

Councillor Florent in breach of Municipal Conflict of Interest Act

By Mike Riley

Local Journalism Initiative Reporter

At their Oct. 4 meeting, South Algonquin Township Councillor Joe Florent was found to have breached the Municipal Conflict of Interest Act and Municipal Code of Conduct by the Integrity Commissioner, Tony Fleming of Cunningham Swan Lawyers. While Fleming did not deem the breach serious enough to refer the matter to the courts or recommend Florent face financial sanctions, he did recommend that Florent publicly apologize for his actions. Council accepted this recommendation and Florent is expected to publicly apologize at the Nov. 1 meeting.

Fleming presented his findings to council regarding Florent's breach of the Municipal Conflict of Interest Act and the Municipal Code of Conduct at their Oct. 4 meeting, in accordance with section 223.6(1) of the Municipal Act. He said he was giving an overview of the report, what his recommendations were and taking any questions council might have. The findings of his report represent his final decision in this matter.

According to Fleming's report, the breach occurred at council's March 1, 2023 meeting, where a funding discussion and decision was being made regarding the Flying Feathers' Archery Club, an organization which Florent is the secretary/treasurer of. The benefit of township financial funding was to the club but also by extension to Florent, as an active member of said club, according to Fleming. While Florent did declare a conflict of interest in this matter, he proceeded to partake in the discussion that followed, contrary to the Municipal Conflict of Interest Act, section 5 (1) (b), and the Code of Conduct, rule 1 (1) and rule 1 (2).

Fleming said the mitigating or confounding factor was that township staff told Florent that he could partake in these discussions, which was not accurate.

“Even though staff did give that advice, it was incorrect and the councillor ought not to have provided any comments even if those comments were in the nature of answering questions about the organization or the report,” he says.

Fleming said the Conflict-of-Interest Act was very clear; once a conflict is identified and declared, a member cannot participate in any way or attempt to influence the vote in any way. He further added that his office had given Florent advice in advance of the meeting (on Nov. 23, 2022) that there was a pecuniary interest, and that he should refrain from participating in any discussions on funding, so he was well aware of it.

“Our role under the Municipal Conflict of Interest Act is to determine whether or not we should refer this to the courts and ask a judge to make a finding based upon our investigation. Given the facts in this case, it's my decision that we're not going to forward this matter to the court. It's simply a matter that in my view the judge would not remove a councillor from their seat. The circumstances are simply not severe enough, and in these circumstances, not a good use of taxpayers' money for me to refer it to the courts. Also, because the Municipal Code of Conduct addresses conflicts of interest, council can address this matter through the recommendations,” he says.

Fleming further added that because staff had advised that Florent could answer questions, but there was no attempt to influence the vote and he was simply replying to questions, financial sanctions were also not appropriate in these circumstances.

“But I do think the councillor needs to issue a public apology. It's confusing for the public to see a member of council declare a conflict of interest and then participate in part of the debate. That's not what should happen. So in order to ensure the public understands that this was inappropriate and to try to rehabilitate the integrity of the process, our recommendation for the council to consider is that you require the councillor to issue a public apology,” he says.

Concluding his presentation on his report, Fleming asked if there were any questions from council. There were none, aside from LaValley asking him what the next steps should be. He replied that council should pass a resolution to receive his report for information, determine how the report will be made public, in accordance with section 223.6(3) of the Municipal Act (it already had been as it was part of the Oct. 4 council meeting agenda), and whether they'll accept the recommendation, reject it or amend it.

Council went on to discuss the matter, without Florent's input as stipulated by Fleming, and accepted Fleming's recommendation that Florent publicly apologize at their next council meeting on Nov. 1.

LaValley told Bancroft This Week that the Integrity Commissioner's report is public knowledge and reiterated that council accepted the recommendation of the Integrity Commissioner.

?Councillor Florent is expected to apologize at the Nov. 1 meeting,? she says. ?I have no further comment.?