

Integrity Commissioner finds Hastings Highlands Councillor Keith Buck did not violate the Code of Conduct

By Bill Kilpatrick

Tony E. Fleming, the appointed Integrity Commissioner for the Municipality of Hastings Highlands, has concluded that Councillor Keith Buck's behaviour at the Feb. 1 meeting of Council did not violate the Code of Conduct. According to the report prepared by the law firm of Cunningham Swan, the complaint that was initially filed on Feb. 7 alleges that at the Feb. 1 meeting of council: 'Councillor Buck's comments and questions directed at a member of staff during the meeting rose to a level that constituted a breach of the Code of Conduct. It was alleged that Councillor Buck's comments and questions were derogatory, belittling, intimidating and demoralizing and therefore were in breach of several sections of the Code of Conduct.'

The Integrity Commissioner's report does not cite who filed the report nor does it cite any specific comments or incidents by councillor Buck, but it does outline multiple alleged breaches of the Code of Conduct including: sections 7.0 Conduct at meetings, 11, 11.1, 11.2 subsections (a), (b), and (c) dealing with appropriate interactions with staff, as well as an alleged breach of articles six, seven, and eight of the municipalities' procedural by-law and section 3 of the Council-Staff relations policy.

The Feb. 1 meeting which began with multiple passionate public comments regarding a proposed Roger's cell tower in Hastings Highlands followed by a lengthy debate among council, was then followed by a longer debate and a critical analysis of a staff proposal, prepared by Planner John Jardine, concerning updates to the 'Antenna System Siting Protocol Review.' It was during this debate where Councillor Buck spoke at length to Jardine regarding comments and concerns he had with Jardine's report.

Part of the contention was how council was going to effectively and efficiently analyze and make sense of the antenna report. Jardine gave his presentation outlining some of the proposals and changes that were recommended and then Councillor Buck asked a question about procedure and suggested that the 32 page report be gone through 'page by page and line by line' in order to 'gain clarity and provide John with solid feedback to return for a second reading.'

Fitzgerald did not think this was a good way to move forward stating, 'No, we can't go page by page and line by line. We'll be here forever.' Fitzgerald then suggested that council make comments and submit them to Jardine and he could then change the proposal as necessary and council could then reconvene for the second reading at a later time. Jardine countered the mayor's suggestions instead requesting that council propose amendments through motions from the floor as opposed to trying to work through all of the councillor's individual suggestions. In the end council decided to go through the report page by page resulting in a three-hour discussion/ critical analysis concerning many aspects of the proposed antenna protocol. It is believed that the alleged violations occurred during this lengthy exchange.

Fleming considered multiple responses from Councillor Buck and the complainant that were submitted between Feb. 7 and March 20. Fleming then reviewed the video footage from the Feb. 1 meeting and conducted interviews with all relevant witnesses. After considering all the evidence Fleming's report concluded: 'It is our finding that Councillor Buck's comments and questions did not rise to a level that would constitute a breach of the Code of Conduct. With respect to section 7.0 we find no breach of Bylaw 2021-018 or ByLaw 2019-020 and as such no breach of section 7.0 of the Code of Conduct. It is our finding that, at all times, councillor Buck's comments and questions appropriate given his role as councillor.'

With respect to Section 11.1 and 11.2 of the Code of Conduct, we find that at no time did Councillor Buck's comments and questions rise to a level that would constitute a breach of these sections. We do not find that his comments and questions were maliciously or falsely injuring the reputation of staff. Similarly, we do not find that the comments and questions were intimidating, threatening, coercive, commanding or influencing towards staff with the intent of interfering with staff duties. We find that the comments and questions of Councillor Buck were aimed at thoroughly examining the matter at hand and challenging the report that was before council. We find that this objective is consistent with the role of a council member. These findings are supported by the evidence received during the interviews conducted during the investigation. The witnesses interviewed support a finding that the comments

and questions of councillor Buck did not create an impact that constitutes a breach of the Code of Conduct.?

The recommendation from Fleming was that there was not a breach of the Code of Conduct and that no further steps be taken in the matter. Bancroft This Week reached out to Councillor Buck, but he declined to comment on the Integrity Commissioner's findings.