrier-free entrances, hallways, and facilities. Features such as assistive technology, braille signage, and adaptable meeting spaces ensure that the Chatham-Kent Community Hub meets current accessibility standards with best practices and remains inclusive for future needs.**

Adaptability and future growth are central to the Chatham-Kent Community Hub's design. Flexible meeting spaces will cater to a variety of events, from small gatherings to large community functions. The integration of technology and the building's sustainable features will ensure it remains functional and relevant for years to come.

Detailed floor plans and design briefs are included in Appendices A and B accordingly. The project Let's Talk page also includes a video walkthrough of the proposed Concept Design.

[...]

Feedback has emphasized the importance of universal design principles to accommodate individuals with diverse needs. The Concept Design meets and exceeds these requirements by incorporating features such as barrier-free entrances, accessible restrooms, and adaptable spaces. Additionally, advanced assistive technologies and clear signage with braille and large-print options have

been included in the proposed Concept to enhance accessibility for all individuals.

{...}

The Chatham-Kent Community Hub will consolidate the Chatham Library, Civic Centre, and Museum, which are currently operated in separate buildings. This consolidation aims to streamline operations, reduce redundancy, and improve resource management. While the expanded space will lead to increased annual operational costs, the design incorporates energy-efficient systems and sustainable materials to help mitigate long term expenses.

[...]

Further information on the Chatham-Kent Community Hub initiative will continue to be communicated through a variety of channels, including social media, the Let's Talk CK website, the municipal subscription service as well as posting on the municipal website.

Diversity, Equity, Inclusion and Justice (DEIJ)

The development of the Chatham-Kent Community Hub, encompassing the Civic Centre, Library, and Museum, is designed with a strong commitment to diversity, equity, inclusion, and justice. **This project aims to provide equitable access to all municipal services, ensuring that every resident, regardless of background, has the opportunity to fully participate in community life. The design and construction of the Chatham-Kent Community Hub will prioritize inclusivity, incorporating advanced accessibility features that not only meet but exceed current Accessibility for Ontarians with Disabilities Act (AODA) standards.** This commitment ensures that the Chatham-Kent Community Hub will be a welcoming and accessible space for everyone, promoting social equity and reinforcing the Municipality's dedication to fostering a just and inclusive community for all. [emphasis added]

The Background Section of the Report and Appendix E, speak to the consultation with the Accessibility Committee, while Page 4 of the Report outlines Accessibility Features, Page 8 of the Report speaks to further consultation with committees and the Consultation section speaks to having addressed the Engagement Groups' feedback.

*c. October 7, 2024 Council Meeting*

At the October 7, 2024 Council meeting, there was a discussion about budget reduction options. At the time, the Mayor had not yet presented the budget, which was scheduled to occur on November 13. Another member moved to have the Mayor consider approval of a 7.5% departmental budget annual decrease. There was a more general discussion about ensuring that there will be a lower tax increase. The motion noted that the 2025 Budget Update had been finalized by Administration and would be delivered on



November 13. The Mayor stated that there will be no closures of services as a result of the CKHub project.<sup>6</sup>

Respondent 1 moved a motion, seconded by Respondent 2, to ensure in-person deputations were permitted at the October 21 Council meeting as well as all open session Council meetings in relation to the former Sears building proposal.

Respondent 1 presented a notice of motion regarding ensuring access for all residents to the proposed CK Hub as well as a referendum on the CK Hub. Both motions were to be added to the October 21 Council agenda for discussion and voting.

#### *d. Community Organized Dresden Meeting*

On October 20, 2024, there was a community-organized Dresden Meeting. This was not an official municipal event, and municipal staff was not invited to provide information about the CKHub project. At the October 21 Council meeting, the CAO confirmed that the Municipality had not been invited.

The Dresden Meeting was promoted through a flyer which stated:

Town Hall Meeting – Bring Your Questions – All welcome  
Sunday October 20 7pm Old Czech Hall, 116 John St. E, Dresden  
Topic of Discussion Downtown Chatham Hub Proposal: current  
Estimated cost \$53-57 Million – will this help or hurt our communities?

The stated purpose of the meeting was to discuss the project, its costs and whether the project will help or hurt the communities. During this investigation, it became clear that individuals in attendance at the meeting were left with the impression that the outcome was to discredit the vote that occurred in a previous Council meeting in January 2024 at which Council agreed to move ahead with design studies.

I have received no evidence that this Dresden meeting was organized by either of the Respondents. As a result, I dismiss that portion of Complaint 1. Three Members attended the meeting: the two Respondents and Councillor Wright. At the October 21<sup>st</sup> Council meeting, a Member of Council who had not been invited or attended the Dresden Meeting, stated that, like staff, he and other Members of Council (save the two Respondents and Councillor Wright) had not been invited to attend.

#### *Respondent 1*

At the Dresden Meeting, Respondent 1 stated words to the effect of “the continued harassment by (a named individual) - this seems like a deliberate attempt to silence me and the fact is I have been a victim of gender-based violence by him for almost one full year now.” Respondent 1 admits that she made statements about the named individual who she alleged was harassing her. In her response to this complaint, Respondent 1 stated that she only discussed this issue because she was asked by the attendees.

---

<sup>6</sup> October 7 Meeting at 2:

Respondent 1 stated that she was only answering their questions. I spoke to several witnesses who attended the Dresden Meeting. None of them could confirm or refute that Respondent 1 was asked about the named individual, other than to confirm that, in the course of the meeting, those in attendance spoke about the fact that the named individual was donating money to Chatham Kent. Respondent 1 then spoke about the alleged harassment.

In the same meeting, Respondent 1 stated that she had not received answers from staff about the reduction in library and other community services. She further stated that she would ask the question of staff at the next day's Council meeting. In her response to the complaint, Respondent 1 advised that she was answering questions.

When questions were posed by the residents in attendance about the high costs of the project, Respondent 1 responded that she would be asking staff about the cost of the project at the Council meeting scheduled for the next day, because she believed that if the municipality refurbished the current location versus moving the Town Centre to the old Sears location, it would likely be considerably less expensive. Respondent 1 told the attendees that they should let their voices be heard at Council and Committee meetings to let Council know their opposition and cause Council to answer the questions that have not been answered that a) services would be reduced or closed, b) costs would be considerably higher than stated, and staff had not answered the question from where the money to pay the ballooning costs would come. Finally, Respondent 1 told the attendees that as a Member of the Accessibility Advisory Committee, she did not believe that the project was addressing accessibility needs of the community and she would also be asking staff to answer this question at the Council meeting the next day. Respondent 1 advised that she told the attendees that as a Member of the Accessibility Advisory Committee and the Library Board, she knew what questions these groups had concerns about and that there was nothing in the staff reports that addressed the accessibility concerns that she and the Committees she was on, had raised.

#### Respondent 2

Respondent 2 expressed that she believed that especially rural residents' voices had not been heard regarding their opposition to the Community Hub Project, and they had not been given the full details of the Community Hub Project.

In response to the allegations, Respondent 2 stated that she "made it crystal clear" during the Dresden Meeting that she was not attending representing the municipality, all of Chatham Kent Council or Administration and that she could only answer questions using public information.

Respondent 2 said that Council has not made a final decision on the Community Hub Project, so no final direction had been given to staff. When asked, Respondent 2 advises that she told attendees that constituents still had the ability to oppose the project at each stage as it sits before Council for voting, and that as a Councillor, she still has the right to oppose the project at each stage. She stated that as a Councillor

she also has the right to bring Constituents' questions and concerns forward to Council and that she would be doing so.

Witnesses who attended the Dresden Meeting confirmed that Respondent 2 did not say that libraries would close, although attendees took from the discussion that it was a real possibility.

In response to the allegations, Respondent 2 denied that she stated that rural services, libraries or fire stations were at risk of closing. Respondent 2 referenced a report issued by administration after a Resolution from Council on October 7<sup>th</sup>, asking for potential ways to implement a 7.5% departmental, budget, tax reduction. Respondent 2 advised that the report from Administration was on the budget and at Council a Councillor Motion was tabled to find further cuts. At the October 7<sup>th</sup> meeting, the motion requested staff seek reductions in various ways, including reduction in departmental budgets. Respondent 2 advised that because of the concerns of her constituents raised at the October 20<sup>th</sup> meeting and after many had shared their concerns with her about Council's decision on how to find a 7.5% tax savings, she wanted to bring clarification at the October 21<sup>st</sup> Council meeting and advised that closing municipal service centres, libraries and fire stations was not being considered. Respondent 2 advises that she asked the question at the October 21, 2024 Council meeting, and she was pleased that the CAO "put this concern to rest with his response". At the Dresden meeting questions were answered by each Member who attended and some were answered by all three of the Members.

The Respondent 2 was asked by an attendee where her Co-Ward Councillor was since Dresden is also her ward. Consistent with her communications with her Co-Ward Councillor Respondent 2 stated that her Co-Ward Councillor had just flown in from travelling and that she didn't feel she would be up to attending the event. When Respondent 2 was asked how her Co-Ward Councillor had voted on the CKHub to date, Respondent 2 indicated that her Co-Ward Councillor had voted in support of the move to the old Sears building and that Council Members' voting is public information that anyone could search and find. Respondent 2 was asked why her Co-Ward Councillor was voting in favour of the CKHub. Respondent 2 advised that it was not a question for her to answer and then stated:

"but I don't, [know] as we don't personally speak on most items before Council. I am not expected to speak with, or agree with all Councillors, at all times, on all matters before Council".

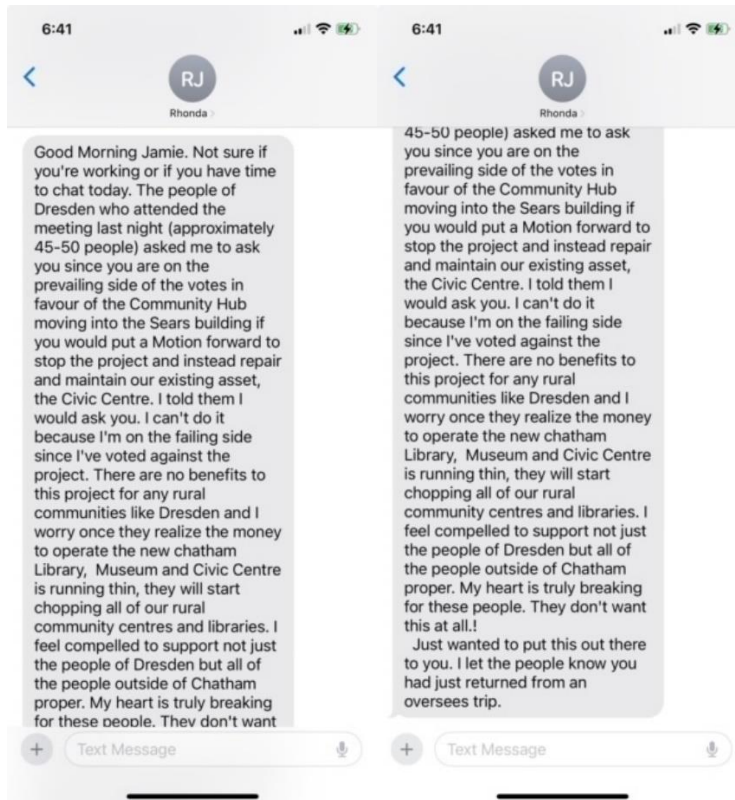
#### *e. October 20 and 21 Emails and Text Exchanges*

The Complainant alleges that after the Dresden Meeting, Respondent 1 contacted several residents expressing her belief that the CKHub project will negatively impact library services in Dresden causing future closures of library services.

On the day of the Council meeting, one of those residents who received Respondent 1's email sent an email to all Council stating:

Councillor Alysson Storey reached out to me and expressed concerns over the impact of the CKhub project on future library services in Dresden and other communities in Chatham-Kent.

On Monday October 21<sup>st</sup> in the morning, Respondent 2 sent a text message to the other Co-Ward 4 Councillor:



In part, the text message reads:

The people of Dresden who attended the meeting last night (approximately 45-50 people) asked me to ask you since you are on the prevailing side of the votes in favour of the Community Hub moving into the Sears building if you would put a Motion forward to stop the project and instead repair and maintain our existing asset, the Civic Centre. I told them I would ask you. I can't do it because I'm on the failing side since I've voted against the project. There are no benefits to this project for any rural communities like Dresden and I worry once they realize the money to operate the new Chatham Library, Museum and Civic Centre is running thin, they will start chopping all of our rural community centres and libraries.

There was some dispute over whether Respondent 2 volunteered to reach out to her Ward 4 Co-Councillor or whether she was asked to do so. A resident who had attended the Dresden Meeting had an email exchange with the Co-Ward 4 Councillor. The Councillor shared the above text messages from Respondent 2 with the resident.

Member of the public: "I think she brought it up then. Everyone there agreed

upon for her to ask you”.

Ward 4 Councillor: “That’s not what the text says.[...]

Member of the public: “I know that’s what it doesn’t say. I’m telling you what happened.”

As set out in the exchange, after reading the email thread, the Co-Ward 4 Councillor noticed the text from Respondent 2 did not align with what the resident had stated occurred at the Dresden Meeting. The resident reported to the Co-Ward Councillor that Respondent 2 told the attendees at the meeting that she would speak to Co-Ward Councillor and try to convince her to change her vote.

*f. October 21, 2024 Council Meeting*

At the October 21, 2024 Council meeting, Item 16 was titled Chatham-Kent Community Hub – Project Update. Among other things, deputants raised concerned about:

- a lack of communications to the public on the project
- that only three members attended the Dresden Meeting. Previously, at the other community-organized Town Hall meetings, some Members of Council attended but most did not
- a lack of transparency - there were allegations that there appeared to be back door deals and conflicts of interest in relation to the project.

During the meeting, Respondent 2 stated that she has heard that those in rural areas and outlying communities are concerned that there was no public consultation. Respondent 2 stated that she felt partially to blame for the lack of communication to rural constituents because she did not do more to ensure there was public consultation. She asked if it was possible to have public consultation going forward in rural communities.

In response to the concern about public engagement, the CKHub project Consultant stated there had been public engagement as set out in the project charter.

The CAO commented that Council gave direction on communication and public engagement, and staff carried out this direction. The CAO advised that public engagement for design is not a great use of time, because this is done by architects and engineers. The CAO confirmed that there would be no further public engagement unless Council directs it.

Respondent 2 asked if service centres and libraries in rural communities would be affected or closed if the project goes through.

The CAO responded that nowhere in the staff report does it show that services will be closed as a result of the project and confirmed that Service Ontario and other services will continue in the communities. With respect to the museum, the CAO advised that there is no indication that the CKHub larger facility would cause closures of rural community museums. He concluded by saying if there are closures in the future, it will

be in relation to budget issues not because of this project. With respect to the Library, the CAO said that he did not see that enlarging the library in Chatham would cause libraries in other areas to close as that has not been the will of Council.

Respondent 2 asked how it could be said that there will be no tax implications with the project going forward.

The CFO responded and advised that the municipality looks into the future and anticipates the needs of the community. He advised that there is no financial capital impact whether the project goes forward or not. The CFO advised that the municipality has set aside funds for repair of the Civic Centre for asset management in the multiyear budget. Thus, for the life of the project, there is no impact on the budget because funds have already been put aside for capital costs.

*g. Events After the October 21 Council Meeting*

After the October 21 council meeting, a resident wrote to Respondent 2 :

After the incredibly detailed Council meeting on Monday, with all the experts present, we see you have still voted **against** the move to the former Sears building so I'm wondering if you can please share with us how staying put will be the **better option**, both financially and keeping in mind for the businesses in the downtown Chatham core who are hard working, local, tax paying people. I still haven't received a detailed response from either of you, or found anything in my research which explains, in detail, how you feel this is the better option

Respondent 2 provided a response with her comments (in bold) to the text of the email from the resident (no bold):

**"I represent taxpayers from ALL over Chatham-Kent. Approximately 60,000 residents live outside of Chatham proper. This project has absolutely no benefit to them. I have been contacted by hundreds and possibly thousands (community groups) of people who are vehemently opposed to this project and yes, this includes a large percentage of people from Chatham proper. I have not, do not, nor will not vote my personal opinion. I advocate for my Constituents."**

Also, we're now spending an additional 2 million+ necessary dollars for the next step in the process so we're curious if you're **still** willing to go against this proposal even with this added amount now working in favour of the move?

**"I will vote against this project until I see a benefit for all of Chatham Kent"**

[A named individual] also made an incredible offer to re-vamp Tecumseh Park with his own money if the plan goes ahead so we're curious if you're still willing to vote against this move despite it being a huge benefit for all of CK?

**“Although I am appreciative of any private work [a named individual] is willing to do in Chatham Kent or monies he is willing to inject into our economy, it is absolutely none of my business as a Councillor what he choses to do with his own money. I don’t understand a correlation toward his philanthropy work and a Municipal project that he has no say in. Am I missing something? Does [a named individual] have an influence in this Municipal project that I am unaware of? I hope this comment is not a veiled threat targeting my future votes on the project which at this juncture has absolutely nothing to do with your affiliate. I’m genuinely unclear why he is so invested along with yourself”**

We also noticed the referendum topic wasn't even touched on since it was essentially illegal and are curious your thoughts on this?

**“You are absolutely misinformed and misguided on the Referendum topic. Whoever has fed you this information sadly doesn’t know what they speak of. There is Provincial legislation the provides provisions for a Municipal Referendum. Ironically a Municipal Referendum commenced on Monday in South-Bruce, so yes they are absolutely legal and lawful. We ran out of time to get to my Motion. It will be voted on at our next meeting on November 4th and it has GREAT community support. I am hopeful Council will support their Constituents on this.”**

Last, we noticed there was a disabled member of the community at the meeting who was arguing **against** the move to the Sears building, despite the **increase** in accessibility so we're curious your thoughts on this well, if any?

**“I’ve only met this nice lady one time prior to this meeting. She is intelligent and articulate and she has investigated this matter thoroughly from an accessibility perspective. I cannot speak on her behalf although I appreciate her voice and valued opinion on this matter.”**

#### *h. November 2024 to February 2025*

On November 13, 2024, there was a budget meeting before Council.<sup>7</sup> The following comments were made during that meeting:

- @1:12:30 starts Councillor Doyle reintroduces a motion that had been discussed at the October 7, 2024 Meeting asking for consideration of a 7.5% reduction in the budget, An Information Staff Report was discussed by Council
- @1:14:30 Councillor Crew proposes the removal of libraries from the motion.
- @1:25:10 Cl. Doyle spoke to his intent of his motion and that he did not intend for the closures of services, in particular libraries, in his motion.

---

<sup>7</sup> [pub-chatham-kent.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=595c591a-986d-4b0b-9f49-38047707bdf](https://pub-chatham-kent.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=595c591a-986d-4b0b-9f49-38047707bdf)

- Budget Media Release of passing of 2025 budget. Fourth paragraphs indicates no closure to libraries, etc. [Media Release - Council Approves 4.99 percent Budget Increase.pdf](#)

At the December 9, 2024 Council Meeting, Respondent 1 brought forward a motion requesting:

1. That Chatham-Kent staff provide a summary of the accessibility standards that the CK Hub detailed design will reference and leverage to meet best practices for current accessibility design, and to publish these standards on the Let's Talk CK page for members of the public to access.
2. Further, for staff to review these standards with the Accessibility Advisory Committee, and the Age Friendly Committee for feedback prior to the detailed design being presented to council.
3. This planning will include standard studies for a project of this type and size, which includes passenger and pedestrian load, modelling and traffic flows in and around the entire property, vehicle traffic flow on entire property including parking garage, traffic impact study on the surrounding streets, to make sure everyone can enter, travel around the building, and exit the building safely.
4. A list of parking distance and parking accessibility features of the proposed site are reviewed with the ACC and included in the next Report to Council on this item.
5. Recommendations from the AAC and stakeholder groups that exceed current standards are costed out and included in upcoming Council reports on this proposal.
6. An assessment of universal design experience of the current team is done and reviewed with AAC; and if additional expertise is needed this cost will be included in the next Report to Council."

The Administration Response to the Motion clarified that the October 7 staff report addressed these issues:

#### Administration Response to Notice of Motion

8. General or other comments: The Municipality of Chatham-Kent remains committed in its obligation to making public spaces accessible for all residents, including the approximately 25,000 individuals living with disabilities. This is supported by adherence to accessibility legislation, such as the Accessibility for



Ontarians with Disabilities Act (AODA), which was enacted in June 2005, and our ongoing focus on universal design principles that ensure inclusivity for everyone. The design and development of the Chatham-Kent Community Hub, located in the former Sears building, reflects these values and ensures that access to public services, such as the Civic Centre, Library, and Museum, is barrier-free.

1. Provincial Accessibility Legislation Coverage: The design of the Chatham-Kent Community Hub meets the current standards of AODA and OBC. The Ontario Building Code (OBC) addresses key areas, including building entrances, paths of travel, washrooms, signage, parking, and assistive devices. Furthermore, AODA focuses on customer service, employment, information and communication, transportation, and public spaces. The Municipality's approach integrates these requirements into the overall design of the Chatham-Kent Community Hub. Administration has concerns about the idea that the design must "exceed" current legislation, as this sets an unknown standard to meet. As the architect discussed at the Oct 21, 2024 meeting, universal design is being used in the design work. As previously outlined in the October 21st Report to Council, consultation with the Accessibility Advisory Committee will be conducted throughout the remainder of the project design. This ensures ongoing engagement with stakeholders to ensure that the Hub remains inclusive and accessible to all citizens.

2. Stakeholder Consultation and the Municipality's Role in Leading Accessibility Initiatives: As noted above and outlined in the October 21, 2024 Report to Council, consultation will be conducted with the Accessibility Advisory Committee (AAC) through the detailed design phase of the project, as the official Committee for the Municipality for consultation on matters related to accessibility for persons with disabilities. Consultation with other advocacy groups has not been identified and is not clear. Consultation has been undertaken with the public through the concept design phase of the project, including matters relating to accessibility for the proposed Community Hub, and this informs the detailed design phase of the project in addition to continued consultation with the AAC. Recommendations from the Accessibility Advisory Committee (AAC) will be considered to ensure they enhance accessibility while aligning with project scope and requirements. The Municipality remains committed to integrating accessibility features into the overall design and budget of the Chatham-Kent Community Hub, as these elements are fundamental to the project's planning and compliance with all current standards. Therefore, accessibility-related features will not be itemized separately, as they are fully embedded into the facility's design and included in the project budget to ensure the entire facility is fully compliant with accessibility standards.

3. Comprehensive Accessibility Planning and Parking Considerations: The Chatham-Kent Community Hub is located within an existing mall structure,

and thus many elements related to traffic and parking have already been addressed. As a result, studies typically required for projects of this size and scope, including passenger and pedestrian load, traffic modelling, and parking distance comparisons, are not required for this project. The facility is being designed with ample pedestrian pathways, vehicle dropoff zones, and barrier-free parking that exceed municipal bylaw requirements. The existing parking garage offers 462 spaces with traffic signal access, and there are additional surface parking areas and no traffic concerns are anticipated since there will be no increase in parking demand. Additionally, the reduction in loading docks from 5 to 3 will improve overall traffic flow within the site

At the Council meeting, Respondent 1 stated:

“Third time is a charm I hope tonight... The irony is that last week was the International Day of Persons with Disabilities so this actually lines up well. The main reason I brought this motion forward – the main concerns that underpin why this was brought forward by me with the support of the Accessibility Advisory Committee (AAC) was that there is an estimated 25 thousand people in CK with an identified disability – about 1 in 4 people in our population and that the accessibility legislation as it currently stands in Ontario has not been updated in about 20 years ...that legislation does not cover the vast majority of barriers that people with disabilities face Just wanted to make sure that this was front and centre as we enter into the next phase of this planning if we do move into the Downtown Hub in the old Sears building. ..We can harken back to a month ago when the AAC ...have all dedicated countless hours to make our community more accessible to all especially when it comes to this project and we had several deputations that night – so we did send a letter to Council supporting the motion that was over a month ago. There was great discussion that night at Council...AAC has provided important feedback and this motion has captured what this Committee would like to see in this next design phase and what they would like to see is listed out in the motion (Item 16(c) December 2024 Council Meeting Motion of Respondent 1- Ensuring Access for all Residents to the Chatham-Kent Community Hub)

At the December 9 Council meeting, Council made the following decisions on the motion.

Recommendations 1, 2 & 4 - Carried  
Recommendations 3, 5 & 6 – Defeated

Based on my review of the evidence, I find that the three approved recommendations involved repackaging information which had previously been provided.

In February 2025, CK Hub related matters came before Council again. Respondent 1 made the following statement on Snapchat:

“There are serious concerns about the accessibility of this site and my motion is meant to address that. We cannot use taxpayer money to create more barriers and less

access to public services”. (Quote from Snapchat on or around February 2025 comments from Respondent 1)

## **5. Respondent’s 1 Reply to Complaint 1**

Respondent 1 provided an initial reply to the Complaint on January 28<sup>th</sup> and further comments on March 7<sup>th</sup>. The following are excerpts from Respondent 1 written replies to the Complaint. I provide further excerpts in Appendix A to this report.<sup>8</sup>

Respondent 1 states in reply to the Complaint:

I continue to share the concerns of the AAC that despite providing feedback on accessibility issues of the old Sears proposal for the past two-plus years, many of those concerns have not yet been addressed by staff or the consultant. I believe raising these concerns in a constructive and professional way is part of my role as Councillor to represent the Committee/s of Council I represent and my constituents.

I have no interest nor desire to falsely injure, disrespect or impugn the integrity of any staff member. I have never knowingly said anything to that effect. I have raised questions about the lack of information provided to legitimate questions from constituents and Committees of Council I represent. I believe I followed proper protocol by bringing these concerns to the Council floor for public discussion through Notices of Motion. Since this proposal is so poorly viewed by the community and there is such negativity surrounding it, I believe it is possible that staff might resent Councillors raising questions about it in Open Session. I believe it is possible that staff are unhappy with the public pushback against a proposal that they have invested a large amount of time on, and when a Councillor asks legitimate questions about that proposal that perhaps staff interprets the intent of that Councillor differently.

I have gone out of my way to review every single Motion and every single question I bring to Open Session about this proposal to staff ahead of time. I am not required to do this, but I do so out of respect for staff and for full transparency of what questions I am asking and why. I do not engage in “gotcha” questions nor do I try to ambush staff - even though [a named staff person] has done that to me several times now in public in Open Session and in front of other staff during meetings. I will not behave in that same manner even though I do not feel that I have been given that same respect. I believe I am being targeted and treated this way, because I have raised legitimate concerns about this proposal.

Our most recent attempt to address these concerns was why I brought forward the motion at the October 21, 2024 Council meeting regarding accessibility at the old Sears site. I believe it is a reasonable approach to bring forward a motion to address concerns and questions, when I, or constituents or Committees I

---

<sup>8</sup> I have not included the entirety of the response because of the required redactions for privacy purposes.

represent, do not feel that any, or sufficient information has been provided regarding a certain issue. The reason we keep asking is because we are not getting answers. Members of the AAC helped me draft this motion and members of the AAC came to Council to give deputations supporting the motion, as well as contacted Councillors individually to share their concerns about the proposal and to support my motion. 7. Item a - in addition to the AAC, there are concerns within the community about accessibility of the old Sears site. For example, some users of the Chatham Public Library Branch are so concerned about accessibility issues at the old Sears site they created a petition on that very issue.

I believe it is a reasonable expectation in my role as Councillor, that I will do my best to address concerns from both the Committees of Council that I represent, and the constituents I represent when they share their concerns with me about a municipal proposal that could potentially negatively affect them.

## **6. Respondent 2's Reply to Complaint 1**

I have included excerpts of Respondent 2's reply dated January 31 in Appendix "A" to this Report. In the reply, Respondent 2 expressed that she lacked clarity about what she was supposed to reply to and sought clarification. I spoke with Respondent 2 by telephone on February 28, 2025.

During our February 28<sup>th</sup> telephone call, Respondent 2 provided supplemental information. Respondent 2 stated the following on the call:

- Respondent 2 clarified that there was a motion put forward at a previous meeting of Council seeking to reduce the budget spending by 7% and as part of that Council discussion, there was a suggestion of library closings. Thus, the Respondent stated that the public had heard about a possibility of library closings, not as a result of the CKHub, but rather during the budget deliberations and the motion to reduce spending by 7%.
- With respect to her questions at the Monday Oct 21<sup>st</sup> Council meeting, Respondent 2 stated that it is her practice to ask questions of staff even when she knows the answer, so that staff can provide answers around certain aspects of projects directly to the public and the media. Respondent 2 advises that she has a good working relationship with the General Manager of Infrastructure and Engineering Services and the Director of Planning and thus when she encourages members of the public to come to the municipality to make deputations, it is not to undermine staff but as a tool to allow the public to receive answers to the queries they raise with Respondent 2, directly from municipal staff. Respondent 2 advised that her question to the regarding whether there would be library closures to the CAO was because she knew the answer but wanted his answer to be made in public so those in attendance and watching via livestream could receive clarification. Respondent 2 stated that sometimes the community members do not have all the information and so Respondent 2 will pull a staff report so that staff can explain the matter clearly to the public.
- There was an allegation that, at the Dresden Meeting, Respondent 2 made statements about her Ward 4 Co-Councillor that called into question her support

for her community and suggested she did not work or want to work with the Respondent on behalf of the community. In response, Respondent 2 states that she was sitting up at the front of the room at the Dresden Meeting. A member of the public asked Respondent 2 why the Ward 4 Co-Councillor was not in attendance. Respondent 2 advised that she had invited the Co-Councillor and that she was unable to attend as she had just returned from travel. When asked by a member of the public how the Co-Councillor for Ward 4 would vote on the CKHub matter, Respondent 2 replied that previously, the Co-Councillor voted in favour of the new location (and reminded the public in attendance that voting records is publicly available information). Respondent 2 further stated that she does not know how her Co-Councillor will vote because they do not work together closely.

## **7. Respondent 1's Reply to Complaint 2**

Respondent 1's Reply to Complaint 2 was similar to Complaint 1. I have set out the response in Appendix C to this report.

## **8. Analysis**

The Ontario Municipal Councillor's Guide<sup>9</sup> sets out in describing a Municipal Councillor's role, that:

### **Representative role**

The representative role of council is clearly indicated in section 224 of the Act. At first glance, the representative role appears to be fairly simple and straightforward. But what does it involve?

On one hand, you were elected by your constituents to represent their views when dealing with issues that come before council. Your constituents have many views and opinions, and you cannot represent all of them, all of the time.

On the other hand, election to office requires you to have a broader understanding of the issues that impact the municipality as a whole. You will have to consider conflicting interests and make decisions that will not be popular with everyone. Generally, evidence-based decisions are made by taking into account all available information.

[...]

There is no single, correct approach to the representative role. On many issues you may find that you fall somewhere between two, sometimes opposing viewpoints. You will quickly develop a caseload of citizen inquiries that will need to be further investigated and, if possible, resolved. You may get these inquiries

---

<sup>9</sup>1. [Role of council, councillor and staff | The Ontario municipal councillor's guide | ontario.ca](#)

because of your background and interests or because of the issues in your particular ward, if your municipality operates with a ward structure.

Understandably, you will want to try to help your constituents. However, be sure to familiarize yourself with any policies or protocols that your municipality may have for handling public complaints and inquiries, and remember to consult municipal staff.

There may also be circumstances where decisions are made by designated staff who operate at arm's length from the council, and where it could be inappropriate for elected officials to interfere or be seen to be interfering. Examples of this include decisions made by statutory officers such as the clerk, treasurer, fire chief, chief building official or medical officer of health. These individuals may also be acting in accordance with accountability provisions under other pieces of legislation, which may impact their advice to council.

A councillor who has made promises that they cannot keep may lose credibility with the public and strain their working relationship with staff. [...] (Emphasis added)

The Code establishes rules about what is permissible conduct for a Member of Council. As noted by the Divisional Court, "The Code of Conduct reflects, if you will, a social compact amongst the members of Council. It reflects the standards of behaviour and ethical conduct that the councillors have set for themselves and that which they expect each of their colleague members to uphold."<sup>10</sup>

The 2019 Code and the New Code set out that members of council must respect the professional subject-matter expertise of staff who make professional recommendations to Council. Under the New Code, members are expressly required to ensure that their communications, regardless of the method, are accurate, honest, and respectful of other persons, including other Members, staff, and the public.

Elected individuals can engage in constructive debates and may ask questions or clarification of staff or other members. The Codes recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor (although the New Code recognizes the recently changed legislation which enumerates certain matters which may be decided by the mayor alone). As directed by Council, it is the role of staff of the municipality to complete research or collect information to support Council's decision-making and to implement Council's decisions. Members of Council must recognize and respect the role of Town staff and affirm that only Council, as a whole, has the capacity to direct staff members. Council reviews information provided by subject-matter expert staff. Members may receive, comment and ask questions at Council meetings, in order to fulfill decision-making duties and oversight responsibilities. In doing so, a Member may not disparage or call into disrepute staff by making

---

<sup>10</sup> *Robinson v. Pickering (City)*, 2025 ONSC 3233 at para. 93

comments that are injurious to the professional reputation of staff or by suggesting that the contents of staff reports are false or misleading.

*a. Interpretation of the Rules*

As appropriate, I have considered the alleged misconduct in relation to Rules 10, 14, and 15 of the 2019 Code and Rules 10, 13, 14, and 15 in the New Code (which applied after December 16, 2024).

Respondent 1 Complaint 1 alleged that there was an attempt to influence decisions makers, staff, or others for a private purpose – or to a councillor’s private advantage with respect to her comments about a private citizen and the allegation of harassment. There is no suggestion that Respondent 1 had any personal interest in not moving the civic centre. Rather her stated reasons for objecting to the plan were: (i) lack of accessibility, (ii) potential closure of rural libraries, and (iii) increased taxes to pay for the new facility. All of those stated reasons are public reasons. However, through my investigation, I did find private reasons that appeared to be influencing the councillor.

Rule 15 of the 2019 Code relates to discreditable conduct. Rule 14 is a provision specific to staff and is replicated at Rule 15 of the New Code. Rule 14 of the 2019 Code and Rule 15 of the New Code contain the same operative provisions with the New Code adding individual subsection numbers. Accordingly, I have reviewed with reference to the New Code; however, the analysis applies equally to the 2019 Code.

Political debate is essential to allow Members to determine what position to take in votes on contentious public issues. Members of council won’t always agree with each other and won’t always agree with the recommendations of staff. However, Members must attend to the power imbalance between them and staff, including the public platform that Members have as the elected politicians. Nothing in this report should be taken as interfering with a Member’s right to probe and seek to understand the recommendations of staff. However, a Member must also consider whether their conduct may cross a line into maliciously or falsely injuring the professional or ethical reputation of staff, and must show respect for the professional capacities of staff. While “maliciously” would require proof of malice, “falsely” does not require proof of intention.

Offending statements need not be directly critical of a staff person. Where a Member repeatedly takes a position which implies that staff is failing to meet its obligations, this Code rule could be breached. Hypothetically (and without any suggestion that this is accurate in this municipality), a Member could repeatedly imply that the planning department is failing to meet its obligations without ever expressly stating that position. The Member may do so by stating that hundreds of electors have reached out to her and cannot get a response from the Town planning department. The Member may try to defend these statements by claiming that the statements are factually accurate or that a matter for discussion, for example, whether to add new planning staff, requires the Member to highlight the problems with the department. The Code requires that Members be tactful and accurate in matters related to staff. While a Town department may not have individually responded to hundreds of electors, providing updates through

staff reports, as directed by Council, is fulfilling the requirement to provide information to the public. Repeated conduct could create a work environment where harassment, bullying, abuse, or intimidation is asserted by staff. Members must be mindful of their roles and be cautious before engaging in any public comment that may be critical of staff performance. .

The Divisional Court considered a judicial review application of an Integrity Commissioner's finding that a Member had breached the relevant municipal Code in her use of intemperate language to express dissatisfaction with the CAO over financial disclosure and in sending emails which, among other things, referred to behaviour of the CAO as "completely irresponsible and unacceptable". The Court wrote:

...The email exchange of September 2020 could reasonably be seen to be attacking the professionalism of the CAO by characterizing his conduct as "irresponsible." Given that the CAO does not report to individual members of Council, nor is the CAO employed by individual members of Council (which is made clear in the Interpersonal Relations part of the Code of Conduct), there was no obligation on the CAO to report to the Applicant as to the employment status of the Fire Prevention Officer. The Code of Conduct requires that Members respect the roles of staff, and not intimidate, threaten, coerce, command, or influence any staff with the intent of interfering with staff duties. The provisions for respectful interpersonal behaviour in this Part of the Code reference the *Human Rights Code*, but go farther in their expectations for Members of Council.

It was reasonable for the Integrity Commissioner to characterize this exchange as "not appropriate" and "abusive." Further, it was reasonable for the Integrity Commissioner to conclude that "the context and the tone of the communications illustrates evidence of an intent to force the CAO to provide disclosure to Council that was deemed by the Member to be appropriate." The Integrity Commissioner provided an explanation and adverted to the part of the Code under which he based the finding in relation to the email exchange.

Similarly, the exchange at the Township Council meeting of June 9, 2020 involved the Applicant questioning a cost overrun, and when the immediate answer to her question of whether it had been the subject of a prior report was not available, she characterized the staff actions as not being transparent and accountable, and characterized the issue as one of "secrecy."<sup>11</sup>

Under the New Code, Rule 13 relates to conduct at council and committee meetings. It requires members to show respect and to conduct themselves with decorum and mutual respect at all times during presentations by others. Decorum means, in part, showing respect and not distracting from the business of the meeting. Rule 13.3 also requires members to advance the public interest with honesty and finally, under 13.4, the Code

---

<sup>11</sup> *Villeneuve v. North Stormont (Township)*, 2022 ONSC 6551 at paras. 34-36



requires members not to make statements known to be false or to make a statement with the intent to mislead Council or the public.

Members have a right to dissent in matters of political debate and to state that they have disagreed with a decision of council. Aptly summed up in one report, the Brampton Integrity Commissioner stated in *Miles v. Fortini*<sup>12</sup>:

Brampton is a democracy. The minority always has the right to dissent from majority decisions. Rule No. 10(1) cannot be interpreted as removing the right to dissent. What Rule No. 10(1) requires is that the majority decision be accurately communicated. This does not prevent criticism of a decision. It merely requires that the criticism depict the decision accurately. [...]

A Council Member is always entitled to explain why he or she voted a particular way. This is not a privilege conferred by the Code; it is a basic democratic right. [...]

The commentary to Rule No. 10(1) states that, “A member should refrain from making disparaging comments about Members of Council and Council’s processes and decisions.” This commentary must be interpreted in light of the right to dissent and the right to explain one’s vote.

Under the New Code, Rule 14 requires that member accurately communicate the decisions of Council and not disparage other members. Under Rule 14.4, members shall express themselves on social media respectfully, in an open, transparent and publicly accountable manner. Rule 14 requires that members communication shall be accurate, honest, and respectful of others.

#### b. *Charter Rights*

The allegations in this complaint relate to the speech of two Members. Spoken words are expressive activity generally protected by freedom of expression under the Charter of Rights and Freedoms.

The 2019 Code stated:

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of government officials. In particular, the public is entitled to expect the highest standards of conduct from those elected to Municipal government. In turn, adherence to these standards will protect and maintain the Municipality of Chatham-Kent’s reputation and integrity.

...

The principles of general application in this section shall be used to govern interpretation of the more specific rules and obligations outlined in this Code of

---

<sup>12</sup> [2018 ONMIC 22](#) at paragraphs [72 to 75](#),

Conduct. These general principles shall also be used to determine issues not specifically addressed in this Code of Conduct.

The general principles are: a. Members of Council shall uphold a high standard of ethical behaviour to ensure that their decision-making is impartial, transparent and free from undue influence; and b. Members shall refrain from engaging in conduct that would bring the Municipality or Council into disrepute or compromise the integrity of the Municipality or Council.

Recently, in considering a judicial review application in relation to the Code in Chatham Kent, the Divisional Court wrote:

[54] One must keep in mind that the manner in which one undertakes advocacy is distinct from the right to do so. Although a councillor has the right to undertake an activity, how he or she does it might run afoul of the Code.

[55] A councillor must conduct such advocacy consistent with the general principles of s. 5 of the Code by upholding a “high standard of ethical behaviour” and by refraining “from engaging in conduct that would bring the Municipality or Council into disrepute or compromise the integrity of the Municipality or Council”.

[56] As articulated in *Robinson*, at para. 127, “freedom of expression is not an absolute, unfettered right: ‘it is limited by reasonable restrictions, including by requirements to protect the rights and freedoms of other persons’”. Depending upon the nature of the conduct, continued dissent or advocacy of matters outside of the Counsel’s jurisdiction could possibly run afoul the Code and, in particular, s. 15, Discreditable Conduct.<sup>13</sup>

Members of Council have the right to make statements and express their opinion regarding the substance of Council business, as long as they do so in a professional manner that maintains public confidence and maintains a respectful work environment (and otherwise adheres to the Code).

Recently, the Divisional Court considered the balancing between a Member’s free speech rights and the reasonable limits based on the Code of Conduct:

The Supreme Court of Canada has repeatedly held that administrative decisions may limit an individual’s rights under the *Canadian Charter of Rights and Freedoms* where the limit is proportional to the statutory objective that the administrative agency is required to fulfill. “If, in exercising its statutory discretion, the decision-maker has properly balanced the relevant *Charter* value with the statutory objectives, the decision will be found to be reasonable.”

---

<sup>13</sup> *Jubenville v. Chatham-Kent (Municipality)*, 2025 ONSC 3598 (CanLII), <<https://canlii.ca/t/kdjx3>>

In the instant case, there is no doubt that the Second Decision engaged with the applicant's argument about her right to freedom of expression. The Commissioner expressly acknowledged the importance of this right.

The Commissioner engaged in an appropriate balancing exercise. As reflected in the Second Report, the Commissioner expressly acknowledged that "[e]lected municipal officials are leading players in local democracy. They are democratically chosen to look after the community's interests." The Commissioner recognized the importance of elected officials exercising free speech, noting that a councillor's "freedom of expression is a crucial instrument for achieving effective participation and good municipal government." The Commissioner explained that elected municipal councillors function as "conduits for the voices of their constituents: they interpret and convey their grievances respecting municipal government."

On the other hand, the Commissioner properly recognized that freedom of expression is not an absolute, unfettered right: "it is limited by reasonable restrictions, including by requirements to protect the rights and freedoms of other persons." Moreover, while acknowledging the important role that elected representatives play as "conduits for the voices of their constituents," the Commissioner was sensitive to the need not to countenance unlimited and possibly harmful expression by allowing an elected official to justify their position as "merely reflecting the views of her constituents." The Commissioner reasoned that it would be "completely unacceptable for a Councillor to publicly make statements in support of spousal abuse, antisemitism or slavery, regardless of whether these were the ardently-held views of one's constituents."<sup>14</sup>

Code provisions do not simply regulate the *manner* of impact of communication, but they inform what Members say. Certainly Members of Council have a right to communicate with the public on issues, including on social media. However, rights guaranteed under the Charter are not absolute. The Code is prescribed by law and the provisions invoked in this Complaint have a pressing and substantial objective to ensure Members of Council carry out their statutory duties as elected representatives with professionalism and integrity. Member conduct is, in part, regulated by such rules to further the objectives of better governance with complex municipal organizations and to require Members to follow accepted procedures to dissent so that Council remains professional and inviting to members of the public and staff. The Code rules at issue are appropriate limits on freedom of expression to meet the statutory purpose of achieving good municipal government with effective participation for citizens and an appropriate workplace for staff. I have reviewed this balance on the limit to the Respondent's constitutional right to freedom of expression.

### *c. Findings*

For the reasons set out below, I found that the conduct of Respondent 2 was inappropriate and disrespectful towards her Ward 4 Council colleague, insofar as, **a reasonable person in attendance at the October 20th event** would believe that the

---

<sup>14</sup> *Robinson v. Pickering (City)*, 2025 ONSC 3233 (para 124 – 127).

other Ward 4 Councillor who was not in attendance, did not care about concerns or objections to the CKHub raised by her constituents and by voting in favour of the CKHub next phase and refusing to bring forward a motion “to stop” the CKHub by requesting a reconsideration, Respondent 2 gave the impression that the other Ward 4 Councillor was turning a deaf ear to cries of her residents and would not act to reverse the previous vote and support her constituents and protect rural community centres and libraries. While I have concluded that this conduct certainly contributed to the attendees at the Dresden Town Hall Meeting believing that the other Ward 4 Councillor did not care about their concerns, I find that Respondent 2 did not contravene Rule 15 of the Code insofar as her conduct did not rise to the level of ***not treating a fellow Council colleague in a civilized way and without abuse, bullying or intimidation***.

I found that Respondent 1 contravened the Code with respect to the allegations in both Complaint 1 and Complaint 2. Respondent 1 made remarks accusing a private citizen of harassment at a Town Hall meeting where she was attending and acting in her official capacity. Respondent 1 raised this allegation of harassment using her platform of speaking as a member of Council. However, I found that these comments did not rise to the level of using her office for a purpose other than for the exercise of her official duties. Second, Respondent 1 made inaccurate statements which left the impression that the CKHub project team did not address accessibility standards and linked the move to the old Sears Mall location to resulting loss of municipal services in particular in rural areas and library closures. Her conduct undermined staff.

*d. Conduct Respecting Staff, Use of Social Media, and Communication of Council Decisions*

My central focus in this investigation became whether the conduct of Respondent 1 and/or Respondent 2 amounted to a violation of the rule pertaining to conduct involving staff as well as the rules related to social media, communication of council decisions, and respectful conduct with members of the public and other members of council.

Because the matter of the CKHub has been ongoing for so many years, it was essential for the Respondents to be informed about the decisions to date and to review the staff reports when available. To serve that purpose, the staff reports regularly set out a review of the activities and decisions to date.

By October 2024, there were only two options that Council was considering with respect to the location of town services. The majority of Council had directed staff to continue to explore, with more detailed design plans, the option of moving various town services to the old Sears building. At the October 21, 2024 meeting, Council was being asked to invest a further \$2 million into the design at that site.

Based on staff reports, it was known that while the immediate costs of renovating the current facility was projected to be lower than the proposal to move to a new space, there were significant differences between the projects. For example, only the move

option would deal with the needed fire station upgrades, which would otherwise come at a separate cost. Respondent 1 appeared to hold the view that the least costly option was more sensible than proceeding with the move to the old Sears building. In promoting that view, it was incumbent on the Respondent to ensure that they were not miscommunicating any of the information shared by staff in its reports.

At the Dresden Meeting, residents reported that Respondent 1 led them to believe that:

- 1) There was a risk that the rural libraries would close if the proposed CKHub was constructed.
- 2) That their taxes would increase to pay for the CKHub; and
- 3) That the newly designed building was not fully accessible.

By the time of the Dresden meeting, Respondents 1 and 2 had the October 3 staff report which indicated that the intended renovations to the building would meet or exceed all accessibility standards. There was no suggestion that libraries would close nor that taxes would increase because of the proposed move to CK Hub.

Members are entitled to comment on matters of public interest, particularly matters before Council. Members must make comments honestly and fairly and should inform themselves before commenting publicly on divisive matters.

Undoubtedly, public Town Hall meetings are permitted and are an important forum for residents to understand and participate in important political decisions. However, where a meeting is not organized or endorsed officially by the municipality and not attended by staff, Members of Council who choose to attend must avoid speaking on behalf of the municipality and must ensure that they are not contradicting available public information and not misrepresenting the recommendations of and undermining the professional subject matter expertise and performance of staff. To be clear, here, both of the Respondents made clear that they were not communicating on behalf of all of Council.

While it would have been best for Respondent 2 to correct the inaccurate statements of others at the Dresden Meeting and clarify that the other Ward Councillor's vote did not mean she doesn't care about or support her constituents, a Member does not have a Code obligation to correct inaccurate statements, though as leaders of the Municipality, part of a Member's representative role should include ensuring accurate communications to the public regarding Town business. I find, on a balance of probabilities, that Respondent 2 did not make any comments or statements which violated the Code.

Witnesses stated that it was Respondent 1 who fueled inaccuracies by her own statements. For example, she stated that the CK Hub would not be accessible and that staff were not responsive to inquiries about the accessibility issues. The statement was directly contrary to the staff report – and Respondent 1 did not fairly explain that the proposed CK Hub would meet all current standards, but that she was seeking to have improved services because, to her mind, the provincial standards were outdated.

This is why Town Hall meetings may provide an opportunity for Members to hear from the public in a less formal venue, however, where staff are not present to explain what has been set out in staff reports or to provide answers to questions at Council, community meetings, Members must be very cautious to ensure that they are not undermining staff by stating that questions continue to go unanswered. There is a power imbalance between staff and Members, the latter having a larger platform to speak to members of the public. Without staff in attendance at the Dresden Meeting, critical questions could not be answered with facts from the subject matter experts. Rather, Respondent 1 left the impression on attendees that staff was failing to meet their professional obligations to ensure that CK Hub would be accessible. This was false.

Repeatedly raising the same questions that have been answered by staff acts to undermine staff's subject-matter expertise and may be a breach of the Code. Respondent 1 went beyond reiterating her disagreement with the intention to proceed with the CKHub project at the old Sears building location or to answering concerns of constituents. Rather, Respondent 1's comments were received by the attendees of the Town Hall Meeting as casting doubt on the legitimacy of the review and research of staff and the consultants leading the CKHub project.

With respect to the Dresden Meeting, I received evidence in this investigation that leads to the conclusion, on a balance of probabilities, that Respondent 1 questioned whether staff would respond to questions already addressed – and fuelled constituent confusion and the belief that staff were intentionally withholding information from the public.

Given that the CKHub project included the creation of a Stakeholder Engagement Strategy with members from the Accessibility Advisory Committee and the Library Board, it is clear that the General Manager of Infrastructure and Engineering and the members of the Stakeholder Engagement Group (SEG), would have received concerns from these groups and responded at the SEG meetings. In short, there is a process enshrined in the municipality's meetings policy and SEG strategy, to give Members of Council the opportunity to bring forward issues of note and ask staff questions that Members believe to be necessary to provide them with sufficient information to vote in an informed way on this important development matter. Respondent 1's continued second-guessing of the Town staff in respect of the CKHub, in particular with respect to addressing accessibility standards and service closures in rural areas, was tantamount to undermining the professional subject-matter expertise of the Planning staff.

This report is not suggesting that the merits of one decision of the current or previous Council over another with respect to the CKHub project are not fair to discuss and for a Member to raise in the appropriate forum with staff and Council, to deliberate as the body of Council in fulfillment of their representative function, on the best steps forward. The democratic process is in place to ensure that elected officials can engage in constructive debates. However, Respondent 1 engaged in a course of conduct that was directed at the work of a department and the author of the Staff Reports on the CKHub Project. While staff should expect to receive and be prepared to answer difficult

questions about matters before Council, Respondent 1's comments on social media were personal and had the effect of undermining the General Manager's professional authority and performance.

In respect of the Code, Members' comments, criticism of a staff recommendation, forms part of the political decision-making and is expected by the public and permitted under the Code. What is not permitted under the Code and what Members are prohibited from doing at Council meetings, on social media and in venues where they are participating in their official capacity, is engage in conduct that has the effect of conducting public performance review of staff persons. Respondent 1 was a member of the Accessibility Advisory Committee, the Library Board and had been a member of staff (approximately 10 years ago). Respondent 1 is familiar with the procedural rules and what steps to take if staff has not addressed a particular matter. Respondent 1 continued to ask the same questions, including at the October 21<sup>st</sup> Council meeting, not because they were unanswered – but because she did not get the answers that she wanted. She lead the public, as confirmed by witnesses in this investigation, to conclude that costs would balloon beyond the stated amounts in staff reports and notwithstanding the fact that the funds for the project were earmarked from the reserve funding, Respondent 1 gave the impression that libraries in rural areas would close because of the CKHub project. Even after the October 21<sup>st</sup> confirmation by the CAO that libraries would not close as a result of the CKHub project, Respondent 1 continued to press that taxes would likely go up and municipal services would be impacted somehow as a result of the CKHub project.

Individual Members of Council may receive information from the public and certainly may form their opinion of its veracity in respect to Town staff reports. However, in the face of subject-matter expert information and answers that may not align with a Member's option, a Member should not aggressively question that staff person that are intended to infer and leave the impression that the staff person is withholding information or is inept, even after receiving Staff Report clarifying the information queried by the Member. In this case, staff provided information to Council that the accessibility standards are being met and surpassed and that library services and other municipal services will not be cut as a result of the CKHub project. Nobody has a crystal ball to confirm with certainty what steps may be taken by this or future Councils regarding budgets. However, the professional expertise of the General Manager with years of experience and a P.Eng is called into disrepute by Respondent 1's leaving the impression from her comments that staff is not adhering to the highest possible accessibility standards in the engineering/design of the Hub and omitting to advise of the projected cost of the project. The uptick is that municipal staff are "sitting" on information regarding the Town's budgetary bottom line and accessibility obligations, creating a situation where constituents, in particular those in rural areas, will not have access to their municipal facilities and services. There is no reasonable explanation for Respondent 1 to disseminate a position that is so disparate from what is set out in the staff reports on this subject.

Each Member of Council forms part of the decision-making body recognized by the *Municipal Act* as the representative of the public elected to collectively consider the well-being and interests of the municipality. Members of Council are representatives of the

public and have a right and an obligation to ask the hard questions of staff. However, when the preponderance of questions that have come from the Respondent 1 are probing into decisions of particular staff, and when the questions turn to seeking to confirm opinions that the Respondent holds, has the effect of targeting staff whose Reports do not align with this position, this conduct undermines the subject matter expertise and professional reputation of staff. Respondent 1 stated at the December 2024 Council meeting with respect to Item 16(c) “Third time is a charm relating to her position and her purported understanding of the position of the Accessibility Advisory Committee (AAC). Respondent 1 reiterated that “accessibility legislation as it currently stands in Ontario has not been updated in about 20 years ...[and] that [the current] legislation does not cover the vast majority of barriers that people with disabilities face.”

Infrastructure Planning staff have carriage of the CKHub file and the updates and answers to Councillor questions are provided by the General Manager of Infrastructure and Engineering Services. Thus Respondent 1’s repeated questions requesting how the CKHub project will address accessibility concerns that Respondent 1 states that the AAC concerns remain unanswered, is not simply questioning staff but undermining the work of staff, leaving the impression, that the work is deficient.

The Respondent states in her reply to the Complaint that she:

continues to share the concerns of the AAC that despite providing feedback on accessibility issues of the old Sears proposal for the past two-plus years, many of those concerns have not yet been addressed by staff or the consultant.

Throughout this investigation, I have determined that staff reports have provided information with respect to the cost, accessibility and continuation of services. If staff have provided information, continuing to raise concerns about matters have already been addressed by staff can amount to undermining staff’s professional expertise and impugning the integrity of staff. As I set out above, in a 2024 staff report, Chatham Kent staff confirmed that:

Diversity, Equity, Inclusion and Justice (DEIJ) The development of the Chatham-Kent Community Hub, encompassing the Civic Centre, Library, and Museum, is designed with a strong commitment to diversity, equity, inclusion, and justice. This project aims to provide equitable access to all municipal services, ensuring that every resident, regardless of background, has the opportunity to fully participate in community life. The design and construction of the Chatham-Kent Community Hub will prioritize inclusivity, incorporating advanced accessibility features that not only meet but exceed current Accessibility for Ontarians with Disabilities Act (AODA) standards. This commitment ensures that the Chatham-Kent Community Hub will be a welcoming and accessible space for everyone, promoting social equity and reinforcing the Municipality’s dedication to fostering a just and inclusive community for all.

In her reply, Respondent 1 sets out that she believes that it is possible that staff are unhappy with the public pushback against a proposal that they have invested a large amount of time on, and when a Councillor asks legitimate questions about that proposal



that perhaps staff interprets the intent of that Councillor differently. During the course of this investigation, staff demonstrated professionalism and suggested no animus with respect to being asked for clarification or to address opinions contrary to their recommendations. Rather, I determined from information that I received during this investigation, that staff were exhausted by the repeated attempts to undermine their professional opinions with the same or slightly reworded requests for information, for which Council had already been provided answers. If Accessibility legislation at the Province of Ontario “ has not been updated in about 20 years ...[and] that [the current] legislation does not cover the vast majority of barriers that people with disabilities face”, a Member of Council has the right to make such a comment. However, the lagging behind of Provincial legislation is not justification to criticize Town staff for not seeking to go beyond these standards. To be clear, during the course of this investigation, I determined that Town staff have gone beyond the standards set out in statute.

At the October 21<sup>st</sup> Council meeting, various senior staff provided unequivocal statements that services (including libraries) would not be closed due to the CKHub project. At that meeting, a Member of Council queried whether the ongoing discussion before Council to identify savings may include reductions in services. The CFO confirmed that capital costs and services would not be impacted by the CK Hub project. Services would only be removed through a future Council decision. The evidence before me suggested that staff did not state expressly prior to October 21 that rural libraries would not close. However, there was no suggestion that they would close. While Respondent 1's comments at the Dresden Meeting were not contrary to any express staff report, I found that the comments were contrary to Rule 14 of the 2019 Code insofar as she stated that accessibility standards had not been addressed, when not only had staff addressed accessibility queries measured against Provincial standards, staff had confirmed that the CK Hub would surpass those standards.

The Code does not preclude a Member of Council from speaking at a public event. The Code circumscribes the Member's conduct, including statements made, within the parameters of the Code rules. Respondent 1 states in her reply to the Complaint that showing up for her community and communicating regularly and clearly with them is something she takes pride in and takes very seriously. Respondent 1 replied that as representative of Council of the Accessibility Advisory Committee, she has heard other Committee members expressed concerns that staff reports had not addressed accessibility concerns raised by the “disability community” with respect to other CKHub.

In my January 30<sup>th</sup> interview with Respondent 1, she replied that the Consultant's presentation to Council was “glossy and fancy” but did not address accessibility concerns. She further replied that “a layperson sees the presentation – this is great – but having been in this for 2 years, [the disability community] concerns are legitimate and the library will close down”. Respondent 1 replied that staff did not say “libraries will close”, however “I am dishonest if I tell constituents that no library will close”. In the interview meeting, Respondent 1 stated that “as a member of the Library Board, I am concerned. Library staff is always concerned moving to a large space- they have a shoestring budget. The Chatham Library branch had to ask for a budget variance to address issues of vulnerable people, the homeless and overdosing”. Respondent 1 stated that she questioned where

the additional required funds would come from. She stated that “it is not fair to give false hope that all libraries will stay open”. She went on to say that it is unfair that she has been singled out for raising concerns about costs. Respondent 1 stated that “it is my understanding that I can still raise these questions – legitimate questions that we don’t have answers to because the project is not a done deal”. Respondent 1 denied having “riled people up” at the Dresden Meeting. She states that “I always say contact your councillor, make a delegation, come to Council”. She advised that she received hundreds of emails about the CKHub project and individuals are “very much against it”. With respect to the Dresden Meeting, Respondent 1 stated that “a lot of Councillors don’t go because of the tough questions and they get yelled at but if I felt unsafe I wouldn’t go”.

The rules of the Code do not require a Member of Council to express public support for a Council decision with which the Member disagrees nor does the Code prohibit a Member from communicating with their constituents. The Code does not eliminate the member’s right of dissent. However, a member is prohibited from making disparaging or inaccurate comments when stating that they did not support the decision or voted against it. Showing up at a town hall is a Member’s right and prerogative, but disparaging council decisions, if the decisions are interim with reference to a phased approach to a project, is not permitted under the Code.

If a Member shows up at public events, communicates with their constituents and answers constituents questions without disparaging or inaccurately communicating the decisions of Council or staff, the Code rules are not triggered and do not interfere with a Member’s representative role. Healthy and respectful debate and disagreement is part of the democratic foundation of a municipal Council. However, it is a violation of the Code of Conduct to make comments at Council or elsewhere attending in their official capacity, that do not enhance respect for municipal decisions or to make utterance that impugn the reputation of staff and suggest or leave the impression of intentional omissions and/or negligence of staff. To suggest that staff have not responded to questions posed for over 2 ½ years regarding accessibility concerns or cost estimates, is tantamount to allegation of incompetence and/or wilful negligence by staff. Respondent 1 stated at the December 2024 Council meeting that “Third time is a charm I hope tonight” referring to requesting that staff provide clarification on the addressing accessibility concerns with respect to the CK Hub. Respondent 1 stated that she “Just wanted to make sure that this was front and centre as we enter into the next phase of this planning if we do move into the Downtown Hub in the old Sears building”. During my investigation, I found that Respondent 1’s questions had been answered, but she did not agree with the answers. She communicated her disagreement in a way that was disrespectful to staff and left the impression with the public that staff had not address these issues.

Respondent 1 repeatedly commented in council meetings and on social media that the administration was not listening to her/the community and thus was willfully ignoring the feedback being provided by council, committees of council (Accessibility Advisory Committee, Library Board) and as a result, was casting staff in poor light as unprofessional.

Subsequently to October 21, Respondent 1 continued to discuss that lack of accessibility preparedness in the design of the proposed CKHub, and changed her narrative from stating that the project would lead to library cuts to there would necessarily be ballooning costs which would lead to service cuts because funding for the project had to be found somewhere. Respondent 1 failed to acknowledge staff and consultant confirmation that the funding for the CKHub project was coming out of the reserve fund budget. Her comments purported to be made in concern for matters that most definitely merit consideration by Council, continued to be attempts to drive a narrative on policy according to unsupported premises. By Respondent 1's own admission, she did not believe that the Provincial accessibility legislation went far enough to remove barriers to persons with disabilities. Certainly Respondent 1 and all Members of Council may advocate for stronger legislation in areas of human rights, health care, housing, accessibility and all areas important to their constituents. However, members cannot inundate staff subject matter experts with the same questions because staff have not included in their reports an evaluation of standards that go beyond approved Provincial standards. This is unfair to staff and undermines their professionalism. As stated in 2022 case, "[M]isinformation" has crept into the court lexicon. A childish--but sinister--way of saying *"You're so wrong, I don't even have to explain why you're wrong."*<sup>15</sup> I found that Respondent 1 communicated a narrative of inaccurate information, in the guise of simply asking questions on behalf of constituents whom she represents, with the consequence of fueling community members' belief that municipal staff had not considered and reviewed accessibility concerns with respect to the CKHub and that municipal services in rural areas would close as a direct result of the CKHub relocating to the old Sears Mall location.

While Members of Council have a representative role to give voice to concerns of the constituents, Respondent 1 crossed the line between the governance role of a Member of Council and the administration/operations role by not accepting staff subject matter experts and consultant's recommendations as having answered queries on accessibility, maintaining rural services and the cost of the project.

These repetitive behaviors left staff feeling targeted, undermined and at times intimidated. Given the power imbalance between staff and Members of Council, staff have limited opportunity to publicly address or correct comments made or to defend themselves against the allegations of unprofessionalism. Respondent 1 doubled down on her concerns by posting videos on social media which further added fuel to the fire.

Respondent 1 did much more than state her concerns and/or lack of support for the CKHub project as approved on an interim basis by Council. She gave oxygen to inaccurate comments generally in the community, that the municipal staff and Council had not turned their minds to accessibility concerns and whether services, including that libraries, would be closed and taxes increased because of a discussion at Council that asked staff to seek a 7.5% reduction in the budget. Each Member of Council is entitled to voice their disagreement with stated positions of their colleagues or even

---

<sup>15</sup> [J.N. v. C.G., 2022 ONSC 1198, 2022 CarswellOnt 2062 \(Ont. S.C.J.\)](#),

recommendations of staff reports, but Members are not entitled to disparage the majority's decision of Council and suggest as fact, outcomes that have not been set out by the staff subject matter experts or supported in evidence in responses by staff or consultants.

### *Rule 10 and Rule 15*

There were two other issues that arose in the Dresden Meeting.

First, with respect to Respondent 1, at the Dresden Meeting, Respondent 1 disclosed alleged personal harassment by a named private citizen. This was alleged to be a violation of Rule 10 of the 2019 Code.

With respect to Respondent's 1 comments at the Town Hall Meeting regarding a named individual, this was not the appropriate venue to make these comments. Respondent 1 is correct that as a Councillor, she is entitled to a workplace free from harassment and the municipal workplace is not limited to the municipal offices. However, a public Town Hall meeting is not the appropriate venue for an elected official to bring forward workplace harassment complaint allegations. Typically, workplace harassment complaints and investigations are conducted in a confidential manner. Respondent 1 sets out in her reply that "I find it curious that me mentioning that harassment in a public forum is somehow considered by the Complainant as something to include in their Complaint against me when [a named individual] has been harassing me in a very public way for more than a year."

It is my position that bringing forward a Code complaint is a legitimate exercise in the municipality's accountability regime. The Complainant has raised conduct that they believe is contrary to Respondent 1's obligations under the Code. A Member of Council is required to act with decorum and is held to a high standard with respect to their conduct. This obligation is not waived because of actions of others. Harassment is **never** to be condoned and this Office takes very seriously respect for all protected grounds under the Human Rights Code. However, bringing an allegation of harassment in a public forum is not appropriate and then to leave the impression that that the accusation of harassment is evidence to suggest that the project should not be supported, is airing a personal grievance while acting in one's official capacity. In so doing, Respondent 1 attempted to undermine the project by alleging publicly that the private citizen connected to the project was harassing her. This was inappropriate and disrespectful. However, the Divisional Court recently interpreted Rule 10 of the Code and noted that the section requires a finding that any improper use of influence was to the private advantage of the Councillor. I am unable to conclude that these comments were made for the "private advantage" of the Councillor.

With respect to Respondent 2, at the Dresden Meeting, she set up or was tacitly supporting an "us versus her" opposition between herself and her co-Ward 4 councillor. She left the impression that her co- Ward Councillor was not acting in the best interests of those in her ward.

Respondent 2 made a comment about the other Ward 4 Councillor which was perceived by members of the public as a statement that the co-Councillor did not care about the public, and in particular, rural communities.

I received during this investigation information to allow me to conclude that Respondent 2 agreed to attempt to cause the other Co-Ward 4 Councillor to change her vote in support of the CKHub at the October 21<sup>st</sup> Council meeting. To be clear, seeking a colleague's support on a Motion that will be brought forward at Council is part of the work of elected decision makers. However, all Members of the Council must remember to avoid conducting themselves in a way that will or may be perceived as having already made up their minds before public deputations have been made. Sending the other Ward 4 Councillor a text with information that may be helpful in her making a decision is not a Code violation. Even suggesting to a colleague that they may want to consider abstaining from a vote is not a Code contravention in that Members of Council may attempt to influence a vote, as long as they do not have a pecuniary or non-pecuniary private interest in the matter to be voted on. However, Members should be careful not to leave the impression that their colleagues are "either with me or against the residents of rural areas including your own Ward constituents". If this type of statement was made publicly (and I have not found that the statement was made), I may have found it in breach of the Code; however, the communication between the two councillors was made privately. The conduct of Respondent 2 was reasonably perceived to be unfair to her Co-Ward Councillor colleague but I have found that it did not rise to the level of a contravention of Rule 15 of the 2019 Code.

#### Complaint 1 Findings: Respondent 1

I concluded that the Respondents did not organize the Dresden Town Hall Meeting. However, based on the information that I received throughout the investigation, I determined that at the Dresden Meeting, Respondent 1 did communicate to members of the public that they should be concerned insofar as the CKHub project could likely result in the rural communities losing their services such as library closures and that accessibility requirements were not addressed by staff or the consultants. This conduct undermined the recommendations of staff. I spoke to both Respondents, and there is no dispute that they attended the Dresden meeting and made certain statements. While Respondent 2 did not correct the positions of attendees at the October 20<sup>th</sup> meeting, I have received evidence that Respondent 1 expressly stated that libraries in rural areas would close, that taxes would increase, and that there were accessibility issues with the CK Hub. Based on the evidence in this investigation, I find that Respondent 2 was more careful in her language. She did not correct misstatements but she did not make any of her own to undermine staff or Council. She did not state that the CKHub project would cause loss of municipal services.

For the reasons set out above, I find that the Respondent 1, Alysso Storey, did not breach Rule 10 with respect to improper use of influence with respect to comments about a private citizen but did engage in conduct that breached rule 14 and 15 of the Municipality of Chatham-Kent Code of Conduct, by

- Making statements that undermined the credibility of municipal staff and the integrity of Council decisions, including unsubstantiated allegations regarding service closures and accessibility failures (Rules 14 and 15);

#### Complaint 1 Findings: Respondent 2

I found that Respondent 2 did not contravene any of the alleged Code rules, specifically, Rules 10, 14 or 15. However, although I found that the Respondent 2 did not contravene rules 14 and 15 of the Code with respect to her conduct at the Dresden Meeting, regarding comments and conduct with respect to her Ward 4 Council colleague, as a leader at the Town, she should reasonably have concluded that her comments would leave the impression with the attendees that the other Ward Councillor did not support the concerns of her constituents.. The conduct of Respondent 2 was not collegial and did not leave an impression that the other Ward 4 Council colleague “was listening to constituents’ concerns”, but did not rise to the level of a Code contravention of the 2019 Code.

#### Complaint 2 Findings: Respondent 1

Respondent 1 stated at Council and in social media that the proposed CKHub development staff and consultant considerations of accessibility standards were very much out of date as the Provincial legislation was more than 20 years old. Respondent 1 used her role as a member of Council on the municipal council to provide, inaccurate information to influence and negatively impact the approval process for the proposed development by telling the public that the staff reports were not going far enough in addressing accessibility. Respondent 1 acted in opposition to an interim decision- citing that staff and the consultant did not go far enough with respect to accessibility requirements.

Respondent 1’s continued re-introducing Motions that sought the same thing, that is additional information from staff that demonstrated that accessibility concerns were considered and that other municipal services would not be removed from rural areas was fueling fears and leaving the impression with constituents in rural areas that the information provided by staff about addressing accessibility standards, was inaccurate and/or deficient and thus, falsely impugning the professional or ethical reputation of staff contrary to the obligations set out in Rule 14 of the 2019 Code and Rule 15 of the current Code.

Respondent 1 explained that she was advocating on behalf of her constituents to ensure that the outdated provides of the Provincial accessibility legislation was not the standard against which the sufficient of accessibility concerns were measured by staff. Respondent 1 further repeatedly raised concerns that costs stated by staff and the consultant of the CKHub project were inaccurate:

“I share your concerns about the high estimated costs, and the lack of detailed financial information about the purchase and move to the old Sears building. I believe we should fix what we currently own, which will cost significantly less. With

proper maintenance, like any building, our publicly-owned facilities will last for many more decades to come. These buildings are not at end of life, by any stretch.”

And that services accessibility concerns were not addressed:

“There are serious concerns about the accessibility of this site and my motion is meant to address that. We cannot use taxpayer money to create more barriers and less access to public services”.

And that libraries and other municipal services would be removed from rural areas:

“My primary concern with this new plan is not only will it hurt the library in Chatham, but libraries across Chatham-Kent.”

“We aren’t getting that proper investment with the old Sears site unfortunately and as it stands right now, it only puts library services across CK at risk.”

In the course of my investigation, I was provided with evidence by individuals, including Members of Council, staff and the public, as well as reviewing video recorded meetings and social media posts regarding the Respondent’s remarks. Several of her comments as set out in the supporting documentation to the Complaint 2 were inaccurate and misleading. They reflected poorly on staff and violated Rule 14 of the 2019 Code and Rule 15 of the New Code.

## **9. Conclusions:**

Respondent 1 either failed to appreciate or did not attend to the fact that her public comments at the Dresden Meeting were received as undermining a Council interim decision to move into the next phase of the project and in undermining the recommendations of staff upon which the decisions were made.

Members of Council are entitled to express their views, disagree with staff recommendations, and advocate for or against proposals as part of their democratic role. This protection extends to political speech, including criticism of planning proposals or development projects. As articulated by the courts, political speech is “at the very heart of freedom of expression” under section 2(b) of the *Canadian Charter of Rights and Freedoms* (see *Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, para. 50).

However, this freedom is not without limits in the municipal context. Courts and Integrity Commissioners have made clear that while Councillors may question staff and challenge recommendations, they may not do so in a manner that unfairly impugns staff expertise, misrepresents facts, or persistently undermines decisions of Council.

In *Township of Georgian Bay (2021)* and *City of Ottawa (2022)*, integrity commissioners have emphasized that persistent questioning of staff qualifications, repeated allegations without evidence, or ongoing public mischaracterization of Council

decisions can constitute a breach of the Code of Conduct, particularly when it erodes trust in municipal institutions.

While the Councillor has the right to oppose the proposed development and raise concerns about accessibility and service impacts, that right did not extend to making unfounded assertions that the development would result in closures of services or that accessibility standards were not met, where such claims were unsupported by evidence. Repeated motions, public commentary, and social media posts that contradict staff reports and Council decisions—without new or substantiated information—go beyond legitimate political advocacy.

Rather than contributing to informed debate, this conduct risks undermining staff credibility, eroding public trust, and impairing effective governance. As stated in *Toronto (City) Integrity Commissioner v. Councillor Mammoliti* (2019), “disagreement with a policy or recommendation must be expressed in a manner that maintains respect for staff and upholds the integrity of Council’s decision-making process.”

Respondent 1’s conduct cannot be reasonably characterized as protected political expression immune from review under the Code. It amounts instead to a pattern of conduct that undermines staff expertise and public confidence in Council’s governance, and is therefore a breach of the Code.

In determining appropriate recommendations, I have considered the following factors:

- The public nature and potential impact of the conduct;
- The importance of maintaining public trust in Council processes and staff professionalism;
- The absence of prior Code violations involving Respondent 1;
- Respondent 1’s cooperation with the investigation process.

When evaluating the integrity and ethical conduct of a Member of Council, my role as Integrity Commissioner is to apply the rules of the Code to the facts gathered throughout the investigation. When making decisions on acceptable conduct, Members of Council are to follow the rules of the Code.

Since my appointment as Integrity Commissioner, I have only delivered one Council Code of Conduct overview session at Council and while the Code is a bylaw of the municipality and the rules are binding on all Members of Council whether they have received training or not, Respondent 1 has not had the benefit of detailed training on the Code to assist her understanding of the rules.

## **10. Recommendation:**

Accordingly, I recommend the following:



1. In respect of Complaint 1, I recommend that Council impose a, **Formal Reprimand** with respect to the conduct of Councillor Storey for violations of the Code rules, 14 and 15, to be issued by resolution of Council;
2. In respect of Complaint 2, I recommend that Council impose a **Formal Reprimand** and a **Suspension of remuneration of 10 days** of Councillor Storey for violations of Rules 14 and 15.

The goal of these recommended sanctions is to reinforce standards of decorum, professionalism, and public accountability while supporting the Respondents in continuing to fulfill their elected responsibilities in a respectful and constructive manner.

Respectfully submitted:

This 13th day of August 2025

Suzanne Craig,

Integrity Commissioner

## APPENDIX A – Respondent 1 and 2 Reply to the Complaint

### Respondent 1- Excerpts:

February 25<sup>th</sup> clarification from the Integrity Commissioner:

At the October Dresden Town hall Meeting:

- a. you spoke to attendees about your concerns of the Accessibility Committee and that your concerns were not addressed by staff or the Consultant;
- b. you advised that libraries in rural areas will close;
- c. you spoke about harassment issues with [a named individual];
- d. you did the majority of speaking;
- e. you reached out to residents prior to the meeting and prior to the subsequent Monday night Council meeting and expressed concerns over the impact of the CKhub project on future library services in Dresden and other communities in Chatham-Kent;
- f. you said that staff and the Consultant did not provide any credible answers on accessibility issues or cost overruns
- g. you riled up the audience at the October 20, 2025 Town Hall meeting in Dresden in preparation for the subsequent Council meeting.

Respondent 1's reply to the February 25<sup>th</sup> clarification:

a - I am the Council representative on the Accessibility Advisory Committee (AAC). It is my role to share information and feedback from the AAC on accessibility in our community to Council, administration and with the public. 2. Item a

- I continue to share the concerns of the AAC that despite providing feedback on accessibility issues of the old Sears proposal for the past two-plus years, many of those concerns have not yet been addressed by staff or the consultant. I believe raising these concerns in a constructive and professional way is part of my role as Councillor to represent the Committee/s of Council I represent and my constituents. - I have no interest nor desire to falsely injure, disrespect or impugn the integrity of any staff member. I have never knowingly said anything to that effect. I have raised questions about the lack of information provided to legitimate questions from constituents and Committees of Council I represent. I believe I followed proper protocol by bringing these concerns to the Council floor for public discussion through Notices of Motion. Since this proposal is so poorly viewed by the community and there is such negativity surrounding it, I believe it is possible that staff might resent Councillors raising questions about it in Open Session. I believe it is possible that staff are unhappy with the public pushback against a proposal that they have invested a large amount of time on, and when a

Councillor asks legitimate questions about that proposal that perhaps staff interprets the intent of that Councillor differently.

- I have gone out of my way to review every single Motion and every single question I bring to Open Session about this proposal to staff ahead of time. I am not required to do this, but I do so out of respect for staff and for full transparency of what questions I am asking and why. I do not engage in "gotcha" questions nor do I try to ambush staff - even though [a named staff person] has done that to me several times now in public in Open Session and in front of other staff during meetings. I will not behave in that same manner even though I do not feel that I have been given that same respect. I believe I am being targeted and treated this way, because I have raised legitimate concerns about this proposal.

- our most recent attempt to address these concerns was why I brought forward the motion at the October 21, 2024 Council meeting regarding accessibility at the old Sears site. I believe it is a reasonable approach to bring forward a motion to address concerns and questions, when I, or constituents or Committees I represent, do not feel that any, or sufficient information has been provided regarding a certain issue. The reason we keep asking is because we are not getting answers. Members of the AAC helped me draft this motion and members of the AAC came to Council to give depositions supporting the motion, as well as contacted Councillors individually to share their concerns about the proposal and to support my motion. 7. Item a - in addition to the AAC, there are concerns within the community about accessibility of the old Sears site. For example, some users of the Chatham Public Library Branch are so concerned about accessibility issues at the old Sears site they created a petition on that very issue.

- I believe it is a reasonable expectation in my role as Councillor, that I will do my best to address concerns from both the Committee/s of Council that I represent, and the constituents I represent when they share their concerns with me about a municipal proposal that could potentially negatively affect them. 9. Item

b - this is incorrect. I have stated that Council does not know how/if any municipal services, like Libraries will be affected by a move to the old Sears site. We simply do not know. We do not know how much this proposal is going to cost. Council has yet to be provided with any detailed operating budget for the old Sears site. What administration has indicated is that it will cost more to operate the new site. And there will not be an increase in existing operating budget dollars. So where are those additional operating budget dollars going to come from? I have questioned this several times where these additional operating dollars will come from without a response. Constituents are also aware of this and are asking the same thing.

- I am on the Chatham-Kent Library Board as a Council representative and can attest to the fact that we have not been given any substantial operating budget information about moving to the new site, except for the substantial increase (by a factor of 9) of security costs for the new site.

- this appears to me that Councillors and/or those connected to this Complaint have received negative feedback from their constituents about the uncertainty around Libraries in this proposal. They apparently want to assign the blame for that anger in their communities to me. The 11 library branches across Chatham-Kent are a beloved asset in our communities and whenever there is uncertainty about their future there would be an understandably negative response from the public. That is attributed to the uncertainty around this proposal, which I acknowledged at the event in Dresden. I did not state that any or all Libraries would close. This false accusation, along with the many other false accusations in this Complaint leads me to suspect that this is not only a vexatious complaint but an attempt to silence me.

c - as a Councillor, I am entitled to a workplace free from harassment and my workplace can be any number of locations where I am performing my duties as a Councillor. Raising my concerns about being harassed in my workplace should not be something any Councillor (of any gender, ethnicity or other identifier)

- there is a key context to the environment all of Council is operating in with regards to this proposal. [A named individual] is a wealthy individual who wields a significant amount of influence in our small community. He has a close personal relationship with the Mayor and several Councillors. He stands to benefit financially in a substantial way if this proposal goes through. Any member of Council who stands in his way will pay the price. The overt harassment I have experienced by him, simply by performing my role as a Councillor to represent the views of my constituents and ask questions when appropriate, has been deeply disturbing and has successfully silenced other Councillors from speaking out.

- [A named individual] has repeatedly behaved in an aggressive, intimidating and frightening way towards me for over one year. He has done so in a very public 3 way - emails to all of Council and others, extended slanderous 'rants' on popular local radio morning shows, attending public events to verbally harass me and intimidate me in person (all with witnesses).

- This is in addition to the inappropriate and aggressive text messages he sent to me for weeks demanding I meet with him in person to discuss my position on the old Sears proposal, even after the Municipality sent him the request, writing, to cease doing so.

- I find it curious that me mentioning that harassment in a public forum is somehow considered by the Complainant/s as something to include in their Complaint against me when [a named individual] has been harassing me in a very public way for more than a year. This reeks of how women are often treated when they are public about being harassed by someone - often an older, wealthy male with immense influence and privilege - which is exactly what [a named individual] is in Chatham-Kent. This seems like an attempt to further intimidate me and force me into silence. In addition, if these Complainant/s are who I believe they might be, based on the content of this complaint, it might be worth

asking these Complainant/s about their own connections to [a named individual] and if that is somehow influencing what I believe to be a vexatious complaint against me.

d - this is false. There was a robust discussion by the many attendees present that evening. As Councillors there were certainly a variety of questions directed to us, which we answered truthfully to the best of our ability. There was also robust discussion by others in attendance, with each other, and with Councillors in attendance.

- to this point - why would it matter how much anyone speaks at any public event - Councillor or otherwise? If the public has questions of a Councillor/s on any issue or item, why wouldn't we answer them? Isn't that our job? I fail to understand how this is relevant and seems simply yet another indication that this is a baseless and vexatious complaint.

- I have had ongoing conversations with hundreds, if not thousands of constituents over the past two+ years that this proposal has been before Council. When there is an update on this issue or any other, like an upcoming Council discussion or vote, I will reach out to them to let them know. That is a continuation of the conversation we have already shared. In most cases, constituents have repeatedly asked me to let them know whenever there is an update to share on this proposal since it has such a high cost and will have a substantial impact on our communities.

- in terms of the contents of our conversations, it is the same as item b above, #6. Since we do not have details about the operating budgets for the Libraries, we do not know how they will be impacted. Their future is uncertain and I have indicated that when asked by constituents about it.

- I believe part of effective communication with constituents is to keep communication lines open. If they have reached out to me with concerns about any issue, I would normally continue that conversation if/when there is an update on that particular issue. Is Council communication only supposed to be one-way?

- There is already a strong perception in the community that this Council term has been decidedly non-transparent regarding many issues, including this proposal. I have always taken communication with my constituents very seriously - I have an active social media presence, I return every single call and email I receive from constituents, I attend as many public events and meetings that I can. Showing up for my community and communicating regularly and clearly with them is something I take pride in and take very seriously.

- like the complaints about sharing my concerns about the accessibility and speaking out about the behaviour by [a named individual], the fact I am speaking to constituents and answering their questions to the best of my ability seems to be a theme with this complaint. To the best of my knowledge Nothing I have said to constituents is factually incorrect and is all based on discussions at Council,

public meetings with Council or reports to Council from administration. Any Councillor could say exactly what I am saying based on this same information. The email that was attached to the original complaint is someone I have had multiple conversations with on a variety of issues, including this one, throughout the term. There is nothing in that email that indicates anything but a conversation between me and a constituent. Taking any email out of context could also be seen as a convenient way to try and substantiate a vexatious complaint, like the other false accusations above.

f - this appears to be a repetition of the item a. To repeat: limited information has been provided to the public and to the AAC to date by administration and the consultant, regarding the concerns the AAC and the public have been raising since the beginning of this Council term. To repeat - this is why I brought forward 5 my motion on accessibility concerns to the October 2024 Council meeting. Because we had not yet received that information. Me mentioning this in any remarks at this public meeting is simply me explaining my motion and sharing that the AAC and members of the public have shared their concerns with me.

- like public concerns about the Library, the limited information on this item and the concept that seniors, or people with disabilities, may not be able to access the old Sears site, when they can easily access the current municipal sites, is a concept that many people find unacceptable and upsetting. Blaming me for people being upset by this lack of information and the lack of answers, two+ years' in, is going to cause potential frustration and anger from people - and Councillors will likely feel the brunt of that anger. I have felt it too. It is an understandable response. As with the other items listed above, this appears to be misdirected anger or blame towards me because I have raised these concerns as well. Blaming another Councillor because constituents are angry with you about a widely and deeply unpopular and very expensive proposal is an unfair and inappropriate approach to dealing with angry constituents. This is yet another indication to me that this is a vexatious complaint.

g - this is false. I did not "rile people up". People are "riled up" because the vast majority of our residents do not want this proposal to go ahead. People are "riled up" because they see critical issues like homelessness, encampments and other societal crises happening in our communities and yet the Municipality insists on moving ahead with a costly proposal using g money that could be better spent on life and death items mentioned above. They are "riled up" because they feel like their Councillors are not listening and are voting against their wishes. That people in Dresden, or any other community are "riled up" is not something that can be blamed on me, or any other individual, Council or otherwise.

- there is widespread and growing anger and mistrust towards our local government as a result of this proposal continuing to move forward. There have been multiple Town Halls held by concerned (and often angry) citizens across Chatham-Kent, including Dresden. These events are not organized by anyone on Council, to my knowledge. I have attended some of these events, others I have not. These events continue to be organized, often with growing numbers of

people in attendance, because people are very unhappy with how they are being treated. This proposal has caused so much unhappiness and anger in so many communities, Dresden included, that there are now multiple petitions from multiple communities, demanding that they separate from Chatham-Kent. This number continues to grow. While there has always been some low-level complaint about amalgamation, it has never been so organized, so widespread and resulted in so many public expressions of anger like Town Halls, petitions, letters to the editor, media interviews and more.

[...]

When Councillors are confronted by constituents who are angry, unhappy or confused, that does not mean those constituents are wrong, which is how this seems to be portrayed. It does not mean that Councillors who do take the time to answer their emails, their phone calls, attend their meetings or communicate in a consistent or respectful way, like I do (and several others) are somehow maligning staff or speaking against a Council decision. A Councillor sharing their concerns on behalf of others that may be a minority on Council, is not an excuse to file a vexatious claim against those Councillors. As I read through the accusations and personal attacks, it reads more and more like I am being used as a scapegoat to explain all the negativity and pushback they are receiving from their constituents. That is not a result of my actions or statements. But I am an easy target since I have been clear about my concerns on this proposal from the beginning.

Last but not least - there additional comments made by the Integrity Commissioner relaying what was said to her by the Complainant/s. This included offensive comments made about my father still needing to make money. That I have some kind of personal "beef" with [a named individual]. That I am bitter that I lost the Mayoral race to Mayor Canniff. First of all - bringing my father into this is bizarre and completely irrelevant. He has nothing to do with this proposal and does not stand to benefit in any financial way if it goes ahead, or if it does not. Before [a named individual's] deeply offensive and inappropriate behaviour towards me, I had no negative feelings towards him whatsoever. Even now, I don't necessarily blame him for trying to make a profit off this proposal - he is a private businessman who has partners to answer to. But my position has been, with the information that Council has been provided, that this is not a beneficial proposal for the taxpayer. Last but not least, the Mayoral race that I ran in against Mayor Canniff was in 2018. Seven years ago. Two elections ago. I do not have any ill will with Mayor Canniff for winning an election seven years ago. He and I discussed that the first month of this Council term and both agreed we would be happy to work together this term. 40. All of these accusations above reinforce to me that this Complaint is personal and not based in fact.

Respondent 2:

I'm not quite sure exactly the manner in which I am to respond, so I will do my best to respond to the accusations specifically against me [...].

I will copy and paste the complaint surrounded by quotation marks, followed by my response. I hope this is suitable.....

“Town Hall meeting that was organized to speak on the Downtown Chatham Hub was Co-created and or attended by two individual Councilors ([A named Councillor] was also there) to discredit the vote that occurred in a previous Council meeting. The Municipality was not invited.”

I did attend this Town Hall in Dresden as I also did attend similar Town Hall events in Ridgetown (prior), Chatham and Blenheim. There was another Town Hall organized in Tilbury that I was invited to, but I was unable to attend. Most of the topics at these Town Halls surrounded the Community Hub Project and tax increases. Other Councillors were in attendance at the various Town Halls. There were 4 Councillors in Ridgetown, (Councillors Storey, McDonald, Wright and myself), there were 3 Councillors in Dresden (Councillors Storey, Wright and myself), there were 6 Councillors in Chatham (Councillors Bondy, Doyle, B McGregor, Thompson, Storey and myself) and lastly, 5 Councillors in Blenheim (Councillors, Bondy, Doyle, B McGregor, Storey and myself). The Town Halls were organized by local Chatham-Kent citizens. The event in Dresden was organized by a local man and facilitated by a local woman. He asked me to invite my ward colleague, Councillor Jamie McGrail to attend, of which I did. She indicated that she was just flying in from a trip and didn't feel she would be in good shape to attend, so she declined. I don't know who else was invited to any of these Town Hall events, I just showed up in response to my invitation. I do believe an invitation to the Town Halls in Chatham and Blenheim were issued to all of Council, although I'm not entirely sure. One of the organizers of the Dresden event also asked me to share the poster on my social media, which I did and I made it clear that I was NOT the organizer and it was NOT a Municipal event. I also expressed this clearly at the Town Hall meeting when I spoke, (along with the other two Councillors). I don't know who made the poster, however it was not made by me or commissioned by me. I do not have the technical skills to do this. I don't know that the Town Halls are being inspired to discredit votes at Council. To my knowledge, they are being organized to bring awareness to CK residents, by CK residents and especially rural residents who feel they haven't been apprised of the full details of the Community Hub Project, nor do they feel that their voices have been heard with regards to their opposing feelings on the Community Hub Project. I am merely stating what I am hearing from residents throughout all of Chatham-Kent, not just in my ward. There is another Town Hall organized in Tilbury for next week. I intend on attending. I did not organize this event or have any hand in facilitating it. I do not know what other Councillors will be there.

“I believe this meeting was intentionally advertised as a Municipal meeting. Nowhere on the advert does it say who is hosting the meeting and therefore leads residents to believe its Chatham-Kent. See Advert



below.”

As the author of this states, “he believes this meeting was advertised as a Municipal meeting”. I am unclear where he establishes a basis for his comment or where he provides evidence to substantiate it. I do not think the organizers of this meeting, or any of the Town Halls have misrepresented themselves in stating the events are Municipal meetings. Further to this point, at each of the events, when I answered questions, I made it crystal clear that I do not represent all of CK Council or Administration and that I could only answer questions that have already been made public information. I also don’t know who made the posters for all of the other Town Hall events in the other towns, but again, it wasn’t me.

“I believe that it is quite clear there is clear intent by Cllr Jubenville and Cllr Storey that this meeting was Intending to criticize an already council direction through the deputations given Monday night from residents that attended the Sunday meeting. There is evidence of suggestions from Cllrs that are unsubstantiated (closing of rural libraries and service centers). Nowhere in any report to council has these topics been approached.”

I don’t really know how to respond to this. How does one prove intent and how does he know my intentions? I am merely responding to invitations to Town Hall meetings and I am showing up to them. I am responding to questions to my best of ability while staying within guidelines afforded to me as a Municipal Councillor. I am not lying, spreading misinformation or sharing information from Closed Sessions or that may not be public information. I did not compromise the integrity of Council or Administration by my speech. I only spoke of the facts that have been presented to Council. Many people in Chatham-Kent were unaware of many of the public details. The people of Chatham-Kent are largely against this project and emotions are very high on this contentious issue. It is very clear. There were many deputations from people who have attended the Town Hall meetings. I don’t recognize or know all of these citizens, but some I do. I certainly don’t orchestrate deputations or ask/tell people what to say. The people of Chatham-Kent are independent thinkers and as much as it may flatter me to take credit, they do not take direction from me as a Councillor on how to think or what to put in a deputation. I am merely a Councillor who listens and tries to help and advocate.

Council has NOT made a final decision on the Community Hub Project so no final direction has been set on this project. Constituents still have the ability to oppose the project at each stage as it sits before Council for voting, and I as a Councillor still have the right to oppose it at each stage, and I also have the right to bring Constituents’ questions and concerns forward.

I have never told a Constituent that their rural services, libraries or fire stations are at risk, never. Although there was a report issued by administration after a Resolution from Council on October 7th, asking for potential ways to implement a 7.5% departmental, budget, tax reduction. In this report from Administration, some of the suggestions were to close rural services like libraries, service centres and fire stations.

These suggestions were never implemented and the report has been finalized before Council. It's perplexing that this was brought up by the complainant when the suggestions to close fire halls, service centres and libraries were in response to a Motion directed by Council, perhaps he forgets.

"Oct. 21/24 Council meeting

2:39:40 Clr Jubenville states there has been no community engagement @ 2:40:15 Mr. Soldo dispels  
there has been but Jubenville continues"

Ms. Craig, I am assuming that you watched these timestamps during the stated Council meeting. I just rewatched to refresh my memory. I am unclear what the complaint is. I asked a question of Administration, [a named staff person] responded but I was unclear of what his response actually meant, so I asked for clarification. [The CAO] clarified the answer and I thanked him and moved on. I don't understand what was wrong with my actions or line of questions? My constituents are asking for public engagement in the rural areas of Chatham-Kent. Why am I not entitled to bring this concern forward to Council and Administration. After [the CAO] responded, I moved on to the next question. Is someone trying to silence me and prevent me from asking questions ?

"2:42:54 – Clr Jubenville is concerned about rural service centers and libraries. [The CAO]states  
nowhere is council reports contemplates this. Though it is the will of Council."

Again, because of the concerns of my constituents and after many sharing their worries about the impending suggestions of Administration and Council's decision on how to find a 7.5% tax savings, I wanted to bring clarification and peace of mind forward and solidify to the public that CK Council was not in a position to close municipal service centres, libraries and fire stations. I believe the [CAO] put this concern to rest with his response as best as he could. I have never had it in my wheelhouse of thought that we were going to close these services at this specific time, but many people in the rural areas did (and still do). I realize many CK residents watch our Council meetings, (either in person or on-line) and this form of question and answer between a Councillor and a member of EMT or our CAO is a great way for the public to hear and understand what is happening. Again, when [the CAO] finished his answer, I thanked him and moved on. Again, I'm very confused why I am being reported for asking questions to Administration . My questions are delivered respectfully and are not hostile. I truly feel this is my job as a Councillor to ask questions and advocate for my Constituents.

"Below is a council email for Dresden resident indicating Clr Storey's statement. During Sunday night's meeting both Clr Story and Clr Jubenville spoke and did the majority of the talking.

[...] Clr. Jubenville took the time to inform the crowd that Her and another Councillor do not talk and work together. This is not the only venue Clr Jubenville has taken the time to  
point her thoughts about this out."

I'm not sure what the complaint is in this section but I'll do my best.

At the meeting in Dresden, there were three Councillors. We all took turns answering questions. Some questions were answered by one of us and some were answered by two or all three of us. I would say we just responded accordingly, depending on the line of questions. I sincerely don't remember as it just flowed from one question or comment by a constituent to another question or comment. The event was facilitated by a local woman, so she directed the questions and answers. [...]

The complainant indicates that I took the time to inform the crowd that "I don't talk or work together with another Councillor". I will assume that he is referring to Councillor Jamie McGrail, my ward counterpart. I did not "take the time" to say anything of the sort. I was asked from the crowd (by multiple people) where she was since Dresden is also her ward. I responded respectfully and exactly like I told her I would, that she had just flown in from travelling and that she didn't feel she would be up to attending the event, as she had told me. I was asked how she has voted on the matter up to date and I simply indicated that she has voted in support of the Community Hub Project thus far. Our voting is public information on this matter. Nothing more was added. I answered questions to the best of my ability, in truth and honesty. I was then asked why she is voting this way and I stated that is not a question for me to answer even if I did know her reasoning, but I don't, as we don't personally speak on most items before Council. I am not expected to speak with, or agree with all Councillors, at all times, on all matters before Council. Nothing I said to the crowd was defamatory or compromising. I don't understand what he means about "this was not the only venue.....". It sounds like the complainant has supplied you with a lot of speculation with no receipts to back up his accusations. I stick to facts and facts only. I'm also quite confident if Cllr. McGrail was asked if she speaks with me on Council matters, she would have a similar response. Further to this point, seeing as this is my first term of Council, I was hopeful that Cllr. McGrail being the senior Councillor in our Ward, would "take me under her wing" and mentor me, but unfortunately she didn't. I don't begrudge her or hold anything against her, but I only tell you this to exemplify how we are not typically in contact on most matters,

"I would like to mention that the Dresden meeting was the second town hall meeting. The first meeting was in Ridgetown."

The first Town Hall meeting was actually in Tilbury, then Ridgetown, Dresden, Chatham, Blenheim and another is slated in Tilbury next week. No, I have not organized any of these meetings, but yes, I have attended almost all of them (as have other Councillors).

"Extra Information:

October 21/24 Council Meeting

Project Update in regarding Community Hub:

Cllr Jubenville time 3:53:56 states:

1. No misinformation in anything Cllr. Jubenville was involved with"

Yes, this is correct. I stand by it; I am not spreading misinformation as he has alluded to in his comments before this. As mentioned, there are other Councillors who have attended these Town Hall meetings, of which some are in favour of the Community Hub Project and some, like myself and Councillor Storey, are not. I am certain that if I was spreading misinformation, one of the supporting Councillors would call me to task or would have reported me to you. I realize this complainant was not in attendance at any of these Town Hall meetings so therefore he is assuming and generalizing in what he thinks was shared or said at the meetings and he is relying on hearsay.

“2. She inquires about Civic Centre and no information – on Oct. 30/23 council voted 11-5 for

Administration not proceed any further with the following options:

- a. Option 1, Do Nothing/Address Requirements on an As-needed Basis.
- b. Option 3, Renovate the Existing Civic Centre/Library Expansion/Cultural Centre
- c. Option 4, Build a New Civic Centre at a New Location

I have attached the report and time of meeting is 1:32:48”

3. States there is no benefit in project”

I can't find anything at, or near this time stamp during the Oct 30/23 or at the Oct 21/24 meetings that I said relating to the Community Hub project. I searched a little earlier and later and I can't find anything so I am unable to respond to this complaint.

In conclusion to my response to this investigation I am sincerely confused by these unfounded and unsubstantiated accusations. I do not agree that I have contravened the Code, with respect to sections 10, 14 and 15.

Further, I feel threatened by this colleague that I am not to be afforded my right to engage professionally with my Constituents and ask questions of Administration on their behalf without fear of some form of persecution or retaliation by him. All that he has seemed to provide you with are general thoughts and hearsay, but with nothing factual to support or substantiate his beliefs. I am also perplexed as to why the other Councillors who attended the Town Hall meetings have not been reported. (I assume they would have been included in this) This seems personal to me. Also, I feel there is an attempt to silence or sway my decision on this very important issue before Council. I have been informed by a few people from his ward that this colleague has indicated to them, that Councillor Storey and I are spreading ‘misinformation’. I consider this defamatory and I wish for him to stop as it compromises the integrity of Council as a whole and it compromises my character and my integrity as an individual Councillor.

My last concern is that even if I had organized these Town Hall meetings, which I didn't, why is it that a Councillor can't organize Town Hall meetings in their respective wards?

## Appendix B: Chronology of the CK Hub Project

The summary below is not intended to be comprehensive. This project has been ongoing for several years including multiple terms of Council.

In January 2017 a staff report on the Civic Centre Condition Assessment was present to Council. The resolutions were:

“That the report be postponed until such time as a fulsome public consultation process can be completed and the Resulting feedback be considered in the subsequent report returning to council. The report include a comparison of Options 1 and 2”

Option 2 – That Option #2 be approved and that administration be authorized to proceed with a Request for Proposal (RFP) to acquire professional architectural and detailed design services for the next phase of the project.

On May 13, 2019, staff recommended “that the report be referred back to administration for an architectural assessment to answer the following questions:

- Review of hiring a security company
- Retrofit the elevator
- Retrofit the washroom
- Moving the Council Chambers to a different building
- Option to make the current Council Chambers accessible
- Cost difference between plan replacement and emergency replacement of the HVAC system
- Cost of moving staff if the HVAC system should fail
- Information on grant funding available
- Any other issues that need to be addressed

At the June 28, 2021 Council Meeting, on a Motion by Councillor McGregor regarding the Downtown Chatham Centre Property, Council approved the recommendation:

“That administration prepare a report regarding options for relocation or redevelopment of municipal assets including, but not limited to, the Civic Centre as part of the lands to redevelop the Downtown Chatham Centre property”

At the June 13, 2022, with a staff report entitled “Imagine Chatham-Kent, A Proposal to Redevelop the Downtown Chatham Centre Site”, Council adopted the resolution :

“That

1. Until consultation be conducted regarding the imagine Chatham-Kent proposal to redevelop the Downtown Chatham Centre site for the purposes of co-locating municipal facilities (“Community Hub”) and hosting an Entertainment Complex, with results reported to Council on August 8, 2022.
2. Up to \$50,000 from the strategic reserve be allocated for initial due diligence on the Imagine Chatham-Kent proposal, with a status update reported to Council on August 8, 2022”.

On June 13, 2022, Administration brought a report to Council regarding 100 King Street CK Holdings Inc “Imagine Chatham-Kent” proposal. The Imagine Chatham-Kent

proposal has been revised several times based on discussions with 100 King Street CK Holdings Inc and the Municipality's investigations into whether purchasing part of the DCC property would be feasible, as described in the August 14, 2023, report to Council.

On October 3, 2022, Council approved the consulting award for Nustadia Recreation Inc for Project Management and Development Services to lead further public consultation, feasibility and business case assessment, and engineering and financial review for the proposed Imagine Chatham-Kent project at the Downtown Chatham Centre (RF R22-302).

On August 14, 2023, a Report of the CAO entitled Update Report on the Imagine Chatham-Kent Proposal was received by Council and Council resolved "That

1. Further consultation be undertaken regarding the various options presented in this report.
2. Administration prepare a report for the October 30, 2023 Council Meeting that will provide the following:
  - a) A summary of the advantages and disadvantages for each option; and
  - b) A summary of the stakeholder and public consultation

On January 15, 2024, Council received the Staff Report entitled Purchase of Part of Downtown Chatham Centre Property from 100 King Street Holdings Inc. Council approved the Resolution :

"That

1. Council authorize the Chief Administrative Officer and Director of Legal Services to execute an agreement to purchase a portion of the Downtown Chatham Centre mall property from 100 King Street CK Holdings Inc. on the following negotiated terms:
  - a. A purchase price of \$2,950,000 for Parts 1 and 2 on the draft plan shown in Appendix "A", funded from the Building Lifecycle Reserve;
  - b. A buy-back provision such that the Municipality can trigger the re-purchase of the property by 100 King Street CK Holdings Inc. at the same purchase price within 18-24 months, should the Municipality decide not to proceed with redevelopment of the property;
  - c. An option to purchase and right of first refusal giving 100 King Street CK Holdings Inc. the ability to repurchase the property should the Municipality not proceed with the redevelopment after 18 months, or if the Municipality receives a third party offer within five years of purchasing the property that it is prepared to accept;
  - d. A parking license agreement granting 175 parking spaces for municipal use in the parking garage and/or the DCC parking lot, along with access rights through the mall property;
  - e. Easements be granted to ensure each party's access to the loading dock;

- f. Leasing a portion of the DCC roof to 100 King Street CK Holdings Inc. currently being used for solar panels, along with a right for the Municipality to have 1/3<sup>rd</sup> of those panels moved as part of the redevelopment."

On January 15, 2024, a Staff Report authored by the General Manager, Infrastructure & Engineering Services entitle Chatham-Kent Community Hub, was received by Council. Council adopted the Resolution:

"That

1. Administration be authorized to proceed with completing the Detailed Concept Design Phase for the Chatham-Kent Community Hub which consists of a combined Civic Centre, Library and Museum at the former Sears building.
2. The contract amendment in the amount of \$166,098.97 (including HST) for Project Management and Development Services of the Chatham-Kent Community Hub, be approved to Nustadia Recreation Inc. and funded from the Building Lifecycle Reserve.
3. Council authorize Administration to hire a contracted Project Manager – Facilities for a period of three years in order to support the design and construction of the Chatham-Kent Community Hub, in the amount of \$396,000, and be funded from the Building Lifecycle Reserve."

## Appendix C

### Respondent 1 reply to Complaint 2

I believe this Complaint to be vexatious and retaliatory in nature in order to silence me for raising legitimate concerns and concerns of my constituents about the proposal to move three municipal facilities to the old Sears building. In my previous letter to you dated January 27, 2025, I shared my concern that that complaint was an attempt to influence upcoming votes on this item that I will be participating in and intimidate me into voting in favour. And if I did not cease sharing my concerns and those of my constituents, more complaints will be filed against me and I will be forced to defend myself again. As it turns out this is exactly what has happened.

Based on the information shared in this most recent complaint and the repetitive nature of its content, along with other identifying details, I suspect there is a concerted effort by those who are in favour of this proposal to continue their reprisals against me. And they will continue to do so moving forward. It is my position that this/these Complainants are abusing the Code of Conduct complaint process. It is the job of a Councillor to advocate on behalf of our constituents. Councillors have the right to disagree with each other. Constituents have the right to disagree with Council. One of our most important roles as Councillors is to advocate on behalf of our constituents. Sometimes that advocacy will align with the majority of Council and sometimes it will not. I believe I was, and am, advocating respectfully for a large number of my constituents who continue to raise concerns about this proposal. As it stands right now forecast to be the most expensive proposal in our history. Because of this it rightfully has a significant amount of public scrutiny. 1 It appears that with these latest allegations the Complainant/s are unhappy that I am advocating on behalf of constituents who have brought these concerns to my attention. The complainant/s have every right to disagree with me, or with our constituents. However to make baseless and vexatious unfounded complaints is an abuse of the integrity complaint process. Secondly this complaint seems to operate in hindsight and uses current assumptions and information that we know in 2025 to entrap me and use comments I made as long as a year and a half ago to justify a complaint against me in present day.

I did not have a crystal ball in January 2024 as to what information would or would not be presented to Council in the next 17 months. I followed, and continue to follow, what I believe to be a reasonable and standard process to request additional information from staff on this item through Notices of Motion. Some of which were passed by Council, others were not. This includes certain members of Council that I suspect, based on the content of these allegations are now involved in this repeated vexatious complaint against me. To use 1.5 years of picking apart my social media accounts for any indication of inappropriate behaviour is deeply disturbing and smacks of bad faith and an abuse of the integrity complaint system. My intent has always been to use social media posts in good faith to inform my constituents about municipal business through sharing my personal perspective and to demonstrate transparency in our discussions and decisions. As well as respond to the best of my knowledge to constituent questions and concerns. It has never been my intent to use these communication tools in any harmful or negative way towards any of my colleagues on Council or administration. I



appreciate and respect that other Councillors or members of administration may have a different opinion or perspective on these same items. If my comments were considered inappropriate, unprofessional or contravening the Code of Conduct from January 2024 onward by the Complainant/s, why did they wait more than a full year, and mere weeks before one of the final, major votes on this item to file this complaint?

I had no significant interaction with the current or previous Integrity Commissioner on this item nor were any concerns raised by either IC in any formal way during this time. The date of this filing and its content raises troubling questions about attempts to silence me as a Councillor who has raised legitimate concerns from constituents about this proposal. This proposal has been deeply divisive and I can appreciate there are strong opinions on all sides. Especially when the dollar amounts are so significant. But strong differing opinions are not necessarily lapses in judgement or flouting a Code of Conduct. In fact, differing opinions are usually a sign of a healthy democratic system where robust and respectful debate is encouraged. In this case however, the opposite has occurred. And in a way that I believe has now destroyed this term of Council and created a hostile and toxic work environment that will be difficult to recover from. While I appreciate the confidential nature of this process, it is an incredibly isolating experience going through all of this alone. And to worry that if I do share my fear and worry then that could also be used against me in yet another integrity complaint.

It's also incredibly isolating and anxiety-inducing, especially as a first-term Councillor still learning the ropes, knowing now that there have been people sitting around the same Council horseshoe that have been parsing every word you say for years on end looking for any possible slip-up to retaliate and humiliate you with repeated integrity complaints. Not once has any Council colleague approached me in good faith to share any concerns or questions they might have with any of my public communications. Instead the "nuclear option" of repeated anonymous complaints with overwhelming amounts of content continue to be targeted against me. This has destroyed my enjoyment of my first (and as a result of this process, likely only) Council term. Simply for sharing the concerns of my constituents that have been consistent from the first day of this term and continue to be. I knew sharing these concerns against the most wealthy and influential (and apparently punitive) people in this community would likely come with consequences, but I never imagined it would be taken to such an extreme. And a worthy and independent integrity complaint process abused and manipulated in such a way. I am entitled as a Councillor, like any Councillor, to have differing views from other Councillors or the Mayor. I am entitled to share those concerns in a professional and respectful way, which is what I have always strived to do throughout my term and my professional life in general. The concerns of my constituents are legitimate and deserve to be heard.

I have acted in good faith to represent my constituents to the best of my ability. I have acted in good faith as a Councillor to engage with my colleagues with respect, despite any differing views on this issue or any other issue that comes before us. Finally, I would like to reiterate the severe and negative impact these continuous complaints have had on my mental health. Based on the volume of files in this latest complaint, there is clearly a "team effort" by those with a strong interest (financial or otherwise) to gather up

information going back almost two years. [...]For question over and over why these complainants continue to target me, simply for sharing my concerns and the concerns of my constituents regarding the most expensive proposal in our Municipality's history. Just because these concerns do not align with a wealthy, demonstrably abusive private developer or the majority of this Council does not necessarily equate to integrity violations. I deeply respect and honour our Code of Conduct. And whatever the outcome of what I feel has been a gross abuse of the integrity complaint process, I will continue to honour and respect the spirit of this Code. And while having to formulate this response has been a deeply upsetting and demoralizing experience, I appreciate the opportunity to respond. If this latest Complaint is deemed vexatious, I will consider my options moving forward.[...]

Since the complainant/s did not provide any additional context or explanation about how I allegedly contravened Rule 10.1, 10.2 and 10.3, I am at a distinct disadvantage on how to effectively respond. My public statements regarding the old Sears proposal have always been made in good faith and reflect me reflecting and sharing the concerns shared with me by many of my constituents. In the broader sense, in the event this is relevant (I am not clear if it is since no additional context was provided, but will include just in case), I was provided with documentation from both the previous and current Integrity Commissioners that I do not have a conflict on the old Sears proposal. The volume of these alleged Code violations and "flood the zone" approach with the large volume of files submitted with this complaint leads me to believe this is an attempt to overwhelm me and silence me. Since the complainant/s did not provide any additional context or explanation about how I allegedly contravened Rule 14, I am at a distinct disadvantage on how to effectively respond. My traditional media and social media statements regarding the old Sears proposal have always been made in good faith and reflect me reflecting and sharing the concerns shared with me by many of my constituents. I always do my best to ensure I am communicating respectfully about decisions of Council. Even if I disagree with a decision or voted against a particular motion or recommendation I have made it clear my opinions are my own, to ensure there is respect and integrity in the decision-making processes of Council. I have never intentionally or maliciously injured the professional reputations of staff. I have asked questions of staff in a respectful way. I appreciate that being such a controversial and divisive proposal that staff may feel that disagreement or voting against their recommendations could be mistaken for criticism. As a former staff member it took a long time for me to not take it personally when a Councillor/Mayor did not support a proposal or initiative that I was part of. Being a former staff member is also why I would never deliberately or intentionally disrespect staff. I always prepare and share my questions with staff in advance of every Council meeting so they are aware and prepared. I always go through the proper channels to communicate with staff, both in the context of Council meetings and any additional interaction. I have also worked 5 with the CAO when any concerns have been shared with me from members of the public about alleged staff behaviour. I have no interest or desire to injure staff or malign them in any way. The volume of these alleged Code violations and "flood the zone" approach with the large volume of files submitted with this complaint leads me to believe this is an attempt to overwhelm me and silence me. The irony of this section being included, is that I myself have been subject to repeated attacks, humiliation,

destruction of my reputation in many public forums (radio, print newspaper, emails to Council, false accusations, appearing at Council attempts and physically sitting inappropriately close to me and attacking me verbally in public, just to name a few) for more than a year now by one of the private developers who has already profited in the millions of dollars by Council decisions in his favour and will continue to if this proposal moves ahead. His behaviour to bully, intimidate and influence elected officials to vote in his favour, or destroy those who do not, is a deeply troubling and unethical aspect of this entire process. With seemingly little to nothing that can be done. It's a very dangerous threat to local democracy and the critical importance of independent decision-making by elected officials free from financial influence or bullying by those who will benefit substantially if those proposal moves ahead.

**C. ALLEGATIONS REGARDING RULE 15 AS DESCRIBED ON PAGE FOUR OF LETTER FROM INTEGRITY COMMISSIONER DATED APRIL 23, 2025**

Since the complainant/s did not provide any additional context or explanation about how I allegedly contravened Rule 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, or 15.9, I am at a distinct disadvantage on how to effectively respond. The volume of these alleged Code violations and "flood the zone" approach with the large volume of files submitted with this complaint leads me to believe this is an attempt to overwhelm me and silence me.

**SUMMARY OF COMPLAINT ALLEGATIONS RESPONSE AS DESCRIBED ON PAGES 4-7 OF LETTER FROM INTEGRITY COMMISSIONER DATED APRIL 23, 2025**

The concerns I have shared about accessibility of the old Sears site, potential impacts on library services, potential cost impacts of the proposal and opposition to the proposal are legitimate concerns that have been expressed to me by constituents as a Council representative on these respective committees or as my role as a Councillor tasked with spending taxpayer dollars wisely. I believe these are legitimate concerns and concerns I can reasonably share on behalf of my constituents. To the remaining "summary of allegations", without any additional context, just random, possibly out of context quotes of mine does not provide me with a reasonable way of responding in a fulsome way to these allegations as to how they related to the multiple Code violations as alleged by the Complainants.

6 In the interests of time and to avoid repetition, if additional context is required or desired from my perspective, I believe my previous complaint response, which is extensive, should address the concerns I have shared in relation to potential accessibility, Library and financial impacts of the old Sears proposal I have not stated that 100% these impacts would occur. I have shared concerns about the possibility of these potential impacts. To date, we still do not know the extent of any possible impacts resulting from this proposal. These are concerns shared with me by constituents. These are concerns that I have attempted to address by filing relevant Notices of Motion to ensure a transparent and accountable public discussion through Council. In addition, in many cases these allegations are from well over a year ago and beyond, when there was even less information available. To accuse me of spreading misinformation in March 2025 about statements I made in January 2024 appears to be a vexatious way to silence me and abuse the integrity complaint process. I did not have a crystal ball at any point in this process. This appears to be an attempt to weaponize the concept of "hindsight" which I believe is a punitive and unfair way of assessing any statement attributed to me in this context. The fact that these complaint/s were filed mere weeks before a major Council decision on this item also smacks of bad faith and attempts at

intimidation. This latest complaint reinforces my initial and continued concern that the powerful and influential developers and supporters of this project, many of whom will financially benefit in the millions of dollars if this proposal moves ahead, are trying to silence those who share concerns or question this project. It is a horrible and dangerous precedent to set. I fully expect that regardless of the result of this complaint, these vexatious complaints will continue against me as attempts to silence me and destroy my mental health.