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November 28, 2016

Mayor and Council
City of Sarnia
255 Christina Street North
Sarnia, ON N7T 7N2

**Att. Dianne Gould-Brown,
Acting City Clerk**

Dear Mayor and Council:

Re: Bird v. MacDougall, Scholten and Bruziewicz

I received the above complaint against the three referenced Councillors, alleging that they made disparaging comments contrary to the Code of Conduct about the complainant after her presentation to Council and after the meeting had adjourned. The comments were intended by the Councillors to be private but were recorded by the video equipment used to record the meeting, which was not turned off after the adjournment. It was also alleged that Councillors "whispered and pulled faces" during the presentation.

I received the complaint on November 16, 2016 by E-mail and summarily dismissed it on November 18, 2016 by a confidential E-mail to Ms. Bird. My decision was expressed to be confidential on the basis that the *Municipal Act* requires me to preserve secrecy. It has been brought to my attention that the complainant made her complaint public immediately after filing it with me and it was therefore unnecessary for me to keep my decision confidential.

Accordingly, I quote part of my decision as follows:

"I find your presentation to be deliberately inflammatory and confrontational by your choice of words such as:

- *"spends money like water"*
- *"Top heavy management"*
- *"Councillors have no place in City Hall"*
- *"Dissolution of Council"*

I also find it inappropriate for you to make any reference to the Workplace Harrassment finding and the penalty against the Mayor with him in the chair. You put him in a position of conflict and he should have declared one.

Because of the nature of your speech, I am of the opinion that it does not require the "respect" as contemplated by the Code. In my opinion members of Council

showed restraint in not calling for a point of order when your budget presentation was so interlaced with reference to the Mayor's infraction and the remodelling of City Hall necessary to make the workplace safe from his harassment of staff.

As to the private conversation between the Councillors after the adjournment of the meeting, the video technician was at fault in not stopping the recorder and you may pursue any rights you may have against that company. However, the comments made by Councillors were intended to be private and the few gesticulations by Councillors during your presentation were in response to inflammatory statements made by you and not sufficient for me to find them contrary to the Code.

For these reasons your complaint is hereby dismissed."

I will not be pursuing any failure by the Mayor to declare a conflict and give up the chair, because there is no evidence that he knew in advance what Ms. Bird was going to say and it was best to let her finish and terminate the meeting, since she was the last deputation.

All of which is respectfully submitted.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'RS', with a long horizontal flourish extending to the right.

Robert Swayze
Integrity Commissioner
City of Sarnia

ps. I request that this letter be placed before an open session of Council or one of its committees at your earliest convenience.