

## **Municipality Of Chatham-Kent**

### **Corporate Services**

### **Municipal Governance**

**To:** Mayor and Members of Council  
**From:** Judy Smith, Director, Municipal Governance/Clerk  
**Date:** January 21, 2020  
**Subject:** 2019 Integrity Commissioner Report

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### **Recommendation**

It is recommended that:

1. The Integrity Commissioner 2019 Annual Report be received for information.

### **Background**

The purpose of this report is to fulfill a requirement within the Code of Conduct for Members of Council. "The Integrity Commissioner shall provide an annual report to Council which shall include:

- the number of instances in which the Integrity Commissioner provided written advice to a member with respect to interpretation of this *Code of Conduct*,
- Complaints received but determined to be not within the jurisdiction of the Integrity Commissioner,
- complaints deemed to be frivolous, vexatious, *de minimus*, not made in good faith, or where there were insufficient grounds to investigate,
- complaints investigated and number of reports written, and
- 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."

### **Comments**

The 2019 annual report (Appendix A) is for the period of January 1, 2019 to November 26, 2019, being the date Mr. Watson's contract expired with the municipality.

Mary Ellen Bench was appointed as the Integrity Commissioner/Closed Meeting Investigator for the Municipality of Chatham-Kent for a two-year period and will include November 27, 2019 to December 31, 2020 in her annual report at the end of this year.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendation in this report supports the following areas of strategic focus:

- Economic Prosperity:  
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:  
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:  
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:  
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendation in this report supports the following critical success factors:

- Financial Sustainability:  
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- Open, Transparent and Effective Governance:  
  
The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

### **Consultation**

No other department was consulted.

### **Financial Implications**

There are no financial implications at this time.

Prepared by:

Reviewed by:

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Judy Smith, CMO  
Director, Municipal Governance/Clerk

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Cathy Hoffman, MPA, CHRL  
General Manager, Corporate Services/  
Chief Human Resource Officer

Attachment (1)

1. Appended A – 2019 Integrity Commissioner Annual Report

## **Municipality Of Chatham-Kent**

### **Integrity Commissioner**

**To:** Mayor and Members of Council  
**From:** Paul Watson, Integrity Commissioner  
**Date:** January 14, 2020  
**Subject:** Integrity Commissioner Annual Report

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This is the annual report of Integrity Commissioner (former) Paul Watson for the period of January 1, 2019 to November 26, 2019, being the date my contract expired. This report is for the information of Council.

#### **Background**

Section 23 b. of the Code of Conduct provides as follows:

“b. Annual Reports

The Integrity Commissioner shall report annually to Council on:

- complaints received but determined to be not within the jurisdiction of the Integrity Commissioner,
- complaints deemed to be frivolous, vexatious, not made in good faith, or where there are no or insufficient grounds,
- complaints investigated and number of reports written,
- 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.

Should no complaints be received within a calendar year, the Municipal Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.”

#### **Comments**

This is my annual report for 2019. During 2019 I received:

1. Approximately six inquiries from Councillors for advice which I addressed in writing.
2. One formal complaint which I addressed informally. This matter resolved and therefore no investigation was conducted.

3. One formal complaint that I determined to be not within the jurisdiction of the Integrity Commissioner.
4. Four formal complaints dealt with as follows:

(i) One was dismissed without a formal investigation as follows:

“I am therefore advising you that pursuant to section 19 d. of the Code of Conduct it is my finding *“that there are no grounds or insufficient grounds for an investigation”* and in accordance with section I will not be conducting an investigation.”

(ii) Two were dismissed after I commenced an investigation. In both cases I terminated my investigation without a report and advised the complainant as follows:

“I am therefore advising you that pursuant to section 19 d. of the *Code* it is my finding *“that there are no grounds or insufficient grounds”* to continue my investigation and in accordance with that section I am terminating my investigation.”

(iii) One was dismissed after I commenced an investigation and I terminated my investigation without a report and advised the complainant as follows:

“I therefore find that pursuant to section 19 d. of the Code of Conduct that it is now apparent *“that there are no grounds or insufficient grounds”* to continue an investigation and I am therefore terminating my investigation. No further action will be taken.”

5. **Four formal complaints were carried over from 2018** and are referred to in **my annual report for 2018** which is dated March 29, 2019 **as follows:**

“ A. Three of these complaints were investigated and dismissed in early 2019. With respect to the complaints that were dismissed:

(i) One was dismissed as follows:

“In accordance with paragraph 19(c) of the Code of Conduct, I find that the complaint is not a *“complaint with respect to non-compliance with the Code of Conduct”*.”

(ii) Two were dismissed as follows:

“After reviewing the complaint, I have determined in accordance with section 19 (e) of the Code of Conduct that the complaint is *“frivolous, vexatious or not made in good faith”* and *“that there are no grounds or insufficient grounds for an investigation”*. As such, I will not be investigating this matter.”

(iii) One of these complaints required a more extensive investigation. Council is now aware of this investigation which is ongoing.”

6. I wrote one formal report in 2019 relating to the 2018 complaint referred to above in paragraph 5 A. (iii) which was still outstanding at the time that I presented my 2018 Annual Report to Council.

With respect to this complaint I issued an interim report dated March 21, 2019 which was received by Council at the Council meeting held on March 25, 2019. My final report dated April 10, 2019 was received by Council at the Council meeting held on April 15, 2019.


### **Financial Implications**

In 2019 I billed the Municipality the sum of \$8,958.02 including HST and disbursements, which includes my fee for the preparation of this report.

### **Conclusion**

I wish to thank Council for the opportunity to be your first Integrity Commissioner and wish your new Integrity Commissioner all the best.

Prepared by:



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Paul Watson - Integrity Commissioner (Former)