



July 17, 2024

Mr. Kevin Klingenberg
Municipal Clerk, Town of Caledon
By email only

Dear Mr. Klingenberg

RE: Reply to the Integrity Commissioner's report dated June 24, 2024

I am writing in response to the Report by the Integrity Commissioner dated June 24, 2024, regarding statements I made at the February 6, 2024, General Committee meeting. I appreciate that a member of the public perceived my comments as excluding his ethnic community from the definition of "us" or Caledon community members. While I am saddened that my words were interpreted this way, it is crucial to review my actual statement in context, rather than what the complainant believed I said.

I believe strongly that an Integrity Commissioner has a vital role in the oversight of members' actions and the application of the Code. However, in this case, I respectfully disagree with his conclusions.

My Statement

On February 6, the General Committee of Council was considering what policies or rules should be made to govern the installation of temporary washroom facilities in neighbourhood parks. This discussion began in summer 2023, and on February 6, 2024, staff reported back to the committee.

Staff made a number of comments, including about the use of neighbourhood parks. Staff suggested that we survey residents in particular communities if requests were made to install temporary washroom facilities. Staff advised that park visits in Neighbourhood Parks were generally 1-2 hours in length.

I engaged in a dialogue with staff to better understand their recommendation. I also sought to ensure that council members (and any members of the public who were considering the issue) were considering uses of the park which might differ from their own.

The complainant believed that I had remarked on “evolving changes in white communities’ parks”. Those were not, in fact, my words. As detailed in the Integrity Commissioner’s report, in explaining why it is important to survey residents in the surrounding neighbourhood in deciding whether to install a portalet in a particular location, I said:

“We need to recognize that there is an evolving need, err, evolving changes, in the way parks are used, especially with communities that are largely populated by South Asians who use parks differently than what many of us may be accustomed to.”

My comment intended no negative connotation. Rather, I wanted to point out that there are differences in the ways that our residents use parks. As I set out in my response to the complaint, I am particularly attuned to this issue because 64% of the Mayfield West community members are visible minorities. Mayfield West is a welcoming community, and I have seen that the use of parks is different in my community. I want all members of our community to use the parks. I have seen and enjoyed the sight of many large, multi-generational gatherings of community members, mainly of South Asian descent, in our parks. Many gatherings and celebrations last longer than the 1-2 hours that staff had stated were typical visit lengths for neighbourhood parks. In making my comments, I encouraged the use of surveys to ensure that everyone’s use of parks was carefully considered.

Critical Correction to the Report: “Community Revitalization and our Growing Population” Presentation

The Integrity Commissioner appears to have concluded that I lied or misled him in footnote 3 where he states that he:

“Reviewed Staff Report 2023-0250 and found no reference to the demographic statistics or any content in the report that would make such demographic statements relevant. The Report was in fact titled “Proposed Community Revitalization Projects and Caledon East Revitalization Task Force Terms of Reference,” not “Community Revitalization and our Growing Population” as Cllr. Sheen suggests.” (FN3, p. 3).

Respectfully, that is not what my response said. The synopsis at paragraph 8 of the Report clearly sets out that there was a staff report and a presentation on June 6, 2023, and that “the presentation by staff provided demographic data”. That presentation titled “Community Revitalization and our Growing Population” is publicly available here and you will see all the

data that I referred to in my response: <https://pub-caledon.escribemeetings.com/filestream.ashx?DocumentId=32068>.

I am deeply concerned about the publication of a public report suggesting that I have lied to or misled the Integrity Commissioner. I categorically deny doing so. I am also concerned that the Integrity Commissioner, in reaching his incorrect view that I had misled him or created the demographic data, failed to properly consider my response to the complaint.

I encourage the public to rely on the demographic data provided by staff which is helpfully broken down by neighbourhoods within Caledon. While I have no reason to believe that the Wikipedia data presented by the Integrity Commissioner is inaccurate, it does not provide the same information as the Town staff's data upon which I was relying.

As the Integrity Commissioner stated later in his Report, it is a matter of common sense that a rapid demographic change can lead to tensions between "those who have been in the solid, but now declining majority for so long and members of the ascending cultural minorities." And council has only 1 of 9 members who is a visible minority. As a result of the fact that nearly 65% of my community members are visible minorities, and visible minorities are underrepresented on council, it is extremely important to ensure that the "ascending cultural minorities" are accurately represented before council on issues like the use of public spaces. In making my comments, that was my intention.

While I appreciate that we must be incredibly careful to ensure that we are not seen to be excluding an identifiable group while pointing out differences, it was critically important that I ensure that all members of Council consider, beyond their own use of parks, the use by all members of our community. I tried to advocate for the use of community surveys and highlighting that parks are not used identically by all people. I made my comments respectfully, and even if clumsily worded, it does not, in my view, rise to the level of a breach of a decorum provision of the Code.

Cases cited by the Integrity Commissioner

It is important to note that the cases cited by the Integrity Commissioner involved (i) a statement by a councillor in another municipality outside of a political debate at a council meeting which was, on its face, offensive and (ii) a councillor who physically harmed another councillor in council chambers while a meeting was on recess

My comment cannot fairly be compared to a councillor who stated that "people of all races, colour and creeds" should "learn the values of the white people." I was, in fact, encouraging the opposite – that we carefully consider how different communities may wish to use parks differently. That councillor made a comment to the media. My comment was made during the

course of political debate, unscripted, and to encourage use of tools to ensure that community members had a voice in determining where washroom facilities would be located.

In *McConnell v Ford*, Mr. Ford had physically knocked down a member of council while rushing to “defend” his brother in council chambers, during a recess. While the Integrity Commissioner concluded that an action done without intent to harm can still violate the Code, this decision did not suggest that the intention or motive was irrelevant or should simply be ignored. I disagree with the Integrity Commissioner’s reliance on this case to determine that my response, including my stated intention, was irrelevant. His view may also have been informed by his disbelief of my statements about the important community presentation we received in June 2023.

In paragraph 24 of the Report, the Integrity Commissioner raises several questions and suggests that there are “too many unfortunate negative interpretations that [my comments] could reasonably give rise to”. He then concludes that my comments had implied that there was a negative connotation to the South Asian communities’ use of parks. I disagree. I wish for community members to have access to public spaces to use them in ways that bring people together. I believe that empirical data would show that South Asian communities tend to use parks differently (when measured against historical use in our community), by engaging in full-day gatherings not only for shorter term visits to playgrounds or to engage in sports and recreation.

Further Comments

In selecting my words “many of us may be accustomed to,” I intended to include myself. I could have said “many people may be accustomed to” or used some similar phrase; however, it is important to understand that I was making my statement during political debate. I did not have prepared remarks and was attempting to be responsive, in real time, to the comments of staff about, for example, the length of visits to neighbourhood parks.

I am greatly concerned that a finding of a breach of the decorum provisions will have a severe negative impact on my (and my colleagues) ability and willingness to ensure that my diverse community is represented when engaged in a topic of debate requiring us to highlight important differences in how different communities tend to use public spaces (not only parks, but libraries, community centres, trailways etc.). While I am sorry that my comments were perceived as negative, I did not intend to create an “us” versus “them” dichotomy as concluded by the Integrity Commissioner and reviewing my words, in context, did not seem to do so. While the Integrity Commissioner is critical of other members of council for not suggesting that my comments were out of order, I believe that was because those at the meeting, attending to

the topic of debate, and understanding the significant differences that I sought to highlight, did not interpret my comments in the manner that they are now being misconstrued.

While I try hard to ensure that my statements are well thought out and cannot be misconstrued, it is possible that I will fail. In this circumstance, I believe that the complainant heard different words than I said – and read an inaccurate meaning into my statements. I disagree with the Integrity Commissioner’s conclusion that my statements, taken in context, constituted a breach of decorum rules. Separating the words from their context is problematic as it may result in misunderstanding. Reviewing my exchange with staff as a whole, it is clear that I was advocating for the need for community surveying to capture the unique needs of each community in Caledon, recognizing that as the Town’s population grows and the community becomes more diverse, we cannot make decisions based on the way that public spaces were used in the past. Careful attention must be paid to the evolving demographics in our Town as we welcome new members of our community who bring vibrant, cultural practices that may differ from the Town’s historical uses.

Training by Bhasin Consulting

Finally, I wish to note that everyone makes mistakes. The Integrity Commissioner has recommended that all members of council take cultural sensitivity training with a well-respected trainer. In his report, he has identified the expert as “Ruth Bhasin” (paragraph 28); in fact, her name is Ritu Bhasin. I look forward to training with her.

Sincerely,

Dave Sheen
Councillor, Ward 2