



Cunningham Swan

LAWYERS

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April 4, 2022

BY E-MAIL: CAO@lanarkhighlands.ca

Council – Township of Lanark Highlands
c/o Ryan Morton, CAO/Clerk
75 George Street, PO Box 340
Lanark, Ontario
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Dear Members of Council:

**Re: Integrity Commissioner Services - Annual Report – 2021
Township of Lanark Highlands
Our File No. 15027-17**

Please note that any complaints or applications for inquiry that have not yet been resolved by the Integrity Commissioner will not be summarized in this report.

Background

In 2018, Tony Fleming of Cunningham Swan in Kingston, Ontario, was appointed as the Integrity Commissioner for the Township of Lanark Highlands in accordance with section 223.3(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 (the “Act”).

This report summarizes the services provided by the Integrity Commissioner to the Township of Lanark Highlands in 2021, in accordance with section 223.6 (1) of the *Act*. The purpose of this report is to highlight the mandate of the Integrity Commissioner and to inform Council and the public about changes to the Act that affect the process of the Integrity Commissioner and subsequently, Councils and Local Boards.

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Role of the Integrity Commissioner

The Act mandates that the Integrity Commissioner is responsible for providing the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* (“MCIA”) to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the MCIA.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality’s codes of conduct for members of council and members of local boards and about the MCIA.¹

Integrity Commissioner Activity re: Township of Lanark Highlands

If Council requires further training under the Code of Conduct and the MCIA, Mr. Fleming is available upon request. Individual members may request advice from the Integrity Commissioner at any time. Council or members may contact Mr. Fleming in the following ways:

- 1) Council may pose a question to the Integrity Commissioner in writing regarding the broad obligations of all members (not specific to any one member);
- 2) Individual members may request advice in writing from the Integrity Commissioner in accordance with the Act.

¹ *Municipal Act*, section 223.3(1).

Request for Advice

We received two requests for advice from members of Council in 2021 related to obligations under the Code of Conduct and the *Municipal Conflict of Interest Act* provisions. These are the most common areas for which we provide advice as Integrity Commissioner.

We continue to encourage members of Council and Local Boards for the Township of Lanark Highlands to contact us in writing should they find themselves unsure of their obligations under the Code or the *Municipal Conflict of Interest Act*. If a member requests and follows our advice, that advice may be relied on should there be a complaint to the Integrity Commissioner on the same facts in the future.

Complaints/Applications for Inquiry

There were seven complaints submitted to the Integrity Commissioner for the Township of Lanark Highlands in 2021.

We cannot discuss the details of the complaints received due to the obligation to preserve confidentiality imposed by the Municipal Act. For those matters that proceeded to an investigation, we provided Council with a written report of our investigation which set out our findings and recommendations.

In general we can advise that the nature of the complaints submitted included:

- Threats of violence;
- Inappropriate behaviour towards staff related to harassment and directing staff;
- Pre-determining a decision to be brought to Council by signing a petition;
- Making inappropriate comments to members of the public;
- Secretly recording a closed Council meeting; and
- Making inappropriate comments about a member of Council.

In accordance with section 16.6 of your Code of Conduct we wish to advise of the following:

1. Costs associated with Complaints received was \$32,103.30;
2. Costs associated with requests for advice was \$536.75

Closing Remarks

We thank the Township of Lanark Highlands for the opportunity to act as its Integrity Commissioner. We remind members that the Integrity Commissioner is available to provide advice in accordance with the Act regarding a member's obligations under the Code of Conduct and the MCIA. We note that this service provides members with the proactive ability to avoid potential complaints by requesting and acting on advice which may apply to the circumstances of the member.

Members are held to the highest standards of office in their elected positions, and we thank members for their continued attention to the ethical obligations expected of them.

Please contact us with any follow-up questions. In the meantime, please find enclosed a copy of the up-to-date Certificate of Insurance for the Township of Lanark Highlands.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



Tony E. Fleming, C.S.
LSO Certified Specialist in Municipal Law
(Local Government / Land Use Planning)
Anthony Fleming Professional Corporation

TEF:mj
Enclosures