



**ADR**  
CHAMBERS

Integrity Commissioner Office  
for the Township of Woolwich

September 30, 2021

SENT BY EMAIL TO:

Bonnie Bryant

Councillor Murray Martin

cc. Valerie Hummel, Director/Clerk  
Jeff Smith, Deputy Clerk

Dear Ms. Bryant and Councillor Martin:

**Re: Investigation Report – IC-14381-0721 - (Bryant against Martin)**

[1] This is the report of the Integrity Commissioner Office concerning a complaint brought by Bonnie Bryant against Councillor Murray Martin under the Woolwich Code of Conduct. Pursuant to Section 223.3(1) of the *Municipal Act, 2001*, the Integrity Commissioner reports to Council and is responsible for investigating formal written complaints respecting alleged contraventions of the Code of Conduct.

**A. The Complaint**

[2] Ms. Bryant made a presentation at the July 13, 2021 Committee of the Whole meeting concerning the Shantz Station Pit application by Capital Paving. Councillor Martin was Presiding Officer for the meeting.

[3] Ms. Bryant alleges that Councillor Martin:

- Cut her off so that she was unable to complete her presentation; and
- Interjected in her presentation with a statement that was untrue.

## **B. Investigation Process**

[4] I reviewed:

- Ms. Bryant’s written complaint, Councillor Martin’s written response to her complaint and Ms. Bryant’s written reply to his response
- The Woolwich Code of Conduct
- The Procedural By-Law (By-law 64-2020)
- The video of the relevant part of the July 13, 2021 Committee of the Whole meeting
- The agenda for the August 10, 2021 Special Council Meeting

[5] I conducted telephone interviews with:

- Ms. Bryant
- Councillor Martin
- The Director/Municipal Clerk of Woolwich
- George Lourenco, Resources Manager, Capital Paving

## **C. Relevant Provisions of the Code of Conduct and Procedural By-law**

[6] The Code of Conduct states the following under the heading “Discreditable Conduct”: “All members have a duty to treat members of the public...appropriately and without abuse, bullying or intimidation...”

[7] The Code of Conduct states the following under the heading “Conduct at Meetings”:

At all meetings members shall conduct themselves with decorum in accordance with the provisions of The Township of Woolwich Procedure By-Law. Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the Township during presentations and when other members have the floor.

[8] The Procedural By-Law (By-law 64-2020) states as follows:

65. Unless Council or the Committee of Council otherwise gives permission, no Registered Delegation shall be permitted to address Council or the Committee of Council for longer than ten minutes. Where a delegation consists of an organized group of five or more people, two people may address Council or the Committee of Council, in which event each person shall be limited to speaking for ten minutes.

[...]

70. Members of Council or a Committee of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations.

[...]

85. To preserve and protect the decorum of Council Chambers or other meeting places of Council or Committees of Council, no person participating in a meeting...may undertake any of the following actions:

[...]

g) interrupt any speech or action of the members of Council or Committee of Council or any other person addressing Council or Committee of Council

[...]

91. The Presiding Officer may state his/her position on any matter during a meeting but it shall not be permissible for the Presiding Officer to enter into a debate on the matter without first appointing another member to preside during such remarks.

#### **D. Allegation that Councillor Martin Cut Off Ms. Bryant's Presentation**

[9] The Hopewell Creek Ratepayers Association wished to have 8 speakers make presentations at the meeting. Ms. Bryant was one of the speakers for the Ratepayers Association.

[10] Normally, under section 65 of the Procedural By-law (quoted above), the Ratepayers Association would have been limited to two speakers and a total speaking time of 20 minutes. However in this instance, using the latitude permitted by section 65

of the Procedural By-law, Council agreed to give the Ratepayers Association significantly more time than normal.

[11] The time allotted by Council was set out in the following Council resolution passed on June 29:

That the Council of the Township of Woolwich, respecting the Hopewell Creek Ratepayers Association's organized delegation scheduled for the July 13<sup>th</sup> Special Committee of the Whole Meeting, grant up to 60 minutes for the combined 8 delegates combined presentation.

[12] After Council passed this resolution, the Municipal Clerk wrote the following to Ms. Bryant:

Council approved an approximate speaking time of around 60 minutes for your group to do a co-ordinated presentation that night with hope it will help [prevent] the overall number of individual speakers overwhelming the agenda. There is some flexibility in the time allowance and I think you could get away with as much as 80 minutes, but Council extended a request that your group aim for 60 minutes total.

[13] The first speaker for the Ratepayers Association started to speak at 1:41:58. At 2:42:43, while Ms. Bryant was in the middle of making her presentation, Councillor Martin told Ms. Bryant that her time was up. However, at that point Councillor Martin permitted Ms. Bryant to present one last slide. At 2:43:20, after Ms. Bryant had completed the presentation of that slide, Councillor Martin stated that the Ratepayers Association had used up the allocated 60 minutes.

[14] Accordingly, it appears from the video that Ms. Bryant is correct in saying Councillor Martin prevented her from making her full presentation.

[15] However, it is clear from Council's resolution as quoted above, and as communicated to Ms. Bryant by the Municipal Clerk, that Council expected the Ratepayers Association to allocate time to its individual speakers within the global time

allocation. In this instance, the Council resolution indicated that the global time allocation was 60 minutes. As indicated above, the video indicates that the Ratepayers Association was given slightly more, approximately 61.5 minutes. The email from the Municipal Clerk could reasonably have led Ms. Bryant to hope that the global allocated time would be closer to 80 minutes, but it did not promise 80 minutes.

[16] I note that at the August 10 meeting of the Committee of the Whole, the Ratepayers Association was given time for presentations over and above the time allotted at the July 13 meeting. The Municipal Clerk indicates that the Ratepayers Association was given the discretion to allocate its time, with the result that Ratepayers Association members were allocated 15 minutes of presentations and Ratepayers Association experts were allocated 30 minutes of presentations. Ms. Bryant was not a member of the Ratepayers Association who made a presentation at the August 10 meeting.

[17] Considering the above factors, I conclude that in preventing Ms. Bryant from making her full presentation, Councillor Martin did not violate the Code of Conduct.

#### **E. Allegation that Councillor Martin Interjected an Untrue Statement**

[18] The video of the July 13 meeting indicates that at 2:56:52 Councillor Shantz asked Ms. Bryant if she was aware that a tour of the location of the proposed gravel pit was a possibility. Ms. Bryant responded that she was never offered a tour and was not aware that a tour was a possibility.

[19] At 2:57:23 Councillor Martin made the following statement: "Bonnie, I will have to tell you I don't agree with you, because that isn't true. I was standing right beside you in Maryhill when George [Lourenco] made the offer". Ms. Bryant replied that she did not recall this. She believes that Councillor Martin's statement was untrue.

[20] According to Councillor Martin's recollection, Mr. Lourenco offered Ms. Bryant a tour at an open house in Maryhill that was held in June 2019. Mr. Lourenco indicates that he recalls offering Ms. Bryant a tour on this occasion.

[21] Ms. Bryant recalls the open house but states that when she was at the open house she did not speak with either Mr. Lourenco or Councillor Martin.

[22] After filing the complaint, Ms. Bryant indicated that when going through her emails she found an offer of a tour in November 2019 that she had missed when she read the email at that time. However, her recollection that Mr. Lourenco did not offer her a tour at the open house was unchanged.

[23] Accordingly, there are differing recollections of whether Mr. Lourenco offered Ms. Bryant a tour at the open house. The information available is not sufficient to reach a reasonable conclusion about which recollection is correct.

[24] As indicated above, the Code of Conduct requires Councillors to conduct themselves with decorum in accordance with the provisions of the Woolwich Procedural By-Law.

[25] Councillor Martin stated that he interrupted Ms. Bryant to make this statement because he thought it was important to set the record straight.

[26] However, in interrupting Ms. Bryant, Councillor Martin violated s. 85(g) of the Procedural By-law (quoted above), which specifically prohibits interrupting people who are addressing Committees of Council. He also was in effect entering into debate with Ms. Bryant, which violated section 70 of the Procedural By-Law (quoted above). In addition, by stating his position while Presiding Officer on the issue of whether tours were offered, he violated section 91 of the Procedural By-law (quoted above).

[27] I note that both Councillor Martin and the Municipal Clerk indicated that it was an unusual occurrence for the Presiding Officer in a meeting to contradict a presenter.

[28] Considering the above factors, I conclude that in interrupting Ms. Bryant to contradict her, Councillor Martin failed to comply with the Procedural By-law as required by the Code of Conduct.

**F. Summary of Conclusions and Recommendations**

[29] Taking into account the factors discussed above, I conclude that:

1. There is insufficient information to make a reasonable determination about whether the Councillor made a statement that was untrue. I am therefore dismissing this allegation of complaint.
2. In preventing Ms. Bryant from making her full presentation, Councillor Martin did not violate the Code of Conduct. Accordingly, I am dismissing this complaint allegation.
3. However, in interrupting Ms. Bryant to contradict her, I find that Councillor Martin violated the Procedural By-law as required by the Code of Conduct. I recommend that Council direct Councillor Martin to apologize to Ms. Bryant and to Council for doing so, as contemplated by section 13(e) of the Code of Conduct.

[30] I ask that this report be placed on the next public agenda of Council for consideration.

Respectfully submitted,



Ellen Fry  
Integrity Commissioner Office for the Township of Woolwich





**ADR**  
C H A M B E R S

Integrity Commissioner Office  
for the Township of Woolwich

September 30, 2021

SENT BY EMAIL TO:

Susan B. Campbell  
Councillor Murray Martin

cc. Valerie Hummel, Director/Clerk  
Jeff Smith, Deputy Clerk

Dear Ms. Campbell and Councillor Martin:

**Re: Complaint Reference Number IC-14400-0721 (Campbell against Martin)**

[1] This is the report of the Integrity Commissioner Office concerning a complaint brought by Susan B. Campbell against Councillor Murray Martin under the Woolwich Code of Conduct. Pursuant to Section 223.3(1) of the *Municipal Act, 2001*, the Integrity Commissioner reports to Council and is responsible for investigating formal written complaints respecting alleged contraventions of the Code of Conduct.

**A. The Complaint**

[2] Ms. Bryant made a presentation at the July 13, 2021 Committee of the Whole meeting concerning the Shantz Station Pit application by Capital Paving. Councillor Martin was Presiding Officer for the meeting. Ms. Campbell alleges that Councillor Martin contravened the Code of Conduct by interjecting in Ms. Bryant's presentation to call her a liar.

[3] Ms. Campbell also alleges that Councillor Martin violated the Code of Conduct by:

- Leaving early from meetings of the Committee of the Whole; and
- Prejudging the Shantz Station Pit application.

## **B. Investigation Process**

[4] I reviewed:

- Ms. Campbell's written complaint, Councillor Martin's written response to her complaint and Ms. Campbell's written reply to his response
- The Woolwich Code of Conduct
- Woolwich Procedural By-law (By-law 64-2020)
- The video of the relevant part of the July 13, 2021 Committee of the Whole meeting
- Minutes of Council committee meetings from January 1, 2020 to August 10, 2021

[5] I conducted telephone interviews with:

- Susan Campbell
- Councillor Martin
- The Director/Municipal Clerk of Woolwich
- Bonnie Bryant
- George Isley
- Tom May
- Don Schwartzenruber
- Tim Vegh

## **C. Relevant Provisions of the Code of Conduct and Procedural By-law**

[6] The Code of Conduct states the following under the heading "Conduct at Meetings":

At all meetings members shall conduct themselves with decorum in accordance with the provisions of The Township of Woolwich Procedure

By-Law. Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the Township during presentations and when other members have the floor.

[7] The Code of Conduct states the following under the heading “Discreditable Conduct”: “All members have a duty to treat members of the public...appropriately and without abuse, bullying or intimidation...”

[8] The Procedural By-Law (By-law 64-2020) states as follows:

70. Members of Council or a Committee of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations.

[...]

85. To preserve and protect the decorum of Council Chambers or other meeting places of Council or Committees of Council, no person participating in a meeting...may undertake any of the following actions:

[...]

g) interrupt any speech or action of the members of Council or Committee of Council or any other person addressing Council or Committee of Council

[...]

91. The Presiding Officer may state his/her position on any matter during a meeting but it shall not be permissible for the Presiding Officer to enter into a debate on the matter without first appointing another member to preside during such remarks.

[9] The Code of Conduct states the following under the heading “Conduct while Representing the Township”: “Members shall make every effort to participate diligently in the activities of the agencies, boards, and committees to which they are appointed.”

#### **D. Allegation Concerning Ms. Bryant's Presentation**

[10] The video of the July 13 meeting indicates that at 2:56:52 Councillor Shantz asked Ms. Bryant if she was aware that a tour of the location of the proposed gravel pit was a possibility. Ms. Bryant responded that she was never offered a tour and was not aware that a tour was a possibility.

[11] At 2:57:23 Councillor Martin interrupted Ms. Bryant's response to Councillor Shantz by making the following statement: "Bonnie, I will have to tell you I don't agree with you, because that isn't true. I was standing right beside you in Maryhill when George [Lourenco] made the offer". Ms. Bryant replied that she did not recall this.

[12] Ms. Campbell alleges that Councillor Martin violated the Code of Conduct by making this interjection to call Ms. Bryant a liar.

[13] According to Councillor Martin's recollection, Mr. Lourenco offered Ms. Bryant a tour at an open house in Maryhill that was held in June 2019. Mr. Lourenco indicates that he recalls offering Ms. Bryant a tour on this occasion.

[14] Ms. Bryant recalls the open house but states that when she was at the open house she did not speak with either Mr. Lourenco or Councillor Martin.

[15] Ms. Bryant has indicated that when going through her emails she found an offer of a tour in November 2019 that she had missed when she read the email at that time. However, her recollection that Mr. Lourenco did not offer her a tour at the open house was unchanged.

[16] Accordingly, there are differing recollections of whether Mr. Lourenco offered Ms. Bryant a tour at the open house. The information available is not sufficient to reach a reasonable conclusion about which recollection is correct.

[17] Given the fact that at the July 13 meeting Councillor Martin and Ms. Bryant stated conflicting recollections of what occurred, the exchange between them may well have left the impression that each was calling the other a liar. There is no information to suggest that either party was acting in bad faith in describing their recollection. Given the fact that it is not clear whether the recollection of Councillor Martin or Ms. Bryant is correct, and the fact that there is no indication that Councillor Martin was acting in bad

faith, I do not consider that potentially leaving the impression that Ms. Bryant was lying was a violation of the Code of Conduct.

[18] As indicated above, the Code of Conduct requires Councillors to conduct themselves with decorum in accordance with the provisions of the Woolwich Procedural By-Law.

[19] Councillor Martin stated that he interrupted Ms. Bryant to make this statement because he thought it was important to set the record straight.

[20] However, in interrupting Ms. Bryant, Councillor Martin violated s. 85(g) of the Procedural By-law (as quoted above), which specifically prohibits interrupting people who are addressing Committees of Council. He also was in effect entering into debate with Ms. Bryant, which violated section 70 of the Procedural By-Law as quoted above. In addition, by stating his position while Presiding Officer on the issue of whether tours were offered, he violated section 91 of the Procedural By-law as quoted above.

[21] I note that both Councillor Martin and the Municipal Clerk indicated that it was an unusual occurrence for the Presiding Officer in a meeting to contradict a presenter.

[22] Considering the above factors, I conclude that in interrupting Ms. Bryant to contradict her, Councillor Martin failed to comply with the Procedural By-law as required by the Code of Conduct.

#### **E. Allegation Concerning Leaving Meetings Early**

[23] As indicated above, the Code of Conduct requires members to participate diligently in the activities of the committees to which they are appointed. Participating diligently would reasonably be considered to include diligent attendance at committee meetings.

[24] In 2021, there were 12 meetings of committees of which Councillor Martin was a member during the period up to and including August 10. The minutes of these 12 meetings show that Councillor Martin attended all of the meetings and that he left early from two of the 12 meetings, on June 1 and July 13.

[25] In 2020, there were 16 meetings of committees of which Councillor Martin was a member. The minutes of these meetings indicate that the Councillor attended all 16 meetings and did not leave any of the meetings early.

[26] In my view, leaving two committee meetings early during the period January 1, 2020 to August 10, 2021 does not reasonably indicate that Councillor Martin was failing to participate diligently in the committees to which he was appointed.

#### **F. Allegation that Councillor Martin Prejudged the Shantz Station Pit Application**

[27] Ms. Campbell alleges that Councillor Martin prejudged the outcome of the Shantz Station Pit application. She alleges that long before he heard the relevant information from technical reports, peer reviews and concerned citizens he had reached a conclusion on the outcome of the application, that it was a “done deal”.

[28] Councillor Martin states that he has always had an open mind about the application and that any discussion he had with citizens about the application would have been concerning the parameters that apply in considering the application.

[29] Ms. Campbell indicates that she did not personally have any conversations with Councillor Martin concerning the application. Mr. Schwartzentruber indicates that in 2019, before the formal application process started, Councillor Martin told several people that the application was a “done deal”. He did not personally have any conversations with Councillor Martin to this effect, but referred me to several other people who indicated they had such conversations.

[30] The first such conversation recalled by the persons I interviewed took place at the Canada Day celebration in July 2019. Both Mr. Vegh and Mr. Isley recall Councillor Martin responding to people who indicated opposition to the project by saying that the proponents of the project knew what they were doing and therefore it would not be possible to stop the project.

[31] Councillor Martin denies that any such conversations took place, indicating that on occasions such as the Canada Day celebration it is not his practice to talk about these kinds of issues.

[32] Mr. May also recalls a conversation with Councillor Martin in July 2019 concerning the project. This conversation took place in July 2019 at an event at the fire hall to which Councillor Martin had been invited. Mr. May states that Councillor Martin used the precise words “done deal” to describe the application. The impression he received from Councillor Martin was that it would be a waste of effort for anyone to oppose the project, since in Councillor Martin’s view such effort would be hopeless.

[33] Councillor Martin recalls an event at the fire hall in July 2019, but recalls discussing only the general parameters that would apply in considering such an application.

[34] Mr. May also recalls a conversation that occurred on September 21, 2019, at an event that Mr. May described as a fire department trade show. Mr. May recalls Councillor Martin saying on this occasion that the project was pretty much a done deal and nothing could be done to stop this kind of project.

[35] Mr. Isley recalls a similar conversation with Councillor Martin on approximately September 19, 2019, at the Heritage Day celebration.

[36] Accordingly, three individuals that I interviewed had consistent recollections of conversations with Councillor Martin. The conversations they recalled did not take place on only one occasion. They took place on four different occasions, in two different months of 2019. In the case of the recalled conversation at the Canada Day Celebration, two different individuals had consistent recollections of what Councillor Martin said on the same occasion.

[37] Taking this information into account, it is reasonable to conclude that on several occasions Councillor Martin did make statements that reasonably lead to the conclusion that he prejudged the application before the application process had taken place. I note that there is no information to indicate that Councillor Martin was motivated by any pecuniary interest in doing so.

[38] Keeping an open mind to consider the presentations made to the Committee of the Whole is an important element of participating diligently in the activities of this Committee as required by the Code of Conduct. Accordingly, in prejudging the application, Councillor Martin violated the Code of Conduct. I recommend that Council

reprimand Councillor Martin for doing so, as contemplated by Section 223.4(5) of the *Municipal Act, 2001* and section 13 of the Code of Conduct.

[39] I am advised that the Shantz Station pit application is currently under appeal, and that when the appeal has been decided the role of Council would be confined to any action arising from the appeal decision. It is possible that in future the application may come before the Committee of the Whole. While it would be preferable for Councillor Martin to simply recuse himself from any further discussions or decisions in respect of the Shantz Station pit application, regrettably I do not see that I have the jurisdiction to make such a recommendation to Council. Accordingly, should the Shantz Station pit application come before the Committee of the Whole, I recommend that Council remove Councillor Martin from membership in the Committee for any portions of meetings in which the application is considered, as contemplated by section 13 of the Code of Conduct.

#### **G. Summary of Conclusions and Recommendations**

[40] Taking into account the factors discussed above, I conclude that:

1. Both Councillor Martin and Ms. Bryant potentially left the impression that the other was not telling the truth. I do not consider that in doing so Councillor Martin violated the Code of Conduct. I therefore dismiss this allegation of complaint.
2. However, in interrupting Ms. Bryant to contradict her, I find that Councillor Martin violated the Procedural By-law as required by the Code of Conduct. I recommend that Council direct that Councillor Martin apologize to Ms. Bryant and to Council for doing so, as contemplated by section 13(e) of the Code of Conduct.
3. The fact that Councillor Martin left two committee meetings early in 2021 does not reasonably indicate that he has violated the Code of Conduct. I therefore dismiss this complaint allegation.
4. It is reasonable to conclude that Councillor Martin prejudged the Shantz Station pit application, and in doing so violated the Code of Conduct. I recommend that Council reprimand Councillor Martin for doing so, as contemplated by section 13 of the Code of Conduct. I also recommend that if in future the application comes before



the Committee of the Whole, Council remove Councillor Martin from membership in the Committee for any portions of meetings in which the application is considered, as contemplated by section 13 of the Code of Conduct.

[41] I ask that this report be placed on the next public agenda of Council for consideration.

Respectfully submitted,



Ellen Fry  
Integrity Commissioner Office for the Township of Woolwich



**ADR**  
C H A M B E R S

Integrity Commissioner Office  
for the Township of Woolwich

September 30, 2021

SENT BY EMAIL TO:

Sandra Schwartzenruber  
Councillor Murray Martin

cc. Valerie Hummel, Director/Clerk  
Jeff Smith, Deputy Clerk

Dear Ms. Schwartzenruber and Councillor Martin:

**Re: Complaint Reference Number IC-14410-0721 (Schwartzenruber against Martin)**

[1] This is the report of the Integrity Commissioner Office concerning a complaint brought by Sandra Schwartzenruber against Councillor Murray Martin under the Woolwich Code of Conduct. Pursuant to Section 223.3(1) of the Municipal Act, 2001, the Integrity Commissioner reports to Council and is responsible for investigating formal written complaints respecting alleged contraventions of the Code of Conduct.

**A. The Complaint**

[2] Bonnie Bryant made a presentation at the July 13, 2021 Committee of the Whole meeting concerning the Shantz Station Pit application by Capital Paving. Councillor Martin was the Presiding Officer for the meeting.

[3] Ms. Schwartzenruber alleges that Councillor Martin:

- Interrupted Ms. Bryant rudely and did not give her the opportunity to respond;
- Left the impression that Ms. Bryant was a liar; and
- Did not give Ms. Bryant the opportunity to complete her presentation.

[4] Ms. Schwartzentruber also alleges that by leaving Council meetings early, Councillor Martin has failed to fulfill his obligations to Woolwich and his constituents.

## **B. Investigation Process**

[5] I reviewed:

- Ms. Schwartzentruber’s written complaint, Councillor Martin’s written response to her complaint and Ms. Schwartzentruber’s written reply to his response
- The Woolwich Code of Conduct
- Woolwich Procedural By-law (By-law 64-2020)
- The video of the relevant part of the July 13, 2021 Committee of the Whole meeting
- The agenda for the August 10, 2021 Special Council Meeting
- Minutes of Council committee meetings from January 1, 2020 to August 10, 2021

[6] I conducted telephone interviews with:

- Ms. Schwartzentruber
- Councillor Martin
- The Director/Municipal Clerk of Woolwich
- Bonnie Bryant

## **C. Relevant Provisions of the Code of Conduct and Procedural By-Law**

[7] The Code of Conduct states the following under the heading “Conduct at Meetings”:

At all meetings members shall conduct themselves with decorum in accordance with the provisions of The Township of Woolwich Procedure By-Law. Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the Township during presentations and when other members have the floor.

[8] The Procedural By-Law (By-law 64-2020) states as follows:

70. Members of Council or a Committee of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations.

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g) interrupt any speech or action of the members of Council or Committee of Council or any other person addressing Council or Committee of Council

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91. The Presiding Officer may state his/her position on any matter during a meeting but it shall not be permissible for the Presiding Officer to enter into a debate on the matter without first appointing another member to preside during such remarks.

[9] The Code of Conduct states the following under the heading "Discreditable Conduct": "All members have a duty to treat members of the public...appropriately and without abuse, bullying or intimidation..."

[10] The Code of Conduct states the following under the heading "Conduct while Representing the Township": "Members shall make every effort to participate diligently in the activities of the agencies, boards, and committees to which they are appointed."

#### **D. Allegations Concerning Ms. Bryant's Presentation**

[11] The video of the July 13 meeting indicates that at 2:56:52 Councillor Shantz asked Ms. Bryant if she was aware that a tour of the location of the proposed gravel pit was a

possibility. Ms. Bryant responded that she was never offered a tour and was not aware that a tour was a possibility.

[12] At 2:57:23 Councillor Martin interrupted Ms. Bryant's response to Councillor Shantz by making the following statement: "Bonnie, I will have to tell you I don't agree with you, because that isn't true. I was standing right beside you in Maryhill when George [Lourenco] made the offer". Ms. Bryant replied that she did not recall this.

[13] My review of the video does not indicate that Councillor Martin was rude when he interrupted Ms. Bryant. The video also does not indicate that Councillor Martin deprived Ms. Bryant of the opportunity to respond. On the contrary, as indicated above, Ms. Bryant did respond.

[14] Ms. Schwartzenruber has also alleged that Councillor Martin violated the Code of Conduct by creating the impression that Ms. Bryant was a liar.

[15] According to Councillor Martin's recollection, Mr. Lourenco offered Ms. Bryant a tour at an open house in Maryhill that was held in June 2019. Mr. Lourenco indicates that he recalls offering Ms. Bryant a tour on this occasion.

[16] Ms. Bryant recalls the open house but states that when she was at the open house she did not speak with either Mr. Lourenco or Councillor Martin.

[17] Ms. Bryant has indicated that when going through her emails she found an offer of a tour in November 2019 that she had missed when she read the email at that time. However, her recollection that Mr. Lourenco did not offer her a tour at the open house was unchanged.

[18] Accordingly, there are differing recollections of whether Mr. Lourenco offered Ms. Bryant a tour at the open house. The information available is not sufficient to reach a reasonable conclusion about which recollection is correct.

[19] Given the fact that at the July 13 meeting Councillor Martin and Ms. Bryant stated conflicting recollections of what occurred, the exchange between them may well have left the impression that each was calling the other a liar. There is no information to suggest that either party was acting in bad faith in describing their recollection. Given the fact that it is not clear whether the recollection of Councillor Martin or Ms. Bryant is

correct, and the fact that there is no indication that Councillor Martin was acting in bad faith, I do not consider that potentially leaving the impression that Ms. Bryant was lying was a violation of the Code of Conduct.

[20] As indicated above, the Code of Conduct requires Councillors to conduct themselves with decorum in accordance with the provisions of the Woolwich Procedural By-Law.

[21] Councillor Martin stated that he interrupted Ms. Bryant to contradict her because he thought it was important to set the record straight.

[22] However, in interrupting Ms. Bryant, Councillor Martin violated s. 85(g) of the Procedural By-law (as quoted above), which specifically prohibits interrupting people who are addressing Committees of Council. He also was in effect entering into debate with Ms. Bryant, which violated section 70 of the Procedural By-Law as quoted above. In addition, by stating his position while Presiding Officer on the issue of whether tours were offered, he violated section 91 of the Procedural By-law as quoted above.

[23] I note that both Councillor Martin and the Municipal Clerk indicated that it was an unusual occurrence for the Presiding Officer in a meeting to contradict a presenter.

[24] Considering the above factors, I conclude that in interrupting Ms. Bryant to contradict her, Councillor Martin failed to comply with the Procedural By-law as required by the Code of Conduct.

#### **E. Allegation Concerning Leaving Meetings Early**

[25] As indicated above, the Code of Conduct requires members to participate diligently in the activities of the committees to which they are appointed. Participating diligently would reasonably be considered to include diligent attendance at committee meetings.

[26] In 2021, there were 12 meetings of committees of which Councillor Martin was a member during the period up to and including August 10. The minutes of these 12 meetings show that Councillor Martin attended all of the meetings and that he left early from two of the 12 meetings, on June 1 and July 13.

[27] In 2020, there were 16 meetings of committees of which Councillor Martin was a member. The minutes of these meetings indicate that the Councillor attended all 16 meetings and did not leave any of the meetings early.

[28] In my view, leaving two committee meetings early during the period January 1, 2020 to August 10, 2021 does not reasonably indicate that Councillor Martin was failing to participate diligently in the committees to which he was appointed.

#### **F. Summary of Conclusions and Recommendations**

[29] Taking into account the factors discussed above, I conclude that:

1. In interrupting Ms. Bryant, Councillor Martin was not rude and did give Ms. Bryant the opportunity to respond. Accordingly, I dismiss these complaint allegations.
2. Both Councillor Martin and Ms. Bryant potentially left the impression that the other was not telling the truth. I do not consider that in doing so Councillor Martin violated the Code of Conduct. I therefore dismiss this complaint allegation.
3. However, in interrupting Ms. Bryant to contradict her, Councillor Martin failed to comply with the Procedural By-law as required by the Code of Conduct. I recommend that Council direct Councillor Martin to apologize to Ms. Bryant and to Council for doing so, as contemplated by section 13(e) of the Code of Conduct.
4. The fact that Councillor Martin left two committee meetings early in 2021 does not reasonably indicate that he violated the Code of Conduct. I therefore dismiss this complaint allegation.

[30] I ask that this report be placed on the next public agenda of Council for consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ellen Fry", is centered below the text "Respectfully submitted,".

Ellen Fry  
Integrity Commissioner Office for the Township of Woolwich