

c/o Town of Huntsville
General Town Hall
37 Main St. East
Huntsville, Ontario
P1H 1A1

**OFFICE OF THE INTEGRITY
COMMISSIONER**

August 7, 2024

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner

RE: Office of the Integrity Commissioner Periodic Reporting

In fulfilment of my role as the Town's appointed Integrity Commissioner pursuant to the rules of Part V.1 of the *Municipal Act*, I respectfully submit the Periodic Report of the Office of the Integrity Commissioner for the Town of Huntsville for Council's consideration and receipt. Subsection 223.6(1) of the *Municipal Act* states that the Integrity Commissioner shall provide a periodic report to the municipality on his or her activities. My last report was tabled in August 2022, prior to the 2022 Municipal Election. Generally, I submit a report each year, however, as 2022 was a municipal election year, in accordance with sections 99 and 100 of the Code, no complaint can be filed between Nomination Day and Election Day and Council shall not consider imposing any penalties during that period. If any inquiry is commenced by the Integrity Commissioner that has not been completed by Nomination Day for a regular election, the Integrity Commissioner shall terminate the inquiry on that day. If any such inquiry has been terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned, makes a written request to the Integrity Commissioner that the inquiry be commenced.

This Office received no complaints during the election blackout period. This Report covers the period from January 2023 to July 2024.

In addition to the receipt of formal and informal complaints under the Council Code of Conduct for Members of Council and Local Boards (the "Code"), this Office receives informal inquiries that may relate to areas that go beyond the mandate of the Office. As in the past, in such situations, I advise individuals that my jurisdiction does not extend to matters relating to Council decisions regarding Town-wide issues or complaints about

Suzanne Craig Integrity Commissioner

the administration, given the statutory limitations imposed on the Integrity Commissioner by the *Municipal Act*.

In this reporting period, there was 1 formal complaint brought forward under the formal complaint process and 1 complaint pursued through the informal complaint process.

Examples of Advice to Members of Council:

Below is a sample of the advice I provided to Members of Council.

Q. A Member of Council had questions about whether they could participate in an upcoming Council meeting with respect to a Planning Staff Report. The report dealt with the overview and the town's recommendations concerning the proposal for a telecommunication tower. The proposed location of the tower was an entity for which the Member of Council's spouse is an employee.

A. I advised that, on its face, the Member of Council appeared to have a deemed pecuniary interest because their spouse may have an indirect pecuniary interest in the Tower construction due to their employer's financial interest in the matter of the installation of the communication tower on their lands.

After reviewing the staff report and receiving further information from the Member, I confirmed that The tower is on the employer's property and there would be an annual rental fee to be paid by the communications company to the employer. Given that the employer will receive a rental fee from the communications company, I advised the Member that they will have a deemed pecuniary interest because their spouse has an indirect pecuniary interest. I explained that this decision is not because the Member's spouse benefits in any way from the rental agreement – in fact, they do not. However, I explained that since their spouse's employer has a financial interest in the matter of the installation of the communication tower on their land, section 2 of the *Municipal Conflict of Interest Act*, (the "MCIA"). defines this as an indirect pecuniary interest. The question then became whether in application of s.4(k) of the MCIA, the Member's pecuniary interest was so remote or insignificant, such that the pecuniary interest neither disqualifies you from participating in the discussion nor from voting.

I advised the Member that looking at the circumstances that the court considers to be relevant in this determination, it is my position that:

- the Member was acting in good faith and their motivation to participate in the issues were not motivated by a potential pecuniary benefit of their spouse's employer;
- the subject matter is of major public interest to the Member's constituents;
- while the Member's spouse receives remuneration from the employer, that compensation does not depend on the outcome of whether the tower is installed on

employer's property or whether the employer receives a rental fee from the communications company.

I concluded by advising the Member that while they do have a deemed pecuniary interest pursuant to s.3 of the MCIA, by virtue of their spouse having an indirect pecuniary interest in the matter, having reviewed all of the circumstances, it is my position that the Member's pecuniary interest is remote and insignificant in application of s.4(k) of the MCIA. As a result, the Member is exempt from the application of s.5(1) of the MCIA (which requires a Member to declare a pecuniary, not participate in the vote and not vote). I advised the Member that their pecuniary interest did not disqualify them from participating in the debate and voting on the matter.

Q. A Member of Council requested my opinion on whether they had a disqualifying pecuniary interest or bias with a upcoming rezoning application.

The Member advised that they have had a working relationship for years with the company bringing forward the rezoning application.

A. I advised the Member that the transaction of purchasing the land had already taken place, and neither the Member nor a listed relative (spouse, parent or child) received financial consideration in advance of the proposed buildings. I advised that there was not a pecuniary interest created under the MCIA by having had past business transactions with a proponent. I advised the Member of possible Code considerations.

Issues Raised through Code Complaints:

I received 1 formal Code complaint. In addition, 1 complaint was brought forward for which the Complainant requested the matters be pursued through the informal complaint procedure.

The matters identified in the informal complaint related to the role of Local Board Members and the application of some of the provisions of the Town policies administered by some Local Boards, including adherence to open meeting rules. Throughout the review of these matters, I advised the parties that while I can receive complaints alleging contraventions by Members of Council and Local Boards of specific rules of the Code of Conduct, I cannot receive or review concerns or complaint about the administration of the policies of Local Boards or their meeting management.

With respect to the formal complaint, the matter was dismissed. I initially opened a complaint investigation file. However, during the course of my review, I determined that I could not consider the substantive issues contained in the complaint, as the matters pertained to day-to-day Town business, transactions and employment decisions that

were within the mandate of the Town administration led by the senior administrative staff. Section 83 of the Code states that if the matter is covered by other policies with a complaint procedure or legislation, the complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner. Pursuant to section 83 of the Code, I determined that the matters raised in the Complaint, were employment matters for which enforcement is not within my jurisdiction to receive or investigate. The Complaint was dismissed.

Code of Conduct General Inquiries:

	From Members of Council	From the Public	From staff	Total Inquiries
2023-24	8	2	1	11

Code of Conduct Complaints

	January 2023-July 2024
Formal complaints Disposition	1 Dismissed
Informal complaints - Disposition	1 Not within the Commissioner's jurisdiction
Total Code of Conduct Complaints	2

Education and Outreach:

On Friday January 13, 2023, I delivered a session on Codes of Conduct in a District of Muskoka Joint Council Orientation training session, hosted by the Town of Huntsville, at which Members of Council of the Town of Huntsville, as well as those from the Muskoka District Councils attended. The other presenters in attendance were a Municipal Law expert and a CAO of a municipality. Topics covered at the session included: an overview of the rules of the *Municipal Conflict of Interest Act*; Case Law update; Close Meeting Rules, Access and Privacy, Code of Conduct and Municipal Act statutory rules relating to governance, municipal meetings and harassment.

Statement of Expenditures

\$3,178.12– Integrity Commissioner Services include remuneration for advice to Members of Council and Council, Investigation of 1 formal Code of Conduct Complaint, Review and Disposition of 1 informal Code of Conduct Complaint, Provisions of Responses to administration and clarification on the application of Code rules.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Suzanne Craig', is written over the typed name.

Suzanne Craig, Integrity Commissioner

Town of Huntsville

suzannecraigintegrity@gmail.com