

**AIRD BERLIS**

Meghan Cowan  
Direct: 416.865.4722  
E-mail: [mcowan@airdberlis.com](mailto:mcowan@airdberlis.com)

# **2024 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER**

**THE CORPORATION OF THE CITY OF KINGSTON**

**Meghan Cowan**

**Aird & Berlis LLP**

March 24, 2025

## **INTEGRITY COMMISSIONER'S MESSAGE**

Aird & Berlis LLP was appointed as the Integrity Commissioner for The Corporation of the City of Kingston (the "City") pursuant to subsection 223.3(1) of the *Municipal Act, 2001* on December 7, 2021 by By-law No. 2022-4. Our services commenced on January 1, 2022.

This is our second annual report and it will encompass the period January 1, 2024 to December 31, 2024. This report provides an executive summary of our activities in carrying out our functions as the Integrity Commissioner for the City pursuant to our appointment.

The functions of an Integrity Commissioner are set out in subsection 223.3(1) of the *Municipal Act, 2001* and have all been assigned to Aird & Berlis LLP by Council. Our functions include both advice and education responsibilities as well as inquiry, investigation and enforcement obligations.

We note that Bill 241 was introduced in the Provincial Legislature on December 12, 2024 but died on the Order Paper on February 12, 2024. Bill 241 purported to strengthen the municipal accountability framework in Ontario by imposing new requirements for provincial-wide uniform codes of conduct; mandatory education and training for Integrity Commissioners and for members of council and local boards; for the involvement of the Ontario Integrity Commissioner; and for the removal from office and disqualification of members of council for serious contraventions of a code of conduct that results in harm to the health, safety or well-being of any person.

## **CODE OF CONDUCT**

The City established its original Code of Conduct for Members of Council (the "Code of Conduct") on March 29, 2017 by By-law No. 2017-65 pursuant to Staff Report No. 17-094. The most recent revisions were made in 2021. We had been working with Council and staff to ensure that the City's Code of Conduct aligns with best practices, and had prepared new draft documents. We have, in consultation with staff, decided to wait and see if the new provincial government resurrects a form of Bill 241.

## **COMPLAINT INVESTIGATIONS**

Last year our office received nine (9) formal complaints pursuant to the Code. We did not receive any applications pursuant to the *Municipal Conflict of Interest Act*.

### ***Complaint 2024-01***

We received a multi-faceted complaint, alleging contraventions of disrespect, lack of communication, and breaches of the Code of Conduct, including sections on the general principles, general obligations, gifts and benefits, and conflict of interest. Upon review of the submitted materials, we exercised our discretion to summarily dismiss the complaint, as we found no evidence of the concerns raised.

### ***Complaint 2024-02***

Council made a formal request that we investigate the disclosure of confidential closed meeting information by a member. Our investigation determined that the member had disclosed confidential information in breach of the Code of Conduct, and that the member had failed to follow the Integrity Commissioner's written advice. Our investigative report was publicly presented and Council accepted our recommendations to formally reprimand the member and to suspend their remuneration for a period of thirty (30) days.

### ***Complaint 2024-03***

We received a complaint alleging that a member of Council had contravened the Code of Conduct via their use of social media. While we did not find a contravention in this case, we recommend that all members be cautious when using social media for communication purposes, even from personal accounts, and that they may seek the advice of the Integrity Commissioner if they are uncertain of how to proceed.

### ***Complaint 2024-04***

A complaint was filed against a councillor alleging that a member had conducted themselves in an intimidating and bullying manner. No provisions of the Code of Conduct were cited in the complaint, and despite several follow-up requests for further information, no specific provisions were forthcoming. For these reasons, we dismissed the complaint.

### ***Complaint 2024-05***

A complaint was filed against a member alleging that they had made a number of false statements which had a detrimental impact on the complainant and their reputation. The complainant was reluctant to provide additional evidence. We followed up with the complainant who did not respond to our requests for additional information. We have therefore closed our file.

### ***Complaint 2024-06***

This complaint remains ongoing, and we will report on it in our 2025 Annual Report.

### ***Complaint 2024-07***

A complaint was raised with respect to the conduct of a member, however, the complainant did not provide further particulars or details of the conduct in question and we accordingly terminated the complaint and closed our file.

### **Complaint 2024-08**

A complaint was filed against a member alleging that they had made inappropriate comments concerning a staff report during a meeting of Council. We carefully considered the question of jurisdiction, as the allegations related solely to comments made by a member during a meeting of Council. We ultimately summarily dismissed the Complaint as we found that the conduct did not rise to such a level to merit our intervention by way of a full investigation.

### **Complaint 2024-09**

A complaint was filed against a member alleging that they had not been responsive in answering inquiries from members of the public. We duly considered the complaint and all supporting materials and dismissed the complaint on a summary basis as we found that the allegations did not disclose a contravention of the Code of Conduct.

## **ADVICE**

The Integrity Commissioner is provided with express authority to provide specific and particularized advice to members with respect to their obligations under the Code of Conduct, any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members and the *Municipal Conflict of Interest Act*.

We received and responded to ten (10) separate requests for advice from seven members of Council (none from local board members). The inquiries related to various issues pertaining to the application of the Code of Conduct and the *Municipal Conflict of Interest Act*.

The majority of requests for advice received by our office this year related to the *Municipal Conflict of Interest Act*. We reiterated in a number of separately issued advisements to members that the purpose of the *Municipal Conflict of Interest Act* is to prohibit members engaging in the decision-making process for matters in which they have a pecuniary (i.e., financial) interest, be it direct, indirect, or deemed.

We remind members that the *Municipal Act, 2001* explicitly requires that any requests from members are to be made in writing. To date, members have been mindful of their obligation to provide written requests and to include all of the relevant background facts and copies or links to supporting documents (such as correspondence, social media posts, staff reports, etc.). This has immeasurably assisted us in our providing advice on the timely basis. We seek to respond in writing within 24 to 48 hours of receiving the information and records that are necessary to be reviewed in order to provide proper and correct advice to members.

We remind members that we can only provide advice to them with respect to their own obligations and not the responsibilities of other members or persons.

We also received and responded to inquiries from members of the public with respect to the process for filing complaints and applications and the difference between the two processes; the extent of Council's authority to penalize members for contraventions; and, in general, the scope of our jurisdiction and purview as Integrity Commissioner.

## **EDUCATION & TRAINING**

We did not provide any formal education and training to members in 2024.

## **CLOSING REMARKS**

We will continue to monitor the agenda at Queen's Park to see if the provincial government seeks to resurrect a form of Bill 241. We will work with City staff to report on any material and substantive changes that may impact the City, its members and our role as Integrity Commissioner.

We are privileged to act as Integrity Commissioner for the City – we look forward to working with all members of Council and the City's local boards as well as with City staff throughout this year.

Respectfully submitted,

AIRD & BERLIS LLP



Meghan Cowan

Integrity Commissioner for the City of Kingston

MAC/JM