
TOWNSHIP OF RYERSON INTEGRITY COMMISSIONER, H.G. ELSTON

Citation : Complaint against Councillor Finley
Date: November 17, 2020

**REPORT ON THE MATTER OF A COMPLAINT
AGAINST COUNCILLOR FINLEY**

Notice: Municipal Integrity Commissioners conduct inquiries and provide reports on their findings to their respective municipal councils. They may make recommendations for the imposition of a penalty or other remedial action to the municipal council. Reference should be made to the minutes of the municipal council meeting where the Commissioner's report was presented, to obtain information about council's consideration of each report. When possible, a link to the relevant municipal council minutes is provided.

[Link to Council Decision]

BACKGROUND

1. The Almaguin Community Economic Development (the “ACED”) is the name given to the regional economic development entity formed by 16 communities in the Almaguin Highlands Region¹.
2. As explained on its website, the ACED delivers economic development services throughout the Almaguin Highlands Region. These services include business and entrepreneurial support for start-ups, expansions and general needs; marketing and promotion of tourism opportunities, events and local programming; regional economic planning, research and analysis; and community development and organization support. Its objective is to develop its environment by creating and growing strong partnerships between municipalities, businesses, community groups and local residents.
3. The ACED Board is comprised of up to 14 Members, each of whom must be an elected official, business community representative or community representative. Every Member has a vote. The administering municipality for ACED is the Township of Armour.
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4. Tim Bryson, the Mayor of Joly, is the Board Chair. Ryerson Councillor Celia Finley is a former member of the Board.
5. The principles that guide the Board, are said to be a commitment to:
 - Encourage and facilitate economic growth in the Almaguin Highlands Region on behalf of all stakeholders;
 - Contribute towards enhancing the quality of life for all Almaguin residents and guests;
 - Ensure the accessibility of programming to all stakeholders;
 - Collaborate and steward partnerships across the region to achieve common objectives;

¹ Powassan, South River, Ballantyne, Sundridge, Machar, Laurier, Lount, Joly, Strong, Burk’s Falls, Magnetawan, Ryerson, Armour, Kearney, McMurrich Monteith and Perry.

² ACEDD Terms of Reference, May 7, 2019

- Build strong relationships with all stakeholders, residents and neighboring regions and nurture them through strong, effective communication; and
- Provide the ACED Director with strong leadership and support.

6. One of the more pressing objectives of the ACED is the establishment of fast and reliable broadband³ service in the Almaguin Community. As I explain below, Councillor Finley has concluded that the ACED has failed in its efforts to, among other things, secure this high-speed internet service. However, rather than offering solutions or constructive criticisms, Councillor Finley has chosen, instead, to blame the Board, its agents, and staff. It is Councillor Finley's condemnation of the work of the ACED that has resulted in this complaint about her conduct.

THE COMPLAINT

7. On June 11, 2020, I received a Request for Inquiry under the Township of Ryerson Code of Conduct (the "Code") against Councillor Finley (the "complaint").

8. The complaint alleges that, at the May 27, 2020, meeting of the Board, Councillor Finley frivolously called "point of order" at least three times, seemingly for no other reason than to disrupt the meeting, and used offensive language while addressing the Chair and Council. It is alleged that Councillor Finley's conduct in meetings of the Board has been on a steady downward trajectory. The Complainant acknowledges that Councillor Finley speaks bluntly and often uses rough borderline offensive language but that, of late, her conduct has deteriorated to the point that it is no longer tolerable. It is alleged that Councillor Finley's conduct at Board meetings offends both the Code and the Township of Armour Procedure By-law # 18-2020.

9. According to the Complainant, Councillor Finley's conduct crossed a line on June 11, 2020, when she sent an email to the members of the ACED Board. The email states that its purpose is to address two subjects: "... the failure of leadership at ACED and its subsequent failure to address the most important obstacles to the economic success of the region".

³ Broadband is wide bandwidth data transmission which transports multiple signals and traffic types by coaxial cable, optical fiber, radio or twisted pair. (Wikipedia)

THE CODE

10. As a member of Ryerson Council, Councillor Finley is expected to adhere to the Ryerson Code of Conduct.

11. The complaint consists of two parts: Councillor Finley's conduct at the May 27th meeting and her June 11th email to the Board. Her conduct at the meeting is governed by sections 6.1 and 8.3 of the Code, while her email is judged against sections 7.2, 8.2 and 8.2.

12. The cited provisions of the Code are:

Section 6 – Conduct at Meetings

Section 6.1

Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

Section 7 – Conduct Respecting Others

Section 7.2

A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.

Section 8 – Conduct Respecting Staff and Officers

Section 8.1

Under the direction of the senior administrative staff, and in accordance with the decisions of Council, staff and Officers are required to serve the municipal corporation as a whole. Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer.

Section 8.2

Members shall acknowledge and respect the fact that staff carry out directions of Council, through senior staff, including but not limited to the treasurer, clerk, director of public works, and administer the policies of the Municipality. No Member shall perform, direct or attempt to undermine the duties of any staff person or Officer except in accordance with the Municipality's procedural by-law.

Section 8.3

Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

DISCUSSION

13. In her June 11th email, Councillor Finley accuses, by name, several people of “utterly failing” in the task of getting rural broadband to Almaguin. Her attacks against the Board’s staff and advisers are personal and cutting, and she spares no feelings in her criticisms of the former and current Chairs of the Board.

14. Finding, as I have, that the email is potentially damaging to the reputation of the ACED and those involved with it, perhaps even defamatory, I have decided not to reproduce it here.

15. Later in the day on June 11th, Board Chair Bryson responded to Councillor Finley’s email with an email to all Board members. Chair Bryson said:

... Complex issues and vulnerabilities, like access to broadband and healthcare, that have long been obstacles for our communities have been exposed and amplified during this crisis. But let us not turn our frustration to anger and divisiveness. ... On that note, most recently there have been some breakdowns at the Committee (i.e. Board) level, and if governance continues on the same course it will negatively affect the operation of ACED. As the Chair of ACED, under these extraordinary circumstances and in an effort to enforce on all occasions the observance of order and decorum among members, I am strongly advising ACED members to refer back to their municipal member training and note: ... review your codes of conduct and adhere to them at all times, particularly within the meetings.

16. An email exchange between Chair Bryson and Councillor Finley happened on June 14, 2020. In that exchange, Chair Bryson said to Councillor Finley: *I encourage you to review your email and consider apologising to [staff person], whether you meant to or not you came across very harsh and excessively critical.*

17. No apology was forthcoming, and Councillor Finley resigned from the Board on June 15, 2020.

18. On June 16, 2020, Councillor Finley provided me with her response to the complaint. While acknowledging that she would “probably plead guilty to a few charges and dispute others”, she maintains that her points of order were proper. She notes that one point was to inquire why the three people in the council room were not observing social distancing and not wearing masks. Another was to request a “COW” since the budget discussion would be covering wages and benefits. She could not remember the third.

19. Councillor Finley’s allegations of failure of leadership had, apparently, also been expressed by another member of the Board in open session and she does not recall using offensive language. Councillor Finley does, however, acknowledge some wrongdoing: “My email was very nasty, mea culpa, but objective, strictly business, not personal. In any case, I resigned from ACED at last night’s meeting, so I consider this to be moot”.

FINDINGS AND RECOMMENDATIONS

Points of Order

20. Points of order are, by definition, often contentious and involve a certain amount of disruption. In recognition of Councillor Finley’s resignation from the Board and, in the interest of focusing on what I see as the more harmful behaviour that could have a lasting impact, I will decline to make a finding on the propriety of Councillor Finley’s conduct at the May 27th meeting, under either the Code or the Procedure By-law. Instead, I will focus on Councillor Finley’s June 11th email to the Board.

The June 11th Email

21. Councillor Finley has made her feelings about the leadership and effectiveness of the ACED and its Board abundantly clear. By all reports, her opinions were often conveyed without mercy at Board meetings, including the May 27th meeting, causing some distress among other attendees. One would hope that the *quid pro quo* of enjoying the advantages of the bully pulpit would be a recognition of the need to preserve the integrity and credibility of that platform by showing discipline and decorum when exercising that privilege. Unfortunately, the importance of that bargain seems to have been lost on Councillor Finley.

22. Sections 7.1, 7.2, 8.2 and 8.3 require Members to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. A Member must not use indecent, abusive, or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public. No Member shall attempt to undermine the duties of any staff person and every Member must show respect for staff and for their professional capacities and responsibilities.

23. I believe that these rules and the reasons for them need little elaboration from me. It is simply wrong for a person who, as a Member of Council, enjoys the status and ability to influence others to try to belittle, humiliate or abuse others. I find that this is what Councillor Finley did in her June 11th email, seemingly without apology or remorse.

24. Accordingly, I find that Councillor Finley has therefore breached sections 7.1, 7.2, 8.2 and 8.3 of the Code and I recommend that Council issue a reprimand to Councillor Finley, admonishing her for insulting and attempting to undermine the duties of members of the ACED staff, for insulting a representative from a key ACED advisory group, and for disparaging the work of past and present Members of the ACED Board. I further recommend that Councillor Finley be removed from any appointments to other boards or bodies she now enjoys and that she not be considered for any future such appointments.

A BRIEF NOTE ON THE WORK OF THE ACED

25. In addition to providing recommendations to Council about Councillor Finley's conduct, I believe that, as a way of providing somewhat of a public vindication of the staff and Board of the ACED, I should also use this opportunity to comment on the good work that the ACED has done and continues to do.

26. The level of difficulty in securing high-speed broadband service is not unique to the Almaguin Community; it is one of the major challenges facing all communities in rural Ontario. The task can be compared to the historic challenges faced in building last-century infrastructure, such as the transcontinental railway. Different obstacles, obviously, but fundamentally similar problems such as the enormous per capita costs, the high up-front sunk costs and the many competing projects making demands on a small pool of government funds.

27. Such challenges require visionary and inspiring leadership. The ACED is an example of local communities banding together to make meaningful improvements to the lives of their residents. To fulfill its objectives, it needs positive and hopeful encouragement and support.

28. Even as I write this, there is promising news. I am happy to report that Blue Sky Economic Growth Corporation⁴, a support agency for ACED, has selected a vendor to partner with in applications to the Canadian Radio and Television Commission, the Universal Broadband Fund and the Provincial Broadband Fund (where its application was recently granted Stage 2 status) for money to provide upgraded Broadband service to many parts of the Almaguin Community. I am told that ACED has been instrumental in Blue Sky's efforts.

29. With the recent announcement of extra funding from the Province, and the November 9th announcement that the Federal Government has earmarked some \$1.7 billion in funding for broadband infrastructure across Canada, there is reason to be optimistic that ACED's efforts may soon bear fruit.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 17th day of November 2020.



H.G. Elston
Integrity Commissioner, Ryerson Township

⁴ A Not-for-Profit Corporation funded by FEDNOR (part of the Ministry of Industry, Science & Economic Development).