



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Human Resources
Report Number: 2021-33-Corporate Services
Prepared By: Geoffrey Clarke, General Manager
Meeting Date: March 22, 2021
Subject: Integrity Commissioner Report 2020-01 (Complaint of June 11, 2020)

Purpose

To have Council receive the information in the report. Mr. Fleming will also be in attendance virtually at the Regular Meeting of Council of March 22, 2021, to answer any questions regarding the report.

Recommendation

That Council decide on how the report is to be made public, and whether to adopt the recommendations contained within the report.

Background / Discussion

On June 11, 2020, a complaint was filed with the City's Integrity Commissioner regarding the conduct of a member of Council. Tony Fleming, the Integrity Commissioner for the City of Cornwall, received the report and as per our Code of Conduct and Staff Relations policy, and after a preliminary review of the complaint, determined there was sufficient information to warrant a formal investigation.

Regular Meeting of Council Requirement

The report is provided for discussion in a regular council meeting as there is no basis under section 239 of the Municipal Act to consider this matter in a closed session of Council. Mr. Fleming's report is presented in his role as the Integrity Commissioner, not as legal counsel for the City, and therefore it is not subject to solicitor client privilege.

While it does name the Member of Council who is the subject of the complaint, that is not information about an identifiable individual that qualifies for an exemption under section 239 as the identity of the Member of Council must be disclosed in order to comply with the Municipal Act requirement that the report be made available to the public. The identity of the Member of Council who is the subject of the complaint is a critical element of the report.

No other category under section 239 applies to this report that would allow it to be considered in closed session.

Council Decisions Required

Making the Report Public:

In accordance with the Municipal Act, Council will need to decide on how it will make the Integrity Commissioners Report public beyond the agenda of the March 22, 2021 meeting.

In consideration of making this report publicly available Council may choose to have this report electronically available on the City's website, as well as having physical copies available should the public wish to obtain a hard copy of this report.

Likewise, Council may also decide that having this report and discussion on the agenda of the regular meeting of March 22, 2021 is sufficient in making the report available to the public.

Whether to Adopt the Recommendations of the Report:

After receiving the report, Council will then need to decide as to whether to adopt the recommendations that appear at the end of the report.

Document Title:	Integrity Commissioner Report 2020-01 (Complaint of June 11) - 2021-33-CS.docx
Attachments:	- February 24 2021 Report to Council (00313039xA46D1) (June 11, 2020).pdf
Final Approval Date:	Mar 17, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Mar 17, 2021 - 10:46 AM