



**Cunningham Swan**

LAWYERS

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**CONFIDENTIAL**

May 30, 2023

**SENT BY EMAIL TO: [SHuschilt@hastingshighlands.ca](mailto:SHuschilt@hastingshighlands.ca)**

Mayor and Members of Council  
c/o Suzanne Huschilt, Municipal Clerk  
Municipality of Hastings Highlands  
33011 Hwy 62 North  
P.O. Box 130  
Maynooth, Ontario  
K0L 2S0

Dear Ms. Huschilt:

**RE: Code of Conduct Complaint – Report  
Our File No. 27842-96**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

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The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

### **Timeline of Investigation**

The key dates and events during the course of this investigation are as follows:

- Complaint Received – February 7, 2023
- Complaint sent to Member – February 14, 2023
- Response received from Member – February 28, 2023
- Response sent to Complainant – March 6, 2023
- Response received from Complainant – March 20, 2023
- Interviews with Witnesses – April 17, 2023

### **Complaint Overview**

The Complaint pertained to the conduct of Councillor Buck at the regular meeting of Council on February 1, 2023. Specifically, it was alleged that Councillor Buck's comments and questions directed at a member of staff during the meeting rose to a level that constituted a breach of the Code of Conduct. It was alleged that Councillor Buck's comments and questions were derogatory, belittling, intimidating and demoralizing and therefore were in breach of several sections of the Code of Conduct.

The Complaint alleged that the Councillor's behavior contravened the following sections of the Code of Conduct:

- 7.0 CONDUCT AT MEETINGS: Every Member shall conduct themselves with decorum and professionalism at all Council, Committee, Local Board and other meetings in accordance with the provisions of the applicable Procedure Bylaw, this Code, and other applicable law.

...

#### 11.0. INTERACTION WITH STAFF:

11.1. The Municipality has worked diligently at creating a positive working relationship between Members and Staff. To a large degree this has been successful due to a mutual respect for each other's roles and responsibilities.

11.2. Members shall not:

- a) Maliciously or falsely injure the professional or ethical reputation of Staff;
- b) Compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or
- c) Use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

The allegation of breach of Section 7.0 of the Code of Conduct pertains to an alleged breach of Articles 6, 7 and 8 of the Municipality's Procedure By-law 2021-018 and Section 3.0 of the Council-Staff Relations Policy (By-Law 2019-020). These sections are attached hereto as Schedule "A".

#### **Findings**

In conducting the investigation, we have reviewed the video footage of the February 1, 2023 Council meeting and interviewed relevant witnesses. It is our finding that Councillor Buck's comments and questions did not rise to a level that would constitute a breach of the Code of Conduct.

With respect to Section 7.0 we find no breach of By-law 2021-018 or By-Law 2019-020 and as such no breach of Section 7.0 of the Code of Conduct. It is our finding that, at all times, Councillor Buck's comments and questions appropriate given his role as Councillor.

With respect to Section 11.1 and 11.2 of the Code of Conduct, we find that at no time did Councillor Buck's comments and questions rise to a level that would constitute a breach of these sections. We do not find that his comments and questions were maliciously or falsely injuring the reputation of staff. Similarly, we do not find that the comments and questions were intimidating, threatening, coercive, commanding or influencing towards staff with the intent of interfering with staff duties. We find that the comments and questions of Councillor Buck were aimed at thoroughly examining the matter at hand and challenging the report that

was before Council. We find that this objective is consistent with the role of a Council member.

These findings are supported by the evidence received during the interviews conducted during the investigation. The witnesses interviewed support a finding that the comments and questions of Councillor Buck did not create an impact that constitutes a breach of the Code of Conduct.

**Recommendation**

It is our finding that there was no breach of the Code of Conduct by Councillor Buck as alleged in the Complaint. As such, we do not recommend any further steps be taken with respect to this matter.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**



Tony E. Fleming, C.S.  
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(Local Government / Land Use Planning)  
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