

Recommendation Report
of the Integrity Commissioner
Code Complaint Against
Wasaga Beach Councillor Joe Belanger
January 13, 2022

Introductory Comments

[1] Principles *Integrity* was appointed the Integrity Commissioner for the Town of Wasaga Beach February 1, 2018 by the adoption of By-law Number 2018-14. We are also privileged to serve as Integrity Commissioner for a number of other Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this:

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

[2] The Town of Wasaga Beach has as part of its ethical framework a Code of Conduct which is the policy touchstone underlying the assessments conducted in this report. It represents the standard of conduct against which all members of Council are to be measured when there is an allegation of breach of the ethical responsibilities established under the Code of Conduct. The review mechanism contemplated by the Code, one which is required in all Ontario municipalities, is an inquiry/complaints process administered by an integrity commissioner.

[3] Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make

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recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

- [4] It is important that this broad range of functions be mentioned at the outset of this investigation report. Our goal, as stated in our operating philosophy, is to help members of the Town of Wasaga Beach community, indeed the broader municipal sector and the public, to appreciate that elected and appointed representatives generally carry out their functions with integrity. In cases where they do not, there is a proper process in place to fairly assess the facts and, if necessary, recommend appropriate sanctions. In every case, including this one, the highest objective is to make recommendations that serve the public interest, if there are recommendations to be made.
- [5] Our role differs from other 'adjudicators' whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.
- [6] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.
- [7] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the respondents named in this Report to respond to the allegations, and where findings were made, to review and provide comment on the preliminary findings

The Complaint

- [8] On September 23, 2021 we received a complaint filed by the Mayor against Councillor Belanger.
- [9] The complaint alleges that Councillor Belanger, through his conduct, contravened the Code of Conduct. The particulars of the allegations are that Councillor Belanger:
- Shared a private invitation to the ground-breaking event for the Twin Pads Arena and Library, which was intended as an invitation-only function;
 - Publicly posted on social media statements about the Mayor which are unfounded and/or inaccurate;
 - Attempted to intimidate staff so that an uninvited member of the public be given access to the private ground-breaking event.

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[10] It is alleged that this conduct by Councillor Belanger contravened Rules 10.3, 12.1 and 13.4 of the Council Code of Conduct.

Process Followed for this Investigation

[11] In conducting this investigation, Principles *Integrity* applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.

[12] This fair and balanced process includes the following elements:

- Reviewing the complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaint should be restated or narrowed, where this better reflects the public interest
- Notifying the Respondent Councillor of the complaint against him and providing adequate disclosure of the information we possessed so that he could respond
- Reviewing the Code of Conduct and other documentation, emails and publications
- Conducting interviews of persons with information relevant to the complaint
- Making findings on the balance of probabilities while exercising the judgment of a reasonable person fully informed of relevant facts and circumstances.
- Providing the Respondent with the opportunity to review and provide comments to the Integrity Commissioner's Preliminary Findings Report, and taking those comments into consideration prior to finalizing our Recommendation Report

Analysis of Complaint:

Background and Context:

[13] The Town of Wasaga Beach is building a new capital facility consisting of a Twin Pad Arena and Library.

[14] In 2019, Council approved the site for the facility, and directed staff to move forward on the project including selecting a project management consultant company.

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- [15] In December 2019 Council established a Construction Working Group consisting of the Mayor and Deputy Mayor, the CAO, the Director of Recreation, Events and Facilities, and the Director of Library Services.
- [16] The Terms of Reference for the Construction Working Group set out almost two dozen tasks itemizing its comprehensive responsibility overseeing the construction of the project, providing guidance to the Project Manager, and ensuring staff and Council are kept aware of planning and building of the project.
- [17] The Town has promoted significant transparency around progress on every aspect of the Twin Pad Arena and Library facility. The Wasaga Beach website hosts a webpage dedicated to the project, providing comprehensive and up-to-date information including links to 10 Media Releases and to 38 Staff Reports tracking the progress of the project from early 2019.
- [18] Key milestones of the project included:
- Retaining through public procurement a Project Manager – Nov. 5, 2019
 - Selecting through public procurement a Design Architect – Feb. 25, 2020
 - Approval of the layout and design elements – July 16, 2020
 - Public Input through a Design Open House – Aug.13, 2021
 - Approval of Updated Scope, Schedule, Budget & Tender Approval – June 29, 2021
 - Award of the Construction Contract – September 7, 2021
- [19] A ground-breaking event was planned by the Construction Steering Group for September 22, 2021.
- [20] Owing to the physical distancing requirements in place in response to the COVID-19 pandemic, it was recognized that the ground-breaking event would have limited capacity and not be open to the public. As a result, Communications staff maintained close control around the numbers of individuals being invited.
- [21] Members of Council received a ‘Save the Date’ notification by email on September 3rd and an electronic Invitation emailed on September 10th.
- [22] Along with municipal staff and officials, representatives of stakeholder groups closely affiliated with arena and library fund-raising, and members of the media were invited.
- [23] In total, 86 individuals were sent an electronic invitation. The event was not open to the public at large.
- [24] The local media included by invitation were:
- Collingwood Today
 - Simcoe.com

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- Barrie FM Rock95
- CTV News

- [25] No invitation was provided to the Beach Booster Media Group ('the Beach Booster').
- [26] The Beach Booster is a publication which publishes digitally on its own website and in print, with a new issue every two months or so.
- [27] The Beach Booster covers many local events such as ribbon-cuttings and celebrations.
- [28] In past years, the publication was a strong supporter of Council's direction, particularly under the previous term of Council.
- [29] However, since the start of this term of Council following the 2018 municipal election, the Beach Booster has published articles which have been critical of the Mayor's leadership and of the direction taken by Council.
- [30] Criticism is not new to those holding public office. In fact, investigative journalism is a pillar of our democracy.
- [31] One of the tenets of fair and balanced, responsible journalism is that facts be verified before being published, and that, where errors or inaccuracies occur, these are corrected.
- [32] Adhering to these principles of responsible journalism is one of the safe-guards against misinformation and manipulation which can occur when publications can reach such a large audience with the click of a mouse.
- [33] Journalism, not unlike other professions which impact our lives, is guided by principles and ethics.
- [34] The Canadian Association of Journalists ("CAJ") has established ethics guidelines which "are intended to help both seasoned professionals and new journalists to hold themselves accountable for professional work".
- [35] The CAJ Ethics Guidelines, in its statement of principles on the subject of accuracy, includes the following:

ACCURACY

We are disciplined in our efforts to verify all facts. Accuracy is the moral imperative of journalists and news organizations, and should not be compromised, even by pressing deadlines of the 24-hour news cycle.

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We make every effort to verify the identities and backgrounds of our sources.

We seek documentation to support the reliability of those sources and their stories, and we are careful to distinguish between assertions and fact. The onus is on us to verify all information, even when it emerges on deadline.

We make sure to retain the original context of all quotations or clips, striving to convey the original tone. Our reporting and editing will not change the meaning of a statement or exclude important qualifiers.

...

When we make a mistake, whether in fact or in context, and regardless of the platform, we correct* it promptly and in a transparent manner, acknowledging the nature of the error. [*When we correct errors online, we indicate that the content has been altered or updated, and what the original error was.]

We publish or broadcast all corrections, clarifications or apologies in a consistent way.

- [36] From the perspective of the administrative leadership at the Town, the Beach Booster has demonstrated a failure to practice responsible journalism.
- [37] The Chief Administrative Officer and the Communications Officer have tried, without success, to engage with the publisher/owner of the Beach Booster, to prevail upon the publication to properly fact-check before publishing, and to retract and correct inaccuracies already publicized.
- [38] Recognizing that inaccurate information was circulating unabated in the community, in October 2020 the Town began to post information on its own webpage to counter rumours circulating in the community and provide a reliable, reality-based version of the decisions of Council at Town Hall.
- [39] The Town has made it clear, from as early as October 2020, that it does not consider the Beach Booster to be engaged in responsible journalism and does not categorize it as credible media.
- [40] Councillor Belanger was sent the 'Save the Date' notification on September 3rd and the electronic invitation on September 10th. On September 21st he advised the CAO that he had not seen the invitation, so it was re-sent to him that same day by the Communications Officer.
- [41] The invitation required that guests 'RSVP' their attendance.

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- [42] Councillor Belanger has advised that he did not share the invitation electronically with the Beach Booster, but merely advised the publisher in response to a phone call. The publisher of the Beach Booster has advised that he became aware of the event by happenstance.
- [43] Neither the 'Save-the-Date' notification nor the electronic Invitation were marked Confidential.
- [44] While we may be experiencing unusual circumstances during this pandemic, it would nevertheless be unusual for a recipient to think it appropriate to forward an invitation requiring an RSVP to an event.
- [45] If a member of Council wished to know whether a particular member of the public were invited, we note that while the Save-the-Date email was sent September 3rd and the electronic Invitation was sent September 10th, there were 3 intervening meetings of all members of Council where the issue could have been raised: Council on September 7th at which the Twin Pad contract was approved; Coordinated Committee on September 9th; and Committee of the Whole on September 16th (all members of Council were present at each of those meetings).
- [46] Staff were instructed to permit entry only to those identified on the guest list.
- [47] When Joe Bickerstaff appeared at the gate on the morning of the groundbreaking event September 22nd, he was denied entry by staff.
- [48] Later that day, Councillor Belanger posted on Facebook about the event, complaining that Joe Bickerstaff was not allowed to attend the event, as punishment for expressing views opposing the Mayor or Council, and implying that the Town was not giving advertising dollars to the Beach Booster because of their outspoken criticism of the Mayor.
- [49] That evening the Mayor emailed Councillor Belanger about the Facebook post, requesting that he correct the misstatements in it.
- [50] The following day, we received this complaint.
- [51] At the time of writing, Councillor Belanger's Facebook post remains posted and unchanged.

The Applicable Code of Conduct Provisions, and their Interpretation:

- [52] The Code of Conduct sets out, in the General Introduction:

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Members of Wasaga Beach Council recognize their obligation to serve the constituents and the public in a conscientious and diligent manner understanding that as leaders in the community, they are held to a higher standard of behaviour and conduct.

Members recognize that ethics and integrity are at the core of public confidence in government...They recognize the need to uphold both the letter and the spirit of the law...

[53] The Rules of the Code set out specific guidance to be adhered to, along with Commentary to explain and illustrate how the Rules apply.

[54] The Rules which are most relevant to our findings and analysis in this investigation are Rule 10, Media Communications; Rule 12, Respectful Workplace; and Rule 13, Conduct Respecting Staff.

Rule 10 – Media Communications

3. In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

Commentary:

A Member may state that he/she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about other Members of Council or about Council's processes and decisions.

When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council.

Rule 12 – Respectful Workplace

1. Members are governed by the Town's Workplace Harassment Policy. All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

Rule 13 – Conduct Respecting Staff

4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Town.

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Commentary:

The Town's Workplace Harassment Policy applies to Members of Council. Staff and Members of Council are all entitled to be treated with respect and dignity in the workplace.

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer. Any such attempts should be reported to the Integrity Commissioner.

Analysis and Findings:

Shared private invitation to ground-breaking event intended as an invitation-only function

- [55] The Invitation, although it included a requirement to RSVP, was not marked 'Confidential', and sharing information about the event would not, in our view, constitute an ethical breach.
- [56] The event, although intended as an invitation-only event, was nevertheless a public event and knowledge of it was not intended to be private. The purpose of a ground-breaking event is, after all, to communicate and promote it.
- [57] Councillor Belanger denies that he forwarded the invitation. Even though someone might not be invited, there would be nothing inappropriate, in our view, in members of Council sharing information about it before it took place.
- [58] We make no finding as to whether Councillor Belanger actually forwarded the electronic Invitation for the ground-breaking event, or if he simply told Joe Bickerstaff about the event.

Attempted to intimidate staff so that an uninvited member of the public be given access

- [59] When Joe Bickerstaff of the Beach Booster showed up at the gate of the ground-breaking event on the morning of September 22nd, staff denied him entry because he was not on the guest list.
- [60] Councillor Belanger spoke with staff and tried to demand that Joe Bickerstaff be allowed entry to the event, however, staff refused to do so.
- [61] Individual members of Council do not have the authority to direct staff, and so the attempt by Councillor Belanger to pressure staff is inappropriate conduct towards staff.

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- [62] Staff have advised us that Councillor Belanger was visibly angry and told them that if they did not let Joe (Bickerstaff) in, he was going to be 'very vocal about it'.
- [63] Whether Councillor Belanger was justified in trying to get staff to acquiesce to his demands, threatening angrily to staff is inappropriate conduct towards staff.
- [64] We find that his conduct towards staff was an attempt to pressure staff to allow an admission of a party not on the guest list; we find that this was inappropriate conduct by Councillor Belanger.
- [65] This is especially so where the omission of an invitation to the Beach Booster was not an oversight but based on an intentional exclusion from the list of 'media', which was directly a result of a decision by Town administration to address what it perceived as unfair and irresponsible journalism by the Beach Booster.

The Town's Relationship with Beach Booster

- [66] This Report should not be seen to be an analysis of the Beach Booster's adherence to standards of journalistic integrity. What is relevant is the Town's perspective and relationship with respect to the publication.
- [67] When the leadership of a municipal government feels its decisions are being unfairly characterized in the media, it may reach out for a meeting with the editorial board of that media.
- [68] Well before the incident in question arose, Wasaga Beach senior administrators met with the owner of the Beach Booster Media Group to attempt to resolve what the Town perceived as unfair, incorrect and misleading information being published. In short, the owner of the Beach Booster was asked to provide more balanced, accurate reporting of Town matters.
- [69] The Town requested that the Beach Booster verify its facts, and give the Town an opportunity to comment on issues, before publishing. These reflect basic tenets of journalism and reporting.
- [70] In early 2020, in response to what were perceived to be inaccurate statements regarding Town business in the January 26, 2020 edition of the Beach Booster, the Communications Officer provided a formal communication to the Beach Booster, setting out nine (9) separate statements contained in the January 2020 edition of the Beach Booster which the Town noted were false and/or inaccurate.
- [71] The Beach Booster declined to correct any of the statements in its publication or to publish any retraction.

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[72] In October 2020, the Town began to run a column on its webpage, entitled Truth Corner, in which it set out accurate facts, correcting misstatements published by the Beach Booster, and providing links to Council meetings and minutes enabling readers to verify the facts for themselves.

[73] We note that in the initial article that the Town posted on Truth Corner, the reasons for the feature were explained: to correct misinformation being published by the Beach Booster.

[74] In that article, the Town Communications Manager articulated that the Town would not consider the publication as 'local media', and laid out the reasons. The following excerpt of that October 27, 2020 Town post reads, in part:

The first thing that residents must know is this publication is not a legitimate source for news.

Real news organizations take the time to do their research before writing a story.

Real news organizations allow for comment from both sides of an issue.

Real news organizations don't make statements they know are false.

Real news organizations correct their mistakes.

Real news organizations make it clear to their readers when content is "news" and when it's "opinion".

Residents looking to access real local and regional news from credible sources should consider the following:

- Simcoe.com/The Wasaga Sun
- Peak FM/Corus Entertainment
- Max FM/Bayshore Broadcasting
- Collingwood Today/Village Media
- Barrie Today/Village Media
- Barrie 360

[75] The Beach Booster denies the Town's characterization of its practices, and Mr. Bickerstaff is quite passionate about the role of the Beach Booster in commenting on what he perceives as deficient Town practices, particularly in comparison with previous councils.

[76] The propriety of the Town's actions in regard to the Beach Booster are not, however, under review in our investigation. The investigation concerns Councillor Belanger's actions on the day of the event, and his rationale for that behaviour.

[77] The October 2020 article posted on its Truth Corner made clear that the Town would not consider the Beach Booster to be 'local media' unless and until it corrected its practices and started to adhere to the expectations of fair and balanced, responsible journalism as espoused by the Canadian Association of Journalists.

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- [78] It should come as no surprise to the Beach Booster that it was not included in the list of local media for the September 22, 2021 groundbreaking event.
- [79] If Councillor Belanger had an issue with what he perceived as unfair or inappropriate treatment of the Beach Booster by the Town, he had ample opportunity throughout 2020 and 2021 to take this up with senior administration at the Town or with Council.
- [80] Members of Council have an opportunity to raise issues of concern through a number of avenues: directly with the CAO or other senior administration as appropriate; informally with colleagues on Council; or formally by motion brought at either a committee or Council meeting.
- [81] Members of Council are discouraged from using social media to air their differences, especially where this circumvents appropriate process or if their comments constitute disparagement.
- [82] Senior staff have advised us that, while they did not feel intimidated by Councillor Belanger, his anger put a damper on an otherwise celebratory event.
- [83] As indicated, we find that Councillor Belanger attempted to pressure staff about letting Beach Booster attend and that his angry comment that he would be very vocal in addressing it, constituted inappropriate conduct towards staff.
- [84] We find the Councillor's conduct, while inappropriate and undesirable, does not rise to a level of intimidation as contemplated in Rules 12 and 13 of the Code.

Publicly posted on social media statements about the Mayor which are unfounded and/or inaccurate

- [85] Councillor Belanger's Facebook post of September 22, 2021 about the event, asserts that Joe Bickerstaff of the Beach Booster was denied the right to attend the event, as punishment for expressing views opposing the Mayor or Council. The post also suggests that the Town has refused to give advertising dollars to the Beach Booster because of their outspoken criticism of the Mayor.
- [86] Councillor Belanger's post states that: "In my opinion this violates freedom of the press and is a deliberate effort to push *and suppress anyone that has an opposing view or concerns related to the actions and decisions of our current council*".
- [87] It is no secret that the Beach Booster has been an outspoken critic of the Mayor and of the direction taken by Council during this term, (a cursory review of archived editions of the Beach Booster makes this abundantly apparent). It is also evident

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that staff have been careful and professional in arriving at their opinions of the Beach Booster's adherence to applicable standards of journalism.

- [88] It is also apparent that the Beach Booster has refused to publish corrections when pointedly requested by Town administration.
- [89] The Town's administration believes that the Beach Booster does not meet industry standards for fair and responsible journalism, and does not adhere to the CAJ's Principles for Ethical Journalism.
- [90] We note that the Beach Booster is a non-subscribed free publication which is published irregularly about 6 times a year both digitally and in hard copy distributed by Canada Post,
- [91] For the reasons above Staff were within their rights to determine that the Beach Booster was not a proper vehicle for the conveyance of Town business to the community, particularly with respect to official notices which require a publication with a more regular production schedule.
- [92] While its publisher and contributors, as members of the public, are free to follow Town Hall events and to publish commentary and opinion, assuming they do not verge into defamation, finding themselves excluded from invitation-only events, and being left off the list of 'local media' should not be a surprising outcome.
- [93] Contrary to the opinion expressed by Councillor Belanger, we do not agree that this violates freedom of the press.
- [94] This is not a case of journalists being denied access to a public event; rather, the Town had included a select number of representatives from among local media, in circumstances which required social distancing and controlled access.
- [95] Once again, our role is not to determine whether the Beach Booster has conducted itself ethically.
- [96] We are, however, tasked with determining whether Councillor Belanger's comments on social media reflect unethical conduct in contravention of the Code of Conduct.
- [97] Councillor Belanger's Facebook post, essentially blaming the Mayor for the Beach Booster being denied entry to an otherwise restricted event, and being deprived of advertising dollars, are an unfair way to characterize the facts.
- [98] The evidence we have obtained through members of senior administration supports our finding that the denial of access to the groundbreaking event resulted entirely

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from the falling out between the Town administration and the Beach Booster over fair and balanced responsible journalism.

- [99] We find it unnecessary to make any determination regarding whether the Beach Booster being deprived of advertising dollars is related to positions it has taken in opposition to the Mayor or Council of the Town. It is sufficient to note that a publication which produces 6 issues annually may find itself unable to obtain advertising dollars from local government, whose statutory notice obligations may often preclude such an intermittent publication from obtaining placements.
- [100] Taken together, we find that the Facebook comments posted by Councillor Belanger constituted an unfair way to characterize the facts.
- [101] We find that the comments were inappropriate; Councillor Belanger's unfair characterization of the facts was, in effect, an attack on the Mayor and an attempt to paint the Mayor's role as pulling the strings to prevent freedom of the press for the Beach Booster. It was an unfair, inauthentic and false characterization of the facts.
- [102] The post gave an air of authority to the assertions by Councillor Belanger.
- [103] His refusal to correct the statements on the Facebook post when requested by the Mayor reflect the tension in the relationship.
- [104] If the intent of the post was to publicly convey his personal disappointment that Joe Bickerstaff and the Beach Booster was not allowed to attend the ground-breaking event, that could have been achieved without targeting the Mayor.
- [105] Certainly senior administration were clear in advising Councillor Belanger on the morning of the event, that the decision to exclude the Beach Booster had been made by staff for the reasons outlined above.
- [106] If the intent of the post was to publicly suggest that the Mayor inappropriately pulls the strings at Town Hall, and that the Beach Booster is denied or deprived of rights it is otherwise entitled to, then that is an unfair, inaccurate and entirely inappropriate message to be posting on social media.
- [107] We find that Councillor Belanger's Facebook post of September 22, 2021 constituted a violation of the Code of Conduct, in particular, Rule 10 Media Communications.

Concluding Remarks:

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- [108] In his submissions to us, Councillor Belanger has acknowledged that the social media post would likely result in consequences, even in stating that he stands by the sentiment expressed.
- [109] We observe that the events unfold against a backdrop of acrimony in a community divided between those who support the Mayor and those who supported the previous elected majority on Council.
- [110] The Beach Booster has positioned itself as openly critical of the Mayor, and Councillor Belanger, for whatever reason, has aligned himself as an advocate for that publication.
- [111] An Integrity Commissioner's investigation can take into account information which is relevant to the issues in play under the complaint. An Integrity Commissioner cannot initiate a review of municipal practices and procedures beyond those entailed in the issues under investigation.
- [112] The Councillor has characterized to us that the Beach Booster has been unfairly deprived of Town advertising contracts as a result of, and in retaliation for, openly criticizing and at times disparaging the Mayor.
- [113] We are satisfied from our review that the decision to re-direct Town advertising dollars away from the Beach Booster was undertaken in accordance with Town procurement practices and procedures., and in accordance with the Town administration's views on whether the Beach Booster practiced responsible journalism.
- [114] Whether the Beach Booster's criticism of the Mayor and other Town officials motivated a reassessment of advertising needs and a review of preferred vendors is a question which it is not necessary that we answer in order to arrive at our findings under the current investigation.
- [115] Suffice it to say that although the overriding purpose of public procurement is to ensure a level-playing field for potential vendors to obtain government contracts, no vendor should expect to be assured of future work if they openly criticize and disparage their client.
- [116] That said, even if the Beach Booster were somehow being unfairly treated, effectively 'snubbed', we would find the social media post by Councillor Belanger to be inappropriate and contrary to his ethical obligations under the Code of Conduct.
- [117] Members of Council have an array of tools to bring issues forward for attention where they believe a change in Council direction is necessary, not the least of which is introducing a notice of motion at Council.

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- [118] Councillor Belanger has suggested to us that, having no Councillors support him when attempting to place notices of motion on Council agendas to address what he perceives as deficiencies in the Town's approach to matters, there is justification in the manner in which he criticizes the Mayor, Council and the Council's administration.
- [119] Although a Councillor introducing a notice of motion must obtain the support of at least one colleague, a seconder, in order to get the motion on the table for debate, such is the nature of our democratic form of government where there must be at least some minimal support before the elected body will allocate time to discuss an issue.
- [120] When not one single other member of council feels that an issue is worthy of even discussing, the member who finds themselves stymied may need to rethink the issue or their approach.

Recommendations:

- [121] The Integrity Commissioner may recommend that certain sanctions be imposed when a complaint has been sustained. The purpose of a sanction is to reinforce Council's ethical framework.
- [122] A monetary penalty, although not remedial, can serve as a deterrent.
- [123] This is not the first complaint against Councillor Belanger that has been found to be substantiated.
- [124] It does not, in our view, serve the public interest to have members of municipal council publicly maligning each other. That is, in essence, the underlying rationale for the Code provision on media communications.
- [125] What the public deserves is for its elected representatives to treat each other with respect and decorum, to publicly debate the relevant issues in the appropriate forum, and to resist the urge to devolve into opposing tribal camps.
- [126] For these reasons, a sanction is warranted, if only to send the message that such conduct is inappropriate and should not be resorted to.
- [127] We therefore recommend:
1. That Council receive this report for information, and that it be posted on the Town of Wasaga Beach web site for public access;

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2. That Council pass the following resolution:

That having been found to have breached the Code of Conduct for Members of the Council of the Town of Wasaga Beach, the remuneration paid by the Town to Councillor Belanger be suspended for a period of ten (10) days commencing with his next pay period.

We wish to conclude by publicly thanking those who participated in our investigation.

We will be pleased to be in attendance virtually when this report is considered to answer any questions you may have relating to its contents.