



Integrity Commissioner's Report

To Mayor and Council – The Corporation of the Municipality of Temagami

Date: Monday July 23, 2018

Complaint #: 2018-01

Request for Investigation – Code of Conduct for Members of Council – Schedule A to By-law 13-1138, Appendix B (Copy of signed affidavit attached to report)

Date: 11 April 2018

Name of Requester (Complainant): Jamie Koistinen

Name of member of Council or local board who is alleged to have contravened Code of Conduct: Councillor Ron Prefasi

Sections of Code Alleged to have been contravened: Not Specifically Stated

The Key Facts:

Stated “detailed in attached formal complaint 5 pages and attachments”. A copy is attached to this report. The essence of the complaint is allegations by Ms. Koistinen of being “personally slighted by Councillor Prefasi’s erroneous rant on his social media page”. Ms. Koistinen advised the Integrity Commissioner she was referencing a posting on Councillor Prefasi’s Facebook page “Temagami Ron Prefasi – Your Voice Matters”, made on Saturday March 17, 2018. The opening statement prefacing this entry read, “The Municipality of Temagami is facing an emergency”. This posting is pages 6 and 7 of Ms. Koistinen’s complaint and the authenticity of this posting was confirmed by Councillor Prefasi.

Copies of Documents and Records Relevant to Requested Inquiry:

Attachments included:

1. Copy of letter allegedly posted on Councillor Ron Prefasi’s Facebook site – “Temagami Ron Prefasi: Your Voice Matters”
2. Eleven pages downloaded from “Temagami Ron Prefasi: Your Voice Matters” – date 10/03/2018.
3. Temagami First Nation Community Bulletin RE: Ice Road Closure – Contractor Camp (date in bulletin – Tuesday March 20th)

Copy of The Corporation of the Municipality of Temagami By-law No. 13-1138; Schedule A to By-law 13-1138, Appendix A – Confidentiality Agreement and Appendix B – for of Affidavit – attached to this report.

The Integrity Commissioner advised the parties that this inquiry would be restricted to the Code of Conduct and would not consider allegations of violations of the Human Rights Code, the Charter of Rights and Freedoms (Canada), allegations of violations of the Conflict of Interest Act, any other laws or of the Municipality's Procedural By-law.

For Reference: Section 3 of the Code of Conduct – Purpose

The Purpose section in the Code of Conduct states that “The Code of Conduct for Members of Council and related Policies identify the Municipality's expectations of Members and establishes guidelines for appropriate conduct to ensure that:

- The decision-making process of the Council is transparent, accessible and equitable.
- Independent, impartial decision-making considers the best interests of the entire Municipality as envisioned in the Oath of Office;
- Communications are open, honest, consistent, respectful, consultative and inclusive;
- Private interests, real or perceived, are kept separate from public responsibilities;
- Respect and support for others, including other Council members, members of municipal staff and members of the public, is maintained.

Allegation of Violation Deemed to be of Section 3 of the Code of Conduct – Purpose

Councillor Prefasi told the Integrity Commissioner he had no knowledge that his comment about “treating taxpayers more harshly than we treat non-taxpayers” in his pdf letter attached to his Facebook page “Temagami Ron Prefasi – Your Voice Matters”, made on Saturday March 17, 2018, could reference members of a First Nation.

Councillor Prefasi told the Integrity Commissioner that he has never heard of anyone referencing First Nation members as non-taxpayers. Just prior to this phrase in this letter, Councillor Prefasi stated that “It's about whether we turn a blind eye to the actions of one segment of the area's population that is using the infrastructure in the municipality without cost.”

Councillor Prefasi indicated he posted an apology to Temagami First Nations members on his Facebook page and sent an apology to each member of the Temagami First Nation Council and their Chief but that he did not send a letter of apology or apologize directly to Ms. Koistinen who is the complainant.

Assessment:

Councillor Prefasi's comments about "treating taxpayers more harshly than we treat non-taxpayers" and "It's about whether we turn a blind eye to the actions of one segment of the area's population that is using the infrastructure in the municipality without cost", were reasonably interpreted Ms. Koistinen as referencing members of a First Nation.

Councillor Prefasi's comment about "treating taxpayers more harshly than we treat non-taxpayers" was interpreted by Ms. Koistinen as referencing members of a First Nation.

Councillor Prefasi made no comments or references directly to Ms. Koistinen on his Facebook page "Temagami Ron Prefasi – Your Voice Matters" on Saturday March 17, 2018 and no comments or references directly to Ms. Koistinen in the pdf attachment "The Municipality of Temagami is facing an emergency".

Violation of Code of Conduct

Councillor Prefasi violated the Code of Conduct by indirectly disrespecting Ms. Koistinen by his remarks in his Facebook posting "Temagami Ron Prefasi – Your Voice Matters" on Saturday March 17, 2018 and in the pdf letter attached to the posting "The Municipality of Temagami is facing an emergency".

For Reference: Section 4.3 of the Code of Conduct – Representation

The Representation section in the Code of Conduct states that "No member other than the Mayor shall purport to speak on behalf of Council unless he or she is authorized by the Council to do so. A Member may express disagreement with a decision of the Council, but shall make it clear that he or she is expressing a personal opinion and/or the opinion of one or more of his or her constituents."

Allegation of Violation Deemed to be of Section 4.3 of the Code of Conduct – Representation

Councillor Prefasi is of the opinion that his Facebook page is "not Councillor Prefasi's social media page" but is a personal social media page. The opening statement prefacing the entry read, "Wearing my councillor's hat this morning". This remark was followed by, "Three large oversized trailers are scheduled to use the Access Road sometime this week to get to the TFN's ice road. The Municipality was made aware of this through a post on my Facebook page. Public Works correspondence with the TFN's Capital Projects Manager regarding the necessity of obtaining Municipal permits for oversized loads has gone unanswered, so it prompted me to send the attached letter to our Mayor and Council outlining my concerns and the necessity for a meeting with the TFN to discuss the parameters required for moving large loads such as this and to resolve the

issues amicably. This is a clear indication of why I believe the present Memorandum of Understanding between the TFN and the Municipality is not working effectively.” The pdf attachment was titled, “The Municipality of Temagami is facing an emergency”.

Assessment:

Councillor Prefasi confirmed to the Integrity Commissioner that the opening statement prefacing his entry on his Facebook page “Temagami Ron Prefasi – Your Voice Matters” read, “Wearing my councillor’s hat this morning.

Councillor Prefasi told the Integrity Commissioner that it was unfortunate that he posted this letter. He advised the Integrity Commissioner that his posting was his “perspective as a Councillor”.

Councillor Prefasi stated his letter was originally intended and sent to the Mayor and Council outlining his concerns and the necessity for a meeting with the Temagami First Nation to discuss the parameters required for moving large loads and to resolve the issues amicably. Councillor Prefasi stated he posted this letter as a means to pressure Council to do something about safety.

Ms. Koistinen interpreted Councillor Prefasi’s remarks as being related to his role as a Councillor and not as a private citizen.

Councillor Prefasi made no statement on his social media page “Temagami Ron Prefasi – Your Voice Matters” or in the pdf letter attached to this posting on Saturday March 17, 2018, that he was expressing disagreement with a decision of the Council.

Councillor Prefasi made no comment on his social media page “Temagami Ron Prefasi – Your Voice Matters” or in the pdf letter attached to this posting on Saturday March 17, 2018, that he was expressing a personal opinion.

Violation of Code of Conduct

Councillor Prefasi violated the Code of Conduct by posting comments on his Facebook page “Temagami Ron Prefasi – Your Voice Matters” that reasonably could have been interpreted as speaking on behalf of Council.

This report is submitted by: **Antoinette Blunt MPA, CHRL, CHRE, FHRPA**

Appointed by resolution at the Municipality of Temagami Council Meeting on Tuesday June 19, 2018 as follows:

MOVED BY: B. Koski

SECONDED BY: C. Lowery

BE IT RESOLVED THAT Council receive correspondence from Jamie Koistinen of the Temagami First Nation regarding a Code of Conduct complaint regarding Councillor Prefasi's Facebook posts;

AND FURTHER THAT Council exercise its authority under section 223 of the Municipal Act 2001, as amended (the Act) to appoint an Integrity Commissioner who would be responsible for performing an independent investigation and reporting back to Council;

AND FURTHER THAT Council hereby appoints Antoinette Blunt as the Integrity Commissioner to perform the investigation on this matter.