TOWN OF CALEDON INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

Citation: Complaint re: David Sheen Staff Comments (Groves Complaint) – DGB-CaledonICI-2025-02

Date: July 15, 2025

REPORT ON COMPLAINT

Introduction

[1] On June 1, 2025, I received a complaint from Caledon Mayor Annette Groves regarding the same statements made by Councillor David Sheen concerning the Mayor and Town staff during a Council meeting held on May 20, 2025 that are the subject of Complaint DGB-CaledonICI-2025-01.

[2] I have decided to deal with this Complaint in a separate report from that concerning Complaint DGB-CaledonICI-2025-01. Although they concern the same statements by Cllr. Sheen, they raise different sections of the Code of Conduct and I feel it would be too unwieldy and confusing to the reader to deal with both Complaints in the same Report. For the sake of brevity, I will incorporate aspects of my Report re: Complaint DGB-CaledonICI-2025-01 into this Report by reference rather than repeating them. This Report must be read in conjunction with my Report re: Complaint DGB-CaledonICI-2025-01 to appreciate the complete factual background, applicable legal principles and general findings.

Complaint

[3] The Complaint states as follows:

> I am writing to formally request an investigation into statements made by Councillor Dave Sheen during a recent Council meeting, wherein he accused me of pressuring Town staff to act in accordance with my directives. These allegations are not only unfounded but also constitute a breach of the Town of Caledon's Code of Conduct for Members of Council and Designated Boards.
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> Background:
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> During the May 20th Council meeting, Councillor Sheen publicly stated that I exert undue pressure on Town staff to fulfill my personal agendas. Such statements were made without evidence and have the potential to undermine public confidence in our municipal governance.
>
> Relevant Code of Conduct Provisions:

The Code of Conduct outlines the expectations for Members of Council to maintain integrity and respect in their interactions. Specifically:

Section 3.4 – Communications/Media Relations/Promotion:

> "Members may communicate a position that is contrary to that determined by Town Council. In doing so, Members will accurately communicate the decisions of Town Council and refrain from making disparaging comments about other Members or about Council's processes and decisions."

Councillor Sheen's remarks publicly impugned my integrity and falsely suggested unethical behaviour, absent any substantiation. This is exactly the type of conduct the Code seeks to prevent in order to preserve a respectful and functional Council.

Section 1.2 – Roles and Obligations:

"The onus is on Members to ensure that they adhere to and uphold the Code."

As an elected Member of Council, Councillor Sheen has a clear responsibility to understand the Code of Conduct and ensure his public behavior reflects its principles. His decision to make unfounded accusations in a public forum represents a clear failure to meet this responsibility.

Request for Investigation:

I respectfully request that your office conduct a thorough investigation into this matter to determine whether Councillor Sheen's statements constitute a violation of the Code of Conduct. It is imperative that all Members of Council adhere to the highest standards of professionalism and respect to maintain the integrity of our municipal government.

[4] The statements giving rise to the Complaint were as follows, starting at approximately the 6:11:45 hours mark of the video of the May 20th Council meeting:

- *"If staff run into difficulties, it'll be easy they can come back to Council - it isn't in the motion. That's a problem for me particularly in a strong mayor power environment where there is an enormous pressure on staff to give the mayor what she wants"*;

- After the Mayor raised a point of order regarding the foregoing comments, Cllr. Sheen went on to say: *"Fair enough, I don't retract them. We are working, staff and all of us, in a strong mayor environment and we can't ignore that. That is a factor at play here";*

- Cllr. Sheen then added: "*what if there is all kinds of pressure not to bring it back [to Council]…?"*

Applicable Law

[5] Relevant provisions of the Code of Conduct are as follows:

> **3. Communications/Media Relations/Promotion**
>
> **…**
>
> 3.4 Members may communicate a position that is contrary to that determined by Town Council. In doing so, Members will accurately communicate the decisions of Town Council and refrain from making disparaging comments about other Members or about Council's processes and decisions.[1]
>
> …
>
> **8. Conduct at Meetings**
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> 8.1 During Council, Committee or any Designated Board meeting, Members shall conduct themselves with decorum and in accordance with the Town's Procedural By-law and/or the approved rules of each Designated Board, and this Code of Conduct. As leaders in the community, decorum requires Members to be held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

[6] Relevant provisions of the *Municipal Act, 2001* are as follows:

> **Bill 3 Amendments to *Municipal Act, 2001* (Strong Mayor Powers)**
>
> PART VI.1
> SPECIAL POWERS AND DUTIES OF THE HEAD OF COUNCIL
>
> **Directions to municipal employees**
>
> **284.3** For the purposes of exercising powers or performing duties under this Part, the head of council may, in writing, exercise the powers of the municipality to direct municipal employees to,
>
> (a) undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under this Part; and

[1] I interpret s. 3.4 as being disjunctive, in the sense that there is a prohibition on making disparaging comments about other Members regardless whether they are in the context of a decision of Council. If I am wrong about this, I find that "decisions of Council" includes decisions of committees of Council, and given that the Planning and Development Committee had passed Mayor Groves' motion regarding the Fill Permit, disparaging her in relation to Council confirming that decision falls within the purview of s 3.4 of the Code of Conduct.

(b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under this Part.

In writing

284.4 (1) If the head of council exercises a power or performs a duty under this Part, the head of council shall do so in writing and in accordance with the regulations, if any.

Making information available

(2) The head of council shall, in accordance with the regulations, make any prescribed information and documents available to the public and to any other prescribed persons or classes of persons.

…

Powers re organizational structure

284.6 (1) Subject to subsection (3), the powers of the municipality with respect to determining the organizational structure of the municipality are assigned to the head of council.

Employment matters

(2) Subject to subsection (3) and the regulations, subsection (1) includes the power to hire, dismiss or exercise any other prescribed employment powers with respect to the head of any division or the head of any other part of the organizational structure.

Limitation

(3) The powers assigned under subsection (1) do not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to any of the following persons:

1. The clerk or deputy clerk.
2. A treasurer or deputy treasurer.
3. An Integrity Commissioner.
4. An Ombudsman.
5. An Auditor General.
6. A registrar, as described in section 223.11.

7. A chief building official, as defined in the *Building Code Act, 1992*.

8. A chief of police, as defined in the *Police Services Act*.

9. A fire chief, as defined in the *Fire Protection and Prevention Act, 1997*.

10. A medical officer of health, as defined in the *Health Protection and Promotion Act*.

11. Other officers or heads of divisions required to be appointed under this or any other Act.

12. Any other prescribed persons.

O. Reg 530/22 – Part VI.1 of the Act

[7] The Regulation under the *Municipal Act, 2001* referenced in the foregoing sections of the Act read as follows:

In writing requirements re s. 284.3 of Act

2. When directing municipal employees under section 284.3 of the Act, the head of council shall, by the next business day, provide a written record of the direction to the clerk and chief administrative officer, if one is appointed.

Other in writing requirements

3. Except as otherwise provided in the Act and this Regulation, when exercising a power or performing a duty under Part VI.1 of the Act the head of council shall,

(a by the next business day, provide the written record produced in accordance with subsection 284.4 (1) of the Act to each member of council and to the clerk; and

(b) subject to the *Municipal Freedom of Information and Protection of Privacy Act*, make the written record available to the public.

Response

[8] I forwarded Mayor Groves' Complaint to Cllr. Sheen for his response on June 2, 2025. After a number of extensions of the time for him to respond, on June 16th, Cllr. Sheen sent me an email containing a supplementary Response to Complaint 25-001 as well as a specific response to this Complaint. I have included the complete content of his email setting out his Response to both Complaints in Appendix "A" to this Report, and have considered it in its entirety in relation to this Complaint; however, the portion specifically related to Mayor Groves' Complaint reads as follows:

Response to the Mayor's Complaint

In light of the Mayor's recent complaint, I wish to again clarify that my comments at the May 20 Council meeting were not intended to accuse the Mayor of unethical conduct, nor were they meant to impugn her integrity or make disparaging remarks about her or any other Member of Council or staff. My remarks were focused on the systemic risks and governance challenges associated with the introduction of strong mayor powers, as recognized by sector experts and policy organizations. I have no evidence that the Mayor has directed staff to act inappropriately, and my intent was to highlight the importance of procedural safeguards in this new governance environment, not to allege misconduct by any individual. I remain committed to respectful debate, transparency, and upholding both the letter and spirit of the Code of Conduct.

[9] I note that I redacted two paragraphs from Cllr. Sheen's June 16th Response (Appendix "A") because it revealed confidential information that cannot be publicly disclosed and was also largely if not wholly irrelevant to the Complaints.

[10] On June 21, 2025, I emailed Cllr. Sheen advising him that, although not being mentioned in Mayor Groves' Complaint, I intended to consider Section 8.1 of the Code of Conduct in connection with her Complaint. My email included the wording of that section as well as my definition of "decorum" for the purpose of s. 8.1 taken from my Report on Complaint re: Councillor David Sheen – DGB-CaledonICI-2024-02 and invited him to provide his comments. He provided me with the following response to that email on June 23, 2025:

Context of the Meeting Environment

I want to start by providing the complete context of what occurred during the May 20 Council meeting that affected how my comments were delivered. Understanding the full circumstances is essential for fairly assessing whether my conduct fell below the standards expected of councillors.

Two specific circumstances contributed to what might have been perceived as an increasingly direct tone during the debate:

First, during our discussion of the fill permit motion, a fellow council member was repeatedly stating that staff could bring issues back to Council if problems arose with the fill operation. I had to point this out several times - this option was not actually provided for in the motion before us. This ongoing mischaracterization of what the motion actually said was frustrating, as accuracy in our deliberations is essential for good decision-making and public accountability.

Second, while I was speaking, a member of the public gallery was audibly expressing disagreement with my remarks to the point where I had to turn to address them directly, saying "excuse me!" to restore order. This individual is a frequent attendee at our meetings and a well-known supporter of the mayor who has exhibited similar disruptive behavior at previous meetings. Several members of council would be able to attest to this pattern, and many would likely acknowledge

that the mayor and other committee chairs give this person considerable latitude given her frequent attendance.

This ongoing disruption pattern was particularly distracting and irritating while I was trying to participate constructively in council debate. The combination of factual misstatements by a colleague and audience disruption created a challenging environment that may have affected my tone as I worked to ensure accurate information was being considered by Council.

Acknowledging the "Exemplary" Standard While Maintaining Democratic Function

I understand and accept that Section 8.1 requires councillors to keep "exemplary" behaviour and conduct ourselves to a higher standard as community leaders. This responsibility is one I take seriously in all my interactions as an elected representative.

However, I respectfully submit that exemplary behavior for an elected representative must include the willingness to ask difficult questions, challenge proposals when necessary, and raise important governance concerns - even when doing so might be perceived as uncomfortable or direct by some. The democratic function of council requires space for vigorous debate and opposition voices to ensure good decision-making.

My comments addressed widely-recognized concerns about strong mayor powers - concerns that were actually documented in our Council Information Package that night through resolutions from eight Ontario municipalities opposing these powers. This wasn't personal criticism but participation in legitimate policy debate that serves the public interest.

Intent and Reasonable Perception of My Comments

I want to be absolutely clear about both my intent and how my comments should reasonably be perceived in their proper context.

My Intent: My comments were motivated solely by legitimate governance concerns about the systemic effects of strong mayor powers on municipal decision-making processes. I was drawing on expert analysis from organizations like AMCTO, which has documented concerns about how these powers can affect the traditional relationship between elected officials and municipal staff.

Reasonable Perception: When viewed in their complete context - including the Council Information Package documenting widespread municipal opposition to strong mayor powers and the ongoing expert commentary about these governance changes - my comments should reasonably be perceived as policy commentary rather than personal attacks. I was addressing systemic governance risks, not making allegations about any individual's character or conduct.

The distinction between commenting on governance systems and making personal allegations is crucial. I have no evidence of inappropriate behavior by any individual, and that was not what I was suggesting. I was trying to ensure Council considered all factors in our decision-making, including recognized governance concerns that have been raised across Ontario.

The Democratic Imperative for Robust Policy Debate

Municipal councils serve as forums for competing visions of governance and policy. This democratic function requires space for direct but respectful challenge and debate, particularly on matters of systemic governance importance.

While I understand the need for exemplary conduct, I believe this standard must be interpreted within the context of democratic governance rather than conversational etiquette. The "cut and thrust of political life" necessarily involves debates that may be perceived as challenging or uncomfortable by those whose positions are being questioned.

My comments addressed the same governance concerns that have been raised by municipal governance experts, legal scholars, and eight Ontario municipalities. This demonstrates that my remarks were part of legitimate democratic discourse rather than inappropriate personal commentary.

Distinguishing This Situation from Previous Cases

I recognize that you have previously found councillor comments (including my own) to breach decorum standards when they created inappropriate divisions or failed to meet community standards of respect. However, I respectfully submit that the current situation is distinguishable from those precedents in several important ways:

1. **Policy vs. Personal Focus:** My comments addressed governance systems and their potential effects, not individuals' character or personal attributes

2. **Recognized Expert Concerns:** The issues I raised align with documented concerns from municipal governance experts and multiple Ontario municipalities

3. **Council Business Context:** My remarks were directly relevant to the motion under discussion and the governance environment in which we make decisions

4. **No Cultural or Personal Targeting:** Unlike situations involving inappropriate cultural references or personal attacks, my comments focused solely on institutional governance structures

The Challenge of Subjective Standards in Political Context

While I understand the definitions of decorum you've referenced - "socially correct, calm, and polite" behavior - I respectfully suggest that applying conversational standards directly to council chamber debate risks undermining the adversarial nature of democratic governance that helps ensure good decisions.

What constitutes "appropriate" tone or "respectful" language can vary significantly based on the political context, the importance of the issues being debated, and the meeting environment. In this case, I was addressing governance concerns while managing factual misstatements by a colleague and ongoing audience disruption.

Real-Time Assessment vs. Retroactive Review

An important procedural point needs clarification: Mayor Groves was actually chairing the meeting when she raised points of order and privilege regarding my comments. As the presiding officer, she had the immediate authority and responsibility under our procedural bylaws to address any conduct she deemed inappropriate or out of order.

Significantly, after raising her objections, Mayor Groves allowed me to continue with my remarks without requiring me to withdraw my comments, cease that line of discussion, or ruling them out of order. If my comments were truly inappropriate or violated decorum standards, she could have and should have pursued the matter in that moment, consistent with the procedural bylaws that give the chair authority to maintain order and decorum during meetings.

The fact that the presiding officer - who is also the complainant in this matter - permitted me to continue speaking after voicing her objections suggests that in the immediate context of the meeting, my comments were considered within the bounds of acceptable council discourse. This real-time assessment by the chair, who had full authority to intervene, provides important context for any retroactive review.

Post-meeting reviews necessarily lack the contextual information that was available to the presiding officer, including tone, body language, meeting dynamics, and the immediate judgment about whether comments warranted intervention. When the person with both the authority and the immediate motivation to stop inappropriate comments chooses not to do so, it raises questions about whether those comments actually crossed the line of appropriate conduct.

This also highlights a potential conflict of interest in the current complaint process, where the same individual who chose not to exercise her authority as chair to address alleged decorum breaches in real-time is now seeking post-hoc sanctions for the same conduct through the integrity commissioner process.

Commitment to Constructive Dialogue

I want to emphasize my ongoing commitment to maintaining respectful dialogue while fulfilling my responsibilities as an elected representative. If my tone during the May 20 meeting was perceived as falling short of the exemplary standard expected of councillors, I regret that perception.

However, I believe it's important to distinguish between tone or manner of delivery and the legitimate content of political commentary. My governance concerns remain valid and important for Council's consideration, even if the challenging meeting environment may have affected how they were communicated.

Response to Section 3.4 Allegations

I understand that in addition to the decorum concerns under Section 8.1, Mayor Groves has filed a complaint under Section 3.4 regarding "disparaging comments." I believe these represent different issues that should be assessed separately:

Section 8.1 (Decorum) concerns my conduct and manner during the meeting, including my response to meeting disruptions and challenging debate dynamics.

Section 3.4 (Disparaging Comments) concerns the content of my remarks and whether they constitute inappropriate comments about other members.

For both assessments, I respectfully submit that the focus should be on distinguishing between legitimate governance commentary and inappropriate personal attacks. My comments addressed policy and systemic concerns rather than individual character or conduct.

Moving Forward with Shared Commitment to Excellence

I remain committed to maintaining the highest standards of conduct while also fulfilling my democratic responsibilities to ask important questions and raise governance concerns. I believe both objectives can be achieved together.

If there are ways I can better communicate legitimate governance concerns while ensuring all participants feel respected, I welcome that discussion. My goal is always to serve the public interest through effective democratic participation while maintaining the exemplary conduct expected of community leaders.

I also recognize that meeting management challenges, including recurring audience disruption, affect the environment in which we all try to maintain appropriate decorum. Perhaps there are procedural improvements that could help ensure more effective meetings for everyone.

Conclusion

Respectfully, I submit for your consideration:

1. The complete meeting context, including factual misstatements by a colleague and recurring audience disruption by a known supporter of the mayor, provides important context for understanding the challenging environment in which my comments were made

2. My comments addressed legitimate governance concerns that align with expert analysis and widespread municipal opposition to strong mayor powers, rather than making personal attacks or inappropriate remarks

3. The distinction between policy commentary and personal disparagement should be considered when assessing both decorum and disparaging comment allegations

4. While maintaining exemplary conduct is essential, this standard should account for the legitimate requirements of democratic debate and opposition accountability

5. The chair's real-time assessment that my comments did not warrant intervention - particularly significant given that the chair was also the complainant - provides important context for any retroactive review

6. My commitment to serving the public interest through responsible democratic participation remains unchanged, even as I work to ensure my manner of communication meets the high standards expected of elected representatives

Reply of Mayor Groves

[11] I emailed Cllr. Sheen's June 23rd Response to Mayor Groves requesting any reply she had to it. We spoke on June 25th at which time she provided her position as follows:

- She disagrees that some other councillor's view of the meaning or intent of the motion or a member of the public heckling in the midst of Cllr. Sheen's submission (assuming that happened which she does not recall) are no excuse for damaging the reputations of staff and of the municipality as a whole. Both of these scenarios are common occurrences at Council meetings that a councillor with years of experience under his belt should be able to deal with and not be driven to saying damaging things of a personal nature against persons who were not the ones providing an interpretation of the motion he did not agree with or heckling from the public seating area;

- The attacks by Cllr. Sheen were personal, not political. He targeted not only her but staff members and falsely implied he had evidence of the wrongdoing he was accusing others of;

- With respect to her not taking further action after raising a point of order and privilege and asking Cllr. Sheen to retract his remarks, whereupon Cllr. Sheen refused to do so, she indicated that she has never removed a member from the Chambers for any sort of improper conduct because we live in a democracy and

she does not believe she has the right to take away the voice and vote of an elected representative even if they overstep the bounds of fair and reasoned debate. She pointed out that Cllr. Kiernan was clearly out of order during the same debate when, despite being told her time to speak was over, appealed to the public gallery to ask if they wanted her to keep speaking. Despite this being completely improper, she did not remove Cllr. Kiernan either. This was especially the case with respect to the debate over the Fill Permit. She was the mover of the motion and Cllr. Sheen was one of a few strong, vocal opponents to the motion on Council that evening. Given the strong public concern over the motion, it would have been undemocratic, and, even moreso, would have appeared undemocratic, to remove a councillor who opposed her motion and therefore deprived the opposing side of a vote against the motion. This would have further harmed the reputation of Caledon in the eyes of the public which Cllr. Sheen's comments had already done.

Councillor Sheen's Rebuttal to Mayor Groves' Reply

[12] I sent the above summary of Mayor Groves' Reply to Cllr. Sheen on June 25th and he provided the following rebuttal on June 26th:

1. Context and Content of My Remarks

The mayor asserts that neither another councillor's interpretation of the motion nor public heckling justifies "damaging the reputations of staff and of the municipality," and suggests that, as an experienced councillor, I should be able to manage such situations without making inappropriate comments.

As stated in my June 23 response, my remarks were made in a challenging and dynamic meeting environment, marked by both mischaracterization of the motion by a colleague and repeated disruption from the public gallery. While these factors do not excuse a breach of decorum, they are important context for understanding the tone and urgency of my interventions. My comments were focused on the systemic risks associated with the strong mayor model - concerns widely recognized by sector experts and referenced in our Council Information Package that evening - not on any individual's character or conduct. As I have said before, if my tone was perceived as too direct, I regret that perception, but my intent and the reasonable interpretation of my remarks was to address legitimate policy issues, not to impugn the reputation of staff or the municipality.

2. Governance and Accountability: The Substance of My Remarks

The mayor characterizes my comments as "personal attacks" rather than political debate, but this misrepresents both the substance and intent of my intervention. My remarks were not about personalities or partisan positions; they were focused on governance, accountability, and the systemic risks associated with the strong mayor model - again, concerns widely recognized by municipal experts and referenced in our Council Information Package that evening. I did not and do not claim to

possess evidence of wrongdoing by staff or the mayor, nor did I accuse anyone of improper conduct. My comments were intended to scrutinize the broader environment created by strong mayor powers, not to impugn any individual. While I regret any unintended discomfort my remarks may have caused, the distinction between personal allegations and raising legitimate governance concerns is fundamental, and my comments were firmly in the latter category.

3. The Mayor's Handling of the Meeting and Use of the Code of Conduct Process After the Fact

The mayor reiterates that she did not take further action during the meeting because she believes it would be undemocratic to silence an elected representative, and she references her handling of other councillors as evidence of consistency.

While I appreciate the mayor's stated commitment to democratic principles, I must respectfully highlight that her approach reflects a rather limited and, frankly, surprising understanding of her responsibilities as chair - especially given her decades of experience at Town and Regional Council. The meeting chair is not limited only to the extreme measure of removing a member; our procedural by-law and Robert's Rules provide a range of tools for managing decorum, including warnings, requests for withdrawal, suspending debate, or seeking council direction. The failure by the mayor to use these tools in real time, only to pursue a Code of Conduct complaint against me after the fact, raises concerns about both procedural fairness and the effective management of council proceedings. Consistency in inaction does not equate to procedural correctness. The chair's duty is to ensure meetings are conducted respectfully and in accordance with the rules - not simply to avoid the appearance of bias.

Given the mayor's extensive experience - more than two decades at the Town and Region - it is disappointing that she has not demonstrated a more nuanced and effective application of the procedural by-law and/or the rules of order. This lack of procedural sophistication has contributed to the current situation and, in my view, should be a significant factor in your assessment of the complaint.

Conclusion

In summary, my comments were directed at legitimate governance concerns, not at individuals; any misunderstanding of my intent is regrettable and can be clarified; and the chair's failure to use available procedural remedies at the time should weigh heavily in your consideration of this complaint. I remain committed to respectful, accountable debate and to upholding the integrity of council processes.

Findings

Meaning of the Impugned Statements

[13] At the May 20th Council meeting, Cllr. Sheen stated "*there is an enormous pressure on staff to give the mayor what she wants."* He didn't say there hypothetically could be. He didn't say

there may be. He said emphatically that there ***"is"*** enormous pressure on staff to give the Mayor what she wants. His articulation of the word "enormous" at the meeting was exaggerated (roughly, "EEEENOOOORRRRMOUS") in reference to the pressure, conveying to the objective listener how dire he thought the situation of the Mayor's attempts to exert influence over Town staff was. There is no doubt in my mind that the words Cllr. Sheen used would lead reasonable members of the public to believe that it was a fact known to him that the Mayor routinely pressured staff to give her whatever she wanted and, in the circumstances of the issue under debate at time he made this statement, that she would willingly sacrifice public health and safety to achieve her objectives through that pressure.

[14] Cllr. Sheen went on to say at that meeting "*what if there is all kinds of pressure not to bring it back [to Council?]"* Taken in the context of his earlier statement reviewed in paragraph [13], this reiterates his belief that the Mayor will exert pressure on staff to ignore their professional and ethical obligations and sacrifice the health and safety of the public.

[15] The statements in paragraphs [13] and [14] above were made despite Cllr. Sheen's admission in his June 16th Response that "I do not have any direct evidence that any Town of Caledon staff member has been improperly influenced or pressured by the Mayor" and "I have no evidence that the Mayor has directed staff to act inappropriately".[2]

Section 8.1 of the Code: What is the Meaning of "Decorum"?

[16] In my Report on Complaint re: Councillor David Sheen – DGB-CaledonICI-2024-02, I set out the following definition of "Decorum" for the purpose of s. 8.1 of Caledon's Code of Conduct:

> [21] The Cambridge University Dictionary defines "decorum" as "behavior that is socially correct, calm, and polite."[3] Wiktionary defines "decorum" as: "appropriate social behavior."[4] The Britannica Dictionary defines the word to mean "correct or proper behavior that shows respect and good manners."[5]
>
> [22] …In *McConnell v Ford*,[6] another IC held that even actions done without the intent to harm or with a purportedly commendable motive can still lack decorum and contravene the Code.

Did the Impugned Statements Prima Facie Breach ss. 3.4 and 8.1 of the Code of Conduct?

[17] Notwithstanding Cllr. Sheen's claim that "My comments were focused on the systemic risks associated with the strong mayor model… not on any individual's character or conduct," I find that the impugned statements Cllr. Sheen made in reference to the Mayor at the May 20th

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[2] Pp. 24 and 29, Appendix "A" to this Report. He made the same concession in his June 23rd Response.
[3] Cambridge Academic Content Dictionary © Cambridge University Press

[4] See https://en.wiktionary.org/wiki/decorum.

[5] See https://www.britannica.com/dictionary/decorum.

[6] 2015 ONMIC 4 (CanLII).

meeting were defamatory and admittedly false personal attacks. False and defamatory statements about another Member of Council constitute "disparaging comments about [an]other Member…" in breach of s. 3.4 of the Code of Conduct. I further find that the statements also breached the rule set out in s. 8.1 of the Code that Members must demonstrate "decorum" at public meetings, in that they did not demonstrate "correct or proper behavior that shows respect and good manners." Therefore, subject to my discussion below about whether these comments are protected on account of being political speech, I find that the statements prima facie breached ss. 3.4 and 8.1 of the Code of Conduct.

What is the Significance of Mayor Groves' Failure to Discipline Cllr. Sheen At the Council Meeting?

[18] Cllr. Sheen raises a valid issue when he states the following in his June 23rd Response:

> The fact that the presiding officer - who is also the complainant in this matter - permitted me to continue speaking after voicing her objections suggests that in the immediate context of the meeting, my comments were considered within the bounds of acceptable council discourse. This real-time assessment by the chair, who had full authority to intervene, provides important context for any retroactive review.

[19] I accept Mayor Groves' explanation that in the context of a debate on a highly charged issue generating great public interest and concern, where she was the mover of the motion and Cllr. Sheen was one of the obvious and perhaps most vocal opponents of the motion, she did not feel it was prudent to put him in a position of having to apologize or be removed from the Chamber and given that he had already made it clear that he was not going to retract his statement, she made a quick decision on the spot not to take any further action. I agree with Mayor Groves that the optics of having removed Cllr. Sheen from the debate and prevented him from voting on the Fill Permit motion she had brought when he was clearly very opposed to it would have been, and would have been perceived to be, highly undemocratic, which would have further damaged the reputation of the Town even more than what she felt Cllr. Sheen had already done to damage its reputation with his comments.

[20] Cllr. Sheen asserts that, as Chair of the meeting, Mayor Groves had other options short of removing him from the Chamber to address his impugned statements. The fact is that Mayor Groves directly asked Cllr. Sheen to retract the impugned statements and he refused. In my considered opinion, her only options at that point were to threaten him with expulsion if he did not retract or, perhaps, suspend the debate on the issue unless he retracted his statements. Since he had already refused to retract the statements and was obviously quite worked up about the issue being discussed, I find that Cllr. Sheen would have likely forced the Mayor to remove him from the meeting rather than retract his statements, which would have been great political theatre in favour of his cause, but would have led to the untenable scenario in Mayor Groves' mind as set out in the foregoing paragraph. Had she suspended debate on an important issue of public health and safety with many concerned residents in the audience, it would have damaged the reputation of the Town in the eyes of the public even more than Cllr. Sheen's comments already had. I therefore disagree with Cllr. Sheen that Mayor Groves had any other viable options to deal with the situation in the course of the Council meeting other than simply allowing the debate to proceed.

[21] Caledon's Code of Conduct very clearly states that it applies to "Conduct at Meetings", including breaches of the Town's Procedural By-law,[7] notwithstanding the remedies available to the Chair of the meeting in the Procedural By-law. I therefore find that Mayor Groves' failure to take further action against Cllr. Sheen at the May 20th Council meeting was prudent and, more importantly, does not deprive me of jurisdiction to find a breach of the Code of Conduct and recommend penalties in respect of that breach.

Balancing Code Values with Freedom of Political Speech

[22] I refer the reader to paragraphs [21] – [22] of my Report re Complaint 25-001 with respect to the applicable principles involved in balancing a Member's right to freedom of political speech and conformance with the tenets of the Code of Conduct.

Analysis

[23] I fully accept, as I did in my Report regarding the Previous Complaint against Cllr. Sheen, that Cllr. Sheen has every right to voice his objection to the use of Strong Mayor Powers, and to do so vociferously, which, in past decisions, I have refused to find to be breaches of the Code of Conduct; however, there is a clear line between political debate on the issue and false, defamatory personal attacks on individuals under the guise of engaging in political debate on an issue. There is no place for defamatory, false statements at a public Council meeting, whether under the guise of political speech or otherwise. To make an unfounded allegation that the Mayor would exert influence over staff to achieve her objectives at whatever cost, where the issue at hand raised, in the minds of residents, serious issues of public health and safety, is a serious overstep of the protection afforded by political speech.

[24] Notwithstanding Cllr. Sheen's claim that he did not intend to personally attack the Mayor and staff, I find that the natural interpretation of the words he used conveyed exactly that and he reasonably ought to have known this was the case, especially after the Mayor called for him to retract his statements for the very reason that they were improper personal attacks.

[25] Furthermore, there is no rational connection between the impugned statements about the Mayor and Strong Mayor Powers such as to justify the statements as political speech. The Mayor was not unilaterally imposing the conditional Fill Permit through the use of Strong Mayor Powers (nor could she given that unilaterally issuing a fill permit is not a power given to a mayor through the Strong Mayor Powers provisions of the *Municipal Act, 2001)*; rather, she was simply the mover of a motion like any other Member of Council.

[26] Under Strong Mayor Powers, a Mayor can only direct staff to undertake research and provide advice to them and the municipality on policies and programs of the municipality or of the head of council *as they relate to the powers and duties under the Strong Mayor Powers sections of the Municipal Act, 2001 and to carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under the Strong Mayor Powers sections of the Act.*[8] None of these circumstances exists with respect to

[7] S. 8.1, Caledon Code of Conduct.
[8] S. 284.3, *Municipal Act, 2001*.

the issuance of the subject Fill Permit such that the Mayor did not have the power to direct staff in relation to anything having to do with the Fill Permit any more than any other councillor could have done - which is to say, no power. Even if this was a situation where the Mayor could direct staff under Strong Mayor Powers, which it was not, she would have needed to put any direction she gave to staff in writing and make it public, so any instructions would be a matter of public record.[9] In other words, the covert influence Cllr. Sheen implied the Mayor would exert over staff would have been highly improper, which is a serious allegation.

[27] With respect to Cllr. Sheen's claim that he was merely highlighting the potential for pressure because senior staff were concerned about the Mayor's power to fire them unilaterally, I reject this assertion for the reasons set out in the fourth bullet point of paragraph [26] of my Report re: Complaint DGB-CaledonICI-2025-01. I further find that the phrase "there ***is*** enormous pressure on staff" connotes active pressure from direct approaches to staff, as opposed to the passive pressure borne of the mere thought that one may be terminated if the Mayor may be unhappy with a recommendation.

[28] Regardless of Cllr. Sheen's stated subjective intent in making the impugned statements as set out in his various responses to this Complaint, I find that objectively, his statements at the May 20th Council meeting were defamatory, unsubstantiated attacks on Mayor Groves personally, not a true commentary on Strong Mayor Powers. Moreover, when the interpretation of his statements that I have accepted were put to him by Mayor Groves in the course of asserting the point of order, Cllr. Sheen refused to consider retracting the statements in favour of the argument he now says he was intending to make.

[29] Concerning Cllr. Sheen's claim that his remarks may have been impertinent because of the misrepresentations of the meaning of the Fill Permit motion by another councillor and heckling from the public gallery during his submissions, I reject these as being relevant to the issue of breach. I agree with Mayor Groves that both of these scenarios are common occurrences at Council meetings that a councillor with years of experience under his belt should be able to deal with and not be driven to saying damaging things of a personal nature against persons who were not the ones providing an interpretation of the motion he did not like or heckling from the public seating area.[10]

[30] I therefore find that Cllr. Sheen's conduct is not shielded by the defence of freedom of political speech and as such, I find that he breached ss. 3.4 and 8.1 of the Code of Conduct.

Recommended Penalty

[31] Cllr. Sheen's comments were made in a highly public forum (a broadcast Council meeting, the video record of which remains available to be seen by the public indefinitely). They were made

[9] S. 284.4, *Municipal Act, 2001*.

[10] I have watched and listened to the relevant portions of the debate at least 8 times, twice following receipt of Cllr. Sheen's June 23rd Response and, although I heard heckling from the gallery when Ms. Zia was speaking, when the Mayor was speaking, and when Cllr. Kiernan asked the gallery if they wanted her to continue speaking, I did not hear any heckling during Cllr. Sheen's submissions. I did see him look up and say "pardon?" shortly before making the impugned statements, so there may have been heckling at that point which was not caught by the Chambers' recording system.

in the context of a debate that raised serious health and safety concerns among the public—concerns that Cllr. Sheen exacerbated by suggesting, without evidence and based solely on conjecture, that the Mayor would undermine by pressuring staff to downplay or ignore these issues.

[32] The emphatic and very confident manner in which Cllr. Sheen voiced his false claim at the May 20th Council meeting ("there ***is*** EEENNNOOORRRMOUS pressure on staff to give the Mayor what she wants") is also an aggravating circumstance, as it would lead members of the public hearing it to believe Cllr. Sheen had personal knowledge of such wrongdoing, which he now admits he did not.

[33] A final aggravating circumstance is that at the May 20th meeting, immediately after Cllr. Sheen uttered the improper statement, Mayor Groves raised a point of order asking him to retract the comments. Cllr. Sheen refused to do so. Had he done so, the Complaint, my investigation and this Report would have all been unnecessary.

[34] In all of the circumstances, it is my recommendation that Council impose the following penalties on Cllr. Sheen in relation to the Code violations I have found regarding this Complaint (ie. *in addition to* the penalty I have recommended in my Report re: Complaint 25-001):

- 15 day suspension of pay;
- That Cllr. Sheen publicly apologize to Mayor Groves for impugning her professional reputation and credibility.

[35] This concludes my investigation.

Respectfully Submitted,



David G. Boghosian,
Integrity Commissioner,
Town of Caledon

APPENDIX “A” TO IC REPORT RE: COMPLAINT 25-002

COUNCILLOR SHEEN’S RESPONSE DELIVERED JUNE 16, 2025

Salient Portions of the Complaint

The complaint alleges that my comments at the May 20, 2025 Council meeting violated the Code of Conduct, specifically Sections 5.2 and 5.4, and the Policy Statement. The complaint cites the following statements:

"If staff run into difficulties, it'll be easy they can come back to Council - it isn't in the motion. That's a problem for me particularly in a strong mayor power environment where there is an enormous pressure on staff to give the mayor what she wants."

"Fair enough, I don't retract them. We are working, staff and all of us, in a strong mayor environment and we can't ignore that. That is a factor at play here."

[That] staff may feel "pressure not to bring it back [to Council]."

The complaint further alleges that these comments "cast aspersions on the professional competence and credibility of staff" and suggest staff "would not act professionally or objectively, but would succumb to enormous pressure and give the mayor what she wants."

Clarification of What Was Actually Said at the May 20, 2025 Council Meeting

It is important to clarify precisely what I said during the May 20, 2025 Council meeting and to distinguish this from how my comments have been characterized in the complaint and subsequent correspondence.

During the debate regarding the Mayor’s motion on the fill permit, I stated:

"...and that's a problem for me particularly in a strong mayor power environment where there is an enormous pressure on staff to give the mayor what she wants."

The Mayor immediately raised a point of order and a point of privilege, objecting to my comment as "completely inappropriate." She stated that she did not believe any staff were feeling under pressure to give the mayor what she wants, reiterated that she had only one vote, and maintained that my comments were out of order.

In response, I stood by my point and replied:

"Fair enough, I don't retract them. We are working, staff and all of us, in a strong mayor environment and we can't ignore that. That is a factor at play here."

A few moments later, I acknowledged that staff could try to bring issues back to Council but added:

"What if there is all kinds of pressure not to bring it back?"

As I have mentioned earlier, my comments were about the environment created by strong mayor powers - where, as is well documented in the municipal sector, the real or perceived ability of a mayor to unilaterally hire and fire senior staff can create a context in which staff may feel pressure, whether or not any explicit direction is given. My remarks were not directed at any individual staff member's professionalism or conduct, nor did I state that any specific staff member in Caledon was acting under such pressure. Rather, I was referring to the systemic risks and the changed governance environment that now exists in Caledon and every other strong mayor municipality in Ontario.

I note that the your summary of the complaint paraphrased my comments as saying staff "may feel pressure," but in fact, my actual words did not include "may." I described the strong mayor environment as one "where there is an enormous pressure on staff to give the mayor what she wants." This was intended to highlight the systemic risk and the perception that can arise in such a governance model, not to allege any actual misconduct or lack of professionalism by staff.

Clarification of Context and Intent

To clarify the context of my comments at the May 20 Council meeting: My remarks were made in direct response to an assertion from a fellow member of Council that, should staff encounter difficulties with the numerous reports requested of the land owner, they could simply bring the matter back to Council for further consideration. I pointed out that the motion before us did not, in fact, provide staff with that option. My concern was that, in the absence of such a provision - and given the highly charged debate and the clear intent of the mayor and her allies to advance the fill motion - staff might feel inhibited from bringing issues back to Council.

This concern is heightened in the current strong mayor environment, where staff may perceive subtle pressures not to act contrary to the direction or wishes of the mayor, particularly when their employment or advancement could be affected. These comments were not directed at any individual staff member's professionalism or conduct, but rather reflect the broader governance context and the well-documented risks associated with strong mayor powers.

Context: Political Environment and Sector-Wide Criticism of Strong Mayor Powers

It is also important to emphasize that my comments were made in the context of a highly political and rapidly evolving municipal environment. The recent expansion of strong mayor powers in Ontario has been met with widespread criticism and concern from municipal sector experts, local councillors, and mayors across the province.

As of May 1, 2025, an additional 169 Ontario municipalities - including Caledon - have been granted strong mayor powers, allowing mayors to unilaterally hire or fire senior staff, veto bylaws, and pass new bylaws with only one-third of council support. This shift has been described by many as undermining local democracy and the traditional balance of power on municipal councils. Numerous councils - including Stratford, Owen Sound, Essex County, Windsor, and others - have formally opposed or sought to reject these powers, citing fears of eroded majority rule, diminished council voices, and the risk of politicizing municipal administration.

Sector experts, such as the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), have warned that strong mayor powers...

"blur the political-administrative authority between the roles of head of council and chief administrative officers (CAOs), threatening the neutrality of the public service and politicizing local government leadership."

Political scientists and municipal leaders have echoed these concerns, noting that such powers "eliminate majority rule in our council" and risk "consolidating power in fewer hands," which history shows "often does not end well."

Importantly, legal scholars John Mascarin and Jennifer Bilas have written:

“A strong mayor system, by contrast, provides the head of council with a centralized executive authority to take actions and make decisions on a unilateral basis, without the concurrence or support of a majority of the members of council. Such a system creates a power imbalance on council, granting the head of council additional powers that general members of council do not have (unless delegated). … The mayor is more than just one vote on council, and has the ability to realize their personal agenda without the need to build consensus or to seek compromise amongst council as a whole, which essentially had been the local governance model in Ontario (and throughout Canada) for some 200 years.”
(*John Mascarin & Jennifer Bilas, "Strong Mayor Powers – The Erosion of Municipal Democracy," Aird & Berlis LLP, 2023*.)

This legal analysis underscores that the systemic risk I raised is not hypothetical or unique to Caledon, but a recognized and well-documented consequence of the strong mayor governance model.

Council Information Package: Municipal Opposition to Strong Mayor Powers and the Meaning of “Strong Mayor” Authority

It is particularly relevant to note that my comments at the May 20 Council meeting were made with direct knowledge of the Council Information Package distributed with our meeting agenda that night. This "info pak" contained formal resolutions from eight (8) Ontario municipalities explicitly opposing the expansion of strong mayor powers, highlighting the exact governance concerns I raised during the debate.

For clarity, “strong mayor powers” refer to the legislative authority granted to mayors in Ontario to unilaterally hire and fire senior municipal staff (with the exception of certain statutory officers such as the Clerk and Treasurer, CBO and Fire Chief). This means that, unlike the traditional model where council as a whole oversees the hiring and tenure of senior staff, the mayor alone can make or rescind such appointments. As David Arbuckle, Executive Director of the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), explained in the Toronto Star on June 2, 2025:

“It’s changed the dynamic where a city staffer now has to be mindful of the fact that they could be hired or fired by the mayor at any point in time. The advice they’re bringing forward may not be as neutral as possible because ultimately they are now responding to one individual.”

This is echoed in the Town of Parry Sound’s April 22, 2025 letter (Council Information Package, p. 5), which references AMCTO’s research finding that strong mayor powers “blurred the political-administrative authority between the roles of head of council and Chief Administrative Officers (CAOs) and senior staff, threatening the neutrality of the public service and politicizing local government leadership.”

The Town of Aylmer’s April 16, 2025 resolution (Council Information Package, p. 3) further warns that the expansion of strong mayor powers “has raised significant concerns regarding the centralization of power, erosion of local democracy, reduced accountability, and the potential for the abuse of power,” and that these powers “undermine the collaborative nature of municipal governance, and diminish the role of elected municipal councillors in representing the diverse interests of the community.”

Similarly, the Town of Cobalt’s May 1, 2025 resolution (Council Information Package, p. 11) and the City of Stratford’s April 28, 2025 resolution (Council Information Package, p. 13) both state that strong mayor powers “significantly alter the balance of governance at the municipal level, undermining the role of Council in decision-making and weakening the fundamental democratic principle of majority rule.”

These formal municipal positions, which were before Council as part of our meeting materials on May 20, 2025, demonstrate that my comments were not personal opinions or criticisms directed at Town staff or the Mayor, but rather reflections of legitimate, widely-shared governance concerns being actively debated across Ontario municipalities. My intention was to draw Council’s attention to these messages at the appropriate time during the agenda, to provide context for my remarks and to ensure Council was aware of the real and perceived impacts of strong mayor powers on staff neutrality, council decision-making, and local democracy.

On the Use of Loaded Language and Semantic Arguments

I must also express my concern regarding the tone and approach Mr. Hyde has taken in his communications to you. His repeated reliance on strong, emotive adjectives and anti-harassment "buzz words" in his correspondence with me, and now in his submissions to this process, does not, in my view, contribute to a fair or constructive examination of the facts. Instead, it risks creating

an atmosphere of accusation and defensiveness, rather than one of open dialogue and mutual respect.

Similarly, Mr. Hyde's focus on the technicality of delegated authority - suggesting that the Mayor's delegation of her hiring and firing powers to the CAO somehow removes the underlying pressure on staff - is, with respect, a matter of semantics rather than substance. As is well understood in governance, delegated authority can be rescinded at any time by the delegator. The ultimate power remains with the Mayor, and staff are fully aware that their employment is ultimately subject to her discretion. This reality is not changed by temporary delegation, as demonstrated when the Mayor rescinded her delegation of authority to Council regarding the Town's golf committee by way of Mayoral Decision 2025-01. I find it belittling and counterproductive to suggest otherwise, and I would hope that all parties to this process can engage with the issues at hand in a manner that respects both the intelligence and experience of Council members and the legitimate concerns raised by sector experts and municipal leaders across Ontario.

Clarification of Conditional Language and the CAO's Characterization

It is important to clarify the language I used and how it has been characterized in the complaint and subsequent correspondence. In the Integrity Commissioner's summary, my remarks were paraphrased as suggesting staff "may feel pressure," but in fact, I did not use the word "may." My actual words described the strong mayor environment as one "where there is an enormous pressure on staff to give the mayor what she wants."

While my comment did not use conditional language, it was intended to highlight the systemic risk and the perception that can arise in any strong mayor municipality - not to assert that any specific staff member in Caledon is, in fact, succumbing to such pressure. The point I was making, and which your paraphrasing of it implicitly recognizes, is that strong mayor powers create an environment where such pressures may exist, whether real or perceived, and that this is a legitimate concern for council and the public to consider. This is consistent with sector-wide expert commentary, including AMCTO, CAMA, and legal scholars such as John Mascarin, who have all noted that the strong mayor model fundamentally alters the balance of power and **can threaten the neutrality of the public service.**

My intention was not to allege actual misconduct or lack of professionalism by any individual staff member, but to address the broader governance risk that arises from the structural change in authority under the strong mayor system. This is a matter of public policy and sector-wide debate, not a reflection on the competence or objectivity of Town employees.

Response to Code of Conduct Provisions and Request for Evidence

In direct response to the Code of Conduct provisions cited in the complaints:

- **Section 5.4:** My comments were not a violation of Section 5.4, as they did not criticize any employee's competence, credibility, or actions. At no point did I suggest that any Town staff member has acted unprofessionally or without objectivity. My remarks were directed solely at the systemic risks and governance environment created by legislative changes, not at the conduct of individual employees.
- **Section 5.2:** I have at all times acknowledged and respected the independence of Town staff and their responsibility to provide objective, professional advice. My comments were not intended to, nor do they, suggest that staff have failed in this duty or have been unduly influenced by any Member of Council.
- **Policy Statement:** The Policy Statement calls for Members to demonstrate an understanding of their obligations and to act transparently. My remarks were made in the spirit of transparency and accountability, raising legitimate, sector-recognized concerns about the impact of strong mayor powers on municipal governance. This is consistent with my duty to ensure that Council and the public are aware of the broader context in which decisions are made.

As further support, policy experts at Environmental Defence have warned:

"Under Strong Mayor powers, mayors gain unilateral control over hiring and firing key civil servants and planning experts responsible for independently evaluating development proposals... The law's proposed amendments... would wipe out many of the checks and balances that have helped to insulate small towns in Ontario from many forms of corruption."

This underscores that the potential for subtle, systemic pressures exists even in the absence of explicit direction, and that such pressures are inherently difficult to document or measure.

In direct response to the request for proof that staff have been improperly influenced or pressured:
I do not have any direct evidence that any Town of Caledon staff member has been improperly influenced or pressured by the Mayor or any other Member of Council. As is common in the municipal sector, such pressures, if they exist, are often subtle and difficult to document. Additionally, staff who leave a municipality may be bound by non-disclosure agreements or confidentiality clauses, which can prevent them from sharing their experiences. For these reasons, the absence of direct evidence should not be interpreted as proof that such pressures do not exist; rather, my comments were intended to highlight the risk and perception of pressure that may arise in any strong mayor environment, as recognized by sector experts and many Ontario municipalities.

On Impact, Respect, and the Role of Council

I recognize that, in matters of council conduct, both intent and impact are important. While my intent was to contribute to a robust policy discussion and to ensure transparency and accountability in municipal decision-making, I acknowledge that my comments may have been perceived differently by some staff or colleagues. I regret any unintended negative impact or discomfort my remarks may have caused.

I also wish to emphasize that, as I have confirmed in discussions with several current and former municipal staff, senior staff in other municipalities, and at higher orders of government, it is both expected and appropriate for councillors to ask probing and sometimes critical questions of staff, especially those in senior positions. Constructive critique and rigorous questioning are essential to good governance and are recognized as such by sector experts and experienced professionals. The questions I asked were legitimate and necessary in the context of the issues before Council.

I remain committed to respectful and constructive dialogue, and to learning from this experience to ensure that my future contributions continue to support a collegial and professional working environment.

Context Regarding the CAO's Hiring, Contract, and Related Complaints

It is also relevant to provide context regarding the Town's current CAO and my interactions with him since his appointment. The CAO was hired by the Mayor in August 2023 through the newly granted strong mayor powers. At the outset of his tenure, I met with him and expressed my disappointment with both the process used to terminate the outgoing CAO and the process by which he was hired. Shortly after his hiring, I sought access to his employment contract through several channels, including direct requests to staff, a motion to Council, and ultimately through a formal request under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). My efforts to obtain this contract were met with resistance, but I was ultimately successful. The contract contained certain benefits and terms that, in my experience and according to some in the municipal sector, are quite unusual and have attracted comment and surprise.

I recognize that these actions - taken in pursuit of transparency and accountability - may have caused frustration or embarrassment for both the CAO and the Mayor who exercised the strong mayor powers to make the appointment. I mention this not to impugn anyone's character or motives, but to provide the Integrity Commissioner with a full understanding of the governance context and recent history in Caledon, which may be relevant to the assessment of the current complaint and the dynamics at play.

Shortly after the CAO's hiring, in August 2023, I submitted a complaint to the Integrity Commissioner regarding the Mayor's conduct. While I cannot prove it, I observed that the Mayor's written response to my complaint appeared to have been prepared or heavily influenced by the newly hired CAO, whose distinctive writing style is recognizable in the document. Despite this, the response did not successfully defend the Mayor's actions. Following the Integrity Commissioner's investigation, the Mayor was found to have breached the Code of Conduct on two counts and was penalized a month's pay.

Given this history, I am aware that some in the community will perceive the current complaint from the CAO as a possible attempt - perhaps in concert with the Mayor - to use the Integrity Commissioner's process in a retaliatory manner, in response to the earlier, substantiated complaint I brought forward. While I cannot speak to the motives of others, I believe it is important for you

to be aware of this context and to consider the possibility of underlying political dynamics or the weaponization of the complaint process as part of the overall assessment.

Ongoing Professional Concerns and Related Complaints

It is also important to provide context regarding my ongoing professional relationship with the CAO. In the winter and spring of 2024, I expressed to both the CAO and the Mayor my desire to work together to improve our working relationship and clear up any misunderstandings. While the Mayor agreed to facilitate a meeting among us for this purpose, she never arranged for that meeting to take place.

My efforts to resolve these issues were prompted by the CAO's interactions with me, which were conducted primarily in writing, via email, and often used terminology that implied I was harassing him. Seeking a more constructive approach, I brought my concerns to the Mayor and requested her involvement in finding a way forward.

Despite my willingness to participate in a facilitated discussion, no such meeting occurred. . **[PORTIONS REDACTED BY THE IC AS THEY CONTAIN CONFIDENTIAL INFORMATION THAT CANNOT BE PUBLICLY DISCLOSED AND WHICH ARE ALSO IRRELEVANT TO THE COMPLAINT]**

Since his hiring nearly 23 months ago, I have had only one face-to-face meeting with him. I understand that other members of Council have also had quite limited direct or productive engagement with the CAO as well, which cannot be conducive to building the trust and collaborative relationships that support effective governance.

Observations Regarding Council-Staff Relations under the Current CAO

Since Mr. Hyde's appointment as CAO, I have observed that he has made little effort to engage equally with all members of Council. During breaks at Council meetings and at other municipal events, it has been evident that he is more familiar and engaged with certain members of Council - particularly those aligned with the Mayor - than with me and other councillors who often raise concerns or oppose the Mayor on contentious issues.

Additionally, unlike the previous CAO, who regularly brought her senior team together with members of Council to foster understanding and collaboration, Mr. Hyde has not initiated similar team-building sessions or efforts to align Council and staff around shared objectives. I found those previous sessions to be very helpful in understanding staff perspectives and building a constructive working relationship.

Given that Mr. Hyde has raised multiple complaints about me, as outlined above, I believe it is relevant for the Integrity Commissioner to consider the overall approach to council-staff relations and workplace conflict resolution under his leadership. In my view, a more inclusive and team-

oriented approach from the CAO could help address misunderstandings and reduce conflict, rather than escalating issues to the level of formal complaints.

Power Imbalance, Resource Constraints, and Lack of Informal Resolution

I also believe it is important to note that, as a ward councillor in the Town of Caledon, I serve in a part-time capacity and do not have access to professional staff, legal counsel, or HR resources to assist me in preparing responses to serious allegations such as these. By contrast, the CAO, as a full-time executive, has access to significant municipal resources, including legal and HR teams, should he choose to utilize them. This power and resource imbalance is a reality for many municipal councillors in Ontario, and I have done my utmost to respond thoroughly and professionally within these significant constraints.

I am increasingly concerned that the time and effort required to respond to repeated, overlapping, and highly formal complaints - particularly as a part-time councillor without staff support - risks detracting from my core responsibilities to my constituents and the broader public interest. While I cannot speak to Mr. Hyde's motives, the cumulative effect of these processes is to occupy a significant portion of my limited resources and time.

I again note that at no point did Mr. Hyde attempt to address his concerns with me informally or seek clarification about my comments before initiating this formal complaint process. This is contrary to the spirit of collegiality and best practices in municipal governance, which encourage informal resolution and direct communication wherever possible - especially given the clear power and resource imbalance between a part-time councillor and a full-time CAO.

Political Dynamics and Risk to Democratic Process

I also believe it is important to highlight the broader political environment in which these complaints are being made. Again, it is apparent that the CAO enjoys a more cordial and collaborative relationship with certain members of Council—particularly those aligned with the Mayor—while myself and a small number of colleagues who often raise concerns or oppose the Mayor's positions are treated differently. In subtle ways, the Mayor has made it clear who she would like to see return to Council next term, and I am concerned that by subjecting me to repeated, time-consuming complaint processes, she and the CAO may be seeking to deter me from running again or to diminish my effectiveness as a councillor. Whether or not this is their intent, the cumulative effect of these actions risks undermining the fairness and openness of our local democratic process. I raise this not as an accusation, but to ensure the Integrity Commissioner is fully aware of the context and potential implications for council dynamics and public trust.

Response to Staff Interview Summaries (IC Email, June 5, 2025, 9:02 AM)

Thank you for providing the summary of your interviews with Ms. Zia and Mr. Lucic regarding the May 20 Council meeting and my comments.

Regarding Ms. Zia:

I acknowledge that I asked Ms. Zia questions during the meeting, specifically regarding the number of truckloads of fill required for the Shaw's Creek Road proposal. I wish to clarify that my questions were intended to seek clarity on an important operational detail, not to undermine her credibility or professionalism. I did express disappointment that, despite having raised this question at the May 13 meeting, no one had taken the time to provide an answer by May 20. However, I categorically deny that I "mocked" Ms. Zia's response. My intent was to ensure Council had the necessary information to make an informed decision, not to belittle or ridicule any staff member. The use of the word "mocked" is, in my view, a strong and inaccurate characterization of my conduct. I have always respected Ms. Zia's professional credentials and role, and I regret if my comments were perceived otherwise.

I also note Ms. Zia's concern that my comments suggested she or other staff would sacrifice public health and safety or their professional designations to appease political interests. I want to be clear that I made no such assertion, nor was it my intent to imply this. My remarks were directed at the systemic risks associated with the strong mayor environment, not at the integrity or professionalism of any individual staff member. I respect the expertise and objectivity that professional staff bring to their roles.

Regarding Mr. Lucic:

I do not recall directing any questions to Mr. Lucic during the May 20 meeting. His statements appear to be offered as general observations rather than as a direct participant in the exchange. While I appreciate his candor about his professional approach and experience, I would note that, as he himself acknowledged in his interview, he is aware that the Mayor has the power to unilaterally terminate his employment under strong mayor powers. This reporting relationship may reasonably affect the independence of his testimony. For the sake of fairness and to ensure a balanced investigation, I respectfully suggest that the Integrity Commissioner consider interviewing additional witnesses who are more independent of the CAO and the current staff structure.

General Comments on Staff Perceptions:

I am concerned that both staff members have interpreted my comments as personal criticisms, when my intent was to raise legitimate, sector-recognized concerns about the systemic and procedural risks associated with the strong mayor system. I did not intend to cast doubt on the professionalism or objectivity of Town staff, and I regret any perception to the contrary. I reiterate that my comments were focused on the governance environment and the need for robust procedural safeguards, not on the conduct or competence of individual staff members.

Response to IC Request for Verification of Caledon Citizen Quote (Email of June 6, 2025)

In your email dated June 6, 2025, you asked me to verify the accuracy of a quote attributed to me in the Caledon Citizen. I confirm that the quote is accurate. The statement I provided to the media is as follows:

"As a member of Council, I am concerned that, under the current Strong Mayor system, residents' voices about the Mayor's motion concerning the Shaw's Creek fill proposal are not being heard or fully appreciated, and that decision-making may be rushed or influenced by political priorities. The proposed timelines for producing the required professional reports on hauling and dumping thousands of truckloads of fill seem unrealistic, and I question whether Town staff will have the capacity to properly review these reports, even if they are produced on such short notice. And even if the Mayor's motion is approved and the fill operation proceeds, I remain skeptical that the Town has the enforcement resources to adequately monitor the quality of the fill or the conditions surrounding the operation, given the Town's enforcement staff's current workload. I urge Council to prioritize transparency and ensure that community interests and safeguards are not compromised."

This public statement is entirely consistent with the intent behind my comments at the May 20 Council meeting. My focus has always been on the systemic and procedural risks associated with the strong mayor system, the importance of transparency, and the need to ensure that community voices are heard and municipal safeguards are maintained. At no point in this quote—or in my remarks at Council—did I make personal allegations against staff or Council members. My concerns have always been directed at policy, process, and governance, not at individuals.

Response to the Mayor's Complaint

In light of the Mayor's recent complaint, I wish to again clarify that my comments at the May 20 Council meeting were not intended to accuse the Mayor of unethical conduct, nor were they meant to impugn her integrity or make disparaging remarks about her or any other Member of Council or staff. My remarks were focused on the systemic risks and governance challenges associated with the introduction of strong mayor powers, as recognized by sector experts and policy organizations. I have no evidence that the Mayor has directed staff to act inappropriately, and my intent was to highlight the importance of procedural safeguards in this new governance environment, not to allege misconduct by any individual. I remain committed to respectful debate, transparency, and upholding both the letter and spirit of the Code of Conduct.

Summary

In summary, my intent was to highlight the importance of procedural safeguards and to ensure Council remains mindful of the broader governance environment. As I have stated throughout this reply, my remarks were carefully framed to reflect the possibility of systemic pressures—not to assert or imply any actual misconduct by staff. I did not intend to cast aspersions on the objectivity or professionalism of Town staff, nor to impugn the integrity of the Mayor or any other Member of Council. Rather, I sought to articulate a legitimate concern about the systemic impacts of legislative changes on municipal governance, consistent with my obligations under the Code of Conduct and my commitment to transparency and good governance.