



ADR
CHAMBERS

Integrity Commissioner Office
for Township of Rideau Lakes

ELLEN FRY

Integrity Commissioner
Township of Rideau Lakes
E-mail: integrity@adr.ca

February 19, 2025

Sent by email to:

The Complainants

And To

Councillor Paula Banks

And To:

Mary Ellen Truelove, Township Clerk

Re: Investigation Report for Complaint IC- 35303-1124, against Councillor Paula Banks

This is the investigation report of the Integrity Commissioner concerning a complaint brought against Councillor Paula Banks under the Rideau Lakes Code of Conduct for Members of Council, Local Boards and Select Committees (the “Code of Conduct”).

Pursuant to Section 223.3(1) of the *Municipal Act, 2001* and the Statement of Duties and Responsibilities of the Integrity Commissioner in Schedule “A” to the Code of Conduct, the Integrity Commissioner is responsible for the application of the Code of Conduct and for determining, when requested, whether a Member of Council has contravened the Code of Conduct.

A. The Complaint

The Complainants filed a written complaint dated November 18, 2024. The complaint alleges that Councillor Banks and other Councillors contravened the following provisions of the Code of Conduct: sections 1.1, 1.2(ii)(iii) and (iv), 5.3(i) and (ii), 6.8.1, 6.10.1 and 7.1. This is the

investigation report concerning the complaint against Councillor Banks. I have addressed the complaints against the other Councillors in investigation reports concerning each Councillor individually.

The Complainants have summarized some key elements of their belief concerning their grounds of complaint against Councillor Banks as follows:

[Councillor Banks has shown] a pattern of disdain and disrespect for anyone who did not agree with [her] position.

[Councillor Banks] constantly interrupt[s] or speak[s] over other Councillors and the Mayor when they do not agree. There is a tremendous level of disrespect for the role and authority of the Mayor in both tone and behaviour.

From disrupting the business of Council by refusing to approve an agenda, to voting on an RFP with direction and then denying direction was given; through the evolution of publicly accusing a consultant for delays caused by [C]ouncil changes in direction and even more egregious, not even understanding or accepting accountability for passing a motion with unintended – or more realistically unconsidered consequences; along with the never-ending disrespect and disdain for the Mayor in his efforts to bring order to chaos, Councillor [Paula Banks] [has] brought both the Municipality and Council into disrepute.

The Complainants also believe that Councillor Banks has displayed a conflict of interest because she “[appears] to be attempting to discredit the current consultant IDEA, and further advocating for their preferred consultant, Altered Roots, whose bid was significantly higher than IDEA”.

The complaint also expressed the view that there was inappropriate conduct by Councillor Banks which has “regularly occurred on Facebook as well as at Council and Committee meetings”. In order for me to have sufficient information to investigate this complaint, I requested specifics of this conduct. In response, the Complainants provided specifics concerning the meetings on April 2, May 13, August 6, October 15 and October 28, 2024. The Complainants also provided additional information concerning the November 4 and November 12 meetings.

The Complainants have also provided information concerning a November 25, 2024 Committee meeting. However, since this conduct occurred after the complaint was filed, I did not consider conduct at the November 25 meeting in investigating this complaint.

B. Investigation Process

The investigation process is set out in the Code of Conduct. In accordance with this investigation process, I gave the parties the opportunity to submit the following written materials, which I reviewed:

- The Complaint
- The response to the Complaint by the Councillor
- The reply by the Complainants to the Councillor's response
- The response by the Councillor to the Complainants' reply

I also reviewed the relevant portions of

- The Code of Conduct
- The Procedural By-Law
- The portions of video referred to by the Complainants from the meetings in 2024 held on April 2, May 13, August 6, October 15, October 28, November 4 and November 12.

The portions of meetings referred to by the Complainants comprised approximately 3 and a half hours of video.

Only one of the Complainants wished to be interviewed. I conducted a telephone interview with that Complainant and with Councillor Banks.

C. Analysis of Complaint Allegations

Sections 1.1, 1.2(ii)(iii) of the Code of Conduct

These provisions state as follows:

ii.3 The Township of Rideau Lakes is strategically focused on 'progressive rural governance'. Progressive governance calls for the highest standards of conduct from elected officials and those appointed by Council to local boards and committees that exercise direct authority under any Act. Their conduct must be transparent, ethical, accountable, and always in the best interest of the community as a whole. This standard of conduct will further serve to protect, maintain and enhance the Township of Rideau Lakes' reputation and taxpayer's confidence in the corporation and Council's decisions.

1.2 The key statements of principle that underline this *Code of Conduct* are as follows:

...

- ii. Members of Council shall be committed to performing their functions with integrity and to avoid the improper use of the influence of their office;
- iii. Members of Council shall perform their duties in office, and arrange their private affairs, in a manner that promotes public confidence and will bear close

public scrutiny; and

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.

These provisions are statements of principle that can be an aid to interpreting the Code of Conduct but do not independently establish specific responsibilities that Councillors are required to uphold. It was not necessary for me to refer to these statements of principle in investigating this complaint.

Sections 6.8.1 and 6.10.1 of the Code of Conduct

These provisions state as follows:

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.

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

Section 5.3 of the Code of Conduct

Section 5.3 provides as follows

5.3 (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.

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.

Section 5.1 indicates that this is a general principle that is to be used to govern interpretation of the more specific rules and obligations in the Code of Conduct. However, section 5.2 provides that section 5 “shall also be used to determine issues not specifically addressed in this *Code of Conduct*”.

If Councillor Banks demonstrated a conflict of interest, as believed by the Complainants, this could be considered to be undue influence in her decision making and hence a contravention of section 5.3(i).

If Councillor Banks engaged in conduct that would bring the Municipality or Council into disrepute, as believed by the Complainants, this would be a contravention of section 5.3(ii).

Procedural By-Law

In the Procedural By-Law, Council has given the Mayor the responsibility to take action he considers appropriate to preserve order at the meetings he chairs. For example, section 10.0 of the Procedural By-Law provides the following under the heading “Duties of the Mayor and Committee Chair”:

10.2 Preserve order and decide questions of order

10.7 Inform the Council and enforce when necessary, the rules of order and decorum among the Members

10.11 Order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and order the individual or group to vacate the Council Chamber where such behaviour persists.

The Chair shall:

10.17 ...preside over the conduct of a meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any member from any ruling of the Chair. The Chair shall call meeting participants to order for behaviour that breaches the rules of decorum in accordance with the provisions of this By-Law. Where circumstances warrant, the Chair may recess or suspend a meeting until order is restored and/or request any participant persisting in a breach of decorum to leave the meeting.

Delegation at November 4 Council Meeting

The Complainants believe that at the November 4 Council meeting Councillor Banks behaved inappropriately by turning her back when Wendy Alford made a delegation presentation to Council. I have addressed this ground of complaint in my report on investigation IC-35313-1123. In that report I concluded that by doing so Councillor Banks contravened the Code of Conduct and recommended that Council request her to apologize to Ms. Alford.

Sections 6.8.1 and 6.10.1 of the Code of Conduct

As indicated above, I have reviewed carefully the approximately 3 and half hours of video of Council and Committee meetings that the Complainants have referred to in support of their complaint.

At these meetings, Councillor Banks has put forward her views assertively. On a number of occasions she has put forward views that disagreed with those of the Mayor. She was an active participant in spirited discussions involving the Mayor and other Councillors. She was also an active participant in Council discussion concerning the views of the public concerning the Township offices project, including the proposal to hold a referendum concerning the project.

Councillor Banks was entitled to express her views and to discuss them assertively when she disagreed with the Mayor or other Councillors. In my view, her behaviour as shown in the video does not demonstrate that she did so in an inappropriate way. In my view, her behaviour as shown in the video does not demonstrate disrespect for the Mayor or discourtesy to the Mayor or other Councillors as believed by the Complainants.

Other than Councillor Banks' behaviour concerning the delegation at the November 4 meeting, which I addressed in my report on investigation IC-35313-1123 as indicated above, I did not see any instances in the video that could be seen as demonstrating disdain for the views of the public.

Consequently, other than her behaviour concerning the delegation on November 4, I do not consider that Councillor Banks contravened section 6.8.1 or 6.10.1 of the Code of Conduct in her behaviour in the instances referred to by the Complainants.

Section 5.3(ii) of the Code of Conduct

As indicated above, the Complainants believe that, in the meetings they have referred to, Councillor Banks has brought the Municipality and Council into disrepute, contrary to section 5.3(ii) of the Code of Conduct.

They believe that Councillor Banks has done so by "disrupting the business of Council by refusing to approve an agenda", denying that a past vote of Council occurred, failing to understand the reason for delays in the township offices project, passing a motion with unintended or unconsidered consequences, and demonstrating "the never-ending disrespect and disdain for the Mayor in his efforts to bring order to chaos".

The video shows a number of instances in which the way Councillors voted meant that Council's progress in addressing the issues before it was slower than might have been hoped. These including voting on whether to approve the Council agenda. In these votes, Councillor Banks was part of a group of 5 Councillors who normally voted as a bloc.

Councillor Banks was entitled to vote however she considered appropriate on any matter before Council, whether it was approval of an agenda or any other matter. Although her votes may

have contributed to slowing down the business of Council, it cannot be considered that she disrupted the business of Council by exercising her right to vote as she was entitled to do.

I did not investigate whether the Complainants are correct in believing that Councillor Banks recalled past Council action incorrectly, misunderstood the reason for delays in the township office project or voted to pass a motion that was ill-advised. Whether or not Councillor Banks had correct recollection or understanding or voted appropriately, she was entitled to take whatever positions she considered appropriate on the issues before Council. Concerning the Complainants' belief that Councillor Banks showed "disrespect and disdain" for the Mayor, as discussed above I do not consider that the video referred to by the Complainants demonstrated this. Accordingly, I do not consider that Councillor Banks violated Section 5.3(ii) of the Code of Conduct.

Section 5.3(i) of the Code of Conduct

As indicated above, the Complainants believe that Councillor Banks displayed a preference for one consultant over another because of a conflict of interest.

Councillor Banks indicates that she does not have any personal or financial connection to the consultant she prefers. She indicates that the reason for her preference is the track record of her preferred consultant.

The Complainants have not been able to provide any information to indicate that Councillor Banks has any personal or financial connection to the consultant she prefers.

Accordingly, the information available does not indicate that Councillor Banks had a conflict of interest in this regard, and accordingly does not indicate that in this regard she contravened section 5.3(i) of the Code of Conduct.

Section 7.1 of the Code of Conduct

Section 7.1 of the Code of Conduct provides as follows:

7.1 Members of Council must respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner, Clerk, Chief Administrative Officer or anyone else tasked with investigating a Municipal matter, including violations of this Code of Conduct or any other matter, is therefore prohibited. It is also a violation of the Code of Conduct to obstruct an investigation, for example, by the destruction of records or unnecessary interference with an investigation.

The Complainants believe that Councillor Banks has contravened section 7.1 of the Code of Conduct because in their view "the repeated dismissal of IC recommended penalties against

any one of the [5 Councillor voting bloc] appears to be a lack of respect for ‘the integrity of the Code of Conduct and investigations conducted under it’.

When an Integrity Commissioner concludes that a complaint is valid, the conclusion of the Integrity Commissioner’s investigation report is a recommendation to Council concerning the penalty that the Integrity Commissioner believes should be imposed by Council on the Councillor in question. Councillor Banks, like every other Councillor, was entitled to vote however she considered appropriate on whether or not to adopt the Integrity Commissioner’s recommendation. If she considered that she was not in favour of more than one recommendation by the Integrity Commissioner, she was entitled to vote accordingly.

Accordingly, I do not consider that voting against recommendations of the Integrity Commissioner was a violation of section 7.1 of the Code of Conduct.

D. Conclusion

As indicated above, there is one ground of complaint raised by the Complainants that I consider to be valid. This is the complaint that Councillor Banks behaved inappropriately by turning her back when Wendy Alford made a delegation presentation to Council on November 4, 2024. This ground of complaint was addressed in my report on investigation IC-35313-1123. In that report I concluded that Councillor Banks contravened the Code of Conduct and recommended that Council request her to apologize to Ms. Alford.

As discussed above, I do not consider that any of the other grounds of complaint raised by the Complainant are valid.

Dated this 19th day of February, 2025.



Ellen Fry, Integrity Commissioner