

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 COUNCIL MEETING.

[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, MAYOR LORIE HUNTER
[Name of Member of Council]
 has contravened section(s) 1, 2, 3, 4.1, 4.2, 4.4 AND 4.7
[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

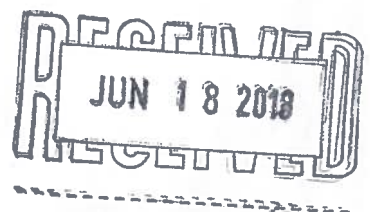




[Signature of Commissioner]

[Signature of Complainant]

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



Saturday, June 9th, 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 Lorie Hunter, Council Member and 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, 4.4, and 4.7 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; and also,
- **Section 4.7 Relations with Staff:** A Member shall refrain from using their position to improperly influence members of staff in their duties or functions.

The Mayor of Temagami, Lorie Hunter, has contravened the above noted sections and the key facts that lead me to that belief are as evidenced in the April 17th Committee of the Whole meeting audio recording and in the Mayor's actions prior to that meeting, during that meeting and after the 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>

The following provides examples of the background and conduct of the Mayor. Further comments and documentation surrounding this issue shall be provided to the Integrity Commissioner.

1. The Mayor solicited the Code of Conduct complaint by repeatedly encouraging three times during a Memorandum of Understanding meeting (MOU) that a Code of Conduct complaint could be filed against Ron Prefasi by Jamie Koistinen. (witness J. Harding).
2. The Code of Conduct allegation was received after the deadline date and placed on the Agenda, but not as an addendum. The complaint was emailed to the Clerk/Acting CAO on Tuesday, April 10th, but was not legally received until April 11th when it was signed in the presence of a Commissioner – the Clerk/Acting CAO. This was past the deadline for inclusion in the upcoming meeting without an addendum being added. It was immediately added, with no addendum. There was a rush to judgement.
3. The Mayor and the Clerk/Acting CAO used no criteria to deem the allegation as being of a serious nature and made the determination simply on their own bias.
4. The Mayor and the Clerk/Acting CAO did not attempt to discuss the matter nor verify the substance of the allegations with others nor with Prefasi before immediately deeming it "serious" and deciding that it should go to an Integrity Commissioner. Audio: 55:00 minutes: Mayor: "Clerk and I decided that it is an important issue and it should go to an Integrity Commissioner." Temagami's Code of Conduct by-law however indicates that Council decides whether it should go to an Integrity Commissioner, not the Mayor and/or the Clerk/Acting CAO.

5. Prefasi received the complaint from the Clerk/Acting CAO by email on Thursday April 12th with no direction nor information as to process, nor procedure, nor as to when Prefasi would have the opportunity to respond. The complaint was made public by the Clerk/Acting CAO on the Municipality's website on Friday April 13th before there was any opportunity for Council to make a determination.
6. The Tuesday April 17th meeting was a Committee of the Whole meeting. The procedural by-law does not allow deputations nor petitions at this meeting, yet two members of the audience were allowed by the Mayor to read lengthy presentations to Council. The audio recording provides indications that the Mayor knew in advance of the meeting that at least one, and perhaps two, of these audience members had planned to read a lengthy dissertation...contrary to our Procedural By-law.
7. The proceedings had been discussed by some members of Council prior to the meeting as a Police presence at the meeting was requested by the Municipality. Further, the Deputy Mayor immediately called for agenda items, re: Prefasi, to be moved to the beginning of the meeting. There were 23 people in attendance.
8. The Mayor began the meeting with a comment that: "I will allow public participation if you have a brief comment – recognized by the chair." Audio recording 4:20. Then the Mayor proceeded to allow scripted, lengthy presentations including a Code of Conduct complaint to be read aloud to Council and to the audience.
9. At the April 17th meeting, there began a series of verbal attacks on Prefasi and on two other council members by members of the public as can be heard in the audio recording when coupled with the attached notes, attacks from the public that the Mayor not only did not stop, as required by the Municipality's Procedural by-law, but in fact encouraged the diatribes being presented by members of the public.
10. There are many examples of the Mayor's breaches of conduct to speak to, all easily discernible in the audio recording when coupled with the Appendix 1 to this complaint. I will provide some examples here and will provide further support to the Integrity Commissioner.
11. Example 1: Council and the Integrity Commissioner will hear on the audio recording the demand of an audience member, sometime after a vote, entreating the Mayor to call for a recorded vote which the Mayor then solicited a Councillor to call for and subsequently allowed...a time delayed recorded vote request for a vote that is not even allowable in a C of W meeting as per our Procedural by-law. The vote was held during the C of W meeting in disregard of the requirements of the Procedural By-law and was a recorded vote.
12. Example 2: is the gratuitous reading aloud by the Mayor of a resolution from TFN during the C of W meeting that was not to be dealt with until the agenda item for this that was listed to be held upon the return of Council to the regular council meeting. Audio 40:10.
13. Example 3: are the attempts by councillor Harding and by Councillor Prefasi to make a Point of Order that the Mayor would not allow to even be articulated. The request to stop these attacks was shouted down by the Mayor and Councillor Harding was called out of order so that a member of the public who was verbally attacking councillor Prefasi could continue with her attack. Audio 56:00.
14. Example 4: is the Mayor allowing the complainant, Jamie Koistinen, to read her Code of Conduct complaint in full, in public, at the beginning of the meeting, long before the complaint was to be discussed by council.
15. Example 5: is the Mayor allowing Robin Koistinen to read from a prepared text for close to 10 minutes – certainly not a brief comment.
16. The Mayor, from the Chair, proposed a recorded vote on a resolution: Audio recording 3 hours, 12 minutes and 40 seconds, "I propose a recorded vote."

17. The Mayor allowed members of the public to actually question councillors during the meeting, contrary to the requirements of the Procedural By-law.
18. The Mayor's bias continued after April 17th when the minutes of the meeting were presented for approval at which time Prefasi indicated the fact that the minutes were inaccurate, incomplete and did not reflect the occurrences at the April 17th meeting. The Mayor stated that Prefasi was responsible for making the corrections. The Minutes are the responsibility of the Clerk and there were far, far too many errors in the minutes written by the recording secretary from the April 17th meeting to itemize.
19. The breaches in procedure committed by the Mayor, including a vote which is not allowed in C of A meetings, are documented in the attached notes and in the audio recording linked to this complaint.
20. Prefasi read a statement during the meeting objecting to Council voting on the hiring of an Integrity Commissioner because he had asked the Clerk/Acting CAO to respond to a number of questions regarding the complaint which had not yet at that time been addressed by the Clerk/Acting CAO.
21. The following sections of the Procedural Bylaw were breached by the Mayor: Sections 1.11, 1.16, 1.22, 2.1, 2.4, 4.6, 4.7, 4.10, 4.11, 5.6, 7.1.5, 7.2, 7.2.2, 7.2.3, 7.3.3, 7.4.2, 7.6.3, 7.6.4, 9.1, 9.2, 9.5, 10, 10.4, 11.2, 11.3.3, 11.3.10, 11.3.11, 12.2, and 14.6.

The Mayor engaged in behaviours that undermined my dignity and that of other council members, yet she carries the main role in determining how a meeting is run and bears the greatest responsibility in protecting both councillors, as well as members of the public, from personal attack at a meeting.

The Mayor acted in a disgraceful, shocking and unprofessional manner to both council and to the public in attendance at the April 17th meeting. Her behaviour was an insult to the people of Temagami.

The audio recording shows that the Mayor allowed and often encouraged offensive and intimidating comments to be made by the public, going so far as to ask the perpetrators if they had even more to say. The Mayor's actions were malicious and planned. Keeping in mind that this is an election year, she allowed and encouraged unjustified criticism, derisory remarks and humiliating comments aimed at undermining my position as a councillor.

The Mayor abused her power and authority in making a conscious decision to allow persistent, unjustified criticism of councillors and offensive remarks during the meeting and by creating, encouraging and supporting an intimidating, hostile and offensive environment. The Mayor should have, or reasonably ought to have, known that such behaviour would cause offence or harm to me as well as to other councillors.

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

The Mayor's conduct did not meet the objective standards required by the Code of Conduct nor those included in the Municipality's Procedural By-law.

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

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.