



Cunningham Swan
LAWYERS
• EST 1891 •

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

March 12, 2025

By E-MAIL: john.lang1410@gmail.com

John Lang
372 Little Silver Lake Road
Maberly ON

Dear Mr. Lang:

**RE: Request for Investigation – Reeve Rainer
Preliminary Review
Our file No. 29235-49**

The Integrity Commissioner conducted a preliminary review of your Complaint in advance of advising Reeve Rainer that your Complaint had been received.

During the preliminary review, we assume that the facts as set out in the Complaint are true. We do this not for purposes of finding a breach, but to test the merit of the Complaint. In other words, if the alleged behaviour in fact occurred, would that amount to a breach of the Code of Conduct? If the behaviour would constitute a breach, we undertake a full investigation to determine whether the allegations are true. If the behaviour, even if true, would not constitute a breach there is no reason to undertake a full investigation.

We do not assume as true inferences or assumptions within the Complaint as to whether behaviour is or is not a breach; interpretation of the Code of Conduct is the purview of the Integrity Commissioner. For purposes of this review we also reviewed the recording of the November 26, 2024 meeting that you provided, which appeared to be recorded by a member of the audience.

Preliminary Review

1. Respectful Conduct

We considered the allegations in the context of the Code of Conduct and reviewed all of its provisions to consider if a breach had occurred.

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TEL: 613-544-0211
FAX: 613-542-9814
EMAIL: INFO@CSWAN.COM
WEB: WWW.CSWAN.COM

Your complaint alleged that Reeve Rainer acted inappropriately towards you when he asked you to step away from the podium.

After viewing the 1:36 minute excerpt of the November 26, 2024 meeting we find that:

- You state that a reduction in expenses could be realized if the CAO were directed to make certain cuts. You then say that the problem with that is that the CAO has a history of not following orders of Council that she does not agree with;
- The Reeve then bangs the gavel and states, "that is enough Mr. Lang, please do not make personal comments about any of the members of our staff" and states that the comments are not appropriate;
- You respond that the Reeve will be able to see it at the media (we may have misheard this comment as we do not understand the statement);
- The Reeve then says that if you continue along this line that he will ask you to leave.
- You refuse to alter your comments and the Reeve calls a recess, until you can stay in line with the guidelines for a meeting like this;
- You respond that the Reeve is out of order;
- The Reeve calls a recess.

Section 7 of the Code of Conduct addresses General Conduct.

Section 7.1 directs members of Council to, "treat members of the public, staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation." Reeve Rainer's conduct towards you was not abusive or disrespectful. While you state that you returned after the adjournment with "trepidation" we find that this was not as a result of the Reeve's conduct towards you. The recording demonstrates that the Reeve was respectful. He did not raise his voice, make inappropriate comments towards you or do anything that engages the Code of Conduct.

Section 7.2 prohibits the use of indecent, abusive or insulting words or expressions and any form of discrimination. Reeve Rainer's conduct towards you did not breach any of these prohibitions.

For the reasons set out above, this aspect of the complaint is dismissed.

2. Council Minutes

The allegations that the minutes of the November 26, 2024 budget meeting were incorrect and incomplete is not a matter that can form the basis of a complaint under the Code of Conduct. Staff prepare minutes - the Integrity Commissioner has no jurisdiction to consider any complaints against staff. The decision of Council to approve the minutes is a decision of the majority of Council. The Code of Conduct addresses the behaviour of individual members of Council and their ethical obligations as set out in the Code of Conduct.

For purposes of this complaint, what is relevant is that the Integrity Commissioner has no jurisdiction to dictate to Council what its minutes must contain, or whether they are accurate. This is a decision of Council, and it does not engage any ethical obligations of an individual member of Council under the Code of Conduct. This aspect of the complaint is dismissed.

3. Concealing information

The third allegation in your complaint is that the Reeve, “accepted and endorsed an inadequate, biased salary review commissioned and executed by the beneficiary of the review” at the June 2024 pay equity and staff compensation review.

The Code of Conduct provides in section 20 that no complaint may be brought more than 6 months after the alleged incident. We note that your complaint was provided to our office on February 20, 2025 – outside the limitation period. We note however that the complaint is dated January 12, 2025. Even if we rely on the date of your complaint, January is more than 6 months past the June meeting complained of and therefore we have no jurisdiction to initiate a complaint.

Even if we could ignore the limitation period, the Code of Conduct does not contain any express obligations for members of Council that would be engaged in this instance. Even if we accept, for purposes of this preliminary review, that the Reeve knew the salary review was, “an inadequate, biased salary review commissioned and executed by the beneficiary of the review” the Code of Conduct does not contain provisions prohibiting that type of behaviour.

In all the circumstances, this aspect of the complaint must be dismissed.

4. Disseminating False information

You allege that in a CBC interview the Reeve misstated the reason for a tax increase.

The Code of Conduct contains a requirement at section 11.1 that, “Members, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, Local Board or Committee, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision-making process.”

If your allegations are true, it is possible that the Reeve breached the Code of Conduct in this instance. An investigation will therefore be conducted into this aspect of the complaint.

5. Failure to comply with the Municipal Act

The final allegation is that the Reeve failed to comply with section 225 of the *Municipal Act*. Section 3 of the Code of Conduct requires that members of Council comply with various pieces of legislation, including the *Municipal Act*.

We considered section 225 and cannot proceed with an investigation on the basis of the information contained in the complaint. It is insufficient to simply state that in your opinion the Reeve “has fulfilled none of these duties”. If you wish to proceed with this aspect of the complaint we require specifics of the alleged breaches of this section. No investigation will be instituted unless further information is submitted for review.

Other than the allegation of misleading the CBC, no investigation will be conducted related to the aspects of the complaint that have been dismissed and no report will be sent to Council on those aspects.

We will provide the Reeve with a summary of the complaint related to the allegation of misleading the press and once his written response is received, we will allow you the opportunity to comment on that response.

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:sw



Cunningham Swan

LAWYERS

• EST 1894 •

Tony E. Fleming

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

March 26, 2025

SENT BY EMAIL TO: cao@tayvalleytwp.ca

Tay Valley Township
c/o Amanda Maboo, CAO
217 Harper Road,
Perth, Ontario,
K7H 3C6

Dear Mayor and Council:

**RE: Code of Conduct Complaint
Our File No. 29235-49**

Complaint

On February 20, 2025, our office received a complaint alleging that the Reeve, Rob Rainer, (the "Member") had breached a number of sections of the Township Code of Conduct. Our office conducted a preliminary review of the complaint and found that only one of the allegations was within our jurisdiction and, if the allegations were true, might be a breach of the Code of Conduct.

The allegation that was investigated alleged that on December 12, 2024, Reeve Rainer was quoted by the CBC as saying the 7.4% budgeted tax increase was due to long overdue wage increases that were necessary to remain compliant with the Ontario Pay Equity Act. The complaint alleges this statement was false as only a small portion of the increase was due to mandated compliance with the Act. The rest of the over \$400,000 over 2 years was not mandated by law.

It was further alleged that Reeve Rainer stated that the increase was also due to increased OPP costs. This was alleged to be untrue as the OPP costs were removed from the original proposed 11.5% tax increase due to a grant from the Province. In addition, the complaint

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alleged that Reeve Rainer asserted that significant salary increases were needed to compensate staff for inadequate past increases. The complaint alleges that this was incorrect given the salary increases given to certain staff in the 4 previous years were sufficient in the view of the complainant.

The Code of Conduct contains a requirement at section 11.1 that, "Members, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, Local Board or Committee, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision-making process."

Timeline

- Feb 20, 2025 complaint received;
- Feb 28, 2025 request additional details from complainant;
- March 5, 2025 details received from complainant;
- March 12 preliminary review completed;
- March 12 complaint package sent to Member;
- March 19, 2025 response received from Member;

Findings

The CBC article that formed the basis of the complaint incorrectly quoted the statement submitted by email to the CBC by the Member.

The article quotes the Reeve as saying	The statement submitted to the CBC reads as follows
"the figure [tax increase] is primarily due to "long overdue staff wage increases" that were necessary to remain compliant with the Ontario Pay Equity Act, as well as increasing costs for Ontario Provincial Police."	The figure of 7.37%, while the highest for the Township compared to preceding years (e.g., 5.95% in 2024, 6.13% in 2023, 3.16% in 2022), is based primarily on long overdue staff wage increases and a portion of a major increase in OPP services costs.
	At a 'Special' meeting of Council on June 25, 2024, Council passed a motion authorizing the updating of the pay grids for employees, retroactive to January 1st, 2024, and providing for a 3.5% cost of living allowance increase for 2025. The Township is now compliant with the Ontario Pay Equity Act, regarding internal pay equity. And, compensation for employees is now more competitive with

	similar rural municipalities (e.g., Drummond/North Elmsley and Rideau Lakes). Council's decision was informed by the work earlier this year by a pay equity expert, Marianne Love of ML Consulting, with regard to compensation and pay equity.
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The submission by the Member did not say that the wage increases were “primarily due to long overdue staff wage increases that were necessary to remain compliant with the Ontario Pay Equity Act”. The Member stated that the increases were, “based primarily on long overdue staff wage increases and a portion of a major increase in OPP services costs”. Later in the email sent to the CBC, the Reeve indicated that the Township was now compliant with the Pay Equity Act, and referenced the meeting at which the consultant’s report was dealt with by Council. The Member did not attribute the budget increase “primarily” to pay equity adjustments as quoted in the CBC. The Member also informed the CBC that staff wages were now competitive with other similar municipalities and were tied to an established pay grid, but no details regarding the grid were provided.

The Member also confirmed that only a portion of OPP costs were covered by the Province, which was reflected in the final budget.

The complainant alleges the Member stated that, “significant salary increases were needed to compensate staff for poor past increases” and that the facts did not support that statement. The complainant infers that the Member told the CBC that the salary increases were to compensate for poor past increases; however that is not what the Member told the CBC.

It is beyond the scope of this investigation to analyze historic staff wage increases, pay equity increases or to opine on whether any increases were “significant”, “long overdue” or whether previous pay increases were “poor”. The Member’s characterization of wage increases as “long overdue” is not unreasonable in the circumstances and is not a misstatement. Given that Council approved the wage increases for staff, Council must have determined that the increase was reasonable.

We reviewed two separate media releases issued by the Township which contained substantially the same information contained in the Member’s email to the CBC.

The Integrity Commissioner finds that the statements provided by email to the CBC were factual and met the Member’s obligations under the Code of Conduct to:

“accurately and adequately communicate the attitudes and decisions of the Council, Local Board or Committee, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision-making process.”

There is no basis to suggest the Member misled the CBC or mischaracterized a decision of Council.

For the foregoing reasons, the complaint is dismissed and no recommendations to Council are necessary.

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