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April 8, 2025

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Township of Horton
2253 Johnston Road
R.R. #5
Renfrew, Ontario
K7V 3Z8

Dear Mayor and Members of Council:

Re: Integrity Commissioner Services - Annual Report – 2024
Our File No. 12530-4

This report summarizes the services provided by the Integrity Commissioner to The Township of Horton in 2024, 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.

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.

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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

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 no requests for advice in 2024 under the Code of Conduct, relating to potential conflicts of interests either general or under the *Municipal Conflict of Interest Act*.

We continue to encourage members of Council and Local Boards for The Township of Horton 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 were no complaints submitted to the Integrity Commissioner for The Township of Horton.

There were no reports submitted to council.

With respect to the advice and investigations:

1. Costs associated with Advice provided was $0; and
2. Costs associated with Complaints was $0.

Closing Remarks

As Council is no doubt aware, prior to calling a Provincial election, the government was proposing changes to the *Municipal Act* to significantly change the Integrity Commissioner regime. While we cannot predict the election or whether these amendments will be re-introduced, it is interesting to consider what aspects of this regime the province was considering for amendment.

One of the changes that would impact elected officials most is the proposal to impose a province-wide code of conduct. No details were available, but we encourage all municipalities to participate in consultation on any amendments that might be implemented so that you have some input should this be re-introduced.

The proposal would also create an Ontario Integrity Commissioner whose role would be to provide advice to municipalities about removing a member from council in certain circumstances.

The ability to remove a member from council is the other significant change that members of Council should be aware of if this legislation is reintroduced. If it is re-introduced, this amendment would establish rules to allow the new Ontario Integrity Commissioner to recommend to Council that it remove a member if they meet four criteria:

1. The member must contravene the Code;
2. The contravention must be of a serious nature;
3. The conduct resulted in harm to health, safety or well-being of persons; and
4. Existing penalties are insufficient to address the contravention or ensure that it is not repeated.

We thank The Township of Horton 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. 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.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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