



Cunningham Swan

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CONFIDENTIAL

September 16, 2025

SENT BY EMAIL TO: JConnor@ramara.ca

c/o Jennifer Connor, Clerk
Township of Ramara
2297 Hwy 12
P.O. Box 130
Brechtin, ON
L0K 1B0

Dear Council:

RE: Code of Conduct Complaint – Final Report
Our File No. 37629-25

Please be advised that our Code of Conduct investigation is now complete. We attach the final report herewith and the report should now be circulated to members of the Council.

This investigation is hereby closed.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

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Dear Council:

RE: Code of Conduct Complaint – Final Report – Councillor Sherri Bell
Our File No. 37629-25

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

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The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Timeline of Investigation

The key dates and events during the course of this investigation are as follows:

- June 27, 2025, complaint received;
- July 9, 2025, preliminary review concluded;
- July 9, 2025, complaint package sent to member;
- July 22, 2025, Member requests extension – granted until August 22, 2025;
- July 25, 2025, respond to requests from legal counsel for the Member;
- August 22, 2025, receive response from Member;
- August 26, 2025, forward link to Council video to Member;

Complaint Overview

A Complaint was received on June 27, 2025. The Complaint alleged breaches of the Code of Conduct by Councillor Sherri Bell (the “Member”).

1. On June 2, 2025, the Member attended a meeting of Council. The report from the Township's Integrity Commissioner dated May 23, 2025 was being discussed at this meeting. The recommendation contained in the report was to suspend the remuneration of the Member for a total of 90 days. The Member is alleged to have voted against the recommendation, contrary to the Code of Conduct and the *Municipal Conflict of Interest Act*.
2. On June 2, 2025, at the same meeting of Council, it is alleged that the Member stated that she had contacted a lawyer, and that the Township would be hearing from them. After mentioning her lawyer, the Member requested a recorded vote, allegedly in an attempt to intimidate Council members. The complaint alleged that bringing a legal action against the Township would also create a conflict of interest.
3. On June 22, 2025, the Member posted a video to the Member's Facebook page. In the video it is alleged that the Member claimed to have been punished by

Council for speaking the truth and used phrases such as “silence is not service” and “democracy falters when there is a cost to speaking up”. The complaint alleges that the Member mischaracterized Council’s decisions. The Member is alleged to have framed Council’s decision as punitive and accused council members of sexism. The complaint further alleged that by portraying herself as the only member of Council willing to speak the truth that she was implying that the rest of Council was lying.

Code of Conduct

The following provisions of the Code of Conduct are relevant to our findings in this investigation:

5.1 Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council, staff or members of the public.

5.3 Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, and shall avoid aggressive, offensive or abusive conduct.

5.6 It shall be the duty of all Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member.

5.8 Every Member in exercising his or her powers and in discharging his or her Official Duties shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Township Council.

5.13 Members of Council:

(a) May not impugn or malign a debate or decision or otherwise erode the authority of Council;

...

(d) Must avoid conflict of interest;

...

(f) May not make statements known to be false or make a statement with the intent to mislead Council, staff or the public.

6.1 Members shall accurately and adequately communicate the decisions of Council and Local Boards such that respect for the decision-making process is fostered.

13.1 Members shall conduct themselves in accordance with the Municipal Conflict of Interest Act as amended from time to time.

18.1 Members shall conduct themselves in a civil manner with decorum at Council, Committee and other meetings in accordance with the provisions of the Township of Ramara's Procedural By-law, this Code, and other applicable laws as amended from time to time.

20.1 Every member has the duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members of Council shall ensure that their work environment is free from discrimination and harassment.

Municipal Conflict of Interest Act

The following provisions of the *Municipal Conflict of Interest Act* are engaged in this investigation:

- 5** (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

...

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

- 1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.

2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

Investigation Process

In conducting the investigation, the Integrity Commissioner reviewed the recorded meeting of June 2, 2025 and the Member's Facebook video.

The Member made written submissions in response to the complaint, which were considered and form part of the investigation. The Member also made submissions through a legal representative which were considered and addressed as necessary.

Given that the allegations involved behaviour that was recorded, the Integrity Commissioner was satisfied that no interviews were necessary to understand the facts.

Factual Findings

June 2, 2025 Council Meeting – Vote on Penalty

On June 2, 2025 the Member attended a meeting of Council. The report from the Township's Integrity Commissioner dated May 23, 2025 was being discussed at this meeting. The recommendation contained in the report was to suspend the remuneration of the Member for a total of 90 days.

The Member spoke to the recommendation. Section 5(2.1) paragraph 1 of the *Municipal Conflict of Interest Act* permits a member of Council to speak to the matter of the penalty. The Member was entitled to make oral submissions at this meeting.

The Member then went on to request a recorded vote and vote against the recommendation.

In written submissions, the Member, through her legal representative, asserted that the complaint was frivolous, vexatious and brought with the intent to annoy or harass. The Integrity Commissioner rejects this assertion. The facts as complained about involve a serious allegation and there is no evidence that the allegation is without merit or otherwise brought only for illegitimate purposes.

The Member also submitted that they only needed to make the facts known as they were related to the vote. In this case, as we understand the submissions, the Member suggests that because Council knew that the vote was about a financial penalty recommended against the Member, Council was not misled and there was no need for a formal declaration of conflict.

The Member is correct that Council was aware that the vote was about a financial penalty recommended to be imposed on the Member. The submission that Council's knowledge of the substance of the vote is sufficient to forego the clear statutory obligation to make a formal declaration of conflict is incorrect at law. The member made no attempt to justify or defend the actual vote itself.

June 2, 2025 Council Meeting – Intimidation

On June 2, 2025, at the same meeting of Council, the Member stated she was, “currently in discussions with my legal counsel and they will reach out to the Township shortly”. The Member re-affirmed her commitment to the constituents who voted for her and then asked for a recorded vote. The vote in question was whether to adopt the recommended penalty from the Integrity Commissioner's report dated May 23, 2025.

Facebook Video

On June 22, 2025, the Member posted a video to the Member's Facebook page.

The Member states, “silence is not service”; “democracy falters when there is a cost to speaking up. I will not be silenced”; and “I don't answer to intimidation I answer to you”.

The complaint alleges that the video was misleading, specifically in that the Member did not acknowledge the findings that led to the recommendation of the integrity Commissioner. The complaint alleged that by saying that the Member is the only one willing to speak the truth that by implication the rest of Council is being dishonest.

The Integrity Commissioner finds that the Facebook video is intended to convey a message to the public that Council was not simply wrong in imposing sanctions against the Member (removing her from boards and committees, restricting her access to closed session meetings and adopting the recommendations from the Integrity Commissioner's report), but that the underlying motivation was to “silence” the Member for speaking the truth. This further implies that the rest of Council is at a minimum attempting to curtail the Member's ability to present her political agenda.

Code of Conduct Findings

June 2, 2025 Council Meeting – Vote on Penalty

Section 5(2.1) paragraph 1 of the *Municipal Conflict of Interest Act* is very clear that the Member was not permitted to vote on the recommended penalty.

The Member voted against the penalty that was recommended, in clear breach of the *Municipal Conflict of Interest Act*.

This is also a breach of sections 5.6, 5.8 and 13.1 of the Code of Conduct.

June 2, 2025 Council Meeting – Intimidation

The relevant sections of the Code of Conduct associated with the allegation that the Member was attempting to intimidate Council are as follows:

5.3 Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, and shall avoid aggressive, offensive or abusive conduct.

18.1 Members shall conduct themselves in a civil manner with decorum at Council, Committee and other meetings in accordance with the provisions of the Township of Ramara's Procedural By-law, this Code, and other applicable laws as amended from time to time.

20.1 Every member has the duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members of Council shall ensure that their work environment is free from discrimination and harassment.

The Member mentioned that she had retained legal counsel and that her counsel would be contracting the Township shortly. The complaint alleges that this statement, made shortly before asking for a recorded vote, was an attempt to intimidate Councillors prior to the vote on whether or not to impose a penalty on the Member for breaches of the Code of Conduct.

The behaviour of the Member is not sufficient to constitute a breach of the Code of Conduct. The Member, in her written submissions, rightly points out that she is entitled to retain counsel and to seek legal advice. The Member did not threaten litigation at the meeting and the Integrity Commissioner was advised during this investigation that in fact litigation had not been commenced. The Member did not threaten or mention any individual member of Council in her comments, referring only to the Township hearing from her counsel shortly.

The Integrity Commissioner finds that the statement did not amount to an attempt at intimidation and the mere fact of retaining legal counsel does not create a conflict.

If in future the Member engages in litigation against the Township, the Member will need to obtain advice to avoid the potential conflicts of interest that may arise.

Facebook Video

The Code of Conduct states:

5.13 Members of Council:

(a) May not impugn or malign a debate or decision or otherwise erode the authority of Council;

...

6.1 Members shall accurately and adequately communicate the decisions of Council and Local Boards such that respect for the decision-making process is fostered.

The Integrity Commissioner finds that the Member has the right to disagree with Council. The Member did not mischaracterize the substance of the Council decision to restrict her from certain Boards or Committees and to limit her physical presence at closed session meetings. The complaint alleges that the Member went further and stated that Council was attempting to suppress the truth.

There is certainly an argument that the video maligns the decision of Council and may not foster respect for the decision to restrict the Member from committees and limit their physical presence at closed session. The Member did not discuss the incidents that led Council to its decision and in that sense was misleading.

However, the Code of Conduct must be balanced against the Member's freedom of political expression.

The Code of Conduct attempts to foster respect for the decision-making process – this is the rationale for directing members of Council not to impugn or malign a decision of Council and to obligate members to accurately and adequately communicate the decisions of Council. This goal must be balanced against the Member's right to express herself in a political forum.

In attempting to balance these competing interests, the Integrity Commissioner is persuaded that the Member did not attempt to present the opposite side (the Council side) of the issue. the Member clearly accused Council of improper conduct and imputed an improper purpose for the limits imposed by Council.

This was not in accordance with the Code of Conduct and was intended to cast aspersions on the decision-making process, not to foster respect for that purpose.

The Member however does not have to agree with all Council decisions; the Member has the right to disagree and explain why they disagree. Had the Member explained the rationale for her disagreement and engaged in a discussion that was respectful an appropriate balance may have been met. In the circumstances, the Integrity Commissioner finds that the Member's statement

was a breach of the Code of Conduct. the Member may have the right to disagree, but that disagreement must be respectful and consider how to express her position in a way that does not imply that Council is dishonest and is attempting to prevent the Member from speaking the truth. The Integrity Commissioner finds no evidence that Council was motivated by the substance of the Member's statements. The decisions appear to be motivated by the manner in which the Member conducts themselves, not the message itself.

Recommendation

The *Municipal Act* provides that where an Integrity Commissioner investigates an allegation that the *Municipal Conflict of Interest Act* has been breached, they must determine whether or not to apply to the Superior Court of Justice to seek an order of a Judge.

In this case, the Member voted against a recommended penalty that applied to her personally. This is an obvious pecuniary interest and an equally clear breach of the *Municipal Conflict of Interest Act*. As such, the Integrity Commissioner will be applying to the Superior Court of Justice to seek an order of the Court that the Member breached the *Municipal Conflict of Interest Act*, and asking for an order imposing the appropriate penalty.

The second allegation alleging intimidation was not substantiated and is not a breach of the Code of Conduct. No penalty or sanction is recommended.

The third allegation was found to breach the Code of Conduct. While the Member's video was a breach, in order to properly balance the Member's right to free speech with Council's right to place limits on that speech the Integrity Commissioner finds that the circumstances do not warrant a recommendation for a penalty. The Integrity Commissioner trusts that the Member will reflect on this report and temper their comments in future so that even where they disagree with a decision, the public understand that the Member respects the process and encourages the public to do the same. No penalty or sanction is recommended.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

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