

Town of Kingsville
Integrity Commissioner

To: Mayor and Council
From: Paul Watson, Integrity Commissioner
Date: February 2, 2021
Subject: Annual Report of Integrity Commissioner for 2020

This is the annual report of Integrity Commissioner Paul Watson for the period ending December 31, 2020.

Background

The RFP that forms the basis for my contract with the Town of Kingsville provides that the duties of the Integrity Commissioner includes that the Integrity Commissioner shall:

“file an annual report to Council respecting the advise, education provided and inquires undertaken in the previous year and to advise of any developments or recommendations of significance related to the role of Integrity Commissioner”.

I did not file an annual report for 2019 as I was not appointed as Integrity Commissioner until April 2019 and as I did not receive any formal written complaints that year.

Comments

This is my annual report for April 2019 to December 31, 2019 and all of 2020. During this time period I received the following formal written complaints:

| <u>Complaint</u> | <u>Date of Complaint</u> | <u>Date of Final Disposition</u> | <u>Manner of Disposition</u> |
|------------------|--------------------------|----------------------------------|------------------------------|
| 1. | Feb. 10, 2020 | April 17, 2020 | see below |
| 2. | October 17, 2020 | January 29, 2021 | see below |

The complaint listed as number 1 above was a single complaint against one member of Council. After receiving the Allegation, the Response and conducting a review of the matter I concluded my investigation and advised the Complainant as follows:

“After reviewing this matter I come to the conclusion that the evidence is not sufficient to lead to a finding that the Councillor breached his/her duties under sections a), b) and/or j) of the *Code*.

There are insufficient grounds to continue my investigation or to support a formal report to Council.”

The complaint listed as number 2 was a single complaint by four individuals against one member of Council. After receiving the Allegations and the Response I conducting an investigation of the matter. I concluded my investigation and advised the Complainants that in accordance with the provision in the Code of Conduct that provides that the Integrity Commissioner “**may** bring a report to Council” that I was concluding my investigation as follows:

“I am therefore concluding my investigation and will not be bringing a Report to Council.”

My decision not to bring a formal report to Council is supported by the provision of the Municipal Act which provides as follows:

“Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.”

Additional Services Provided

In accordance with my contract with the Town of Kingsville and my duties as Integrity Commissioner, I provided the following additional services:

1. Prepared the Code of Conduct Complaint form that is being used by Kingsville.
2. Multiple email and phone communications with Town Clerk, to whom I report.
3. Multiple email and phone communications with members of Council, including written opinions with respect to questions relating to the Code of Conduct.
4. Conducted an informal investigation relating to a conflict between a committee member and a member of administration.

Developments and Recommendations

Bill 68, which came into effect on March 1, 2018, amended the Municipal Act as it relates to the requirements for a Council to have a Code of Conduct, and the duties and powers of the Integrity Commissioner.

Key Changes:

- (a) All municipalities have must have an Integrity Commissioner, or share one with another municipality.
- (b) Integrity Commissioner’s may now provide advice under the Conflict of Interest Act as well as the Code of Conduct. There were also changes in the way Council members are required to declare a conflict.

The Kingsville Code of Conduct is dated January 11, 2016 and therefore predates Bill 68. The Code of Conduct does meet the minimum requirements of matters that are required to be included which is set forth by Regulation. However, compared to many other Municipalities, the Kingsville Code of Conduct is rather “thin”, meaning that it is much less detailed than these other Municipalities. It would be recommended that Council consider updating the Code of Conduct to be more detailed and comprehensive. The Procedural By-law that governs meetings of Council and Committees should also be reviewed to ensure that it complies with the “Key Changes” in the Municipal Act referred to above.

Financial Implications

In 2019 I billed the Town of Kingsville as follows:

Fees, disbursements, HST: \$ 1,419.85.

In 2020 I billed the Town of Kingsville as follows:

Fees, disbursements, HST: \$ 2,961.10.

Summary

It is my pleasure to serve as the Integrity Commissioner for the Town of Kingsville.

I am available to address Council and its Boards at any time to assist Council and its Boards in staying current with respect to their obligations under the Code of Conduct and Conflict of Interest Act.

Recommendation

It is recommended that:

1. Council receive this report for information.

Prepared by:



Paul Watson
Integrity Commissioner – Town of Kingsville