

# Staff Report



Corporate Services Department

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**REPORT TO:** Community and Infrastructure Services Committee

**DATE OF MEETING:** April 3, 2023

**SUBMITTED BY:** Amanda Fusco, Director of Legislated Services/City Clerk, 519-741-2200, ext. 7809

**PREPARED BY:** Amanda Fusco, Director of Legislated Services/City Clerk, 519-741-2200, ext. 7809

**WARD(S) INVOLVED:** All

**DATE OF REPORT:** February 13, 2023

**REPORT NO.:** COR-2023-090

**SUBJECT:** Integrity Commissioner Annual Report - July 1, 2021 to June 30, 2022

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## RECOMMENDATION:

For information.

## REPORT HIGHLIGHTS:

- The purpose of this report is to present the annual report submitted by the Integrity Commissioner (IC), ADR Chambers, in accordance with provisions in the Code of Conduct.
- This report supports the delivery of core services.

## BACKGROUND:

The *Municipal Act, 2001*, ("the Act") requires that municipalities establish a code of conduct for members of the Council of the municipality and its local boards (s. 223.2 (1)) and appoint an Integrity Commissioner who shall perform various functions under the Act as authorized by the municipality (s. 223.3).

A Code of Conduct sets standards that are intended to enhance public confidence that the City of Kitchener elected, and appointed officials operate from a basis of integrity, justice and courtesy. The City's [Code of Conduct](#) has been in place since 2008 with amendments last occurring in 2019 recommended by staff arising from legislative changes to the Act. The Code of Conduct is a living document that is revised as necessary as case law evolves and as databases are created by Integrity Commissioners reviewing issues and complaints.

An Integrity Commissioner performs, in an independent manner, the functions assigned by the municipality with respect to any or all of the following:

- 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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- 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,
- the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act, 1990* to members of council and of local boards,
- requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member,
- 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, as the case may be, governing the ethical behaviour of members,
- requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*, and
- 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 *Municipal Conflict of Interest Act*.

Arising from a competitive procurement process (P16-05) ADR Chambers, Toronto, Ontario was appointed as the City's Integrity Commissioner in 2016, and continues to serve in this capacity.

## **REPORT:**

### Annual Report

The City's Code requires that the Integrity Commissioner annually report to Council on findings of complaint cases. The last annual report filed with the city was dated July 31, 2019 for the period of July 1, 2018 to June 30, 2019 (report COR-19-040).

There were no code complaints filed between July 1, 2019 and July 30, 2021, and as such no annual reports.

The attached annual report (Attachment 'A') from the IC dated January 11, 2023 for the period of July 1, 2021 to June 30, 2022, is provided for Council's information. No Code complaints were received, and one request for advice was received and responded to in writing.

### Code of Conduct Revisions

There is an opportunity with the beginning of a new term of Council to review the current Code to determine if amendments are required. The Act, Integrity Commissioner and Code of Conduct were provided and highlighted as part of the Council Orientation program. Given there has been historically minimal use of the IC services for code complaints and investigations and no legislative amendments nor case law findings, staff is of the opinion that amendments are not required at this time.

Should Council desire a review of the Code, amendments could occur through a number of methods including research and recommendations arising from a staff report to Council, a review conducted by the IC or the establishment of a sub-committee of Council.

## **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

The billings for the year as noted in the Annual report is \$2,632.90. The amount budgeted is \$2,000. The deficient is currently being covered in the Operating Budgets for Legislated Services and Office of the Mayor and Council accounts.

Should Council determine a review of the current Code by the IC is appropriate, an unbudgeted expense would occur.

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

**PREVIOUS REPORTS/AUTHORITIES:**

- COR-19-040 Integrity Commissioner Annual Report July 1, 2018 to June 30, 2019
- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act, 1990*

**APPROVED BY:** Victoria Raab, General Manager, Corporate Services

**ATTACHMENTS:**

Attachment A – Annual Report of the Integrity Commissioner, July 1, 2021 to June 30, 2022