

William R. Hunter
Integrity Commissioner

BY E-MAIL

Match 14, 2024
Our File No.:2024-004
E-Mail: bill.hunterarbitrations.ca

Dear Mary Ellen Truelove (Clerk) & Councillor Paula Banks:

RE: Integrity Commissioner Report - Councillor Paula Banks

I. MANDATE

1. As of January 1, 2024, I, William R. Hunter, was appointed by the Township of Rideau Lakes to be the Integrity Commissioner for the Township of Rideau Lakes (**Rideau Lakes**). I was requested to conduct an inquiry in respect of complaints and alleged breaches of the Code of Conduct concerning Councillor Paula Banks (**Councillor P. Banks**). Specifically, I conducted an inquiry under section 223.4 of the *Municipal Act*, 2001, S.O. 2001, c. 25 ("**Municipal Act**") into whether Councillor P. Banks contravened the Rideau Lakes Code of Conduct for Members of Council of Rideau Lakes and Certain Local Boards, Schedule 'B' to By-Law 2019-17, amended February 3, 2020 (Res #10-2020) (the "**Code of Conduct**").

2. I investigated the complaints and alleged breaches in accordance with the Code of Conduct in an independent and neutral manner, assessing credibility and reliability, applying a balance of probabilities standard of proof, making factual findings, and determining whether any of the findings of fact amount to a violation of the Code of Conduct. Councillor P. Banks had an opportunity to respond to the allegations and provide comments. The complainants were provided with a copy of Councillor P. Banks' response and were able to make comments if they chose. There were no further responses.

II. THE COMPLAINTS

3. The complaints were almost identical. They involved several e-mails Councillor P. Banks was involved in and statements she made at two council meetings. The sections of the Code of Conduct that were cited were:

(a) Section 5.3 ii which states:

5.3 The general principles are:

ii. 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; and,

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(b) Section 6.8.1 which states:

6.8.1 During Council meetings, members shall conduct themselves with decorum. Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council during presentations and when other members have the floor; and,

(c) Section 6.10.1 which states:

6.10.1 All members of Council shall treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation.

4. The meetings that were referred to were the first 10 minutes of the budget meetings of January 29, 2024, and January 30, 2024.

5. January 29, 2024, meeting excerpt:

Councillor P. Banks: I might have done this out of order. I'm new so I'm learning as we all know. So, after the events on the weekend with Jeff and I, I would like to make a request of council. I will be asking this council to support an investigation by the Integrity Commissioner into the ongoing undermining of the majority of this council. I feel the actions of some on this council in supporting Grassroots have aggravated the situation by founding, joining and continuing to supply them with information, some even possibly confidential. Our personal safety and our private lives need to be respected and protected by this council and our community. After this weekend, I have realized that's not going to happen. This group continues to put our personal safety and mental health at risk I would like this council to cover the cost of that investigation, and if there is no finding of fault, I will return the money. I would like to vote on that now please.

Mayor Hoogenboom: I'm going to call that out of order. I think that that's an appropriate discussion, perhaps to have in close session at some point in time.

NOTE: Respecting meetings that may be closed to the public, section 239 (2) (b) of the *Municipal Act, 2001* states:

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(b) personal matters about an identifiable individual, including municipal or local board employees.

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...

Councillor P. Banks: I'm not trying to be rude, but I would like to, what is it called, point of order? I feel that our safety was put at risk in this building, and I want to deal with this now. It's alright to go into closed meetings when nobody in the public knows what's going on. A counsellor was attacked at this table by this group, and I think for us to pretend that didn't happen is an insult to Jeff and me. So again, I don't know the proper procedure, but I would like to call point of order, whatever it is, because you guys should be protecting us. We should be protecting our employees. So, I don't understand why because it was a councillor, and his name is Jeff Banks we are not doing the same thing we would do for an employee. I had warned this township about the additional supporting of this group would end up with either Jeff or I physically being assaulted. That was my worry. You guys did not take any action and it happened. So, I would like to address this now. If you guys do not want to support the \$100, I will pay it myself, but I would like that vote to happen now. Is That possible?

Mayor Hoogenboom: Let me speak please. I let you speak, now let me speak. You cannot make all those kinds of allegations and suggestions. If it was a physical assault in some sort, that is what we go in the OPP is. There was certainly no assault that took place in this room.

Councillor P. Banks: That is not true! Just because you don't consider it an assault. We gave this person leeway because we didn't want to ruin our lights. What happened after that? She escalated her behaviour. That's exactly what happened.

Mayor Hoogenboom: We are here today to discuss the operational budget, and that is what I'm going to focus on. If you wish to raise this at a future meeting, we will deal with it at a future meeting. I will not have this meeting sidelined because of all the work that staff have put into this. It's important that we have this discussion and debate about what's on the agenda today, not all of these other allegations.

6. January 30, 2024, Meeting;

Councillor P. Banks asked questions about when the public could ask questions about budget items.

7. Also, as part of the complaints, there was reference to four emails:

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1. Councillor P. Banks' email dated Friday, January 26, 2024, at 8:50 PM (exhibit "A");
2. Councillor P. Banks' email dated Friday, January 26, 2024, at 9:20 PM (exhibit "B");
3. Councillor P. Banks' email dated Friday, January 26, 2024, at 9:23 PM (exhibit "C");
and
4. Councillor P. Banks' email dated Saturday, January 27, 2024, at 4:22 AM (exhibit "D").

8. It is important to note that each email was sent to nine persons including staff and other individuals. I have redacted parts of these emails that are not relevant to the complaints and attached the redacted emails as exhibits.

III. THE PROCESS

9. These complaints were classified by me as being within my jurisdiction. I did a preliminary review which did not resolve the situation. Section 10.3 of the Rideau Lakes Township Code of Conduct provides for the complaints to be sent to the member whose conduct in question and that member is allowed a reply which is sent to the complainants for their further comments, if any. Section 10.3 was followed. I did not consider it necessary to conduct any personal interviews.

IV. FACTS

10. The facts are clear:

1. Councillor P. banks authored the emails and sent them out to numerous recipients;
2. The emails contained the following:
 - a. Exhibit "A"; "...you, **REDACTED** have hit a new fucking low." And "**REDACTED** you should be ashamed of yourself .";
 - b. Exhibit "B"; "That is pretty well if you would like to punish it and call me a liar go ahead as most mayor will tell you the people that are not afraid to tell the scare them. I have lost like eight fucking times once more won't heart.";
 - c. Exhibit "C"; "As most on council know when I get really mad it usually takes me three rants. If any you ever knew what a secret please do not tell Jeff I sent this to her!";
 - d. Exhibit "D"; "Council and Staff I'm sorry for the language. But my mental health has had it." And "Please do not send any more emails we are struggling right now and the last thing we need was an email about nothing from someone that should have empathy and remember the past and stop harassing please."

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11. At the January 29, 2024, budget meeting which was a public meeting and was recorded for any of the public to see, Councillor P. Banks suggested that there was an "... ongoing undermining of the majority of this Council", that some Councillors had supplied information, "some even possibly confidential," to a private organization. Councillor P. Banks continued by saying."

"Our personal safety and our private lives need to be respected and protected by this council and our community. After this weekend, I have realized that's not going to happen. This group continues to put our personal safety and mental health at risk"

Further, she continued to interrupt the meeting agenda and alleged that a statement by the Mayor which was that, "There was certainly no assault that took place in this room," was not true.

V. Analysis

A. Did Councillor P. Banks breach Section 5.3 ii of the Code of Conduct?

12. In my opinion, she has breached Section 5.3 ii of the Code of Conduct. First, by sending emails to many persons expressing the views that are contained in Exhibits "A" to "D", she has raised allegations that the public would find, not only confusing but apprehensive.

13. Secondly, in the public meeting of January 29, 2024, she has raised concerns about the actions of some unnamed members of council, the possible release of confidential information and her personal safety. These statements could bring Council into disrepute and compromise the integrity of the Municipality or Council.

B. Did Councillor P. Banks breach Section 6.8.1 of the Code of Conduct?

14. Although Councillor P. Banks often raises her hand at meetings, indicating a desire to make submissions or ask questions, when she has the floor, she usually speaks in a respectful manner. However, she did not respect the meeting agenda on January 29, and continued to argue with the Mayor. Councillor P. Banks did not show courtesy and distracted the meeting from the business of Council. As such, Councillor P. Banks breached Section 6.8.1 of the Code of Conduct.

C. Did Councillor P. Banks breach Section 6.10.1 of the Code of Conduct?

15. Coming from an elected councillor, the profanity and harsh language in her emails to the recipients is bullying and intimidation. If she had made these statements privately it

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would have breached Section 6.10.1 of the Code of Conduct but to make them in emails, sent to a variety of persons, escalates the breach.

VI. APOLOGY

16. On February 12, 2024, Councillor P. Banks made the following apology at a Council meeting:

I would just like to make a statement if that's okay. In the past week or so, I responded to a resident using foul language. So, I would like to report myself as not following the Code of the Conduct. I realize, there are repercussions for that, but I let down the people in Bastard and Burgess, And I'd just like to say that it won't happen again. Thank you.

17. The apology does not recognize the much broader impact of her emails, having gone to several people not just one resident. Also, Councillor P. Banks does not appear to realize that these comments should not be placed on social media or emailed as these comments can be saved and shared by others.

18. On February 24, 2024, Councillor P. Banks made a Facebook entry. The redacted version is:

I promised the taxpayers I would be transparent, so I feel I have to make a confession. This will be my only comment on this subject, and I will no longer engage with Grassroots group going forward.

Councilor Maxwell and the Grassroots Group have brought me to the point of swearing at a resident via email, so I have decided to take a month off Facebook.

REDACTED

...

Add to this my husband being spat on while at the council table I reached my breaking point. That should not have happened. I reverted back to my old ways of attacking people so I'm 100% to blame. I should have done better and will in the future.

This will be my final update on the budget for the next month.

We left today's meeting at around a 3% increase.

I'm sorry that I let the people in B&SB down, this is on me, and I will do better.

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19. The statement “I have decided to take a month off Facebook” recognizes that Councillor P. Banks used social media in an improper way. I trust that henceforth, she will not post any comments on social media that breach the Code of Conduct.

VII. RECOMMENDATIONS

20. Having reviewed extensive and videos of several public meetings, I know that Councillor P. Banks is passionate about her responsibilities. That is what most ratepayers expect of their elected representatives. What they don’t expect is the length to which Councillor P. Banks exceeded her position to breach of the Code of Conduct.

21. Her limited apology represents some understanding that the Code of Conduct cannot be breached without some repercussions.

22. The *Municipal Act, 2001* section 223.4(5) states:

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

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

23. Given that she has some knowledge of her breaches of the Code of Conduct I do not believe that a reprimand serve any purpose. This proceeding should make the importance of compliance with the Code of Conduct clear to Councillor P. Banks.

24. A suspension of remuneration penalty can serve as a deterrent and send a message to Councillor P. Banks and others that compliance with the Code of Conduct is the standard expected of the municipality’s elected representatives. I therefore recommend that there be a suspension of the remuneration paid to Councillor P. Banks in respect her services as a member of council for a period of Twenty-One (21) days.

Your very truly,

William R. Hunter
Integrity Commissioner

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Exhibit "A"

Paula Banks

Fri, Jan 26, 8:50 PM

to P&T, sfournier@rideaulakes.ca, me, lambtrax@outlook.com, lmacarr393@gmail.com, pollard.ron@kingston.net, 736sued@gmail.com, mayor@rideaulakes.ca, mtruelove@rideaulakes.ca, joan_delaney493@xplornet.com

As disgusting as I found Laura Redmans behaviour for spitting at Jeff you, **REDACTED** have hit a new fucking low. With my husband's past relationship with you and your husband you should be ashamed is all I need to say.

Marcia if you and Arie want the dirt on our family can you please tell your group that Jeff cannot attend public events and I had to give up some responsibilities **REDACTED**

REDACTED you should be ashamed of yourself Jeff is not even mad he is hurt.

Is the HUB that important Arie and Marcia, Ron?

Paula Banks

Councilor Bastard & South Burgess

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Exhibit "B"

Paula Banks

Fri, Jan 26, 9:20 PM

to P&T, sfournier@rideaulakes.ca, me, lambtrax@outlook.com, lmacarr393@gmail.com, pollard.ron@kingston.net, 736sued@gmail.com, mayor@rideaulakes.ca, mtruelove@rideaulakes.ca, joan_delaney493@xplornet.com

By the way Joan since you and your best friend Laura are always worried about my vacation I better let you know what it is.

REDACTED

That is pretty well if you would like to punish it and call me a liar go ahead as most mayor will tell you the people that are not afraid to tell the scare them. I have lost like eight fucking times once more won't heart.

Please don't ever speak to any of us again.

**William R. Hunter
Integrity Commissioner**

Exhibit "C"

Paula Banks

Jan 26, 2024 9:23 PM

to P&T, sfournier@rideaulakes.ca, me, lambtrax@outlook.com, lmacarr393@gmail.com, pollard.ron@kingston.net, 736sued@gmail.com, mayor@rideaulakes.ca, mtruelove@rideaulakes.ca, joan_delaney493@xplornet.com

As most on council know when I get really mad it usually takes me three rants. If any you ever knew what a secret please do not tell Jeff I sent this to her!
Sorry Maryellen I was trying to do better

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Exhibit "D"

Paula Banks

Jan 27, 2024, 4:22 AM

to P&T, sfournier@rideaulakes.ca, me, lambtrax@outlook.com, lmacarr393@gmail.com, pollard.ron@kingston.net, 736sued@gmail.com, mayor@rideaulakes.ca, mtruelove@rideaulakes.ca, joan_delaney493@xplornet.com

Council and Staff I'm sorry for the language. But my mental health has had it. Marica I know full well you and **REDACTED** are friends **REDACTED**. I need you to stop these attacks .

I saw all the posts again about our vacation from your group. Please stop. If your group has questions about the budget, ask them. You do realize this is not an election.

Redacted

Please do not send any more emails we are struggling right now and the last thing we need was an email about nothing from someone that should have empathy and remember the past and stop harassing please.

Paula Banks
Rideau Lakes Township
Councilor Bastard & South Burgess
613-284-0238