



Cunningham Swan

LAWYERS

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March 10, 2021

BY E-MAIL: shuschilt@hastingshighlands.ca

Council – Municipality of Hastings Highlands
c/o Suzanne Huschilt, Clerk
33011 Highway 62 North
Maynooth, Ontario, K0L 2S0

Dear Members of Council:

**Re: Integrity Commissioner Services - Annual Report – 2020
Municipality of Hastings Highlands; Our file No. 27842-18**

Background

In 2019, Tony Fleming of Cunningham Swan in Kingston, Ontario, was appointed as the Integrity Commissioner for the Municipality of Hastings 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 Municipality of Hastings Highlands in 2020, 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.¹

Integrity Commissioner Activity re: Municipality of Hastings Highlands

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 two requests for advice in 2020 under the Code of Conduct, relating to potential conflicts of interests either general or under 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 Municipality of Hastings 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.

¹ *Municipal Act*, section 223.3(1).

Complaints/Applications for Inquiry

There was one complaint submitted to the Integrity Commissioner for the Municipality of Hastings Highlands. Due to the fact that our office had provided advice to Council and Staff about the substance of the complaint in advance of receiving a complaint Mr. Fleming declared a conflict and an alternate Integrity Commissioner was appointed. That investigation was completed and reported to Council.

Closing Remarks

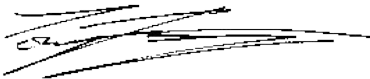
We thank the Municipality of Hastings Highlands for the opportunity to act as its Integrity Commissioner. We remind members that the Integrity Commissioner is available to provide advice in accordance with the Act regarding a member's obligations under the Code of Conduct and the MCIA. We note that this 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.

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
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Enclosure