

William R. Hunter
Integrity Commissioner

BY E-MAIL

September 19, 2024
Our File No: 2024-006
E-Mail: bill@hunterarbitrations.ca

Dear Mary Ellen Truelove (Clerk) & Councillors Paula Banks & Jeff Banks:

RE: Integrity Commissioner Report – Councillors Paula Banks & Jeff Banks

I. MANDATE

1. As 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 Councillors Paula Banks & Jeff Banks. Specifically, I conducted an inquiry under section 223.4 of the *Municipal Act*, 2001, S.O. 2001, c. 25 ("**Municipal Act**") as to whether Councillors Paula Banks & Jeff 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. Councillors Paula Banks and Jeff Banks had an opportunity to respond to the allegations and provide comments. The complainant was provided with a copy of Councillor Paula Banks & Jeff Banks' response and was able to make comments.

II. THE COMPLAINTS

3. The allegations in this Complaint are:

- a. At the Regular Council meeting of May 6th, 2024, Councillor Paula Banks, while attempting to rationalize her previous violation of the Township's Code of Conduct, blamed her behaviour on others and, specifically, the Rideau Lakes Grassroots Group (RLGG), calling it a hate group, accusing it of physical and other forms of harassment without evidence or substantiation.
- b. Councillor Banks said, "I had originally plead guilty to the entire report in the hopes that the RLGG would stop their harassment but that has not happened".
- c. Councillor Banks said, "As for the rest of Councillor Maxwell's accusations against Councillor Banks and myself, my defence is: I acted out of desperation due to the inaction of some on

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Council to denounce this hate group and the undermining of the majority of Council by Councillor Maxwell herself. Her support of this group and their constant slanderous and libellous attacks on us drove me from begging for help in closed meetings to asking in public ones.”

- d. Another allegation was that: Councillor Jeff Banks asserts the RLGG delegation is “insignificant, immaterial and inappropriate”. It is alleged that he accused the group of a physical assault at an earlier council meeting.

4. The reply to the allegations was made by Councillor Paula Banks on behalf of herself and Councillor Jeff Banks consisted of a 52-page document. Councillor Paula Banks started out by saying:

“I understand by telling the truth in public it may cost us both up to three months pay but we cannot continue down this road. Councillors Maxwell have caused a divide in council and have publicly supported the RLGG while lying to council, staff and the public for nine months about their help in creating this political group.” *[The political group referred to is the RLGG.]*

5. The basic allegations were not denied. Rather, Councillor Paula Banks repeated and elaborated on the allegations against RLGG and Councillor Maxwell. I am not going to state the allegations and remarks contained in Councillor Paula Banks’ reply. They do not assist her or Councillor Jeff Banks in defending this complaint and, if published in this response, would exacerbate an already divisive situation on Council.

III. THE PROCESS

6. 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 is 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 but made some email inquiries.

IV. CODE OF CONDUCT SECTIONS REFERRED TO BY THE COMPLAINANT

Section 1.2.i

i. Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.

1.2 iv,

iv. Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by this and other Municipal Councils.

3.1 This Code of Conduct operates with and as a supplement to the existing Municipal, Provincial and

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Federal statutes including, but not limited to the:

- (a) *Municipal Act, 2001*
- (b) *Municipal Conflict of Interest Act*
- (c) *Municipal Elections Act*
- (d) *Municipal Freedom of Information and Protection of Privacy Act*
- (e) Ontario Human Rights Code
- (f) Township of Rideau Lakes By-laws
- (g) Any and all other Municipal, Provincial and Federal statutes that may from time to time govern the conduct of members

5.3 The general principles are:

i. Members of Council shall uphold a high standard of ethical behavior to ensure that their decision making is impartial, transparent and free from undue influence.

6.8.1 During Council meetings, members shall conduct themselves with decorum. Respect for reputations 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.

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

6.11.1 This Code of Conduct is designed and intended to work together with other policies and procedures adopted by Council and intended to apply to Council (e.g., Procedure Bylaw).

6.11.2 Members of Council shall observe the terms of all bylaws, policies and procedures established by Municipal Council that are intended to apply to members of Council in their role as Councillor or as a member of the public.

V. FACTS & ANALYSIS

7. I have made various inquiries and requested and reviewed responses and numerous Municipal meeting videos before determining on the balance of probabilities that these are the facts.

RLGG did publish and distribute a “Blue Flyer” in August 2023. Part of it stated:

OVER A QUARTER OF A MILLION RIDEAU TAX DOLLARS DELIBERATELY WASTED!!!

THESE FIVE COUNCILLORS ARE IGNORING THE ECONOMIC HEALTH OF RIDEAU LAKES TOWNSHIP.

It then stated, “This is the contact information for the 5 Councillors that are responsible for the current direction of Council”. The five Councillors were named, and their contact information was provided.

8. I find that the “BLUE FLYER” exacerbated significant feelings of animosity among Councillors. Especially, it led to Councillor Paula Banks’ words against RLGG.

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9. I did not find any evidence that Councillors Banks had been threatened. If they were threatened, I do not have jurisdiction over that matter. They should contact the police directly. Indeed, Councillor Jeff Banks advised me that he did contact the police.

10. With regards to Sections 1.2 (i), 1.2 (iv), 3.1, 5.3 and 6.11.1 I am satisfied that Councillors Paula Banks and Jeff Banks did not violate any of these sections.

11. Regarding Sections 6.8.1, 6.10.1 and 6.11.2, I am satisfied that Councillor Paula Banks breached these sections. She used extreme language in relation to the RLGG and made allegations respecting her personal and Councillor Jeff Banks' personal safety. It was improper to use this language and make these allegations at a public Council meeting which is permanently preserved on a public video. If there was a concern for personal safety, the appropriate action was to involve the police.

VI. RECOMMENDATIONS

12. Councillor Paula Banks made a serious mistake by using such harsh language and referring to alleged personal threats. I find her in breach of the Code of Conduct.

13. I do not find that Councillor Jeff Banks was in breach of the Code of Conduct. I am sure that he was supporting his wife, Councillor Paula Banks, but he did not use the language she did. Also, he did not accuse the RLGG of a physical assault at an earlier Council meeting. Reference was made to an individual who, it was alleged, spat on Councillor Jeff Banks. That individual is not a member of the RLGG. In any event, this was not a complaint against a Councillor. Thus, I have no jurisdiction to deal that incident. Councillor Jeff banks made a complaint to the police.

14. 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.

15. A monetary penalty can serve as a deterrent and send a message that the behaviour falls below the standard expected of the community's elected representatives. The previous recommendation for a penalty for breaching the Code, which Council did not impose, has not deterred Councillor Paula Banks. My recommendation is that Councillor Paula Banks' remuneration, on Counsel and the committees she is on, be suspended for sixteen (16) days.

Yours very truly,



William R. Hunter
Integrity Commissioner