

A Special Meeting of Council Agenda

Tuesday, December 2, 2025, 5:30 p.m.
Council Chambers
2nd Floor - Town Hall

Town of Renfrew - YouTube Meeting Stream

Pages

A. Call to Order

A.1 Roll Call

A.2 Land Acknowledgement

As we gather, we would like to acknowledge on behalf of Council and our community that we are meeting on the traditional territory of the Algonquin People. We would like to thank the Algonquin people and express our respect and support for their rich history, and we are extremely grateful for their many and continued displays of friendship. We also thank all the generations of people who have taken care of this land for thousands of years.

B. Declaration of Interest

C. Special Council Item

C.1 Presentation - Final Report for Code of Conduct Complaint File No. 31176-53, November 18, 2025

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Presented by Tony Fleming, Cunningham, Swan, Carty, Little & Bonham LLP

Recommended Action:

That Renfrew Town Council receive Integrity Commissioner Tony Fleming's final report in reference to file number 31176-53 dated November 18, 2025 as information; and further that any

recommendations stated within the report are brought forward for Council's consideration upon presentation.

D. Upcoming Meetings of Council and Committee

Economic Development Advisory Committee - December 9, 2025 at 10:00 a.m.

Special Council Meeting, Closed - December 9, 2025 at 12:00 p.m.

Regular Council Meeting - December 9, 2025 at 5:30 p.m.

E. Adjournment



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November 18, 2025

SENT BY EMAIL TO: cerrett@renfrew.ca

Mayor and Council
c/o Carolyn Errett
Town of Renfrew
127 Raglan Street South
Renfrew, ON
K7V 1P8

Dear Mayor and Council:

**RE: Code of Conduct Complaint – Final Report
Our File No.: 31176-53**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

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The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Timeline of Investigation

- September 11, 2025, complaint received;
- September 23, 2025, complaint packages sent to Members;
- September 26, 2025, response from Member Dick received;
- October 7, 2025, response from Member Cybulski received;
- October, 2025, conduct interviews.

Complaint Overview

Councillor Cybulski

The complaint alleged that Councillor Kyle Cybulski (“Member Cybulski”) posted to Facebook on October 8, 2025. The post dealt with a number of topics on the agenda for the September 9, 2025, Council meeting. The complaint alleged that the comments made by Member Cybulski were intended to “provoke reaction and cast doubt on the integrity of staff and the corporation. The tone can reasonably be interpreted as disrespectful, intimidating, and potentially malicious in nature.”

We excerpt below in the Findings section portions of the post as necessary to understand our findings.

The complaint also alleged that by posting his views in advance of the Council meeting, Member Cybulski compromised the integrity of the decision-making process, contrary to sections 8.1 and 8.3 of the Code of Conduct.

The complaint further alleged that Member Cybulski divulged confidential information when he commented on the results of an investigation.

Councillor Dick

Councillor Andrew Dick (“Member Dick”) responded to the post by Member Cybulski, supporting the statements made. The complaint alleged that Member Dick’s endorsement of the statements by Member Cybulski breached the same sections of the Code of Conduct related to interactions with staff.

As the complaint dealt with the same Facebook post and Member Dick's response to that post, we combined both complaints into one report for ease of reading.

Code of Conduct

The relevant sections of the Code of Conduct include:

3.1 Every Member must hold in strict confidence all Confidential Information acquired as a direct or indirect result of the Member's role with the Municipality. Confidential information shall not be disclosed except when required by law, or when authorized by Council or the Clerk.

4.1 Every Member has the duty and responsibility to treat members of the public, staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.

8.1 Members, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, 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.

8.3 It is not the intent of this Code of Conduct to restrict the ability of a Member to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Municipality. In no event should a Member express a position that is disrespectful of the decision of the majority of Council, a Board or a Committee.

9.2 Members shall not:

(a) maliciously or falsely injure the professional or ethical reputation of Staff;

...

(c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

9.3 Members shall recognize and respect that many members of Staff are bound by professional associations to a code of ethics and professional conduct and that they provide their reports and recommendations

objectively, in the best interests of the Municipality and within the requirements of their profession.

Factual Findings

As part of the investigation, we reviewed the Facebook posts, the written submissions of the Members responding to the complaint and interviewed other witnesses.

Member Cybulski

The relevant excerpts from Member Cybulski's post include:

Ma-te-way Ball Diamond Lights

“...But how is it possible for the low bid to come in at \$99,975 and the high bid to come in at \$239,766? How can a spec project have such a huge difference in price. Or is the spec so vague, so incomplete, so open to interpretation that one company can be so much cheaper than the other? ...”

Tender Award on Seventh Street

“Another road project with no drawing or design attached. Another project potentially to fall victim of doubling in cost. Back to the recurring theme. Dominion and 8th to name a few with massive, unexpected increases. I did get a motion passed to allow council to weigh in on all design projects, but no final decision has been made yet as the motion will come as part of the Procurement policy change. No date selected for that yet, that I'm aware of....”

Scope Change for Stevenson Crescent

“Yep, you guessed it Its more than doubled. Let's add \$350,000 in estimated cost to the \$290,804 project. It appears that the engineering missed the fact that Renfrew is built on clay..... The engineering team missed this when they did the design in 2024. Pretty sad. All I have been asking for is the full picture and cost and now a simple job is more then [sic] doubled. ...”

Closure of Investigation

“Yes, the3rd party review has been completed and all documents handed over to the OPP and our Lawyers. They have done their due diligence and now we have our answer. Close the investigation on the MyFM Center. This means that no one will be held accountable for this project. ... No one is being held responsible for the mistakes made except for the taxpayers of Renfrew. I'm so sad that this has happened to the good people of Renfrew....”

In his written response, Member Cybulski stated that he understood that the post “walked the line in respect to the Code of Conduct, but I believe the line was not crossed.”

He further stated:

“I am responsible for my own words and actions; I hold myself to a high standard when making public Facebook posts, as this is not common practice for me. That said, I am not responsible for how others interpret my words, or my intentions. In my post I did not isolate any individuals, nor did I specifically mention any staff members. In the complaint, there is not one part that shows I crossed a line with an individual.”

Member Cybulski then went on to refer to the language of the complaint which described the complainant’s interpretation of the post. The Member’s response was that he cannot be held responsible for how others interpret his post.

The Integrity Commissioner finds that the issue of the Ma-te-way Center investigation was addressed at the August 12, 2025, closed meeting of Council. No closed session report was provided to Member Cybulski as he did not attend that session. However, staff did brief Member Cybulski about what occurred and advised him of Council’s direction arrived at during the August 12 meeting. We find that Member Cybulski was aware of Council’s direction related to communications about the investigation prior to his September post.

Member Cybulski responded that he did not disclose any confidential information as his statement that, “... Close the investigation on the MyFM Center. This means that no one will be held accountable for this project. ... No one is being held responsible for the mistakes made except for the taxpayers of Renfrew. I’m so sad that this has happened to the good people of Renfrew....” was his interpretation of the public report, and did not refer to any confidential information.

Member Dick

Member Dick’s response to the post by Member Cybulski, was as follows:

“Well said Councillor Cybulski. It has been more than frustrating these last few months/years.

We go in with a mindset of changing the world and making things better. Then get stonewalled by individuals.

I join you with being embarrassed at this all.

Let’s keep fighting the good fight sir.”

Analysis

Member Cybulski

Member Cybulski appears to be under the misunderstanding that if he simply omits names, and uses only department names or generically refers to consultants, that he does not “cross

the line”. The Integrity Commissioner finds it instructive that Member Cybulski acknowledges that the post “walked the line”. This means that the Member deliberately demeaned the credibility and professionalism of consultants and staff working for the Town, but feels he should not be held responsible because he used no names.

Member Cybulski also appears to believe that how others interpret his words is not his responsibility.

What this investigation required was a balance of the right of a member of Council to make political statements against the clear direction given by Council in its Code of Conduct as to how members of Council must respect staff and others. The Integrity Commissioner finds that the post did in fact, “cross the line”. The Integrity Commissioner further finds that members of Council do have a responsibility to ensure that the words they use are interpreted as they intend – in this case the Member admits that he was “walking the line”. He cannot then blame how others interpret his words as a way to avoid responsibility.

The Code of Conduct states:

4.1 Every Member has the duty and responsibility to treat members of the public, staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.

9.2 Members shall not:

(a) maliciously or falsely injure the professional or ethical reputation of Staff;

...

(c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

9.3 Members shall recognize and respect that many members of Staff are bound by professional associations to a code of ethics and professional conduct and that they provide their reports and recommendations objectively, in the best interests of the Municipality and within the requirements of their profession.

When Member Cybulski speaks about the engineering team or engineering he can only be referring to the Town’s consultants and internal engineering staff – whether named individually or not this is sufficient to engage the Code of Conduct.

The following statements are not respectful and are abusive:

Ma-te-way Ball Diamond Lights

“... is the spec so vague, so incomplete, so open to interpretation that one company can be so much cheaper than the other? ...”

Scope Change for Stevenson Crescent

“... It appears that the engineering missed the fact that Renfrew is built on clay..... The engineering team missed this when they did the design in 2024. Pretty sad....”

Members of Council are entitled to ask for more information, point out where information is lacking and disagree with recommendations of staff. What members of Council cannot do is be disrespectful in how they make criticisms and suggest that staff and the Town’s consultants are not competent.

Council very carefully drafted a Code of Conduct that created an obligation that members of Council would treat staff and the public respectfully.

In past investigations in other municipalities, we often hear members of other councils’ comment that they cannot do their job if they cannot be critical of staff; or that their role is to identify mistakes and problems and the Code of Conduct should not interfere with that duty.

The Code of Conduct is not a barrier to any member of Council advancing the public interest or holding staff members accountable. What it requires however, is that members of Council not be disrespectful of staff and consultants or demean their professionalism. The question that Member Cybulski should ask himself is when was the last time he had a personal employment performance review conducted on Facebook or livestreamed on YouTube? The answer is that employment performance reviews or criticisms are done privately to respect staff – Town of Renfrew staff and its consultants deserve no less.

Member Cybulski breached sections 4.1, 9.2 and 9.3.

The complaint also alleged that Member Cybulski disclosed confidential information related to his post about the Ma-te-way Center investigation. Member Cybulski responded that he did not attend the closed session dealing with that matter and was speaking only about the public report.

The Integrity Commissioner finds that Member Cybulski’s comment is something that can reasonably be inferred from the public report and is not a breach of confidential information. The public report stated:

The investigations and processes initiated in March of 2023 have now reached full completion and all matters have been closed. No further actions will be taken by the police on this matter and no further actions by any legal representatives unless new matters or information arises.

It is important to note that although charges were not laid by police, the investigation, legal reviews, and studies were fulsome and were not taken lightly.

Member Cybulski's comments in his September post do not differ materially from this statement and his conclusion that no one will be held accountable is a reasonable interpretation to derive from the public report. Our investigation finds that no confidential information was disclosed by Member Cybulski.

A related issue is whether the post about the investigation breached section 8.1 that requires members of Council to accurately communicate decisions of Council. The Integrity Commissioner finds that Council very specifically determined the language that was to be used in all communication around the closure of the investigation. The Integrity Commissioner further finds that Member Cybulski was aware of that direction as staff conveyed that direction to him after the meeting, and before the September post. Council's direction was as set out in the staff report excerpted above. Other than Member Cybulski drawing the conclusion that no one was being held accountable, the messaging is very similar.

Member Cybulski's post deliberately deviated from the direction of Council and is a breach of section 8.1 of the Code of Conduct which requires members of Council to accurately communicate the decisions of Council.

The final allegation was that the post pre-judged how Member Cybulski was prepared to deal with the matters he discussed. The allegation was that the post might have compromised the neutrality and fairness of upcoming deliberations. The Integrity Commissioner finds that there is no prohibition in the Code of Conduct that would preclude Member Cybulski from posting his thoughts about upcoming matters before Council.

Member Dick

Member Dick endorsed Member Cybulski's post and is similarly found to be in breach of sections 4.1, 9.2 and 9.3 for the same reasons. In addition, Member Dick accused "individuals" of "stonewalling" and interfering with Council's ability to "change the world". As with Member Cybulski, the Integrity Commissioner finds that not using individual names is not a way to disparage staff and avoid responsibility. Accusing staff of stonewalling is disrespectful and demeans their professionalism. This statement, and his endorsement of Member Cybulski's post, is a breach of sections 4.1, 9.2 and 9.3.

Conclusions and Recommendations

It seems apparent that both members of Council are frustrated with what they perceive as inadequate staff responses on various issues. As stated above, members of Council have established mechanisms to address any concerns they might have with staff. It is however, entirely inappropriate to criticize staff in public. Council members must recognize the power imbalance between staff and Council and treat staff and others with respect.

The Integrity Commissioner recommends the following:

For Member Cybulski, this is the first instance where our office has investigated a complaint. While this may be his first complaint investigated by our office, the nature of his post demonstrates a deliberate intent to publicly criticize staff and Town consultants. Council members should not attempt to “walk the line” of possible Code of Conduct breaches and should instead respect the role of staff and others. Member Cybulski should also respect the clear direction of Council as to how issues must be communicated – Council speaks with one voice and where individual Council members deviate from that message, the integrity of the decision-making process suffers.

The Integrity Commissioner recommends that Council suspend Member Cybulski’s remuneration for a period of 20 days to emphasize the importance of respecting staff and others and the decisions of Council.

For Member Dick, this is the second investigation where the Member has been found in breach of section 4.1. In the last report, we recommended an apology and reprimand. It appears that the apology and reprimand were insufficient for Member Dick to appreciate his obligations under the Code of Conduct. Unlike the previous report, Member Dick is unapologetic about his comments in this instance. The Integrity Commissioner recommends that Council suspend Member Dick’s remuneration for a period of 15 days to emphasize the importance of respecting staff and others.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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TEF