

**OFFICE OF THE INTEGRITY COMMISSIONER
AND
CLOSED MEETING INVESTIGATOR**

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner/Closed Meeting Investigator

RE: 2024 Annual Report

Integrity Commissioner Remarks:

In fulfilment of my role as the Municipality's appointed Integrity Commissioner (and Closed Meeting Investigator) pursuant to the rules of Part V.1 of the *Municipal Act*, I respectfully submit the 2024 Report of the Office of the Integrity Commissioner for the Municipality of Chatham-Kent for Council's consideration and receipt. Subsection 223.6(1) of the *Municipal Act* states that: "[i]f the Integrity Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person considered".

24. Annual Reports

24.1 The Integrity Commissioner shall provide a periodic report to Council which shall include:

- (a) the number of instances in which the Integrity Commissioner provided written advice to a member with respect to interpretation of this Code of Conduct,
- (b) complaints received but determined to be not within the jurisdiction of the Integrity Commissioner,
- (c) complaints deemed to be frivolous, vexatious, de minimus, not made in good faith, or where there were insufficient grounds to investigate,
- (d) complaints investigated and number of reports written, and
- (e) total costs of investigations annually, including all fees and disbursements by the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

This Report covers the period from the beginning of my mandate of November 26, 2023 to December 31, 2024.

In addition to the receipt of formal and informal complaints under the Municipality of Chatham-Kent Code of Conduct for Members of Council (the "Code"), this Office

received informal inquiries that related to areas that went beyond the mandate of the Office. In such situations, I advised individuals that my jurisdiction does not extend to matters relating to Council decisions, labour relations matters or *Municipal Elections Act* matters, given the statutory limitations imposed on the Integrity Commissioner by the *Municipal Act*.

In the reporting period covered by this Annual Report, there were 3 formal complaints brought forward to this Office under the formal complaint process, all were dismissed. With the first formal Complaint, I declined to investigate the matter because the Complaint was not within the 6-week limitation period. In addition, the complaint alleged that a Member(s) had received campaign donations and in return for an individual's donation to or support for a Member's election campaign, they had agreed to vote in a particular way on matters before Council. I advised that if this were the case (and I did not have sufficient grounds to even go forward to determine if this were the case) it would constitute a clearly improper use of influence, not only contrary to section 10 of the Code, but likely also evidence of corruption (the enforcement of which is outside of the investigative jurisdiction of the Integrity Commissioner). Under the *Municipal Conflict of Interest Act* ("MCIA"), s. 8(2) governs deadlines for making an application to the court under the MCIA of 6 weeks from the time of the action in violation of pecuniary interest declaration requirements.

With reference to the second formal Complaint, after having conducted a preliminary classification review, I declined to investigate as I found that the Member named in the Complaint having attending Council and Committee meetings to debate and vote did so as one Member of Council. The decisions or actions of a third party company are not within the authority of a Member (or Council) to decide, nor is a Member able to control the outcome of the actions of a third party company. Where the Municipality enters into an agreement with a third party company, there will be a vote of Council as a whole. I had no evidence that there has been such a vote and therefore dismissed the complaint.

I also received 2 informal Code of Conduct complaints. One informal complaint sought my participation in the informal resolution of a matter that related to the rules of the Procedural Bylaw. I communicated to the Complainant that the substance, interpretation and application of rules of the Procedure debated and approved and the effect of a Council decision are outside of my ambit of authority to review. As Integrity Commissioner, I do not have jurisdiction to make findings on actions, decisions or omissions of Council as a decision-making body. The matter subject of this Complaint is about procedural rules of the municipality and what is within the jurisdiction of Town Council to debate and receive. In another informal complaint, I determined that the matter related to a Member of Council's in their personal capacity and the matters subject of the complaint were not matters pertaining to their role as Council Member. As

a result there was no role for me to play as a mediator as the conduct was regarding the Member in their personal capacity.

Code of Conduct Related Questions to the Integrity Commissioner

From Members of Council (Requests for IC Advice)	From the Public	From staff	Total Questions on Code application
12	5	3	20

Code of Conduct Related Questions to Integrity Commissioner

Relating to staff from staff	0
Relating to process from staff	0
Relating to Members from staff	3
Relating to staff from public	0
Relating to process from public	2
Relating to Members' obligations from public	3
Total	8

Code of Conduct Complaints

Formal complaints	
- Disposition	1 – Dismissed on the grounds that there were insufficient grounds- limitation period and jurisdiction
Informal complaints	1 – Dismissed on the grounds that the matters raised were governed by the Procedural Bylaw
	1 – Dismissed – no grounds to investigate
	1 – Dismissed – jurisdiction – personal matters not related to official capacity
Total Code of Conduct Complaints	4

Total Inquiries Received – 32¹

¹ Includes queries to the Office of the Integrity Commissioner Code and non-Code related.

Examples of Advice to Members of Council:

1. My spouses' parent employer works for the owner of a site as a book keeper. Although there is no benefit since it is tax equivalent grant I just wanted to verify that I can still vote on the item.

IC Advice: On a strict reading of the Municipal Conflict of Interest Act (MCIA), a Member of Council has a disqualifying pecuniary interest if their spouse, parent or child has a pecuniary interest in a matter at a meeting of Council (section 3 MCIA). Thus, your spouse's parent does not fall within the application of s.3 of the MCIA.

However, the Code considers non-pecuniary interest disqualification and/or bias. I believe there would not be bias as the parent's employer's benefit (indirect because it is a particular site not the overall company) would be insignificant.

It is my position that you do not have a pecuniary interest under the MCIA, however in the alternative, if you are viewed as having a deemed pecuniary interest (because your spouse's parent has an indirect pecuniary interest), then I believe that it is so remote and insignificant that it falls within the section 4 exception -

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

2. Tonight a recommendation from staff to Council is to purchase a building from [a named company], a nonprofit organization who had originally purchased the building to convert it into supportive housing. My [relative] had been contracted by the named company to assist them in their zoning application to the Municipality, so I declared a conflict at that time.

My relative is no longer assisting the named company as the project was essentially terminated since the municipality did not receive federal funding to move forward with it..

That said, there is always the possibility that the Municipality will work with the named company in the future on a supportive housing project. Whether or not my relative would be contracted by the named company in any future work is unknown at this time.

Would I have a pecuniary interest noted my pecuniary interest in discussing this?

IC Advice: Based on the information that you have provided in your email above, your relative [prescribed under the MCIA] had an indirect pecuniary interest (section 2 MCIA) with the named company when they were engaged with helping the organization with their rezoning/zoning application with the Municipality. Your

relative is no longer engaged with the named company - either in assisting with the rezoning/zoning project or otherwise. Further, that part of the project has been completed. Based on this information, your relative does not have a pecuniary interest in the matter this evening before Council - the purchase of the former property from named company. Therefore, you do not have a section 3 deemed pecuniary interest (the interest of a spouse, child or parent) that would disqualify you from participating in the discussion and voting on the item.

The prospect of your relative working in the future with the named company, is not current and the Municipal Conflict of Interest Act (MCIA) only deals with current, immediate and non-hypothetical pecuniary interests.

Education and Outreach:

Introduction to Council and the Senior Executive Team

On December 4, 2023 I attended the Senior Executive Team Meeting virtually to introduce myself as Integrity Commissioner and Closed Meeting Investigator and present my role and duties.

On December 11, 2023, I delivered an introductory presentation virtually to Council.

One-on-One meetings with Members of Council

I requested a meeting with all Members of Council to discuss the Code of Conduct application, the interpretation of the rules of the Code and the MCIA and to receive any questions that Members may have regarding situations relating to their own circumstances. I received responses and acceptances from the Mayor and 15 Members of Council. Between January 13, 2024 and February 1, 2024 I met virtually in one on one meetings with the Mayor and 15 of the Members of Council. 2 Members of Council did not respond to my request to meet. In July 2025, I met with the newest Member of Council.

Comprehensive Review and Update of Code of Conduct

Upon assuming the role of Integrity Commissioner in November 2023, as part of my mandate, I have worked with the Municipal Clerk's Office to review the Council Code of Conduct and Complaint Protocol and make recommendations on revisions.

Based on my years of experience in drafting Council Codes of Conduct, I have conducted a detailed environmental scan of the best practices of municipal codes of conduct in Ontario, including recommendations of the Ontario Integrity Commissioner and Ombudsman and a review of the Municipality's accountability documents.

My proposed updated Code was adopted by Council in November 2024.

Statement of Expenditures

\$39,698.44 – Integrity Commissioner Services from November 26, 2023 to December 31, 2024 (including for written advice to Members of Council, Review and Disposition of Formal Code Complaints, Review of Informal Complaints and comprehensive review and update of the Municipality's Code of Conduct documents).

In conclusion, I would like to extend my appreciation to the Municipality's Director, Municipal Governance/Clerk, Judy Smith, CMO, who has assisted me in this reporting period in navigating the various Municipal policies and processes in fulfilment of my mandate.

Respectfully submitted,

January 28, 2025



Suzanne Craig

Integrity Commissioner/Closed Meeting Investigator