

# ROBERT J. SWAYZE

INTEGRITY COMMISSIONER

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## OFFICE OF THE INTEGRITY COMMISSIONER

### OPEN SESSION REPORT

TO: Mayor Brian Bigger and Members of Greater Sudbury City Council

FROM: Robert Swayze, Integrity Commissioner

DATE: March 8, 2021

MEETING DATE: March 23, 2021

SUBJECT: Code of Conduct Complaint against Councillor Montpellier

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#### **Recommendation:**

It is recommended that the compensation paid to Councillor Gerry Montpellier be suspended for a period of 60 days commencing with the next pay period.

#### **Background:**

On January 26, 2021 I received a complaint against Councillor Gerry Montpellier (the "Respondent") from Councillor Geoff McCausland (the "Complainant") alleging that he publicly harassed a member of staff and disclosed confidential information from an in-camera meeting, both contrary to the *Code of Conduct for Members of Council and Local Boards*. (the "Code"). The Respondent wrote a letter to Prime Minister Justin Trudeau which was accessible on the internet and therefore public. He also gave an interview to CTV News on the content of the letter.

In the letter, he made the following statements:

"I should explain. These practices {bullying and harassment} have been part of our City culture for years. Finally made openly visible four years ago when the CAO of Greater Sudbury, working with the endorsement of some members of Council proceeded to publicly bully and harass a large number of private citizens and several of our highly valued Volunteer Firefighter employees, even knowingly (advised by taxpayers paid lawyers that these actions were illegal).

These actions have continued, largely hidden from the public, due to Sudbury's infamous secret meetings. They resurfaced again recently in a public written forum. Written bullying, harassing and slandering messages, directed at staff and councillors, openly viewed by the public, these recent attacks committed by the same person."

The report from his interview with CTV News referred to the following:

The letter is quoted accusing the CAO of "publicly bully and harass a large number of private citizens" . . . "bullying is zero, means nothing. . . It's acceptable in Sudbury is what it means."

"He also cites a recent encounter in which City CAO Ed Archer referred to Montpellier – in what he thought was a private message – using the words "buffoonishness and hostility."

The article also quotes him on the in-camera meeting as follows:

"There was some mention of it in the in-camera and today apparently, I can't speak about what goes in in the secret meetings but there was an address and today the known harasser and slanderer still runs the City."

The Code provides as follows:

"6 (1) No Member shall, contrary to any applicable privacy law, disclose, release by any means or in any way divulge to any person or to the public, any Confidential Information, including without limitation any personal information as that term is used in the *Municipal Freedom of Information and Protection of Privacy Act*, acquired by virtue of their office, except when required by law or authorized by Council or the Local Board to do so."

"14 (2) 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."

### **Analysis:**

The Complainant provided me with press reports and other information confirming that the Respondent was publicly critical of the CAO in the early part of 2020, but for me to consider that allegation, would be contrary to the Code. The Code requires me to consider complaints only about violations which occurred within 60 days of filing the

complaint. Accordingly, for the purpose of the conclusions reached in this report, I have only considered the public criticism of the CAO made by the Respondent since December of 2020.

The Council Meeting held on December 21, 2020 which consumed 5 hours, used Webex for remote participation. This system has a chat capability between attendees which can be private or be sent to all attendees who are logged on. The CAO received a chat from a member of his staff asking why the meeting was taking so long. The CAO made a technological error and failed to make his response private. He was critical of the Respondent's involvement in delaying the meeting. The comment was ultimately streamed to the public and media but redacted from the recording of the meeting. The CAO has apologized on several occasions. As improperly pointed out by the Respondent to CTV News, the CAO's mistake was dealt with in camera. That should have been the end of it.

### **Decision**

In my opinion, the statements made by the Respondent, both in the public letter to the Prime Minister and to the media, were purposely an attempt to injure the professional reputation of the CAO. I find them to be contrary to Section 14 (2) of the Code.

I also find that his disclosure of the fact that the CAO was "addressed" in a "secret meeting" was a release of confidential information contrary to Section 6 (1) of the Code.

It is my judgement that these infractions are serious enough for me to recommend a sanction of the suspension of his salary for 60 days beginning with the next pay period.

Prepared by:



Robert Swayze  
Integrity Commissioner

Attachment(s): none