



Cunningham Swan

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CONFIDENTIAL

November 18, 2025

SENT BY EMAIL TO: rzanussi@ramara.ca

Township of Ramara
c/o Rebecca Zanussi, Executive Assistant
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. 37629-27

Please be advised that our investigation under the Code of Conduct 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. 37629-27**

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:

- September 11, 2025, complaint received;
- September 22, 2025, communication with complainant;
- September 26, 2025, send complaint package to Member;
- October 15, 2025, grant extension to respond until November 9, 2025;
- November 7, 2025, response from Member received;

Complaint Overview

A Complaint was received on September 11, 2025. The Complaint alleged breaches of the Code of Conduct by Councillor Sherri Bell (the "Member").

The complaint alleged that at a Council meeting on August 25, 2025, the Member stated that the Mayor and Deputy Mayor had still never reached out to the Member regarding the ice storm. The complaint further alleged that the Member was "combative" throughout the meeting and that during a report presented by staff the Member told the staff person that they were not a subject matter expert.

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.

5.13 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.

19.6 Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Township.

Investigation Process

In conducting the investigation, the Integrity Commissioner watched the August 25, 2025 Council meeting recording. The Member was provided with the complaint and a series of emails and phone logs attached to the complaint that set out the communications that the Deputy Mayor had with the Member about the ice storm. The Member was given an opportunity to respond in writing.

The Member made written submissions in response to the complaint, which were considered and formed part of the investigation.

The recorded Council meeting was not disputed, and no issue was taken with the email and telephone communication with the Member by the Deputy Mayor about the ice storm. The Integrity Commissioner found no reason to undertake any additional investigation as the facts were not in dispute.

Findings

Based on the recording of the August 25, 2025 Council meeting, the Integrity Commissioner finds that the Member stated that the only communication from the Mayor or Deputy Mayor related to the ice storm was on tv or radio and that Ramara's leaders were "not visible on social media". The Member also stated, "Council did not receive any contact from the leaders, the Mayor and Deputy Mayor, which is true."

The Deputy Mayor then stated that he called every day, to which the Member replied, "no, you called me once".

The Integrity Commissioner reviewed a series of emails and phone logs that demonstrate conclusively that the Member was provided with updates about the ice storm recovery frequently – as was the rest of Council. The phone logs show that the Member was also contacted by phone on more than one occasion (multiple times on April 3, as well as April 4 and 5) during the ice storm recovery.

As an example, on April 4, 2025, the Deputy Mayor emailed all of Council (including the Member) and confirmed that he had called everyone to update them verbally. He then wrote, “Sherri [the Member] I went to VM. Please reach out if you have any questions.” The email then set out point form notes with updates as to the status of work to recover from the storm.

We were provided with emails from April 7, 2025, where the Member responded to an update from the Deputy Mayor, asking questions about specifics – this request was responded to by the Deputy Mayor in less than 2 hours.

Later in the meeting on August 25, 2025, when discussing a motion about retaining walls and an interpretation of the Building Code, the Member said to staff that they were not a lawyer or a subject matter expert. This was in the context of the Member’s position that a deferral of the motion was necessary to get a legal opinion on an existing court decision about shore walls and the position of staff that building permits would be required for shore walls.

The Integrity Commissioner finds that the Building Official for the Township is an expert on whether or not a building permit is needed for construction.

Analysis

The Member made a written response to the complaint. The Member, through their paralegal, made a number of procedural objections that the Integrity Commissioner will respond to below so that Council and the Member can be assured that the Integrity Commissioner has engaged in a process that has fairness to the Member as a guiding principle:

Objection:

The Member objected to portions of the complaint being redacted, “which renders a full response impossible, denying the [Member] substantial procedural fairness rights. Including the right to be heard, the right to know the case to be met which includes the right to know the facts and evidence against the [Member].

Response:

The complainant consented to disclosing their identity. As such the only information redacted was the private address and phone number of the complainant. No other information was redacted.

Objection:

“The [Member] further objects to the repeated tunnel vision of and presumption of the IC that all complaints are true and accurate, essentially shifting the onus to the [Member].” The submission then cited a Supreme Court decision that stands for the

proposition that in criminal cases the standard of proof is proof beyond a reasonable doubt.

Response:

The Integrity Commissioner does not start from the position that the complaint is true. In this case we were assisted by a recording of the August 25, 2025, Council meeting. We have the Member's exact words used and the Member never disputed that the recording was an accurate representation of the meeting. We also have phone logs and emails – which the Member also did not dispute.

With respect to the burden of proof, the Member is wrong in law. This is not a criminal prosecution, and the standard of proof is not a criminal standard; the case law is clear that the standard of proof is proof on a balance of probabilities. Given the uncontested evidence, this standard is not at issue in this investigation.

Objection:

“The complaint is completely unparticularized as to what word, what email, amounts to what alleged offence, rendering it impossible to provide a substantial defense.”

Response:

The complaint was clear as to what the Member said with respect to communications during the ice storm. The recording of the meeting is a public document. In addition, the phone logs and emails confirming that the Deputy Mayor did communicate with the Member multiple times were provided.

Objection:

“The complaint alleges “combative and disrespectful behaviour” however there is no particularization as to what words, statements or utterances comprised this alleged behaviour.”

Response:

The Integrity Commissioner accepts this criticism and has not considered any behaviour other than as particularized in the complaint. The only behaviour considered was the statement that the Deputy Mayor did not communicate during the ice storm, and the comment that a staff member was not an expert in their field.

Objection:

The Member submitted that she was expressing herself and that such expression was protected under section 2 of the *Charter*. The Member further took the position that any restriction on such rights must meet the well-established test in *R v. Oakes*.

Response:

While we agree with the Member that her *Charter* rights, and particularly her right to freedom of expression, are clearly engaged here, we respectfully disagree that *Oakes* is the proper analytical framework. The Supreme Court of Canada has developed a specific framework for restrictions of freedom of expression in administrative decisions, known as the Doré/Loyola analysis. In *Robinson v. Pickering (City)*, 2025

ONSC 3233, the Divisional Court very recently confirmed that this is the correct analytical framework to apply when an Integrity Commissioner's application of the Code of Conduct may impair a council member's freedom of expression.

The Doré/Loyola analysis requires us to balance the *Charter* protections of the freedom of speech, on the one hand, with the statutory objectives of the Code of Conduct on the other. (*Society of British Columbia v. Trinity Western University*, 2018 SCC 32 57-58.)

First, we acknowledge that the Member undoubtedly benefits from the freedom to express herself under the *Canadian Charter of Rights and Freedoms*. This right is of crucial importance for anyone, as it allows full participation in a democratic society. Courts have recognized that political speech is particularly important. In this case, we acknowledge that the Member was raising comments and concerns about how a major weather event was handled by the Municipality and its Council; again, this is a matter of political importance and one in which the Member's ability to express her concerns will be paramount.

Against this backdrop, we must balance the values underlying the Code of Conduct provision. The specific language of the Code prohibits members from making a statement which they know to be false, or making statements with the intent to mislead Council, staff or the public. This, too, represents an important value: politicians occupy a privileged place in our society and our government. As a councillor, the Member is in a leadership position in her community and speaks from a place of authority.

Prohibitions on knowingly making false statement or intentionally misleading others seek to protect the integrity of Council's role and of political debate. Put simply, the public puts its trust in members of Council, and the Code requires that those members do not knowingly or intentionally abuse that trust. The ice storm in March 2025, was undoubtedly a matter of public interest and concern, and there is also undoubtedly a public interest in evaluating how the municipality handled this challenge. Avoiding intentionally incorrect or misleading statements on this topic is of high importance.

After considering and weighing these competing values, we conclude that, in the present circumstances, a finding that the Member breached the Code is a reasonable infringement on her right to freedom of expression protected by the *Charter*. While it is undoubtedly important that the Member be able to express herself, particularly given her role as a politician, it is also important that she not intentionally mislead the public. This infringement on her freedom of expression is narrow. The Member was fully within her rights to raise concerns about the ice storm and how it was handled; she was not entitled to mislead the public about how the Mayor and

Deputy Mayor communicated the issue to members of Council. The Integrity Commissioner finds that this limited infringement on the right of expression is reasonable.

Ice Storm Communication

In response to the complaint, the Member argued that since the storm took place on March 29 and communications did not occur until April 3, that the statement that no communication occurred was truthful. The Integrity Commissioner disagrees.

The Member made it clear in her statements on August 25, 2025, that she wanted a debrief about the ice storm, and one of the reasons for that was that during the event the only communications were on tv or radio and that, “Council did not receive any contact from the leaders, the Mayor and Deputy Mayor”. The context of both the event and the comments made on August 25 refer to not simply the storm itself, but more importantly how residents received aid and information while the Township was recovering.

The Member then argued that the Integrity Commissioner was, “not empowered with the jurisdiction to make orders, or ruling surrounding the ‘truthiness’ of any statement.” This is not correct. The *Municipal Act* empowers an Integrity Commissioner to engage in an inquiry to determine if a member has breached a provision of the Code of Conduct. Where, as in this investigation, the provision at issue concerns whether a member has been truthful the inquiry must, of necessity, consider the ‘truthiness’ of the impugned statement.

The assessment of whether the statement made by the Member was truthful is not difficult based on the evidence provided in the investigation. The Member received multiple phone calls and emails with updates and engaged in a back and forth with the Deputy Mayor about those issues on one occasion.

The Member’s statements:

“Council did not receive any contact from the leaders, the Mayor and Deputy Mayor, which is true.” and

The Deputy Mayor stated that he called every day, to which the Member replied, “no, you called me once”.

are objectively false.

The Member breached sections 5.1 and 5.13 of the Code of Conduct.

The Expertise of Staff

With respect to the allegation that the Member stated that a member of staff was not an expert in Building Code matters, the Member argued that they ought to be able to challenge the

expertise of staff. The Member argued, “it cannot be misconduct to simply have a different opinion as to what constitutes an expert and whether or not the person providing the report is indeed an expert”.

As with most investigations of this nature, context matters. If Council were debating competing expert reports it might be relevant to assess relative expertise. However, this was a case where the Township’s Building Official was explaining their interpretation of the Building Code. Stating that this staff person was not a subject matter expert is not about competing interpretations; it is an insult to the staff person and a condemnation of their qualifications. And this condemnation was made in an open session of Council, livestreamed and recorded for posterity.

Section 19.6 of the Code of Conduct states, “all members shall show respect for the professional capacities of the staff of the Township”. The Member’s challenge of the expertise of staff in this instance breached section 19.6.

As with the allegation that the Member was untruthful, the Member argued that the *Charter* protects their right to make such statements and challenge the expertise of staff. Our analysis above is the same with respect to this provision of the Code of Conduct. Freedom of expression does not insulate a member of Council from limitations that they be respectful and not publicly demean the professional qualifications of staff. On balance, we find that this provision of the Code of Conduct does not materially impair the freedom of expression of the Member.

Recommendation

The Integrity Commissioner recommends that the Member’s remuneration be suspended for a period of 40 days for the breach of sections 5.1 and 5.13.

The Integrity Commissioner recommends that the Member’s remuneration be suspended for a period of 20 days for the breach of section 19.6.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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