

# **CITY OF GREATER SUDBURY INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN**

**Citation: Complaint re: Councillors Mike Parent and Natalie Labbé  
re: Social Media Comments on the Landfill Fee – DGB – Greater  
Sudbury ICI -2024-04**

**Short Citation: Parent, Mike and Labbé (Re)**

**Date:** October 11, 2024

## **REPORT ON COMPLAINT**

### **Introduction**

[1] I received a complaint on June 4, 2024 from a complainant who desires to remain anonymous regarding social media posts made by Cllrs. Parent and Labbé. The Complaint alleges that these posts violate the Social Media Policy for Members of Council and Local Boards and s. 17 of the Greater Sudbury Code of Conduct (“the Code of Conduct,” “the Code” or “the COC”). This first Complaint was withdrawn by the Complainant by email dated September 3, 2024.

[2] Also on June 4, 2024, I received a second complaint from a different complainant who also wished to remain anonymous regarding the same social media posts that were referenced by the first complainant, with the same allegations of breach of the COC. This Complaint has not been withdrawn.

### **Facts Provided by Complainants**

[3] Both complainants provided screenshots of Facebook posts made by Cllrs. Labbé and Parent to a Facebook group called “Our Valley East Communities” (“OVEC”). This group is open to the public and my office was able to independently confirm the veracity of the posts, which are included in this report as **Appendices A through D**.

[4] On June 3, 2024, Cllr. Parent posted the following, along with a picture of the Greater Grand Sudbury Landfill and Waste Diversion site:

IMPORTANT update to address misinformation - another VE page is communicating that Council approved a \$5 gate dump fee in the last budget. This fee was NOT explicitly shared with council at budget discussions and was slipped into a line item on page 633 of our 670 page budget binder. This council had refused to implement this fee the preceding year when it was presented in a business case. The moment I was made aware of this I drafted a motion to suspend these fees before they go into effect. I will be looking for support from my peers to support my motion and stop these fees at our next council meeting. Because of my motion the city has paused communicating about the new user fee.

[5] On that same day, Cllr. Labbé posted the following comment on Cllr. Parent's post:

You will have my 🙌 Support as you know and it's just one more example of how Staff conveniently forgot to inform Council about this! Thank you for setting things straight because if I did it, I would certainly be dragged thru the mud over it again! When is Council going to receive ALL information we need to know instead of just bits and pieces. And people wonder why I say I have no trust? 🙄

[6] Cllr. Labbé also replied to a comment on her post which rhetorically questioned why people "don't trust city staff or council", stating that there are those who are "trying to change that" but that doing so was exhausting.

[7] She also went onto share Cllr. Parent's post via her Facebook page, adding that she will be supporting his motion and that she is grateful he is addressing the gate fee issue because if she were to do so, because she is a woman, she would be accused of "trying to start more drama." Cllr. Labbé continued by noting that Council declined to approve the gate fee when it was brought before it as a business case in 2023 and that "it's growing continuously frustrating to be blindsided over and over" and asked "what else weren't we told about?" She further states that Council is not a group of "auditors". Instead, she analogizes Council to a Board of Directors in a governance role, who are not required to pick apart City budgets line by line because "the onus is on Staff to bring changes forward to us" and that if Council does not know about items included in the budget, it cannot "make proper decisions". In conclusion, Cllr. Labbé noted that she will not "apologize for speaking up for what's right!"

[8] In or about the first week of July,<sup>1</sup> a member of the OVEC Facebook group replied to Cllr. Parent's original post, asking what the result of his motion was. Cllr. Parent responded that it did not receive sufficient support to pass, meaning that gate fees would begin on July 1, 2024. The group member then asked for a record of the vote on the motion. Cllr. Parent responded with a screenshot indicating who amongst the councillors voted for and against the motion.

[9] The Second Complainant also provided a link to a June 4, 2024 Sudbury.com article written by Tyler Clarke titled "[Upcoming \\$5 landfill fee called to question by Ward 5 councillor](#)". The article indicates the following:

- Cllr. Parent was preparing to make a motion to rescind the landfill gate fee at the June 25 Council meeting. The fee was expected to yield \$649,000.00 in net revenue;
- The article also refers to the 2024-2025 proposed budget, which includes the fee as a line item on page 633, as stated by Cllr. Parent in his post;
- It also refers to answers provided by City staff in response to questions pertaining to the Budget submitted by the public. An appendix attached to the series of answers published by staff on November 23, 2023 includes a

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<sup>1</sup> Facebook posts do not always display the date on which a post was made. Instead, they may state the number of weeks which have passed since a post was made.

breakdown of the adjustments made to the Budget to reduce the City’s base budget by \$10.5 million. Included on that list is a line item titled “Implement flat rate gate fee per landfill and transfer station visit (Environmental Services)”;

- As noted in the article, Cllr. Parent told Sudbury.com that councillors were presented “with a ton of information” and that “some of us are doing our absolute best, but there’s just no way we can pick up on all these intricacies and details when...being presented with an \$800-million budget.” Cllr. Parent argued that the 2023 business case, which proposed a landfill gate fee, should have been brought before Council before Budget talks;
- A spokesperson for the City clarified that if no motion is made on a published business case, it is not automatically denied, and the idea can be reintroduced at a later point;
- The article concludes by discussing Cllr. Labbé’s posts referred to above.

## **Investigation**

### **2024-2025 Proposed Budget for Greater Sudbury**

[10] My office reviewed the [2024-2025 Proposed Budget](#) for the City (the “Budget”). It is 678 pages long. There is a section titled “User Fees”. Such fees are described as “fees charged by municipalities to recover costs for providing services”. Taxes collected via property taxes are not applied to services paid for by service fees. The Budget explains that the purpose of these fees is to ensure tax fairness and equity because the direct beneficiary of the service is responsible for its cost. User fees are not applied to services that benefit the entire community, like emergency services.

[11] The Budget goes on to explain that the User Fee Framework was first established during the 2021 Budget deliberations. They are based on underlying principles, which include equity, full cost recovery and transparency. Municipal services are categorized into four categories; (1) community benefit, (2) primarily community benefit and less individual benefit, (3) less community benefit and primarily individual benefit, and (4) individual benefit. Services are subsidized on a sliding scale by property taxes where they primarily for the benefit of the community to being completely user-funded where they only benefit an individual.

[12] The 2024-2025 User Fee Schedule is included in the Budget. Under Schedule “G&I-2” – Environmental Services, p. 643 of the Budget, the “Waste Management” category includes a “Landfill Gate Fee” of \$5.00 for 2024 and 2025. It is also stated that there was no gate fee for 2023.

### **2024-2025 Budget Questions and Answers published November 23, 2023**

[13] My office also reviewed the [Question and Answers document and Appendix A](#) attached thereto produced on November 23, 2023 by City staff in response to questions asked by Council and the public during budget deliberations. The document (excluding Appendix A) is two pages

long. The second question in the document was a request for details on a slide presented to Council during Budget deliberations titled “How We Balanced the Budget”. Included as part of the answer was the following:

Details for the following [6 categories] are included in Appendix A:

...

3. User Fee Changes

...

[14] In Appendix A (which is a one page document), under “3. User Fee *Review*,” [emphasis added]<sup>2</sup> one of the line items reads: “Implement flat rate gate fee per landfill and transfer station visit (Environmental Services)”. Projected revenues from this user fee were then listed as \$317,500.00 and \$649,000.00 for the City in 2024 and 2025, respectively. The Budget Q & A dated November 23<sup>rd</sup> is attached as **Appendix E** to this Report.

[15] I was provided with an email from “Budget” to all Members of Council dated November 23, 2023 attaching the 2024-2025 Budget Q & A dated November 23, 2023 with Appendix “A” attached, which are the same as the documents reviewed above.

### **Prior Consideration of Landfill Gate Fee**

[16] At its meeting on November 30, 2022, Council were presented with business cases for the 2023 budget. Council spent a long time deliberating whether to resolve to consider these business cases during 2023 budget deliberations. Council ultimately did end up resolving to consider all business cases as part of the 2023 budget deliberation process. They did not specifically discuss the landfill gate fee. The matter was therefore deferred to the 2023 budget debate, not voted against, at that meeting.

### **Motion to Reconsider Landfill Gate Fee at June 25, 2024 Meeting**

#### Motion

[17] Cllr. Parent made a motion to Council at the June 25 meeting which read as follows:

CC2024-153

Moved By Councillor Parent

Seconded By Councillor Benoit

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<sup>2</sup> I find this wording curious – why is it called “Review” if it was intended to be applied upon Council’s approval of the Budget?

WHEREAS during the 2024-2025 budget deliberations, City Council approved the 2024-2025 budget which included a new user fee to implement a \$5 flat rate gate fee per landfill and transfer station visit;

AND WHEREAS the implementation of the flat rate gate fee was not presented as a business case for the 2024-2025 budget as it had been in the 2023 budget, which business case did not receive Council support at that time;

AND WHEREAS By-law 2024-28 to Establish Miscellaneous User Fees which includes the landfill gate fee at Schedule G&I-2, was read and passed by City Council on February 27th, 2024 by Resolution CC2024-49;

AND WHEREAS City Council wishes to reconsider the implementation of the \$5 flat rate gate fee per landfill and transfer station visit;

THEREFORE BE IT RESOLVED THAT Resolution CC2024-49 be reconsidered.

#### Discussion of the Issue

[18] The following statements were made in connection with the motion to reconsider:

#### Timestamps

2:44:10 Mayor notes that 2/3 of Council is required to approve the motion because it is a reconsideration.

2:44:45-2:46:20 Cllr. Parent notes that he has been open about not being aware that the gate fee was included in the 2024/2025 Budget when he voted to approve it. He says that other members of Council told him that they were also not aware that the gate fees were included in the budget.

He reiterated that he is not disputing that the gate fees were included in the budget and that they were included in the Q&A document.<sup>3</sup>

He met with the CAO Ed Archer and they agreed to explore new ways to present such fees or changes to Council.

He reminds Council that the gate fees were presented as a business case in 2023<sup>4</sup> and council unanimously did not

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<sup>3</sup> Though not specified, I presume Cllr. Parent meant the Appendix to the November 23, 2023 Question and Answer document produced by staff.

<sup>4</sup> Cllr. Parent's statement that landfill gate fees were presented as a business case in 2023 and council unanimously did not support it in the business case template is incorrect; at the November 30, 2022 Council meeting, the matter was deferred until the budget debate in the early part of the next year, but then for some unknown reason, it was not

support it in the business case template, which provided details about the fee and the service.

Since the fee was introduced, Cllr. Parent has received calls from constituents upset about the fee because that they think that the cost of dumping should be provided at no additional expense to them as a core service of the City covered by property taxes.

2:46:32 Cllr. McIntosh calls a point of order stating that Cllr. Parent, in his comments introducing the motion, debated the issue and that those on the “other side” should be able to provide their point of view.

She stated that the business case for gate fees in 2023 was not debated because it was never tabled. It was just a business case.

2:47:00 The Mayor agrees that it is not fair to just have a single member speak on an issue, but states that is the process for bringing motions – he reiterates that 2/3 is required to reopen the debate regarding the

#### Vote Results

[19] The result of the vote was as follows:

YEAS: Councillor Signoretti, Councillor Parent, Councillor Fortin, Councillor  
(6) Labbé, Councillor Benoit, and Councillor Brabant

NAYS: Councillor Sizer, Councillor McIntosh, Councillor Cormier, Councillor  
(6) Leduc, Councillor Landry-Altmann, and Mayor Lefebvre

Absent Councillor Lapierre  
(1)

#### Response of Councillor Parent

[20] I sent Cllr. Parent particulars of the Complaints on September 9, 2024 and requested his Response by September 20<sup>th</sup>. In his Response delivered on September 17th, Councillor Parent made the following points:

I began receiving messages from upset constituents about impending gate fees. A post had been made about this on another FB page. I inquired with a couple of my peers and they knew nothing of these fees. When I inquired with a staff member the response I received was the following: *“Hello Councillor, This was part of the approved budget line account items.”* I looked through the binder and eventually

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brought back on for consideration at that time. In any event, Council merely deferred the matter, it did not reject a landfill gate fee at that time.

found this line item at the back of the binder and this was the first time I learned of the gate fee.

Some history:

The previous year, this gate fee was presented to council in a business case (see below). Being new to council I was told that material changes in service levels or requests that have tax levy impacts are shared with council in a business case so they can be debated with all relevant details available and council would determine if the business case is approved and included in the budget as an expense or revenue. At one of the Finance meetings that same year, Councillor Labbee asked what happened to business cases that were debated but not supported, and the response given by Councillor McIntosh, who Chairs the Finance Committee, was something to the effect that that the associated initiatives die with the business case if the business case is not supported. As a new member of council, I viewed these business cases as the process by which material changes are debated and included or excluded from the next year's budget.

Budget direction was given to staff in the late Spring of 2023 and at the time it was known that there was a significant gap between the levy increase approved by council and the forecasted operating budget which meant cuts to the operational budget or increase in revenues required to achieve the ceiling of the approved tax levy increase.

In the Fall of 2023, we received the large budget binder but now we were approving a 2-year operational budget and a 4-year capital plan, a first for the City of Great Sudbury. This added to the review work for members of council. Now we had to consider all changes (with impact to the tax levy) over the next two years and all capital work for the next 4 years. I spent much of my time ensuring I understood the business cases being presented and the capital work we would be approving for the next 4 years.

I don't dismiss the fact that the fees were mentioned in a Q & A document we received by email and possibly a casual mention in a slide which was part of a large volume of information presented without opportunity to review before the meeting. For reasons not known to me, no business case was provided for members of council for the 2024 budget as my experience had taught me that there should have been. The work to prepare a business case would have been a very minimal effort of changing the date and refreshing any info from the previous year's business case. These were the circumstances that led me to state that the gate fee was slipped into the budget and how it was included circumvented the process for a material change (business case) for the introduction of a new user fee.

### **Response of Councillor Labbée**

[21] I sent a summary of the Complaints (essentially, paras. [3] – [19] above) to Cllr. Labbee by email on September 9<sup>th</sup> indicating that pursuant to s. 21.(7) of the Code of Conduct, I wanted her written Response to the Complaints by September 20<sup>th</sup>. Cllr. Labbee emailed me on September 13<sup>th</sup> confirming that she would file a written Response but wished to speak with me before doing so. We therefore arranged a telephone call which took place on September 16<sup>th</sup>. Despite that call lasting at least one hour, I found that very little of what was said by Cllr. Labbee during that call addressed the merits of the Complaints against her; rather, her focus was on collateral issues. Not having received anything in writing from her, I wrote to her again on September 30<sup>th</sup> providing her with notice of my intended findings and sanction and requested her position on these pursuant to s. 21.(9) of the COC. She provided submissions in response to this email on October 6<sup>th</sup>.

[22] Cllr. Labbee’s Response was as follows:<sup>56</sup>

I fully supported the motion [proposed by Cllr. Parent] to ask for a reconsideration of Council to suspend the landfill gate fee with Councillor Parent. Why is this even being considered a complaint? Am I not allowed to publicly support a colleague? I believe there is nothing preventing me from doing so.

Using the words “forgetting to inform Council” is the most professional way I could convey that message without crossing the line. At the time the statement was made in June 2024 (4 months ago), there were two examples of how Council had been surprised and unprepared by media stories about issues we hadn’t been properly informed about, namely the 9&11% wage increases in May 2024 and one other instance that I won’t discuss or disclose for fear of another complaint being issued. Clearly, the CGS INFORMATION FLOW PROTOCOL wasn’t followed, but I didn’t speak publicly or criticize any staff over that topic. I showed restraint. Both instances occurred within weeks of each other, and I don’t understand why it’s taken so long to bring this complaint to our attention, when these sanctions were already imposed on us for the first IC complaint received and dealt with. I was handed a reprimand and the point was made clear that I need to be more mindful in the way I approach issues on concern when it comes to being critical of staff and I recognize that. It’s well over the 90 days as laid out in the COC.<sup>7</sup>

I maintain that the \$5 gate fee should have been presented as a Business Case, as it had been the year prior. It is not only a large material change at over \$500,000 annually moving forward, but it also goes against the direction of Council made in October 2023 to not introduce any new user fees.

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<sup>5</sup> I have treated her response to my proposed Findings as her S. 21.(7) Response and have treated her Response to the proposed penalty as her s. 21.(9) Response.

<sup>6</sup> I have edited her Response to remove some repetition.

<sup>7</sup> At least part of the reason for the delay was Cllr. Labbee’s failure to provide her Response to the Complaints in a timely fashion.



It is very easy to check comments on various community pages on Facebook and local media online that supports the statement that the public has a lack of trust towards City Staff and elected officials (municipal, provincial and federal). By speaking up at Council meetings and responding to the public “tagging” myself and Councillor Parent, it is demonstrating to the public who elected us, that we are open and transparent with them and that we recognize their apathy and mistrust. By providing information, directing them to the City website for accurate information and reports, and answering their questions, we hope to bridge the mistrust and create a respectful dialogue to rebuild trust. There have been far too many issues, especially since amalgamation which cannot be denied. This is rampant in the outlying Wards especially, of which Councillor Parent and I reside in and represent.

As for my comment about being a woman; it is well documented that women in politics experience sex discrimination on a regular basis. Whomever the “Anonymous” person is who filed this complaint against me is participating in that simply by making it part of the complaint in the first place. It’s beyond ridiculous for anyone to even try to bring this to anyone’s attention thru this complaint process. As the IC, you could choose to omit this, but you have decided to leave it in to contribute to that. I find that extremely chauvinistic. The only reason it’s brought up is to try to discredit me even more because I feel that is the intent behind the Anonymous complainant in adding it to the complaint in the first place. It’s retaliatory in nature. Plain and simple.

Council is the Board of Directors for the Corporation. We have a governance role. We are not required to go line by line in a budget, nor should we be expected to. It is the job of staff presenting the Budget to identify significant material changes, which are presented as Business Cases for consideration. We should not be expected to know something is added, especially when it includes increasing User Fees, which Council explicitly directed staff not to do.

With all due respect, you don’t have the right to assume how much time I spent on reviewing anything. I have reviewed the Q&A again and so have several of my peers that I have shared my concerns with. I would like you to show me where in the Q&A that it speaks about the \$5 landfill gate fee. It’s not there. Not a mention of it at all. The 5\$ Landfill gate fee was a major material change in the budget that we expected to be a Business Case. It was not presented that way and it was never made mention of during any Budget meeting of Council and Staff for discussion or to vote on it. It was approved as a line item that was never discussed; hence the reason Councillor Parent said it was “slipped” in. The Appendix mentions it as a User Fee REVIEW.

Although only myself and Coun. Parent spoke publicly about this, once Coun. Parent brought forward his motion for reconsideration of the Landfill gate fee, HALF of Council voted in support of finally having that discussion. Those who voted in favor of the discussion for the reconsideration were made up of newer Councillors, as well as seasoned Councillors. I cannot speak as to why others didn’t support the reconsideration, but if they had, perhaps a more robust and transparent

conversation could have been had and it may even have been overturned at that time.

When information is presented in the Budget process, it's not only for the benefit of Councillors to understand what we are approving, but it's also for the benefit of the taxpayers; many who pay attention to those details. If the Landfill gate fee was presented as a Business Case prior and not brought forward for consideration, especially when I explicitly asked about these Business Cases and the Chair of Finance confirmed that "they go to die", and then there is no discussion in open Budget meetings about it, but it resurfaces as an internal memo to Council by the CAO to let us know that the communications about the Landfill gate fee is going out, why is that ok? The public had no idea during Budget that it was passed. None of the media picked up on it at that time either. Council is just supposed to stay silent and not question why it happened that way and then be made to look incompetent or negligent in reviewing budget materials instead? As an elected official, I am prepared for a reasonable amount of criticism in the work we do, but this was an instance where we were largely unaware of this material change.

I never once mentioned certain staff by name in any social media post or statement at any time regarding the \$5 Gate Fee. I feel that by you inserting this into your summary, you are hoping to establish a pattern whereby I am implicating two specific staff and that is not accurate at all. Our executives are very professional in the work they do and I acknowledge their roles, however, when we have questions, it is our job as Council to ask those questions and seek clarification. Similarly, if we are accustomed to receiving information in a certain manner, we should expect that to remain consistent. There are other Staff that could have provided context to the material changes suggested to Council from the Q&A appendix for clarity, as it is their department, but that didn't happen. Questions didn't arise by any of us because we expected a business case. When there wasn't one, I assumed that it was a non-issue. Also, the Appendix mentions only a User Fee REVIEW. There still should have been a proper Business Case for the 5\$ landfill gate fee. It would have been as simple as changing the date.

It was also the first time that we have ever implemented a 2 year Operating & 4 Year Capital budget, so all of it was new and also done rather quickly. I admittedly spent most of my preparation in advance on learning the Business Cases and the 4 Year Infrastructure commitments, especially where it would affect the Ward I represent, as I know that residents would have questions specifically about road improvements and recreation.

As a result of this situation regarding the \$5 Gate Fee, Council has had several conversations about how we can improve the Budget process and treat it with more diligence and detail, to ensure that Council and the public can better understand and not be rushed thru in two days, as has been common practice the last two Budget cycles. Council and Staff have recognized that our Budget process needs to change to prevent confusion and allow for proper time devoted to each Department. We have committed to this in the upcoming months and myself and my colleagues are

hoping for a more seamless and clear result so that misunderstandings like this can be avoided. Also understand that this misunderstanding was realized and shared by more than just myself and Councillor Parent, however I believe that this complaint has come as a result of a targeted smear campaign to attempt to discredit and silence Councillor Parent and Myself, unfortunately. This will also make other Councillors wary in speaking up or commenting in the future. We should feel like we are being muffled, or else.

## **Relevant Legislation**

### **Code of Conduct**

[23] The relevant provisions of the Greater Sudbury's COC are as follows:

#### Conduct Respecting City Employees

14. (3) No Member shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical reputation, or the prospects or practice, of any one or more City employees.

#### Discreditable Conduct

15.(1) Every Member shall:

(a) treat other Members, City officers and employees, and members of the public, appropriately, and without abuse, intimidation, harassment or violence; and

#### Respect for Decision Making Process

16. (2) Every Member should refrain from making statements known to be false or with the intent to mislead Council or the Local Board as the case may be, or the public.

#### Social Media

17. Every Member shall:

(a) adhere to any and all City policies and guidelines, regarding social media use; and

### **Social Media Policy for Members of Council and Local Boards**

[24] The relevant provisions of the Social Media Policy are:

#### Respect for other Members, Staff and the Public

1. (1) The expectation for conduct of Members on Social Media shall be the same as the decorum that is expected from Members in meetings of the Council. When communicating on Social Media, Members shall act with respect,

dignity, courtesy and empathy towards others, and adhere to the same requirements described in the Code of Conduct as they would for any form of communication. Members shall ensure that debate is constructive and does not include personal attacks, discrimination, harassment, intimidation or insults. Communications that are not respectful are inconsistent with the Code of Conduct and unbecoming of the office that Members hold as elected representatives.

- (2) The public and permanent nature of Social Media can increase the risk of harming the professional and ethical reputation of municipal staff. When using Social Media, Members shall, at all times, be respectful of the role of staff to provide professional and politically neutral advice. Members shall not use Social Media to make personal attacks or engage in criticism of municipal staff.

#### Accuracy of Information

2. Information posted to Social Media creates a permanent record. Members shall ensure that the content they post on Social Media is accurate and factual. Members shall not post or allow the posting of any content which they know or ought to know is misleading or false.

## **Findings**

### **Councillor Parent Complaint**

[25] The thrust of Cllr. Parent’s statement was that the proposed fee was not explicitly shared with Council during budget discussions and was *slipped* into the budget as a line item. Cllr. Parent does not mention City staff directly, though it is clearly implied as who else would have “slipped” the item into the budget if not staff? Although no particular staff person was mentioned, those looking to place blame would likely point the finger at the General Manager, Corporate Services (whose department is responsible for putting together the budget materials) and/or the CAO.

[26] Although this is very close to the line in that “slipping” something in implies sneaky, underhanded behavior, I am not prepared to find that it constitutes “maliciously, falsely, negligently, recklessly, or otherwise improperly, injur[ing] the professional or ethical reputation, or the prospects or practice, of any one or more City employees” based on the use of that one word standing alone. Finding injury in this circumstance would potentially set the threshold for injury to City employees so low so as to impede the ability of councillors to engage in appropriate public comment on matters of importance, including respectful criticism of the actions and decisions of staff.<sup>8</sup> I am also taking into account the fact that, given the landfill user fee was not accepted by Council the previous year when presented as a business case, Cllr. Parent had a reasonable expectation that the item should have been flagged. I therefore find no violation of s. 14 of the COC.

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<sup>8</sup> See my detailed discussion of this issue in my Report on the prior Labbee/Parent Complaint cited as DBG-Greater Sudbury ICI-2024-03.

[27] The City's Social Media Policy allows for members to use social media within prescribed guidelines set out in the policy. Due to the permanent nature of social media, the Policy provides that members should be respectful of the role of staff and should not use social media to engage in criticism of municipal staff, malign a decision or the authority of Council and must clearly identify when they are expressing personal views and not those of the City.

[28] One of the fundamental tenets of municipal law is that a municipal council acts as a collective body. This principle is encapsulated in s. 14(1) of the Code, which states that only Council as a whole may, among other things, approve budgets. Section 16 of the Code requires that councillors accurately communicate the decisions of Council so as to encourage respect for the decision-making process. Cllr. Parent's comments do not necessarily misstate the decision of Council, although he may have undermined the trust and confidence in its decision-making by expressing that line items can be *slipped* into the Budget and seemingly be missed by Members of Council.

[29] The City's Social Media Policy goes further than the Code and requires that councillors not "erode the authority of Council." By stating that the landfill gate fee was *slipped* in to the Budget, Cllr. Parent eroded the authority of Council by implying that passing the Budget, or at least that particular line item, was done in error,<sup>9</sup> when in fact he had no basis for purporting to speak on behalf of all of Members of Council in asserting that they had been misled. In doing so, Cllr. Parent violated the City's Social Media Policy.

### **Councillor Labbé Complaint**

[30] Cllr. Labbé's made the following statements of relevance to the subject Complaint, which I summarize as follows:

- She supports Cllr. Parent's motion to suspend the landfill gate fees;
- The inclusion of the gate fee in the Budget is *another example of Staff "forget[ting] to inform Council;"*
- Council did not receive all the information it required before approving the Budget;<sup>10</sup>
- She has "no trust" [referring to City staff];<sup>11</sup>

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<sup>9</sup> Put simply, my understanding of Cllr. Parent's comment is that, because Council was not fully aware that it was voting to pass landfill gate fees, it did so in error. This is clearly Cllr. Parent's personal feeling towards the matter. He does not express it as such. Instead, he states that the fee was not explicitly shared and was slipped in as a line item.

<sup>10</sup> I understand the implicit meaning of this statement, based on the context in which it was made, to be that Staff failed to inform to properly inform Council of the landfill gate fee.

<sup>11</sup> Though not directly referenced, I understand the implicit meaning of this statement, based on the context in which it was made, to be that Cllr. Labbé does not trust City staff.

- She is trying to change the public’s purported lack of trust of both Staff and Council;
- If she had moved to suspend the landfill gate fee, because she is a woman, she would have been accused of “trying to start more drama”;
- Council had previously declined to include the gate fee in the Budget after the fee had been presented to Council as a business case in 2023;
- She is frustrated about being “blindsided over and over” and questions “what else we weren’t told about” [clearly meaning councillors being blindsided and kept in the dark by staff];<sup>12</sup>
- Council is more akin to a board of directors than it is to a group of auditors and is not required to review all line items included in a City budget;
- Staff is required to present changes included in a City budget to Council;
- If Council is not made aware of items included in a budget, it cannot make proper decisions; and
- She will not apologize for “speaking up for what’s right”

[31] Cllr. Labbée’s direct criticism of municipal staff includes; staff purportedly “forgetting” to inform Council about the gate fee; that staff has blindsided her and Council “over and over”; and that there are potentially other items included in the Budget or in other contexts which staff did not tell Council about.

[32] More concerning, Cllr. Labbée further states that she does not trust municipal staff and perpetuates an unsubstantiated claim that the public does not trust staff or Council.

[33] In my opinion, this is the second complaint in a row that I have investigated involving Cllr’s Labbee and Parent where it appears that while Cllr. Parent has skirted close to the line of proper v. improper conduct, and perhaps a little over it, Cllr. Labbee seems to be unaware of where that line is at all.

[34] In a previous decision, DBG-Greater Sudbury ICI-2024-03 involving Cllr. Labbee, I referred to a paper entitled “The Evolving Role of City Managers and Chief Administrative Officers”, which had been cited in the *Byford v Matlow* decision by the Integrity Commissioner for Toronto.<sup>13</sup> The paper provides some helpful suggestions concerning how Council can properly speak about and potentially criticize City employees. One of the authors’ recommendations is not

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<sup>12</sup> Again, though not directly referenced, I understand the implicit meaning of this statement, based on the context in which it was made, to be that Cllr. Labbée is saying that she and other members of Council were blindsided by municipal staff and is questioning what else municipal staff failed to tell Council about.

<sup>13</sup> *Byford v Matlow*, 2018 ONMIC 5 (CanLII), <<https://canlii.ca/t/hv1ts>; Michael Fenn and David Siegel, IMFG Papers on Municipal Finance and Governance No. 31 • 2017

to “air dirty laundry in public.” They suggest that when a member has a grievance with a particular employee or group of employees, they should first rise their comments with the CAO instead of making them directly in public. I note that while Cllr. Parent did speak with the CAO about better ways of flagging budget issues for councillors, he also voiced his concern in social media.

[35] I further noted in DBG-Greater Sudbury ICI-2024-03 that previous IC decisions indicate that while respectful criticism of staff is permissible, once comments veer into impugning the trustworthiness of staff, suggesting this was a longstanding pattern of behavior and implying that the public has no respect for the City’s staff and Council, they fall within the realm of misconduct.

[36] Cllr. Labbée’s comments clearly offend s. 14(3) of the Code. They are not respectful of the role played by City employees to provide professional service and advice. These comments could clearly interfere or deter employees from performing their duties in a manner prescribed by their profession. Based on these comments, employees may feel concerned about assembling future budgets or documents on which Council will vote. As stated by Cllr. Parent in his interview with Sudbury.com and as is clear from the Budget, there was much information for councillors to review in advance of passing the Budget. In the future, Staff may be concerned that certain members of Council have not been appropriately alerted to specific items in the budget, at the expense of other line items. It is the role of staff to prepare budgets and the role of Council to review and vote on budgets. Had Cllr. Labbée spent more time reviewing the Question and Answer documents prepared by Staff, she would have been alerted to the proposed new landfill gate fee.

[37] Furthermore, although Cllr. Labbée does not specifically mention the name of any City employee, her comments certainly point in the direction of the General Manager, Corporate Services and/or the CAO, and, indeed, impugn the trustworthiness of City staff as a whole. In that regard, when read as a whole, Council Labbée seems to imply that staff deceived Council about the gate fee and that they may have done so with respect to other matters as well. It does not seem logical to restrict the interpretation of s. 14(3) solely to instances in which a specific employee or multiple employees are named. While the potential consequences or fallout for a named employee may be more severe, there are certainly still consequences for and harm to the reputation of *all* City employees due to Cllr. Labbée’s public statements. For that reason, s. 14(3) of the Code should apply to these statements.

[38] Like Cllr. Parent’s comments, Cllr. Labbée’s comments specifically undermine the trust and confidence in the decision-making process of Council. In addition, Staff *did* inform Council of these additional fees, as reference to them were included in the Appendix to the November 23, 2023 Question and Answers document. Her comments are in breach of s.16(1) and (2) of the Code, which require members to accurately communicate the decisions of Council such that trust and confidence in the decision-making process is encouraged and refrain from making statements known to be false or with the intent to mislead, among others, the public.

[39] These comments also offend the City’s Social Media Policy and therefore s. 17 (a) of the Code. The OVEC Facebook group has over 4,000 members.<sup>14</sup> The Policy explicitly prohibits engaging in criticism of municipal staff via social media. That is exactly what Cllr. Labbée has

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<sup>14</sup> As of August 20, 2024, the OVEC Facebook Group had 4,400 members.

done. As stated above, she has also undermined the authority of Council, contrary to s. 8 of the Policy, by suggesting that Council was not told about the gate fee or that it was added to the Budget without any prior notice. Lastly, Cllr. Labbée should have known that Council had been informed of the gate fees via the November 23, 2023 Question and Answer document. Her comments violated s. 10 of the Policy by posting comments which she ought to have known was misleading or false.<sup>15</sup>

### **S. 21.(9) Notice Submissions**

#### **Cllr. Parent**

[40] I provided notice to Cllr. Parent of my intention to make a finding that he violated the Code of Conduct, including the text of paragraphs [25] – [29] above, and that I was provisionally considering a reprimand as the recommended penalty for this breach.

[41] In his response received on October 1, 2024, Cllr. Parent referred to a Council Resolution from its meeting on October 10, 2023, which had not previously been provided by him or Cllr. Labbee, or referenced by either of them, in their prior submissions:

#### Resolution Number CC2023-243

Title: Request for Inclusion of Operational Efficiencies to Address Cost Reduction of \$10.5 Million in 2024-2025

Draft Budget Date: Tuesday, October 10, 2023

Moved By Councillor Parent; Seconded By Councillor Signoretti

WHEREAS the draft 2024-2025 operating budget presented on September 19th, 2023 which is currently under development, requires an average property tax levy increase of 6.3% (net of a 1% assessment growth), which does not meet the 4.7% direction;

AND WHEREAS in the September 19th 2024-2025 Budget Update Report, the “Next Steps” paragraph states “Adjustments will be required to achieve the recommended taxation level such as continuing examination of the following areas: On-going review of contractual obligations Ensure alignment of user fees with approved subsidy levels Continue conversations with Service Partners Review and propose changes to service levels in alignment with "Core Service Review Update”

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<sup>15</sup> “it’s just one more example of how Staff conveniently forgot to inform Council about this!”

“When is Council going to receive ALL information we need to know instead of just bits and pieces.”

“it’s growing continuously frustrating to be blindsided over and over”

“what else weren’t we told about?”



AND WHEREAS the September 19th 2024-2025 Budget Update Report does not include opportunities to reduce operating expenses through efficiencies that would produce a net cost reduction to the 2024-2025 operating budget by approximately \$10.5 million which would not impact service levels or introduce new user fees;

THEREFORE BE IT RESOLVED THAT *the City of Greater Sudbury directs the CAO to include options for operational efficiencies* to address the net cost reduction of approximately \$10.5 million *that would not* impact service levels or *introduce new user fees* in the draft budget to be presented November 15, 2023. *[emphasis added]*

YES: 10 NO: 3 CARRIED

[42] Cllr. Parent went on to state that Council gave budget direction in the spring (months before we meet to debate) then in October, Council unanimously<sup>16</sup> supported a motion (set out above) that gave direction to not introduce new user fees. Then the process to introduce new material budget items or politically sensitive items (business case) was circumvented in a year where we were tasked with approving a two year operating and 4 year capital budget. It would have been very little effort for the administration to change the date on the 2022 business case so it can be presented and debated, but this was not done. He concluded with: “I would ask yourself the following, is it normal for an administration to circumvent established processes for such a material fee (financially and politically) after being given direction that they are not to include new user fees?”

#### **Cllr. Labbée**

[43] I provided Cllr. Labbee with s. 21.(9) COC notice on September 30 including the content of paragraphs [30]- [39] above. As noted above, I have treated the Submission I received from Cllr. Labbee on October 6<sup>th</sup> as a combined s. 21.(7) and (9) submission. Having dealt with her Response to my intended findings above, the following sets out her position with respect to penalty:

My comments about the 9&11% wage increases in May 2024 and those that are the subject of the current complaint occurred within weeks of each other. Sanctions were already imposed on us for the first IC complaint received and dealt with. I was handed a reprimand and the point was made clear that I need to be more mindful in the way I approach issues on concern when it comes to being critical of staff and I recognize that.

#### **Recommended Penalty**

#### **Cllr. Parent**

[44] I agree with both councillors that the manner in which the Landfill Gate Fee was introduced into the Budget was inappropriate given the fact it had been the subject of a business case in 2022 which Council had deferred, such that it was reasonable for Councillors to expect that any re-

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<sup>16</sup> Per the Resolution set out on the City’s website, it was actually a 10-3 vote in favour.

introduction of such a user fee into the 2024/25 Budget would be accompanied by an updated business case. This was not done. Furthermore, Council passed a resolution at its October 10, 2023 Council meeting in which expressly directed the CAO to suggest ways to balance the budget without introducing new user fees, which the Landfill Gate Fee was. I understand that under the guidance of the Mayor, new procedures have since been introduced into the budget deliberation process to ensure this type of oversight does not happen again.

[45] While there is certainly blame to be placed on staff for not flagging the Landfill Gate Fee more clearly during the 2024/25 Budget process and perhaps even effectively going against the direction of Council in introducing a new landfill gate fee into the Budget, that, in my view, does not excuse Cllr. Parent's own breach of the Code of Conduct for publicly questioning a decision of Council, especially given that the landfill gate fee was reasonably identified in the Budget Q & A materials. I therefore maintain my finding that there was a Code of Conduct breach; however, in all of the circumstances, I find that no penalty for that breach is warranted in the circumstances.

### **Cllr. Labbé**

[46] Cllr. Labbé's posts were similar in nature to prior comments she made that were dealt with in my decision DBG-Greater Sudbury ICI-2024-03 for which she received a sanction under the COC. Her comments in that report concerned criticism of the CAO. There, I found that her comments were motivated by a desire to distance herself from Council's decision to delegate authority to the CAO, who had in turn, raised salaries and wages for non-union municipal employees. I also found that she made a number of misleading statements in the name of defending herself.<sup>17</sup> Here, though to a lesser scale, Cllr. Labbé has again attempted to deflect responsibility for an unpopular decision of Council which she was a part of onto Staff.

[47] In my opinion, Cllr. Labbé's conduct warrants some sanction. The impugned conduct of this Complaint occurred after the conduct I reported on in DBG-Greater Sudbury ICI-2024-03 but *before* I released that decision. For that reason, Cllr. Labbé's sanction in this instance should be reduced, despite it technically being her second breach of the Code for largely similar conduct (i.e. public comments blaming staff for Council decisions with negative political ramifications). I also note that her comments in this case were somewhat milder than those in issue in my Report DBG-Greater Sudbury ICI-2024-03 in that she did not expressly name particular members of City staff.

[48] I find that the appropriate penalty in this case is a 5 day suspension of her remuneration as councillor.

[49] Given that this is now the second time I have found Cllr. Labbee to be in breach of the Code of Conduct for improperly criticizing staff publicly, the next breach of a similar nature will result in a much more substantial penalty recommendation.

### **Concluding Comments**

[50] I have found that Councillor Labbé and Parent have breached s. 17 of the Code of Conduct for Members of Council and Designated Boards which requires that members adhere to the Social

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<sup>17</sup> DBG-Greater Sudbury ICI-2024-03 at para 93.

Media Policy for Members of Council and Local Boards. In addition, I have found that Cllr. Labbé breached ss. 14, 16, and 17 of the Code.

[51] In light of all of the circumstances, I have recommended that no penalty be imposed on Cllr. Parent and that Cllr. Labbee receive a 5 day suspension of pay.

[52] This concludes my investigation.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. Boghosian", with a long horizontal flourish extending to the right.

David G. Boghosian,  
Integrity Commissioner

APPENDIX A

Mike's Post



Mike Parent

June 3 · 🌐



IMPORTANT update to address misinformation - another VE page is communicating that Council approved a \$5 gate dump fee in the last budget. This fee was NOT explicitly shared with council at budget discussions and was slipped into a line item on page 633 of our 670 page budget binder. This council had refused to implement this fee the preceding year when it was presented in a business case. The moment I was made aware of this I drafted a motion to suspend these fees before they go into effect. I will be looking for support from my peers to support my motion and stop these fees at our next council meeting. Because of my motion the city has paused communicating about the new user fee.



👍👎 36

23 comments 7 shares

👍 Like

💬 Comment

📄 Send

➦ Share

## APPENDIX B



**Natalie Labbee**

You will have my **100** Support as you know and it's just one more example of how Staff conveniently forgot to inform Council about this! Thank you for setting things straight because if I did it, I would certainly be dragged thru the mud over it.. again! When is Council going to receive ALL information we need to know instead of just bits and pieces. And people wonder why I say I have no trust? 🙄

9w Like Reply Share

14



**Doug Gilchrist**

**Natalie Labbee** and you wonder why people don't trust city staff or council.

9w Like Reply Share

3



**Natalie Labbee**

**Doug Gilchrist** There are some of us trying to change that. 👍 It's exhausting.

9w Like Reply Share

9




**Sherry L Sharpe**

**Natalie Labbee** We voted for you and I for one would be disappointed if you didn't ruffle a few feathers along the way, ruffling feathers means you are doing a great job.


9w Like Reply Share

2


## APPENDIX C

 Brad Degagne  
Hey [Mike Parent](#), what happened with your motion? ...


5w Like Reply Share

 Mike Parent [Author](#)  
Brad Degagne it did not get support from enough councillors and did not pass. This means gate fees begin on July 1st.

5w Like Reply Share


 Brad Degagne  
Mike Parent do you have a record of who supported it and who didn't? (I don't feel like going to look up the minutes lol)

5w Like Reply Share

 Mike Parent [Author](#)  
Brad Degagne

- Ward 1 Coun. Mark Signoretti: Yes
- Ward 2 Coun. Eric Benoit: Yes
- Ward 3 Coun. Michel Brabant: Yes
- Ward 4 Coun. Pauline Fortin: Yes
- Ward 5 Coun. Mike Parent: Yes
- Ward 6 Coun. René Lapierre: N/A
- Ward 7 Coun. Natalie Labbé: Yes
- Ward 8 Coun. Al Sizer: No
- Ward 9 Coun. Deb McIntosh: No
- Ward 10 Coun. Fern Cormier: No
- Ward 11 Coun. Bill Leduc: No
- Ward 12 Coun. Joscelyne Landry-Altmann: No
- Mayor Paul Lefebvre: No

5w Like Reply Share

 Brad Degagne  
Mike Parent not surprising at all.

5w Like Reply Share

## APPENDIX D



Natalie Labbee Councillor, WARD 7 City of Greater Sudbury is 🙄 feeling frustrated.

June 3 · 🌐



Shared on behalf of Councillor [Mike Parent](#) :

IMPORTANT update to address misinformation - another Valley East page is communicating that Council approved a \$5 gate dump fee in the last budget. This fee was NOT explicitly shared with council at budget discussions and was slipped into a line item on page 633 of our 670 page budget binder. This council had refused to implement this fee the preceding year when it was presented in a business case. The moment I was made aware of this I drafted a motion to suspend these fees before they go into effect. I will be looking for support from my peers to support my motion and stop these fees at our next council meeting. Because of my motion the city has paused communicating about the new user fee.

\*\*\*\*\*

I WILL BE SUPPORTING THIS MOTION by Councillor Parent [100](#) AND I AM GRATEFUL TO COUNCILLOR PARENT FOR STEPPING UP AND ADDRESSING THIS, Because we all know that if it was ME....a woman talking too much again and not playing by the rules...people would accuse me of trying to start more drama, which is not my intention.

We were elected to represent the people and it's our job to speak up for you and that's exactly what we are trying to do.

We (Council) said NO to this as a business case in 2023. It's growing continuously frustrating to be blindsided over and over. It's not a good feeling.

What else weren't we told about?

We aren't auditors. Our job is to be the Board of Directors in a Governance role....not picking apart line by line. The onus is on Staff to bring changes forward to us. If we don't know, we can't make proper decisions.



I won't apologize for speaking up for what's right!



43

24 comments 10 shares

All comments ▼



Author

**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**  
Council was NOT made aware of this change in the Budget. We said no for many of the reasons some of you are mentioning in the comments.

Since Facebook won't allow links to pages or news articles, I encourage you to go to CTV Northern Ontario and search for my name (Natalie Labbee) and also Mike Parent and there will be very detailed interviews that come up about this Gate Fee. ( Mike's is approx 6 min and mine is approx 7 min).

You will see how we are speaking up for the people and explaining what happened and how this came to light.

On June 25, I also encourage people to actually watch the Council meeting to better understand and see who on Council will speak up on your behalf and who will choose not to not weigh in.

There are 12 of us around the table and it seems that only a few are choosing to be consistently open and transparent about many decisions of Council. I am one of them and so is Councillor Parent and I'm grateful that he stood up to this one instead of it just being me all the time.

We put ourselves in front of these issues and risk being criticized even more by doing so, but at least it's less likely that someone will say we aren't trying to use our voices to be speaking up for what's right, because that's what we were elected to do and I believe that is the expectation of the public for the job we stepped up to do.



10w Like Reply





**Beth Thornton JoeShaw**

Keep up the good fight **Natalie Labbee Councillor, WARD 7 City of Greater Sudbury** because it feels like we are all being gaslighted. Appreciate you pushing back. 🙌



**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**

11w Like Reply 6



Author

**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**

**Beth Thornton Shaw** some are doing their best to silence me but it won't work. It's only just beginning. I don't have intentions to create a circus sideshow, but my values don't align with staying quiet and just letting things go to save face. I'm not that way and I was elected to speak up for people and that's exactly what I am doing. No apologies.



11w Like Reply

14



**Chantal Chartrand**

**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**



**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**

11w Like Reply




**Lizette Gascon**

**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury** keep going don't stop. 😊




**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**


11w Like Reply


 **Vanessa Davis Thornton**  
Thanks for speaking up. But as a citizen if they are sneaking this stuff in what are they doing that we don't know about 😞

11w Like Reply 4 🍌

 **Author**  
**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**  
**Vanessa Davis Thornton** Exactly. I am very concerned and feel even more strongly that we need a 3rd party financial audit. We've tossed the idea around before, but more and more, it's apparent to me that it's necessary. I don't appreciate all the surprises. We look like Fools  
But we are only as strong as the information we receive to make decisions and it's not presented to us, we aren't auditors.


11w Like Reply Edited 5 🍌 🤔


 **Vanessa Davis Thornton**  
**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury** thank you again for speaking out.




**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**

11w Like Reply 🍌


 Reply to Natalie Labbee Councillor, WARD 7 City of Great... 🗨️ 😊 📷 GIF 🗨️


 **James Robillard**  
Aren't these fees and expenses hammered out at committee?

11w Like Reply

 **Author**  
**Natalie Labbee Councillor, WARD 7 City of Greater Sudbury**  
**James Robillard** This was a Business Case brought forward in 2023 and Council voted No. Council was given a memo late last week about the 5\$ dump fee and once again, apparently 😞 we can't comprehend. But that's not how it works. When Staff bring something forward that will require a User Fee change, it is done so during Budget time for an open discussion for Council to decide on. This Business case was not one of them for 2024.

11w Like Reply

 **James Robillard** replied · 1 Reply

 Reply to James Robillard 🗨️ 😊 📷 GIF 🗨️