

FORM OF AFFIDAVIT

AFFIDAVIT OF

1. I, RON PREFASI of the MUNICIPALITY OF TEMAGAMI
 [Name of Individual] [Name of Municipality]

affirm the following:

2. I have personal knowledge of the facts as set out in this affidavit, because I WAS IN ATTENDANCE AT THE APRIL 17th 2018 COUNCIL MEETING. A FULL DESCRIPTION IS ATTACHED. I ALSO ATTENDED THE JUNE 11th MEETING BY PHONE.
 [Outline basis of information - eg. was at event with the member of Council, etc.]

3. I have reason to believe that a member of council, COUNCILLOR / DEPUTY MAYOR BRIAN RUSKI
 [Name of Member of Council]
 has contravened section(s) 1, 2, 3, 4.1, 4.2, AND 4.4
 [Indicate section number(s)]
 of the Code of Conduct for members of Council (Adopted by By-law 13-1138).

4. The key facts that have led me to this belief are as follows:
- SEE ATTACHED PAGES 1-4 AND 1-2 AS SPACE HERE IS LIMITED.

[Set out the facts briefly-numbered statements are helpful-attach a separate sheet if more space needed]

5. This affidavit is made for the purpose of requesting that this matter be reviewed.

6. I acknowledge that I have read the following section of the Council Code of Conduct.

5.5 Integrity Commissioner

If an Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant shall be required to reimburse the Municipality for the Integrity Commissioner's fees and costs associated with the complaint.

Prior to an Integrity Commissioner commencing any investigation, the Complainant(s) will be required to complete the affidavit found in Appendix B to this policy.

SWORN [or AFFIRMED] before me at the

CITY of TEMISKAMING SHORES
 [Name of Municipality]

in the Province of Ontario this 18 Day of JUNE, 2018

COMMISSIONER OF OATHS

COMPLAINANT

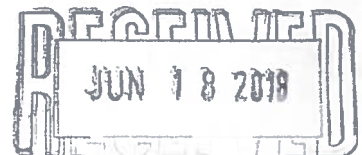


[Signature of Commissioner]

[Stamp]
 Susan Elizabeth Williams,
 a Commissioner, etc., Province of Ontario,
 for Evans, Bragagnolo & Sullivan LLP,
 Barristers & Solicitors.
 Expires August 24, 2018.



[Signature of Complainant]



Saturday, June 16th, 2018

**Elaine Gunnel, Acting CAO
Municipality of Temagami**

This is an attachment to the Affidavit of Ron Prefasi of the Municipality of Temagami affirming questions posed on Appendix B to By-law 13-1138, "Form of Affidavit" in particular:

#3 "I have reason to believe that a member of council has contravened section(s) of the Code of Conduct for members of Council"; as well as,

#4 "The key facts that have led me to this belief are as follows...". These answers are incorporated into this document as there is not enough space on the Form of Affidavit to adequately answer the above questions.

CODE OF CONDUCT COMPLAINT

The establishment of a Code of Conduct for members of Council is authorized under Section 223.2 of the Municipal Act, S.O. 2001, c.25 as amended.

In turn, the Municipality of Temagami's Code of Conduct By-Law 13-1138 requires that Members of Council adhere to the Statements listed below.

The Code of Conduct is set in By-law 13-1168 and was signed into law by Mayor Lorie Hunter on August 21st, 2013.

Additionally, Section 2 "Scope" of the Code of Conduct By-law expects that Members will sign two (2) copies of the Code of Conduct to convey to each other and all stakeholders that they have read, understood and accept it and that Members are expected to formally and informally review their adherence to the provisions of the Code of Conduct on a regular basis.

Every member of Temagami's Council who sits today has signed two copies of the Code of Conduct that the Mayor signed into law on August 21st, 2013.

In answer to Affidavit question #3, ("I have reason to believe that a member of council has contravened section(s) of the Code of Conduct for members of Council"), I have reasonable and probable grounds to believe that the Brian Koski, Council Member and Deputy Mayor of Temagami, has contravened the following sections of the Code of Conduct for members of Council that delineate and define councillors' actions and responsibilities, namely:

- **Section 1 Policy Statement,**
- **Section 2 Scope,**
- **Section 3 Purpose,**
- **Section 4 Council Roles and Responsibilities,**

and, specifically Sections 1, 2, 3, 4.1, 4.2, and 4.4 of the Code of Conduct as follows:

- **Section 1 Policy Statement:** This Code of Conduct is a public declaration of the principles of good conduct and ethics that members of the Council of the Municipality have decided its stakeholders should reasonably expect the Members to demonstrate in the performance and responsibilities as elected representatives; and,
- **Section 1 Policy Statement:** Members of Council are held to high standards of conduct and ethical behavior; and,
- **Section 1 Policy Statement:** Council members are expected to carry out their duties in a fair, honest, conscientious, diligent, impartial, transparent and professional manner that respects the dignity of individuals; and,
- **Section 2 Scope:** Members of the Council...shall be governed by this code of conduct; and,
- **Section 3 Purpose:** The Code of Conduct ensures that communications are open, honest, consistent, respectful, consultative and that respect and support for others is maintained; and,
- **Section 4.1 Oath of Office:** Members shall truly, faithfully and impartially exercise this office to the best of their knowledge and ability; and,
- **Section 4.2 Adherence to Legislation:** Members shall be familiar with and follow the Procedural By-Law and all other applicable municipal by-laws and policies; and,
- **Section 4.4 Conduct at Meetings:** During Council meetings Members shall conduct themselves with decorum and in accordance with the Municipality's Procedural By-law; and,
- **Section 4.4 Conduct at Meetings:** Respect and courtesy will be provided to fellow members.

The Deputy Mayor of Temagami, Brian Koski, has contravened the above noted sections and the key facts that lead me to that belief are as evidenced in the April 17th 2018 Committee of the Whole meeting audio recording and in the Deputy Mayor's comments during that meeting. I was in attendance at that meeting. Link to the audio recording of the April 17th meeting:
<https://soundcloud.com/user-391907279/18-04-17-special-council-meeting-c-of-the-w-april-17-2018-at-630mp3>

A second incident outlining contravention of the above noted sections and the key facts that lead me to that belief are as evidenced in the June 11th 2018 Special Meeting of Council audio recording.

The audio recording for June 11th has not as yet on June 16th been made available to the public not to council and that is in contravention of our Audio

Recording By-law which forms part of Temagami's Procedural By-law #17-1365. I was in attendance at this meeting by telephone.

The following provides examples of the background to this complaint and outlines the conduct of Brian Koski as councillor in his breaking of the Code of Conduct By-law, as well as his abuse of power as the Deputy Mayor. Further comments and documentation surrounding this issue shall be provided to the Integrity Commissioner.

- 1. At the Committee of the Whole meeting April 17th, 2018 Councillor Koski insists, as supported by the audio recording, that Prefasi be taken to an Integrity Commissioner "right now". At this point I had not had procedural questions answered by the Clerk nor been given the opportunity by Council to speak to the allegation.**
- 2. Temagami's Code of Conduct Policy #13-1138 sets the process to be followed in a Code of Conduct complaint and that process guarantees anyone with a Code of Conduct complaint against them the right to respond before council decides whether to exercise its authority to appoint an Integrity Commissioner. Councillor Koski chose to ignore the requirements of the Code.**
- 3. That right for an opportunity to respond is guaranteed by Section 5.4 of bylaw 13-1138: "Council shall give the Member the opportunity to respond to the allegation. THEN Council shall decide whether or not to exercise its authority...to appoint an Integrity Commissioner..."**
- 4. Councillor Prefasi has not had procedural questions answered by the Clerk nor been given the opportunity to respond in a reasoned manner by having those procedural questions answered and Council has not set the parameters for such response. The Clerk on two occasions has told the Ombudsman of Ontario's Office that she would respond to my questions and that she would inform the Mayor of my right to an opportunity to respond. On two separate and distinct occasions, the Clerk has also informed me that she would respond by email to my questions. This supports the requirement that is ignored by Deputy Mayor Koski.**
- 5. On June 11th, at a Special Meeting when a councillor would be appointed to the vacant seat on council, a motion was moved and seconded to appoint Debby Burrows to Council. Deputy Mayor Koski requested that he be allowed to ask the candidate a question. The remarks he made questioned the candidate's views on the present Code of Conduct complaint in front of council at that moment. After listening to her answer, he voted in her favour to allow her to take the vacant seat on Council. I believe that this was undue influence and abuse of power as the Deputy Mayor. The audio recording of this session has not been posted for Councillors to hear. This also is in contravention of Temagami's Audio Recording by-law, which forms part of the Municipality's Procedural By-law.**

In summary, the Deputy Mayor has engaged in unconscionable behaviours that have undermined my dignity, and by virtue of his appointment as Deputy Mayor he bears a grave responsibility to support the Code of Conduct.

The Deputy Mayor acted in a disgraceful, shocking, unprofessional manner that lacked impartiality at the April 17th meeting by announcing that he had predetermined, in contravention of the Code of Conduct bylaw, that I was guilty of breaking the Code and that an Integrity Commissioner should be appointed immediately.

At the June 11th meeting the Deputy Mayor abused his power and authority in making a conscious decision to in effect "sell" his affirmative vote if the candidate supported taking this issue to an Integrity Commissioner. This is undue influence immediately prior to a vote.

The Deputy Mayor should have, or reasonably ought to have, known that his behaviours would be in contravention of our Code of Conduct By-law.

This was a disgrace committed by the Deputy Mayor of our community.

As both a Councillor and the Deputy Mayor, Brian Koski's conduct did not meet the objective standards required by the Code of Conduct.

I was highly offended by Brian Koski's behaviour and I hereby request that this complaint be reviewed by an Integrity Commissioner.

A handwritten signature in black ink, appearing to read 'Ron Prefasi', with a long horizontal stroke extending to the right.

Ron Prefasi

APPENDIX 1.

Notes on the April 17th, 2018 Committee of the Whole Meeting relating to a Temagami First Nation resolution that the Mayor, Lowery and Kosky wish to support through sanctions against Prefasi and Code of Conduct against Prefasi is spoken to and put to a vote which deferred it.

1. 4:20 Mayor: will allow public participation if you have a brief comment – recognized by the chair.
2. 5:04-13:02 Robin Koistenin, allowed by Mayor; read a delegation/presentation uninterrupted.
3. 13:20-17:20 Mayor: “Randy would you like to comment”. At 14:40 Randy comments: “Promoting racism”. (16:00 “Open a town down there”)
4. Jamie – “Yes it is. It follows this item.” Kosky says: “Prefasi speaking on behalf of Prefasi”. 18:00 “Speaking as a councillor”.
5. 23:20 Mayor allows Wayne Potts to speak. 25:30 “perception”.
6. 29:10 Mayor: “Prefasi spoke as a councillor.”
7. 31:50 Mayor allowed Wayne Adair to Speak. Adair: 12 years ago they were close.
8. 33:40 Mayor: “Any other comments?” expect apology from Ron Prefasi for “Perception”.
9. 34:00 Mayor: “Any more comments or questions? Robin?”
10. 34:00-36:00 Robin Koistinen speaks. At 35:12 she attacks Dan O’Mara.
11. 36:00-39:12 Mayor: “Stand up and give your name for the record”. Rhonda Potts speaks
12. 40:10 Mayor reads the motion, does not ask Council permission: “What may be on the table later”. This is not a motion on the table but read aloud by the Mayor.
13. 42:30-53:20 Mayor: “Jamie, would you like to say a few words?”
14. 53:30 Mayor: “Clerk and I had a conversation and deemed it was of a serious nature”.
15. 54:00 Prefasi states “I await Council’s course of action”. Dan O’Mara states: “Give Prefasi a chance to reply”. Prefasi wants to speak to the Clerk about the Code of Conduct and she’s not here. (Tammy LePage taking minutes). Dan O’Mara: “Give him time to reply”.
16. 55:00 Mayor: Clerk and I decided that it is an important issue and it should go to an Integrity Commissioner.
17. 55:00 Mayor and Deputy Mayor insist that it go to an Integrity Commissioner “Right now”...in effect, no opportunity for Prefasi to reply.
18. 56:00 Councillor Harding: “this is not fair”. Councillor Harding to Mayor: “You are Out of Order.” Mayor: “I believe that is not true so you don’t get to talk about it.”
19. 57:00 Harding...
20. 58:00 O’Mara: begins to speak “Get both sides together”. Mayor: “I’m going to go with Jamie Koistinen first.”
21. 58:00 Mayor: “I’m going to go to Robin”.
22. 59:00 Councillor Harding: “Bring this to order Please!”. Mayor to Harding: “Stop!”.
23. 59:30-1:00:32 Robin Koistinen: “She hasn’t stopped me yet!” Mayor: “Councillor Harding! I’ve given the floor to Robin Koistinen!”.
24. 1:00:02 Councillor Harding wants to speak. Mayor: “You’ve already spoken. I’ll let Lowery speak.”
25. 1:00:41 Councillor Lowery: “Take it to the Integrity Commissioner.”
26. 1:01:24 Correction by audience member Suzanne Prefasi re: nomination day date.
27. 1:01:42 Councillor Harding: “I’ve had threats”.
28. 1:02:16 Mayor: “...pass a motion to move to Integrity Commissioner.”
29. 1:02:03 Mayor, (referring to when she was taken by councillors to Integrity Commissioner): “That didn’t happen in the past!”.

- 30.1:03:20 Prefasi: "You asked for a deferral when council took you to the Integrity Commissioner."
- 31.1:03:50 Councillor O'Mara: "I have questions for the Clerk".
- 32.1:05 Mayor "any other comments....to pass a motion". "Robin, last comment".
- 33.1:06 Robin Koistinen shouts from audience: "I have a supplementary". Re: conflict of interest.
- 34.1:06:30 Prefasi: "If clerk can indicate that due course was followed, but she is not here." "I have questions to ask the Clerk".
- 35.1:07 Mayor: "Okay Jamie Koistinen. Short comment."
- 36.1:08 Mayor: "Clerk would not have brought it forward if it was not complete".
- 37.1:08: 56 motion defeated.
- 38.1:09:30 from the audience Robin Koistinen: "Let the record show..."
39. 1:10:00 Biff Lowery from audience asks to be allowed to speak. Mayor: "Yes". Biff: "Did you call for a recorded vote?" Mayor: "I can certainly do that".
- 40.1:10:45 Mayor: "If there is a question of the vote someone on Council has the right to ask for a recorded vote." John Harding questions this.
- 41.1:11:02 Councillor Carol Lowery, after three interjections from the audience, including the request by her husband Biff, asks for a recorded vote.
- 42.1:12:20 Mayor calls a recorded vote. Defeated again. (O'Mara no).
- 43.1:15:48 report on OACA conference. Mayor: "Committee of Adjustment passed this". Prefasi: No. 7 people on committee said do not wish this to occur...bring in training. Mayor: "Council decides what staff members go to conferences". 1:19:30 Kosky not in favour...favours in-house training. 1:20 Mayor: "Put it in council package for next meeting".
- 44.3:06:25 Mayor tables the motion by Kosky/Lowery to sanction Prefasi.
- 45.3:08 O'Mara: Motion to defer. "Give Prefasi time to respond".
- 46.3:09:26 Mayor: "No need to defer".
- 47.3:10 Prefasi states 223.4(5) Municipal Act that limits the powers of council: no penalty nor sanction of any kind...until Integrity Commissioner has ruled.
- 48.3:10:54 "structure of your resolution". ?? Mayor takes it apart??
- 49.3:12 O'Mara: "give him the decency to come back...not giving Prefasi the opportunity".
- 50.3:12:40 Mayor: "I propose a recorded vote". (can Mayor do this?)
- 51.3:14 Comments re: Prefasi facebook page. Questions to Kosky by Prefasi. Kosky: "Not implying..."
- 52.3:15:48 O'Mara: "Give Prefasi opportunity".
- 53.3:18:36 Councillor Harding: "I've been threatened"...as to how to vote.
- 54.3:19:12 Tammy LePage, secretary for this meeting, tells Mayor "It has been carried". It actually had been defeated.