



**Cunningham Swan**

LAWYERS

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March 17, 2021

**BY E-MAIL: MLevesque@cornwall.ca**

Council – City of Cornwall  
c/o Manon Levesque, City Clerk  
360 Pitt Street  
Cornwall ON, K6H 5T9

Dear Members of Council:

**Re: Integrity Commissioner Services - Annual Report – 2020  
City of Cornwall; Our file No. 28637-0002**

### Background

In 2019, Tony Fleming of Cunningham Swan in Kingston, Ontario, was appointed as the Integrity Commissioner for the City of Cornwall 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 City of Cornwall in 2020, through to early 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.

### 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.

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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.<sup>1</sup>

#### Integrity Commissioner Activity re: City of Cornwall

If Council requires ongoing 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.

#### Requests for Advice

We received one request for advice in 2020 from an individual member. The request related to a potential conflict of interest under the Code of Conduct or the *Municipal Conflict of Interest Act*. This is the most common area for which we provide advice as Integrity Commissioner. We continue to encourage members of Council and Local Boards for the City of Cornwall 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.

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<sup>1</sup> *Municipal Act*, section 223.3(1).

### Complaints/Applications for Inquiry

There were 2 complaints submitted to the Integrity Commissioner for the City of Cornwall in 2020.

We cannot discuss the details of the complaint received due to the obligation to preserve confidentiality imposed by the *Municipal Act*. The reports were submitted to the City and as of the date of this report were awaiting a decision by Council.

### Closing Remarks

We thank the City of Cornwall 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 City.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**



Tony E. Fleming, C.S.  
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TEF:am  
Enclosure