

Tony E. Fleming
Direct Line: 613.546.8096 E-mail: tfleming@cswan.com

CONFIDENTIAL

May 23, 2025

SENT BY EMAIL TO: JConnor@ramara.ca

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

Dear Council:

**RE: Code of Conduct Complaint – Final Report – Councillor Sherri Bell
Our File No. 37629-22**

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.

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

{01209434.DOCX:}

TEL: 613-544-0211
FAX: 613-542-9814
EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)
WEB: WWW.CSWAN.COM

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:

- March 12, 2025, complaint received
- March 17, 2025, preliminary review completed and status report sent to complainant
- March 18, 2025, complaint sent to Member
- April 1, 2025, response from Member received
- April 11, 2025, complainant's response to Member's written statement received
- April 16, 2025, interview witness
- April 17, 2025, interview witness
- May 8, 2025, interview complainant
- May 20, 2025 interview Member

Complaint Overview

A Complaint was received on March 12, 2025. The Complaint alleged breaches of the Code of Conduct by Councillor Sherri Bell (the "Member").

1. It is alleged that on February 10, 2025 that Councillor Bell blocked another member of Council and made it difficult to pass in a narrow area of the Council Chambers. It is further alleged that Councillor Bell stated, "if you touch me or bump me I'll charge you with assault".
2. It is alleged that on February 10, 2025 that Councillor Bell refused to attend closed session by Zoom. Councillor Bell stated she was coming into the Richard Bates Room despite being banned by Council from that portion of the building. Councillor Bell was shouting at the Mayor. While in the doorway, Councillor Bell is alleged to have blocked the doorway and refused to leave, stating, "I'm not moving. You'll need to call the police to remove me ... or you can push me out and I'll charge you with assault."

Council adjourned the meeting but had to wait for her to leave before they could leave the room.

3. It is alleged that Councillor Bell informed Council in closed session on February 18, 2025 that she had reported an assault by another member of Council (related to an incident occurring on January 8, 2025) to the police. It is alleged that the report to the police did not occur and that characterizing the incident as an assault in front of Council was misleading.

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:

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

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.

Investigation Process

In conducting the investigation, the Integrity Commissioner reviewed relevant security footage and interviewed witnesses to the incidents. Staff provided necessary documentation and the Member was interviewed at the conclusion of the investigation to provide an opportunity to respond to the Integrity Commissioner's findings after interviewing other witnesses.

Factual Findings

1. February 10, 2025 – obstructing a member of Council

On February 10, 2025, Council concluded its regular session and resolved to move into closed session. The Member was physically present for the regular session in Council Chambers.

Another member of Council was leaving the room to move into the Richard Bates Room where closed session is held. As the other Council member moved around the horseshoe, Councillor Bell refused to move out of the way. The area of the room was narrow and difficult for two people to pass. Councillor Bell stated that if the other member of Council so much as touched her, she would have them charged with assault. This forced the other member of Council to flatten against the wall as they moved past Councillor Bell.

Councillor Bell denies being in the vicinity of the other Council member or having spoken to the other member of Council at all.

We were provided with notes taken by the other member of Council after the incident. The other member of Council explained that they took notes because they were so upset over the incident. The fact that this member of Council took notes contemporaneously with the incident lends credibility to their version of events.

We prefer the evidence of the other member of Council where it differs from the evidence of Councillor Bell.

We find that Councillor Bell did make it difficult for the other member of Council to pass them and did threaten to charge them with assault if they touched her.

2. February 10, 2025 – Richard Bates Room

Council passed a resolution on May 16, 2024, prohibiting the Member from being physically present in any space in the Township of Ramara administration building that is not open to

the public. This restriction included specifically the Richard Bates Room and the staff areas in the building.

All of the witnesses interviewed had a very similar recollection of this incident.

After the regular Council meeting, the Member attempted to enter the Richard Bates Room. The Mayor told the Member that she was not permitted to be in that area and a verbal disagreement took place. At some point the Member stood in the doorframe and stated, using words to the effect that the only way she was leaving would be if someone moved her, and if anyone touched her, she would charge them with assault.

The Member was blocking the only door to the room so no one could leave. The Mayor eventually adjourned the meeting and the Member left, allowing the balance of Council to leave the room.

There was some confusion about whether the Member came to the doorway more than once, because the original adjournment of the meeting occurred without a Clerk so that the adjournment motion needed to be repeated. This is immaterial to the behaviour relevant to the allegation – which was recalled by all attendees as happening in virtually the same manner.

It is the Member's position that the May 2024 resolution was improper and that she had a right to attend closed session in person. The Integrity Commissioner has no jurisdiction to make any ruling on a validly passed resolution of Council and as such we cannot use the Member's argument as a defence to the allegation.

We note that the resolution has not been challenged by the Member and that the Member was provided with a link so that they could participate in the closed session virtually – the Member was at all times allowed to fully participate in the closed session process, just not in person.

The Member does not dispute that she attempted to enter the Richard Bates Room or that she refused to leave and threatened to charge anyone who touched her with assault.

3. February 18, 2025 – Reporting Incident

The allegation is that the Member stated to Council in a closed session on February 18, 2025 that she had reported another member of Council to the police for an alleged assault. The complainant believed this assertion to be false as the police had not commenced an investigation. Advising Council that an assault had been reported to the police when that was not in fact the truth would breach the Code of Conduct.

The Member denies misrepresenting what occurred and stated that she did in fact make a police report. We confirmed with the police that an incident was reported by the Member. We were not able to obtain a copy of the report from the police prior to drafting this report.

Based on the interviews conducted we are satisfied that reading the incident report is not necessary.

We find that the Member did not characterize the January incident and her report of it as an assault when communicating to Council. Witnesses recalled the Member stating that she had filed an incident report. That statement is corroborated by the police as an incident report was filed. The police further confirmed that they did not investigate the incident as they believed it was not warranted – the absence of an investigation is at the core of why the complainant believed the statement to be false.

We have no jurisdiction to investigate the January incident as it is outside the limitation period set out in the Code of Conduct. We reviewed the security footage of the alleged incident to satisfy ourselves that we had no independent obligation to seek direction from the police.

Code of Conduct Findings

1. February 10, 2025 – Corridor

Refusing to move aside for another member of Council and then threatening to charge them with assault if they touched her is behaviour that breaches sections 5.3 and 20.1, excerpted below:

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.

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.

Threatening Criminal charges against another member of Council is aggressive as well as abusive conduct in these circumstances. The Member exhibited entirely unprovoked behaviour that left the member of Council who was the victim of the abuse shaken.

This behaviour is a breach of both sections 5.3 and 20.1.

2. February 10, 2025 – Richard Bates Room

The Member was prohibited by resolution of Council from being present in the Richard Bates Room. We find that the Member attended private areas of the Township administration

building, including the doorway of the Richard Bates Room, in contravention of this resolution.

The relevant sections of the Code of Conduct are as follows:

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.

The May 2024 resolution of Council is a procedure or policy of Council that the Member was obligated to abide by. It is no defence that the Member disagreed with Council's decision. The direction was clear, it was known to the Member and the Member deliberately chose to ignore it. This is a breach of sections 5.6 and 5.8 of the Code of Conduct.

In addition, the Member refused to leave the Richard Bates Room and threatened members of Council with assault charges if they touched her.

The relevant sections of the Code of Conduct associated with this behaviour 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 was not acting civilly or with decorum when they refused to allow members of Council to leave the room and threatened them with assault charges if they touched her.

The Oxford Dictionary defines “decorum” as “Behaviour in keeping with good taste and propriety.” Merriam-Webster defines it as, “Propriety and good taste in conduct or appearance.”

In *McConnell v. Ford* ([2015 ONMIC 4 \(CanLII\)](#)) an Integrity Commissioner found that even actions done without intent to harm or actions with a commendable motive, can still lack decorum. In this incident, a councillor ran through council Chambers to assist his brother in a possible physical altercation. This was considered a breach of the requirement to act with decorum.

In *Shaughnessy (Re)*, [2017 ONMIC 8 \(CanLII\)](#) a Councillor wrote letters to the editor that did not accurately portray decisions made by Council and was “suggestive towards the intent of other council members.” The Councillor used the terms “egregious decision,” stated that the decision was “myopic and defies logic” and stated that key points were “ignored by some Council members.” The Integrity Commissioner held that those actions, in combination with other incidents where the Councillor used unparliamentary language, engaged in name calling and stormed out of meetings, breached the provision in the relevant code of conduct which required members to conduct themselves with decorum.

On February 10, 2025, the Member acted outside the scope of the decorum expected of a council meeting. The Member’s behaviour in refusing to leave the Richard Bates Room and threatening to charge other members of Council with assault is well outside what is expected of a member of Council and breaches section 18.1.

Threatening other members of Council with assault charges is also a breach of sections 5.3 and 20.1. These threats constitute an unacceptable form of intimidation as prohibited under section 20.1 and are also a form of aggressive behaviour that is prohibited by section 5.1.

3. February 18, 2025 – Reporting Incident

The essence of this allegation is that the Member misled Council by stating that a report had been filed with the police. In fact, an incident report was filed with the police; therefore, this statement was not false and was not a breach of the Code of Conduct.

Recommendation

The behaviour exhibited by the Member on February 10, 2025 was a breach of a number of sections of the Code of Conduct. The incidents were characterized with aggressive actions and threats by the Member in a circumstance entirely of her own making.

In assessing a recommended penalty, we considered that the resolution restricting the Member’s access to the Richard Bates room was not new – the Member was aware of the restriction since May of the previous year. The Member did not commence a challenge to the

resolution and instead chose to respond by openly defying Council and challenging them to engage in a physical altercation so that she could involve the police.

Not once, but twice, on the same day the Member threatened other members of Council with assault charges in situations that she created.

This type of behaviour cannot be tolerated of an elected official and our recommendation is that Council suspend the remuneration of the member for 45 days for each incident, for a total of 90 days.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



Tony E. Fleming, C.S.
LSO Certified Specialist in Municipal Law
(Local Government / Land Use Planning)
Anthony Fleming Professional Corporation
TEF