
TOWNSHIP OF AMARANTH INTEGRITY COMMISSIONER,
GUY GIORNO

Citation: Whittington et al. v. Currie, 2021 ONMIC 7

Date: May 31, 2021

REPORT ON COMPLAINTS

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COMPLAINTS AND INQUIRY

1. The Township of Amaranth is a community of some 4079 residents, located within Dufferin County, immediately to the northwest of the Town of Orangeville. The Township office, in the hamlet of Laurel, lies approximately 67 km from Pearson International Airport, and 96 km from Toronto City Hall.
2. Township Council consists of a Mayor and Deputy Mayor, each directly elected, and three Councillors directly elected at-large. After serving as Reeve and Mayor from 1991 to 2006, Bob Currie returned to politics in 2018 and was elected Mayor for the 2018-2022 term.¹
3. Commencing June 22, fourteen individuals (Complainants) filed separate complaints alleging that Mayor Currie (Respondent), in his remarks during the June 17, 2020, Council meeting, contravened Township By-law 21-2016, the Code of Conduct for Members of Council.
4. Three of the Complainants also allege that the Mayor's comments to CTV News Barrie² and NewsTalk 1010³ contravened the Code. Six other Complainants make general reference to news media interviews, without identifying particular comments or specific news stories.
5. In order of receipt of complaint, the Complainants are Stacey Whittington, Greg Glasman, Alison Brownrigg, Tracy Black, Stacey Joyce, Shannon Stirling, Kate Bryan, Tim Fisher, Tanya Hughes, Greg Currie, Stacey Biggar, Matthew Plourde, Shannon Sheldon, and Trish Hamilton.
6. Four of the Complainants are from Amaranth, eight from Orangeville and elsewhere in Dufferin County, and two from other parts of Ontario.

¹ In 2006, as incumbent Mayor, Mr. Currie ran for the position of Deputy Mayor and was defeated by Walter Kolodziechuk. That year, incumbent Deputy Mayor Don McIver was elected Mayor in Mr. Currie's place. Mr. Currie narrowly lost to Mr. McIver in the 2010 mayoral election. He did not contest the 2014 election, in which Mr. McIver defeated Mr. Kolodziechuk. In the 2018 election for Mayor, Mr. Currie defeated Mr. McIver.

² Complainants Kate Bryan, Greg Currie, and Shannon Sheldon cite the CTV News Barrie story, "If I hurt somebody, that's their problem, not mine," Ontario mayor stands by not flying Pride flag" (June 24, 2020), online: <https://barrie.ctvnews.ca/if-i-hurt-somebody-that-s-their-problem-not-mine-ontario-mayor-stands-by-not-flying-pride-flag-1.4998562?fbclid=IwAR1mQmX1L31ljY6NsxFM7YH7toF8CQJpzvsBmmwH3uDbvyhAz4U8MihmCug>

³ Complainant Kate Bryan cites the NewsTalk 1010 interview, "Meet the Mayor of Amaranth" (June 24, 2020), online: <https://www.iheartradio.ca/newstalk-1010/audio/podcasts/jun-24-meet-the-mayor-of-amaranth-1.12790231>

7. Five of the complaints, all from outside Amaranth, are based on identical language that appears to have been copied from a single source.⁴

8. In addition to the 14 complaints, I received emails from three Amaranth residents who opposed the Mayor's comments but declined to proceed with Code complaints, and from five Amaranth residents who supported the Mayor's comments. Six other individuals, from outside the Township, emailed to express opposition to the Mayor's comments but did not file complaints.

9. One Complainant states that Mayor Currie should resign. Three other Complainants are calling on me to remove the Mayor. In addition, a change.org petition, addressed to me as Integrity Commissioner, asks that I "Remove Bob Currie from Office."⁵ It has been signed by 19,206 individuals. As I explain below, removal of an elected official is not a power that an Integrity Commissioner possesses.

10. I accepted all the complaints, but because all of them arose from the same incidents, and most were from outside the Township, with half of these virtually identical, I exercised my discretion to conduct a single inquiry, instead of 14 separate inquiries, under section 223.4 of the *Municipal Act*. This is my report.

BACKGROUND

11. In June 2020, Amaranth did not have a formal policy on proclamations or flying of flags at the Township administration building.

12. The June 17 Council meeting was held online, due to the continuing pandemic. During the "Public Question Period" of virtual meetings, the practice was to read residents' letters aloud, and enter them into the minutes.

13. One letter had been submitted by Ms Stacey Whittington, who is the first Complainant in this inquiry. Her letter drew attention to the fact that an emailed request to fly the Pride flag at the Township office had gone unanswered.

14. The Council minutes record as follows the full text of Ms Whittington's letter:

Hello Mayor Currie, and esteemed Council members. Originally, I sent an email to all of the Council Members on June 4th to address the lack of a Pride flag flying at the Township office for the month of June 2020 (Pride Month), to show acceptance and solidarity with the LGBTQ members of the Amaranth community. As of the time of this meeting, the email has not received a reply. I was, and remain, confused and concerned that the Township has

⁴ Three complaints are identical to one another, another two are identical to each other, and there is a 71.6 per cent match (<https://copyleaks.com/>) between the first group and the second group. All five contain the same idiosyncratic capitalization and punctuation, and some identical typographical errors.

⁵ Online, <https://www.change.org/p/township-of-amaranth-integrity-commissioner-guy-giorno-remove-mayor-bob-currie-from-office>

chosen not to show inclusion and equity by flying the flag this year. It is the duty of Council to support ALL members of the Amaranth community, and the lack of support does not go unnoticed by your LGBTQ neighbours, friends, and community workers. As the office is directly across from the elementary school, which is flying the flag – as are all schools in the UGDSB – the Township office has a duty to support those students and community members who identify as LGBTQ. Refusing to fly the flag sends a very strong, outdated, and harmful message to our LGBTQ community, adults, teens, and children, that the Township and Council do not stand up for them, support them, or support human rights and equity. In my letter, I strongly encouraged you to rectify this issue for the remaining days of June and make a motion and commitment to fly the flag every June to show that the Township of Amaranth and its Council doesn't support bigotry and discrimination, and instead supports and takes pride in its community members from all walks of life, including the members of its LGBTQ community. Mr. Mayor, and Council Members, the ball is in your court, so to speak; this community and its children are watching. Your actions will set the bar for how this community recognizes and treats its LGBTQ members. Make a motion for equity and inclusivity, make a motion to fly the Pride flag every June, support the whole community, preach love and tolerance. It may seem like just a flag to you, but to the LGBTQ community in Amaranth, it's so much more. Thank you for your time. Sincerely, Stacey Whittington.⁶

15. Ms Whittington explained that she had emailed all Council Members about the Pride flag on June 4. This was the third Council meeting, albeit the first regular Council meeting,⁷ since June 4. Significantly, no Council Member had moved a motion, or given notice of a motion, to fly the Pride flag.

16. Toward the end of the June 17 meeting, Council returned to the subject of Ms Whittington's letter:

Mayor Currie: Yes, go ahead.

Councillor Little: I would like to talk about [inaudible]. I would like to know, I know that the County is flying the flag this year. Someone said, maybe she said this, the school across the street is flying the flag. [inaudible] I wondered what other townships were doing. Are we alone in not flying the flag?

Mayor Currie: I don't know, but, a good question. I don't know what other townships are doing. I don't know, but I do know that there's all kinds of proclamations through the year, about – There was, the black community, in our County, they had something this last month and, so anyways, there was no flag for that, and there's all kinds of proclamations, and so on, on a regular basis. Every month it's for something else. So, anyways, no, I don't think we should be flying the flag for this year, and I will plainly state why. If everybody was either lesbian or homosexual, this would be the last generation on earth, because two homosexuals cannot produce offspring; two lesbians cannot produce offspring. So why would I want to support something when this would be the last generation on earth? I'm not going to go there. Yes?

Acting Clerk: Deputy Mayor has something.

⁶ In quoting from documents, my practice is to correct obvious typographical errors without drawing attention to the correction unless the correction is material. This report also edits punctuation and capitalization for consistency.

⁷ Special Council meetings on the Budget were held June 10 and June 15.

Deputy Mayor Gerrits: I was going to say the same thing, the first part that the Mayor said, about all the proclamations. I understand she's passionate about it. It's not our job to go and find what every – Like, there's three per month at the County, right, but somebody brings those to us. If she wants to, next year, she's free to bring forth a request that we proclaim, and then we'll discuss, and vote on it. Same with any other group that wants us to identify them. That's fine. The second question, I guess, is for everybody. I've gone through my email. I don't have anything from her, at all, and I don't know that, like I've got – She says she sent an email to everybody June 4. I have other emails June 4. I don't have one from this individual, so I'm not sure if anybody received any correspondence from her.

Acting Clerk: I'm wondering if she sent it to the East Garafraxa-Amaranth.

Deputy Mayor Gerrits: Oh, but she said through the online. I don't know, but I think we should send her something back just saying it wasn't received, and we work on proclamations on an annual basis, and she can make a request for next year, but –

Mayor Currie: Are there any [inaudible] scheduled then, Nicole?

Acting Clerk: I don't think so. I will reach out to other townships and find out what [inaudible] Whittington telling her the process for next year, if she'd like to have one in the future.

Mayor Currie: OK. Any other new business?

17. Council then moved immediately to consideration of the Rotary Club's "Drive-Thru Ribfest"⁸ proposal, with four of five Council Members participating in the discussion. A motion to "support the Orangeville Rotary Club drive through Ribfest at the Headwaters Racquet Club" was moved, seconded, and carried on a 5-0 vote.

18. At least one commentator has noted that Council could have decided on June 17 to fly the Pride flag, if only it had given to flag-raising the same support as Council Members exhibited for Drive-Thru Ribfest.⁹

19. The Council minutes record as follows the June 17 Pride flag discussion:

Council discussed the ratepayer letters read earlier in the meeting under Public Question Period. Staff has been asked to reach out to other neighbouring municipalities to determine if any are flying the Pride Flag for the month of June. Council was concerned over the number of proclamations that could be made in the course of a year and number of requests that could be generated if this precedent was set. Council deals with proclamations on an annual basis and she can request earlier for next year. Staff has been asked to respond to Stacey Whittington accordingly.

20. On June 22, Ms Whittington called the Township office to inquire about a response to her letter, and was invited to listen to the online audio recording of the June 17 Council meeting. When Ms Whittington listened that evening, she became aware for the first time of Mayor Currie's comments. That same evening, she exercised her right under the *Municipal Act* and the Code of Conduct to file a complaint with me, the Integrity Commissioner.

⁸ See Rotary event advertisement, online: <https://tinyurl.com/3dhss8hs>

⁹ Josh MacEwan, Dufferin's Spotlight (June 23, 2020), online: <https://youtu.be/X5unyMwpRgc>

21. The Mayor's comments attracted the attention of a Facebook user, who at 7:27 p.m., June 22, posted a 98-second audio clip of the Council meeting.

22. The change.org petition, described above, was launched sometime during the early morning of June 23.

23. That day, the news media picked up the story of what Amaranth's Mayor had said. The news coverage became widespread, soon reaching across the entire country.

24. The Mayor was interviewed by the *Orangeville Banner*, June 23. Subsequent to the interview, he issued the following written statement to news media:

In the last Township meeting I made a comment that offended some people. Those who voted for me and those who know me know that I am not a typical "politically correct" politician. I speak my mind and my truth, always. Although it is never my intention, sometimes my words offend people. I am sorry that people have been hurt by comments that I have made.

I received a mail to fly a pride flag at the Township office which as a Council we decided against. As far as I know, during my 16 years as Mayor, we have never flown anything other than the Canadian flag at the office. We have so many diverse beliefs and values in Amaranth and this needs to be a place moving forward where we all respect our differences in values.

My goal throughout my time as Mayor has always been to make this a better Township for everyone who lives here and I will continue in working towards a better Amaranth.

That's my story and I'm sticking to it.

Bob Currie

25. Mayor Currie was interviewed by CTV News Barrie on June 24. The televised news report carried, at different points in the story, three direct quotations from him:

- "And if it's a true statement, why would I apologize for what I said?"
- "If I hurt somebody, well that's their problem, not mine, but anyways, I did not say, I don't say what I do say, OK, to offend people."
- [In response to a CTV reporter's question, "You're not going anywhere?"]
"Not at the moment, I'm not, anyways, no. Hope to go to heaven someday."

26. The CTV news story indirectly quoted the Mayor as saying that ultimately the decision on whether to fly the Pride flag lay with Council.

27. The *Orangeville Citizen* interviewed Mayor Currie on June 23 or 24, and published a short story in its June 25 issue.

28. NewsTalk 1010's Jim Richards interviewed the Mayor June 24, and forcefully challenged Mr. Currie's June 17 remarks. The Mayor held to the comments he had made at the Council meeting.

29. I find as a fact that Mayor Currie did not seek out the news media coverage. Instead, the news media reached out to Mayor Currie. I find as a fact that Mayor Currie stopped accepting media requests sometime on June 24.

30. Dufferin County Council was scheduled to hold its regular meeting the following day, June 25. Shortly after the meeting commenced, the County Warden, Darren White, made a statement, the bulk of which was as follows:

As Warden of Dufferin County, I want to let you know that I wholeheartedly and without reservation disagree with comments made by Bob Currie, Mayor of Amaranth, and a Dufferin County Council Member.

Our County, and the vast majority of people in it, support all members of our society and believe in an inclusive, and diverse and vibrant community in which respect and dignity are not things people should have to fight for.

Our community, much like many others in our great nation, is only enriched by members of the LGBTQ2 community.

I cannot begin to fathom the pain caused by comments made recently, and I promise that your County government and its many staff members stand with you today and every day.

There is simply no place in leadership, at any level, that includes hateful and divisive comments that serve only to hurt.

The *Canadian Charter of Rights and Freedoms*, among other things, guarantees that every individual is equal before and under the law, and has the right to equal protection and equal benefit of the law, without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. The *Charter of Rights and Freedoms* also guarantees freedom of thought, belief, opinion, and expression.

The rights and freedoms in the Charter are not always absolute. They can be limited to protect other rights or important national values. For example, freedom of expression may be limited by laws against hate propaganda or hate speech directed at any group.

It is with these rights in mind that we must strive to lead in an inclusive manner, in a manner that includes respect for others and dignity for all without question.

Those of us given the privilege to lead must be above all reproach. We must be broad in our beliefs, strong in our resolve, and resolute in what we seek as outcomes for those that we represent.

Any leader who truly has the best interests of the County and its residents at heart would not make comments and cause the type of pain felt today by a segment of our community.

Councillor Currie, public statements made by you indicating that you won't apologize for speaking your truth, and that if people are hurt by what you have said that's their problem, have no place at this table. Members of the LGBTQ2 community should not have to apologize for their truth either. They should be able to live their lives free from persecution and hate, in this community and in any other, in this great nation, in accordance with our Canadian values.

We find ourselves in challenging times. The struggles we face these days are about more than just one issue. The conversations that we need to have about equity, about inclusion, about diversity, are necessary and they must reflect all of our values.

Diversity, inclusion, and equity are not just politically correct words that we get to use. They represent conversations that we need to have and actions we need to take. They are fundamental, and they are structural changes that we have to make, to the way we lead, and the way we govern and, in fact, the way we live.

A great member of our community gave me some advice just the other day when we were talking about racism and diversity, and what he said stuck with me, and it is transferrable to this conversation as well, and it is simply this: These conversations will be difficult, they will be challenging, they will be painful, and they will be emotional, but they are conversations that must be had, and you're either prepared to have them or you are an obstacle to progress.

The County of Dufferin Code of Conduct for Members of Council states in section 1.14 the following: "Members will avoid any conduct towards a member of council or staff which is known or ought reasonably to be known to be unwelcome, which offends, embarrasses or intimidates, or which reflects intolerance towards any group or individual." It is my belief that, Bob, you have violated this section, as well as sections 1.12, 1.15, and 1.16 of our Code of Conduct, with your comments. It is, however, not my place to adjudicate violations of the Code of Conduct; that is the purview of the Integrity Commissioner.

Additionally, I believe you have breached sections 8.1 and 8.2 b) of the Procedural By-law.

I do believe, however, that your comments do not reflect the values and the vision of the Council of the County of Dufferin, nor do they reflect the corporate culture and ethos of our government or our staff.

Given your comments, and my belief that you have violated the Code of Conduct, I don't believe you should remain in a position where you are a Committee Chair representing a Department and being a spokesperson for the County of Dufferin.

And I will ask you again today to consider stepping aside from your role as Chair of Infrastructure and Environmental Services Committee. I'll also ask you to consider an apology for your comments, but only if you actually mean it. No apology at all is better than a non-apology.¹⁰

31. Mayor Currie responded as follows:

Thanks, Mr. Warden. I'd like to first of all say that I want to apologize in the way that I spoke at previous Township Council meetings, and also for media interviews. I did not properly express my Christian values, and love, and acceptance, for all people. It came across in a hateful way and, which that, I apologize. It was not my intention whatsoever to zero in on anybody.

However, apart from all that, OK, when the Warden says that I am an obstacle to progress, I want to refresh your memory on one thing, OK – many things as a matter of fact. First, KTH came to Shelburne in the late 1990s to build an automotive parts plant. Shelburne had no land large enough to accommodate them. I was the Mayor of Amaranth at the time, and I knew this place would employ hundreds of people. We decided in Amaranth to annex the land into Shelburne, for the plant, and today, as you probably well know, KTH is the largest employer in Dufferin County. I could go on with many other places, of things that I have supported in this County, so I do take offence when a person says to me, I'm an obstacle to progress. My record shows anything but that. Thank you.

¹⁰ The recording of the June 25 County Council meeting is online: <https://youtu.be/LKYBhIbE9YQ>

32. Following Mayor Currie's remarks, the Warden asked him whether he would resign as Committee Chair. Mayor Currie replied, "That has nothing to do with the comments I made at Township Council. You're trying to relate two different things."

33. County Council then voted to suspend its Procedural By-law to permit consideration of a motion made without notice, and voted 31-1¹¹ to strip Mayor Currie of his position as Chair of the Infrastructure and Environment Services Committee.

34. Subsection 18.4 of the Township's Procedural By-law, By-law Number 61-2018, allows the Deputy Mayor, in an emergency, to direct the Clerk to summon a special Council meeting on less than 24 hours' notice. Deputy Mayor Gerrits used this authority to call a special meeting. June 26, for the purpose of considering a single, substantive agenda item, described as "Pride Flag." He and Councillor Little attended (electronically); the other Council Members did not. Without quorum, the special meeting did not proceed.

35. Township Council gathered electronically for its regularly scheduled July 2 meeting, but the online platform was unstable, and it was impossible to ensure that the meeting was actually open to the public, as required by section 239 of the *Municipal Act*. All open meeting business was deferred to the next regular meeting, July 15.

36. Township Council held a special meeting, July 7, to deal with a personnel/employment matter in closed session.

37. At the start of the July 15 regular Council meeting, the Mayor issued a further apology for his comments at the last regular Council meeting: "I want to say, first of all, that I'm sorry that my words caused offence to some people, and I retract them, and that was never my intention in the first place, so I want to let people know that that is not what my intention was, without question."¹²

38. The following also occurred at the July 15 meeting:

- Council voted 5-0 to adopt a resolution, "that the Pride Flag be raised at the office of the Township of Amaranth on June 1, 2021, and be flown until the end of day on June 30, 2021." Mayor Currie voted in favour of the resolution.
- Letters from Ms Stacey Whittington and Ms Kate Bryan, Complainants in this inquiry, were read aloud.

¹¹ The 32 votes on Dufferin County Council are weighted according to local municipalities' populations. Orangeville's two representatives cast a total of 14 votes. Amaranth's two members cast one vote each. County Council consists of 14 members: one each from East Garafraxa and Grand Valley, and two from each of the other six municipalities.

¹² The quotation is my own transcription of the Mayor's words as he spoke them. The July 15 Council minutes record the text of his statement slightly differently: "'I am sorry that my words caused offence to some people and I retract them. That was never my intention in the first place. I want to let people know that was not my intention without question.'"

- Council defeated (on a 2-3 vote) a motion to censure Mayor Currie for “divisive and insensitive remarks out of order” made June 17 and subsequently in news media interviews, “actions [that] fall below the standards of conduct which are expected of a Member of Council through our Code of Conduct By-law Number 21-2016.”
- Councillors Foster and Tijssen gave notice of a motion for a flag protocol.
- Deputy Mayor Gerrits gave notice of a motion to take steps to create a Diversity, Equity and Inclusion Community Advisory Committee.

39. At its August 12 regular meeting:

- Council voted 5-0 to adopt a resolution to “dedicate one flagpole to the promotion of celebrations, causes and concerns of importance to our residents ... That the CAO of the Township of Amaranth shall develop and implement a protocol to establish the order, precedence, and duration of flags to be flown ...” Mayor Currie voted in favour of the resolution.
- Council Members commented on the draft flag flying policy and directed the staff to return with a revised version.
- Council voted 5-0 to adopt a resolution to “[take] steps to create a Diversity, Equity and Inclusion Community Advisory Committee ... [and] Appoint Stacey Whittington and Deputy Mayor Gerrits to form the committee and develop terms and reference ...” Mayor Currie voted in favour of the resolution.

40. On September 2, Township Council approved the final text of the “Flag Protocol and Proclamation Policy.”¹³ The vote was 4-0, with Councillor Tijssen absent. Mayor Currie voted in favour of the Protocol and Policy.

41. The new Flag Protocol and Proclamation Policy establishes a formal and transparent process, overseen by the CAO/Clerk, to submit requests for proclamations and flags, and sets objective criteria for the evaluation of requests.

42. The new Diversity, Equity, and Inclusion Community Advisory Committee, chaired by Stacey Whittington, with Deputy Mayor Gerrits as the Council appointee, held its first meeting, October 23. (Another Complainant in this inquiry also serves on the Committee.) The Committee, which refers to itself by the acronym ADEICA, has a dedicated Township email address: DiversityandEquity@amaranth.ca.

¹³ The text of the Policy appears at pages 82-87 of the agenda package for the September 2, 2020, Council meeting, online: <http://calendar.amaranth.ca/council/Detail/2020-09-02-1000-September-2-2020-Council-Meeting/0fdeff65-a804-45fe-a0b8-ac2800f2e935>

43. ADEICA's work continues. For some reason, however, the Committee's minutes do not seem to appear routinely on the Council agenda, even though its mandate is, "to advise the Township of Amaranth Council ..." Reporting to Council is the subject of a recommendation below.

44. The County of Dufferin has its own Diversity, Equity, and Inclusion Community Advisory Committee, with a mandate to advise County Council.¹⁴ The County also arranged diversity, equality and inclusivity training for County Councillors and senior staff members. Three two-hour sessions were held October 14, October 21, and October 28, and Mayor Currie attended all sessions.¹⁵ (Deputy Mayor Gerrits, who is also a County Councillor, attended as well.)

45. On June 1, 2021, at 5:00 p.m., the Pride flag will be officially raised outside the Township of Amaranth Administration Building, 374028 6th Line. (Because of pandemic restrictions, the event will be a drive-by ceremony, and attendees will remain in their vehicles.)

POSITIONS OF THE PARTIES

Complainants

46. The Complainants allege contraventions of five provisions of the Code of Conduct: section 3.1 (shall not use influence of office for other than exercise of official duties, six complaints); section 12.1 (encourage public respect for the Township, three complaints); section 14.1 (avoid conduct during meetings that offends or reflects intolerance toward any group or individual, eleven complaints); section 15.1 (harassment of any member of the public is misconduct, ten complaints); section 16.1 (bullying any member of the public is misconduct, eleven complaints).

47. They use a variety of terms to describe the Mayor's remarks, such as: hateful, injurious, discriminatory, offensive, homophobic, deplorable, inappropriate, divisive, and insensitive.

48. One Complainant observes that, "Mayor Currie's comments and statement set a dangerous precedent and open more doors to harassment and discrimination [against] the LGBT2Q+ community in the Township and surrounding area."

¹⁴ See committee description, online, <https://www.dufferincounty.ca/index.php/diversity-equity-and-inclusion-community-advisory-committee>, and Terms of Reference, online, <https://www.dufferincounty.ca/sites/default/files/clerks/Diversity%20Equity%20and%20Inclusion%20Community%20Advisory%20Committee%20Terms%20of%20Reference.pdf>

¹⁵ Dufferin County, Special Meeting of Council Minutes (October 14, 2020), Special Meeting of Council Minutes (October 21, 2020), Special Meeting of Council Minutes (October 28, 2020).

49. Another says that what occurred is, “a disgrace and embarrassment to Dufferin.”
50. Five Complainants state: “Mr. Currie could have provided a number of appropriate responses, most appropriate, a simple ‘no’ would have answered the request. Mr. Currie took the opportunity to belittle, degrade, humiliate, bully and harass members of the public and his staff with his comments.”
51. Another Complainant submits: “Mr. Currie is entitled to his own personal opinion, but it is my belief that a Mayor’s duty is to make everyone in his community feel safe, welcome and included. Mr. Currie’s disparaging comments did the opposite of that.”
52. In the words of one Complainant, “Bob Currie was voted as Mayor to speak for all the people in Amaranth. A Mayor is to support his people and see all as equal no matter what their sexual orientation is or ethnicity.”
53. One of the 14 Complainants bases the complaint on the text of Warden White’s statement during that June 25 County Council meeting.
54. Some of the Complainants believe that Mayor Currie’s comments are the reason why the Pride flag was not raised. I address this misunderstanding in the Analysis and Findings section, below.

Respondent’s Position

55. The Respondent states that his response to the complaints is reflected in the statements he made to County Council and Township Council, and in his subsequent votes at Township Council.
56. On June 25, at County Council, the Respondent stated: “I want to apologize in the way that I spoke at previous Township Council meetings, and also for media interviews. I did not properly express my Christian values, and love, and acceptance, for all people. It came across in a hateful way and, which that, I apologize.”
57. On July 15, at Township Council, the Respondent stated: “I want to say, first of all, that I’m sorry that my words caused offence to some people, and I retract them ...”
58. According to the Respondent, his position on the matter is reflected in his subsequent votes at Council, which include: voting to fly the Pride flag throughout June 2021; voting to adopt a formal Flag Protocol and Proclamation Policy; and voting to strike the Diversity, Equity, and Inclusion Community Advisory Committee, chaired by Stacey Whittington, with Deputy Mayor Gerrits as the Council appointee.

Complainants' Reply

59. Those Complainants who have addressed Mayor Currie's public apologies question his sincerity. They point to a portion of the July 15 statement ("sorry that my words caused offence to some people") and argue that these words do not amount to a complete apology.

60. Positions expressed include the following:

- An apology should "acknowledge the offence" and "recognize and regret the suffering [he] caused."
- An apology should be communicated in print and broadcast media "to make amends in the global community" because Mayor Currie "tarnished the good name of Amaranth in the global community."
- A proper apology should be backed up by diversity training for the Mayor and entire Township Council, and creation of a Diversity, Equity and Inclusion Committee to help address issues of discrimination and potential discrimination within the Township.

PROCESS FOLLOWED

61. The first complaint arrived on June 22, and others followed in subsequent days. Each was acknowledged and assigned a separate alphanumeric label. Each was shared with the Respondent.

62. Section 5.8 of the Complaint Protocol states that a complaint may be filed up to three months after the facts giving rise to the complaint occurred or first came to a Complainant's attention. The original comments were made June 17 and the first news media coverage was June 23, meaning that the three-month period expired September 17 or September 23. During that period, I received 14 complaints.

63. The Complaint Protocol gives the Integrity Commissioner the discretion to extend time frames and deadlines. I exercised discretion to extend, for three reasons: to allow the three-month complaint period to expire before continuing with the inquiry, to handle COVID-19 delays, and to accommodate challenges associated with communication with one of the parties to the inquiry.

64. The inquiry did not involve a dispute over facts. What occurred was documented and is all a matter of public record.

65. This Report does not refer to every letter, email, and document that I received from the parties, but I have reviewed and considered everything they sent me.

ANALYSIS AND FINDINGS

66. Before setting out my analysis and findings, I wish to clarify the limits of my inquiry and the limits of my role as Integrity Commissioner.

67. First, this inquiry is about Mayor Currie's comments, not about whether the Pride flag should have been flown.

68. Mayor Currie, and Mayor Currie alone, is responsible for his words. On the other hand, Township Council collectively is responsible for the decision, or absence of decision, as a result of which the Township did not fly the Pride flag last year.

69. Under Ontario's system of municipal government, sometimes described as a "weak mayor" system, heads of council possess very few powers that they may exercise on their own authority. (Of interest during the present pandemic, one authority that a head of council *does* possess is the authority to declare a municipal state of emergency.¹⁶) Aside from limited exceptions, decision-making is a power belonging to Council as a whole and, in that decision-making, the Mayor possesses just one vote.

70. Mayor Currie had neither power to require flying a flag nor power to prevent flying of a flag. The entity possessing those powers was Council as a whole.

71. Many news media and other commentators are under the impression that it was Mayor Currie who decided not to fly the Pride flag.¹⁷ This is incorrect. While the comments reflect Mayor Currie's opinion as one Council Member, he individually did not have authority to fly or not to fly a flag. The authority belonged collectively to the Council, and the reason the Pride flag did not fly was because **no Council Member**, either prior to or at the June 17 meeting, put forward the necessary motion.¹⁸

72. Some Complainants, too, believe that Mayor Currie's comments are the reason why the Pride flag was not raised. Because of pervasive media coverage incorrectly attributing the flag decision to Mayor Currie, the misunderstanding is perhaps predictable. It is, nonetheless, a misunderstanding.

¹⁶ *Emergency Management and Civil Protection Act*, subs. 4(1).

¹⁷ For example: "Mayor of Ont. township refuses to fly Pride flag" (CP24, <https://www.cp24.com/video?clipId=1983991&jwsourc=cl>); "Ontario township mayor faces backlash over homophobic comments, decision not to raise Pride flag" (Global News, <https://globalnews.ca/news/7107725/ontario-township-mayor-homophobic-comments-pride/>); "Mayor of Amaranth, Ontario refuses to fly LGBT flag" (The Post Millennial, <https://thepostmillennial.com/mayor-of-amaranth-ont-refuses-to-fly-pride-flag-petition-launched-for-his-resignation/>) "Amaranth Mayor Bob Currie is refusing to fly the flag due to his anti-LGBTQ+ beliefs" (Narcity, <https://www.narcity.com/amaranth-mayor-bob-curries-anti-pride-flag-remarks-spark-petition>)

¹⁸ Whether a motion to fly the flag would have required prior notice (or suspension of the notice requirement in the Procedural By-law) is moot because, up to and including June 17, no Council Member made any such proposal.

73. For this reason, the inquiry must be restricted to Mayor Currie's conduct. It is not about Council's collective inaction on the Pride flag request up to and including June 17.

74. Second, this inquiry cannot be about removal from office.

75. Under Ontario law, a Council Member's seat is vacated when: the Member is convicted of a corrupt practice under the *Municipal Elections Act*, or of an offence under the *Criminal Code* related to a municipal election;¹⁹ a judge declares the seat vacant after determining that the Member contravened the *Municipal Conflict of Interest Act*;²⁰ the Member is no longer eligible to vote in a municipal election in the municipality, such as while serving a sentence of imprisonment in a penal or correctional institution;²¹ the Member is absent from Council meetings for three successive months without being authorized to do so by Council resolution;²² the Member is in default of a municipal campaign finance requirement such as spending no more than the prescribed amount, filing a financial statement and auditor's report, or paying any surplus to the clerk;²³ the Member fails to make the declaration of office on or before the day of the first Council meeting;²⁴ the Member ceases to be a Canadian citizen or ceases to be an eligible voter in the municipality;²⁵ the Member assumes a position, such as MP, MPP, judge, or officer or employee of the municipality, that disqualifies an individual from municipal office;²⁶ the Member ceases to be a resident of the municipality, or an owner or tenant of land in the municipality, or a spouse of an owner or tenant;²⁷ the Member's seat is declared vacant in any other judicial proceeding or the Member forfeits the office under any Act;²⁸ or the Member is appointed or elected to fill another office on the same Council.²⁹

76. The law of Ontario does not permit an Integrity Commissioner to remove a Mayor (or any Council Member) from office. Further, Council generally lacks the authority to remove a Mayor (or any Member) from office. An Integrity Commissioner cannot recommend that Council take a step for which Council lacks authority.

77. Consequently, removing Mayor Currie from office as Mayor is beyond the legal scope of this proceeding.

¹⁹ *Municipal Elections Act*, subs. 91(1).

²⁰ *Municipal Conflict of Interest Act*, subs. 9(1).

²¹ *Municipal Act*, clause 258(2)(c), clause 259(1)(a); *Municipal Elections Act*, subs. 17(3).

²² *Municipal Act*, clause 259(1)(c).

²³ *Municipal Elections Act*, s. 88.23. The obligations are those in ss. 88.20, 88.25, 88.31, 88.32.

²⁴ *Municipal Act*, s. 232, clause 259(1)(b).

²⁵ *Municipal Act*, ss. 256, 257, clauses 258(2)(a), 259(1)(a).

²⁶ *Municipal Act*, s. 258, clause 259(1)(a).

²⁷ *Municipal Act*, clause 258(2)(b), clause 259(1)(a).

²⁸ *Municipal Act*, clauses 259(1)(f), 259(1)(g).

²⁹ *Municipal Act*, clause 259(1)(e).

78. The one position from which Mayor Currie could be removed – because it was a Council appointment, not an elected office – was his position as Chair of the Infrastructure and Environmental Services Committee of Dufferin County Council. County Council acted quickly to remove Mayor Currie from that position, and a reason given (during debate) for doing so was breach of Dufferin County's Council Code of Conduct.

79. The Complainants have articulately argued why the Mayor's comments were inappropriate and hurtful. In this proceeding, the Respondent does not challenge those arguments. He relies on his statements to County Council and Township Council.

80. At a County Council meeting, in open session, that is, in view of the public, he stated, in part, "I want to apologize in the way that I spoke at previous Township Council meetings, and also for media interviews. I did not properly express my Christian values, and love, and acceptance, for all people. It came across in a hateful way and, which [*sic*] that, I apologize." This apology is still online.

81. Next, in an open (that is, public) meeting of Township Council, he said he retracted the offending comments.

82. The Mayor has also acknowledged, in a public statement, that people were hurt by his remarks: "I am sorry that people have been hurt by comments that I have made."

83. I understand the perspective of some Complainants that, because the Mayor's original comments were widely reported by print and broadcast news media, his apology should appear in print and broadcast news media.³⁰ The challenge is that the Mayor's apologies were made in public, and were covered, but only sparsely. An Integrity Commissioner cannot tell the news media what to report. If the media view inflammatory remarks by a Mayor as more newsworthy than the subsequent apology for those comments, then that exercise of journalistic discretion is theirs to make.

84. Under the *Municipal Act*, this report, including its findings, is, a public document. The news media are free to cover it, and anyone is free to share it. While not precisely what some Complainants request, the transparency of the findings in this report may go some way to address their concerns about publicity.

85. Even before Township Council created the Diversity, Equity, and Inclusion Community Advisory Committee, one Complainant had recommended this step. The ADEICA now exists, and Ms Whittington is its chair. I have noted, however, that Council does not take up the ADEICA minutes as part of its regular agenda. To recognize the importance of diversity, equity, and inclusion, as well as Council's ultimate responsibility for these outcomes, I recommend that Council do so.

³⁰ While Mayor Currie did participate in several interviews, I have found as a fact that the news media sought him; he did not seek the news coverage. I have also found as a fact that he stopped accepting news media interviews sometime on June 24.

86. The Complainant's recommendation for diversity training of the Mayor and other members of Township Council has now been partly addressed by the six-hour diversity training, for Dufferin County Councillors, in which Mayor Currie (and Deputy Mayor Gerrits) participated. I recommend that Township Council consider whether to undertake diversity training of all its Members (or of the three Members who are not County Councillors).

87. Many Complainants have argued that the sincerity of an apology by the Mayor must be demonstrated by action. The Mayor points to his votes in favour of flying the Pride flag this year, in favour of the new Flag Protocol and Proclamation Policy, and in favour of the Diversity, Equity, and Inclusion Community Advisory Committee, chaired by Ms Whittington, as demonstrating his actual, current positions.

ADDITIONAL OBSERVATION

88. This issue received news media attention across the entire country. Consequently, many people outside Township were aware of what occurred June 17. Most of the Complainants are not Amaranth residents, but they possessed the legal right to file Code of Conduct complaints, and they exercised it.

89. The Province requires municipalities to adopt codes of conduct and to appoint integrity commissioners, but it provides no corresponding funding. The cost of code of conduct inquiries is borne entirely by the taxpayers of a municipality. Significantly, the provincial legislation does not restrict code of conduct complaints (known as "requests" under subsection 223.4(1) of the *Municipal Act*) to local residents.

90. This means that Amaranth, with less than 0.03 per cent of the population of the Province, might be required to accept, to process, and to pay for, Code of Conduct complaints from anywhere in the remaining 99.97 per cent of Ontario. The same can be said of complaints from elsewhere in Dufferin County; Amaranth has just 6.65 per cent of the County population, but currently is liable to fund Code of Conduct inquiries generated by the other 93.35 per cent of Dufferin County.

91. In this instance, four complaints originated in Amaranth, eight from elsewhere in the County, and two from other parts of the Province.

92. Under the current Code of Conduct, the Integrity Commissioner must treat all Code complaints equally, whether they originate in Amaranth or 150 km away.

93. Township Council may wish to consider whether, in future, to confine the submission of a Code of Conduct complaint to an individual who resides in Amaranth or has a demonstrable interest in the subject matter of the complaint.

94. This is not a comment on the individuals who filed complaints in this inquiry. They acted appropriately and according to their lawful rights at the time of making the complaints.

CONCLUSIONS

95. The Respondent has acknowledged that his June 17 comments and news interview comments hurt people, did not reflect love and acceptance of all people, and came across as hateful. The inquiry so finds.

96. Respondent has apologized, has expressed sorrow and regret, and has sought to retract the comments. The inquiry records these concessions.

97. The inquiry finds that the decision not to fly the Pride flag in 2020 was not the Respondent's. Failure to fly the flag resulted from the collective inaction of the entire Council prior to and at the June 17 meeting.

98. The inquiry records that County Council acted immediately to remove the Respondent from the position of Chair of the Infrastructure and Environmental Services Committee. This is the only office from which the Respondent could be removed, and removal has already occurred.

99. The inquiry records that the Respondent has undertaken six hours of diversity, equality, and inclusivity training.

100. The inquiry records that the Pride flag will be raised June 1 and will fly outside the Township offices all month.

RECOMMENDATIONS

101. I recommend that Township Council include minutes of the Township's Diversity, Equity, and Inclusion Community Advisory Committee on the regular Council agenda, in recognition of Council's ultimate responsibility for the outcomes of diversity, equity, and inclusion.

102. I recommend that Township Council consider whether the Township should provide diversity, equality and inclusivity training to all Council Members.

103. I recommend that Township Council consider whether to amend the Code of Conduct to provide that, to submit a Code complaint, an individual must reside in Amaranth or have a demonstrable interest in the subject matter of the complaint.

CONTENT

104. Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
Township of Amaranth

May 31, 2021