

22(1), 2023

**RE: Violation Council Code of Conduct**

Dear Stephen Fleming,

Per council [Policy 388 \(Code of Conduct\)](#) and [Policy 390 \(Lobbyist Registry\)](#), I am filing a complaint against 22(1), 2023 in an [event](#) 22(1).

. You can review 22(1). This source of this evidence is a 22(1) (22(1)).

At this event, 22(1) presented his criticisms of current COK strategic priorities, and concluded by urging attendees to vote out the current council and elect individuals who share 22(1) belief 22(1).

. Residents shared disparaging remarks Re: 22(1).

22(1) responses occur during the 22(1).

. I will note 22(1) did not make disparaging remarks made about 22(1) and did advise attendees to extend their lobbying efforts to other council members.

22(1) invited 22(1) to attend this event and respond to questions because of 22(1) position as a public servant. This was not a private, personal event, but a 22(1). Therefore, 22(1) conduct should be assessed within 22(1) fiduciary duties as a representative of city council 22(1).

**Council Policy 390: Lobbyist Registry**

Please confirm if 22(1) fulfilled their duty to register as a lobby group five days prior to this engagement with 22(1) to ensure public transparency regarding the topics and recommendations raised. The group's intent to lobby elected officials in attendance and influence council decisions was made clear at a number of points during this presentation. Among other topics, 22(1) and provided attendees a letter template to be used for lobbying council on this, and other matters raised.

22(1) and the various lobby groups 22(1).

. The public has a right to know if 22(1) fulfilled their duty to register as a lobbyist prior to 22(1), 2023 so we can determine whether 22(1) chose to attend this event with advance knowledge of their values, intentions, and history of 22(1).

**Section 10:** *The Mayor is the designated spokesperson for the City on Council matters. Council Members will represent the official policies or positions of Council to the best of their ability when designated as a delegate of Council. When presenting their individual opinions and positions, Council Members will explicitly state that it is their own personal view and that they do not represent Council or the City in those views.*

While responding to resident questions and concerns regarding council processes and decisions (including those made by 22(1) ), 22(1) neglected to explicitly preface 22(1) remarks with the caveat the information shared represents 22(1) personal perspectives. If, for example, it is not mayor and council's established view the 22(1) should have clearly stated these opinions do not reflect anyone's perspective but 22(1) own before sharing these thoughts with the group (22(1) ).

22(1) also questioned policies endorsed by 22(1)

. Given 22(1) recent endorsement of these policies per 22(1), the criticisms 22(1) shared with the audience regarding the 22(1) appear misaligned with the 22(1) public position (22(1) ).

Furthermore, while it is outside the scope of this policy to regulate 22(1) poor judgement, I would like to express my disappointment that an elected official chose to engage with such a group at all. Engaging with lobbyists and residents to gain political favor for future elections is within every 22(1) right. However, as a city council 22(1) failure to declare 22(1) participation at this event as a personal choice infers official COK recognition of 22(1) as a legitimate lobby group with valid perspectives. This undermines COK staff and council's efforts to guide our future with well researched, evidence-based policies rather than unfounded superstitions.

Thank you for your time and consideration.

Sincerely,

22(1)

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**RE: Code of Conduct**

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**From** Stephen Fleming <[sfleming@kelowna.ca](mailto:sfleming@kelowna.ca)>

**Date** 22(1) 2024 22(1) 4:36 PM

**To** 22(1)

Good afternoon 22(1)

This will acknowledge receipt of your complaint under the Council Code of Conduct Policy. We will conduct an Assessment as per the Code and respond once this is completed.

Yours truly,

Stephen Fleming

City Clerk | City of Kelowna

250-469-8660 | [sfleming@kelowna.ca](mailto:sfleming@kelowna.ca)

Connect with the City | [kelowna.ca](http://kelowna.ca)

*Kelowna is located on the traditional, ancestral, unceded territory of the sylix/Okanagan people*

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**From:** [REDACTED]

**Sent:** 22(1), 2024 11:56 AM

**To:** City Clerk <[CClerk@kelowna.ca](mailto:CClerk@kelowna.ca)>

**Subject:** Code of Conduct

**CAUTION:** External email - Check before you click!

Good morning,

I am writing to the office of the City Clerk as I believe 22(1)  
[REDACTED] violate Section 2 of the code of conduct, as they are derogatory.

22(1)  
[REDACTED]

In particular, I am concerned with comments:

22(1)  
[REDACTED]

And

22(1)  
[REDACTED]

Neither of these statements are accurate. They do not represent the 22(1)  
[REDACTED] appropriately.

Thank you,

22(1)

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## Council Code of Conduct Complaint

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From 22(1)  
Date 22(1) 2024 22(1) 1:50 PM  
To Stephen Fleming <sfleming@kelowna.ca>

CAUTION: External email - Check before you click!

Hello Stephen,

This is a complaint regarding a recent 22(1)  
makes several derogatory remarks, including 22(1)

These statements cause harm to 22(1)  
Many would consider 22(1) comments both 22(1)

In reference to the code of conduct "Council Members will not engage with others, including Residents, Staff, Committee Members and other Council Members, in a manner that is abusive, bullying, intimidating or derogatory." This is clearly not being adhered to 22(1). As someone who 22(1) I find 22(1) statements extremely concerning. The community is already under 22(1). These comments serve to exacerbate this situation. They also undermine 22(1).

Further, I believe 22(1) statements go against the representation clause of the policy as 22(1) does not state these are 22(1) own opinions, and that they don't represent the views of council or the City.

Thank you for your attention to this and I look forward to hearing from you.

Regards,

22(1)

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Re: 22(1)

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From Stephen Fleming <sfleming@kelowna.ca>

Date: 2024-07-22 11:53 AM

To: 22(1)

Dear 22(1)

This will acknowledge receipt of your complaint under the City of Kelowna Code of Conduct. We will an Assessment as per the Code and respond once this is completed.

Yours truly,

Stephen Fleming

City Clerk | City of Kelowna

250-469-8660 | [sfleming@kelowna.ca](mailto:sfleming@kelowna.ca)

Connect with the City | [kelowna.ca](http://kelowna.ca)

*Kelowna is located on the traditional, ancestral, unceded territory of the sylix/Okanagan people*

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From: 22(1)

Sent: 22(1), 2024 4:26 PM

To: Stephen Fleming <sfleming@kelowna.ca>

Subject: 22(1)

CAUTION: External email - Check before you click!

Dear Mr. Fleming: I'm writing to you to express my disappointment about the 22(1) [redacted]. I believe many of 22(1) [redacted] remarks are completely inappropriate for a 22(1) [redacted] to make. These include his 22(1) [redacted]. 22(1) [redacted] also did not make it clear that 22(1) [redacted] views were 22(1) [redacted] own and not that in 22(1) [redacted] role as 22(1) [redacted]. I believe that 22(1) [redacted] comments are a violation of the new Code of Conduct policy, and I ask that you investigate this.

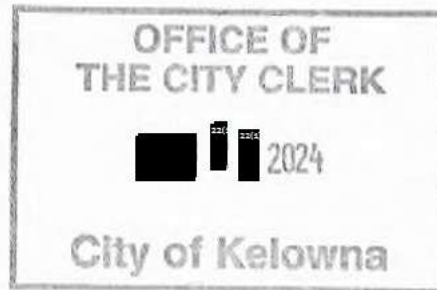
thank you.

22(1)

Kelowna

22(1)  
22(1)  
Kelowna, British Columbia

22(1)



22(1), 2024

City of Kelowna  
1435 Water Street  
Kelowna, British Columbia  
22(1)  
250-469-8500

Attention: Stephen Fleming  
City Clerk  
Corporate Administration  
sfleming@kelowna.ca

Mr. Fleming,

**RE: Allegation of a Breach of City of Kelowna Council Policy 388 – Code of Conduct by 22(1) (Respondent)**

Please accept my formal complaint made pursuant to provisions of City of Kelowna Council Code of Conduct Policy 388.

It is respectfully alleged that on or about 22(1), 2024 / 22(1) 2024 Kelowna 22(1) made public commentary on 22(1) profile page without explicitly stating that what 22(1) was posting were 22(1) own personal views and not those of Kelowna City Council, as required in part 1, section 10 of the Code.

The post at issue was made on 22(1) publicly accessible 22(1) profile page 22(1) and was personally viewed on or about 22(1), 2024 and is attached as exhibit 'A'. 22(1) page lists 22(1) as a 22(1)

. The 22(1) profile has approximately 22(1) posts, approximately 22(1) followers and is following approximately 22(1) other entities. The 22(1) post in question that was publicly available for a 24 hour period on 22(1), 2024.

It should be noted that 22(1) appears to have a 22(1) that shows as a 22(1).

I am also aware that 22(1) has an active 22(1) page under the 22(1) called 22(1) with 22(1) followers and following over 22(1) persons. That page lists 22(1) as a 22(1).

In addition to 22(1) and 22(1) account 22(1) that list 22(1) as 22(1). That 22(1) is following over 22(1) other 22(1) and has a following of approximately 22(1).

It is respectfully submitted that with the exception of the private 22(1) account, all other accounts mentioned above are accounts that are linked to 22(1) public office 22(1) at the City of Kelowna and the 22(1).

On 22(1), 2024 at 645 pm 22(1) was provided with a copy of the post in question 22(1). Within only minutes I received a telephone call from 22(1) who thanked me for providing the information and advised that 22(1). At that time I expressed a particular concern with regards to what appeared to be a double standard in the application of policy and public comment. My concern stemmed from recent public comments that were made 22(1) of 2024. 22(1) public comments were in relation to a 22(1).

22(1)

22(1) in a very public manner following the 22(1) and several other 22(1). I have attached the 22(1).

At some point later in the month I was advised by 22(1) that the issue was being addressed but that 22(1) could not comment on any 22(1) and beyond that.

22(1) agreed to meet to discuss my concerns however efforts made to meet with 22(1) did not come to fruition.

It is my position that given the previous 22(1) cannot, with any degree of credibly, now claim that 22(1) actions were trivial, that the breach was inadvertent, or that 22(1) took reasonable steps to avoid the breach. The post was obviously not 22(1). Given all of the facts combined with the previously 22(1), it would be incredulous to now suggest that the post was due to a brief error in judgment and/or was simply made in any good faith.

Accordingly, I am respectfully requesting that you now commence a Preliminary Assessment in accordance with provisions of part 2, section 29 of the Code followed by an investigation pursuant to part 2, section 30 of the Code and in the public interest.

With regard for the circumstances and, in order to ensure that the applicable principles of procedural fairness and natural justice are ensured, I am respectfully asking, in advance, that further information be gathered and that I be afforded the opportunity to provide a reply in writing to the Council Member's written response and submissions within 10 days of their receipt by the assigned investigator in accordance with policy provisions under section 36.

It is respectfully submitted that 22(1) comments and any founded breach of the council policy might be deemed aggravated because of the 22(1).

I remain open to any dialogue that may assist the City of Kelowna and its investigator throughout this formal process. Please do not hesitate to contact me via e-mail or telephone in order to facilitate that cooperation and discuss any potential remedies.

Your attention to this matter is appreciated.

Sincerely,

22(1)

22(1)

22(1)

9:05



Add a Caption

22(1)

2024 • 9:05 PM

Adjust

✓ IMG\_9645

Screenshot

PNG



No lens information

1 MP • 750 x 1624 • 1.3 MB

Add a location...

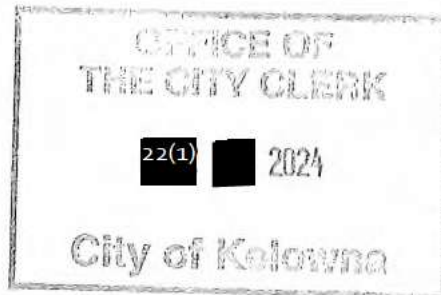
22(1)

Kelowna, British Columbia

22(1)

22(1), 2024

City of Kelowna  
1435 Water Street  
Kelowna, British Columbia  
22(1)  
250-469-8500



Attention: Stephen Fleming  
City Clerk  
Corporate Administration  
sfleming@kelowna.ca

Mr. Fleming,

**RE: Allegation of a Breach of City of Kelowna Council Policy 388 – Code of Conduct by 22(1) (Respondents)**

Please accept my formal complaint made pursuant to provisions of City of Kelowna Council Code of Conduct Policy 388.

This complaint stems from public comments made to and via the 22(1) regarding 22(1) in 22(1) of 2024. It was not until 22(1) 2024 that the complainant became aware of certain facts warranting a Code of Conduct investigation of this matter by the City in the public interest. Accordingly, I am making this complaint within 30 days of 22(1), 2024 as prescribed by section 25 (Complaint Procedure). Efforts to resolve this matter informally were unsuccessful.

Public comments made by 22(1) in response to 22(1) now appear, on their face, to have contravened the City of Kelowna Code of Conduct. 22(1) that followed thereafter have been widely 22(1). It is respectfully requested that any and all relevant open source materials be added to the complaint and investigation record including any and all public comments related to the 22(1).

On or about 22(1), 2024 22(1) commenced via alleged 22(1)

. Curiously, the 22(1)

. It appears that there were significant unknown pressure(s) to 22(1) that the source and extent of those pressures (from within or outside of the City) remains unclear without further investigation. Adherence to the city's own policies demanded that any legitimate code of conduct concerns be addressed via the applicable sections of policy and not a rush to judgment nor trial in the court of public opinion. Usurping policy and 22(1)

suggests urgency vis-a-vis pressures from either the 22(1)

Those interests sadly appear to have trumped any right to due process, procedural fairness and right to explanation for 22(1).

Among the first of many 22(1)

In 22(1)

. It is noteworthy that 22(1) clearly driven by activist sources with clear political agendas. 22(1) one sided and only intended to further those special interest agendas with no regard for the facts. 22(1) has shown little regard for the damage inflicted on others through wilfully 22(1). The body of evidence suggests that there is prima facie evidence to suggest these 22(1) may form part of a broader coordinated effort 22(1)

In another 22(1)

it was opined that 22(1)

. It stated that 22(1)

. While opining that 22(1), it appears likely that one had not yet been initiated and that 22(1) was not being afforded any benefit of the doubt, protections, right to defend 22(1) and fair / due process.

In 22(1)

went on to write that 22(1)

unambiguously stated that 22(1)

but did not confirm whether any formal complaint(s) had been received by the city in accordance with the compliant procedure outlined in sections 24 through 28 of Council Policy 388. Regardless, part 2 of the policy lays out requirements for investigation, compliance and enforcement including provisions under section 48 governing confidentiality. According to 22(1) had no issue expressing his personal believe, due process aside, that 22(1)

It is plainly obvious that both 22(1) did in fact publicly

22(1)

. In an 22(1)

following the 22(1)

. It appears obvious that someone recognized the need to back pedal and do damage control on the potentially defamatory comments that never should have been made.

On 22(1), 2024 at approximately 2 pm I was advised via telephone that, contrary to 22(1)

. It was learned that

the comments instead resulted from 22(1)

from the Province of British Columbia and/or Federal Government. It was suggested that the pressure to comment on 22(1)

. It remains unknown as to whether these apparent pressures were exerted on 22(1)

Given 22(1) public stance on issues that are the subject of a separate compliant, and, given the apparent involvement of an agenda driven media using special interest group sources, it should be obvious that, on a balance of probabilities, 22(1) comments aimed at 22(1) may have been the direct result of pressure from the media and those same activist sources behind 22(1). If this is the case then it may be apparent that 22(1) comments were the result of personal relationships, alliances, agendas and pressures and were therefore wholly inappropriate and outside of any proper process.

If 22(1) did fact constitute a contravention of the City Of Kelowna Code of Conduct then it is the complainant's reasonable expectation that a well documented

investigation supporting any alleged conduct breach exists. If not, the comments made by 22(1) were, on their face, clearly inappropriate and, on the balance of probabilities, a gross violation of the Code of Conduct that is worthy of full investigation.

Given the potential involvement of other levels of government an investigation might be remiss in not considering the intention of section 16 of the Code of Conduct policy states that "council Members will not undertake federal, provincial or municipal election campaign related activities at City Hall or on other premises owned by the City". An important factor in this investigation is whether the comments of 22(1)

that was wilfully negligent and threw 22(1) under the bus and ran 22(1) over repeatedly. Absent some clear and cogent evidence that 22(1) was provided due process in 22(1), any and all comments that unfairly chastised, discredited or cause embarrassment to 22(1) were obviously premature, gratuitous, completely unnecessary, a violation of 22(1) right to any procedural fairness and were potentially defamatory and done to score political points / favour.

At that time it is respectfully alleged that on or about 22(1), 2024 both 22(1) made public commentary that was contrary to section 9 of the Code of Conduct expressly stating that "Council members shall refrain from making any disparaging comments about other Council members or members of staff".

It is also respectfully alleged that on or about 22(1), 2024 both 22(1) contravened section 10 of the Code of Conduct when they both made public commentary spurred by personal interests and agenda without explicitly stating that they were expressing their own personal views and not those of Kelowna City Council. While "the Mayor is the designated spokesperson for the city on Council matters, Council members will represent the official policies or positions of Council to the best of their ability when designated as a delegate of Council. When presenting their individual opinions or positions, Council Members will explicitly state that it is their own personal view and that they do not represent Council or the City in those views". [emphasis added].

It is the complainants position that the bold and unambiguous public comments made about 22(1) might best be described as public gas-lighting. Given the inconvenient facts and rush to judgment and given the damage to 22(1) name and reputation, neither 22(1) can, with any degree of credibly, now claim that their actions were trivial, the breach was inadvertent, or that either of them took reasonable steps to avoid the breach. The public comments were clearly 22(1). Given all of the facts it would be incredulous to now suggest that the comments were due to any brief error in judgment or were made in good faith.

I am respectfully requesting that you now commence a Preliminary Assessment in accordance with provisions of part 2, section 29 of the Code followed by an investigation pursuant to part 2, section 30 of the Code which is in the public interest.

With regard for the circumstances and, in order to ensure that the applicable principles of procedural fairness and natural justice are ensured, I am respectfully requested in advance that further information be gathered and that I be afforded the opportunity to provide a reply in writing to 22(1) written responses and submissions within 10 days of their receipt by the assigned investigator in accordance with policy provisions under section 36.

It is respectfully submitted that any founded breach of the council policy might be deemed aggravated because the Mayor and Council had recently been educated on the applicable policies which, in an act of extreme hubris, they clearly must not have believed applied to them under these circumstances.

I remain open to any dialogue that may assist the City of Kelowna and its investigator throughout this formal process and disposition of this complaint. Please do not hesitate to contact me via e-mail or telephone in order to facilitate that cooperation and discuss any potential remedies.

Your attention to this matter is appreciated.

Sincerely,

22(1)

22(1)

Code of Conduct violation submission — 22(1) 22(1)

a) the name of the complainant.

- 22(1)

b) the name of the respondent Council Member(s);

- 22(1)

c) the conduct that the complainant alleges was in breach of the Code;

- Breach of Confidentiality

d) the date of the alleged conduct;

1. 22(1), 2024
2. 22(1), 2024
3. 22(1), 2024

e) the parts of the Code the alleged conduct breached;

- Council Policy 388, Code of Conduct section 1.a)

*Part 1 – Conduct*

*Comply with all Laws*

*1. Council Members will comply with all applicable federal, provincial and municipal laws in the performance of their public duties, including but not limited to:*

*a) the Community Charter;*

- Community Charter, Section 5, 117 (1)

*Confidentiality*

*117 (1) A council member or former council member must, unless specifically authorized otherwise by council,*

*(a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and*

*(b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.*

f) the basis for the complainant's knowledge of the conduct

1. 22(1), 2024

- The complainant had a meeting with 22(1) [REDACTED] was informed of a conversation between 22(1) [REDACTED] and the respondent Council Member regarding a 12(3)(b), 22(1) [REDACTED]. This topic was part of a discussion 12(3)(b), 22(1) [REDACTED].

2. 22(1) [REDACTED], 2024

- Staff presented information about the 12(3)(b), 22(1) [REDACTED] during the public afternoon Council Meeting. The respondent Council Member asked questions of staff about 12(3)(b), 22(1) [REDACTED].

3. 22(1) [REDACTED], 2024

- While at a public event, 22(1) [REDACTED] approached the complainant with their concern about 22(1) [REDACTED]. They felt that they should have been 22(1) [REDACTED]. This member of the public should not have known 12(3)(b), 22(1) [REDACTED].

22(1) [REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED] Due to the common theme of all three of these concerns, it was felt that a more in-depth review be initiated.