

2026 Integrity Commissioner's Periodic Report
Town of Amherstburg

The purpose of an Integrity Commissioner's periodic report is to provide the public with the opportunity to understand the ethical well-being of the Town's elected and appointed officials through the lens of our activities. Principles *Integrity* is pleased to submit this report, covering the period from August 1, 2025, the date Principles *Integrity* was retained as Integrity Commissioner for the Town, through April 30, 2026.

About Us:

Principles *Integrity* is a partnership focused on accountability and governance matters for municipalities. We currently serve as Integrity Commissioner (and as Lobbyist Registrar/Closed Meeting Investigator/Municipal Ombudsman for some clients) for approximately 60 Ontario municipalities and other public bodies. As of the end of January 2027, the firm will, however, no longer be providing accountability officer services to municipalities.

The Role of Integrity Commissioner, Generally:

An Integrity Commissioner's statutory role is to carry out, in an independent manner, the following functions:

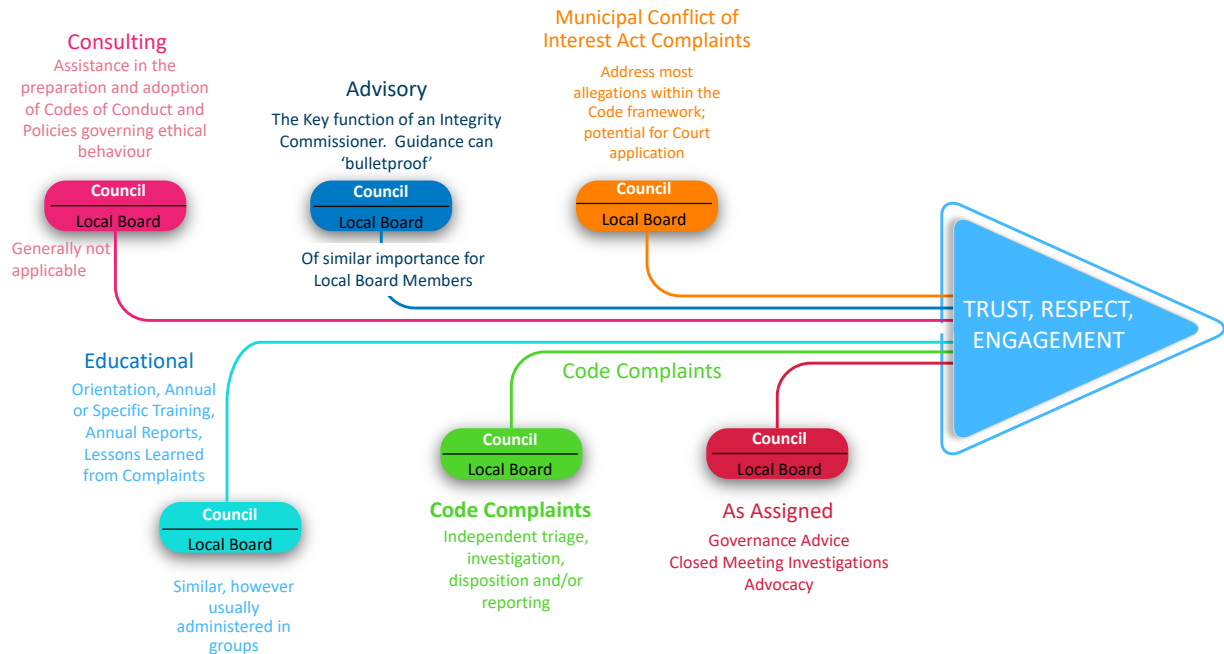
- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to Council, members of Council and members of Local Boards
- Providing a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints informally, where appropriate, and
- Investigating, reporting and making recommendations to Council on those complaints that cannot be resolved informally, while being guided by Council's codes, policies and protocols.

This might contrast with the popular yet incorrect view that the role of the Integrity Commissioner is primarily to hold elected officials to account; to investigate alleged transgressions and to recommend 'punishment'. The better view is that Integrity Commissioners serve as an independent resource, coach, and guide, focused on enhancing the municipality's ethical culture. In other words, an integrity commissioner should be perceived more as a coach or teacher, rather than a 'cop' or sheriff.

In carrying out our broad functions, the role falls into two principal areas. 'Municipal Act'

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functions, focused on codes of conduct and other policies relating to ethical behaviour, and 'MCIA' or *Municipal Conflict of Interest Act* functions. From an activity perspective, we continue to represent an Integrity Commissioner's role using this graphic:



The emphasis of Principles *Integrity* is to help municipalities enhance their ethical foundations and reputations through the drafting of effective codes of conduct and other policies governing ethical behaviour, to provide meaningful education related to such policies, and to provide pragmatic binding advice to Members seeking clarification on ethical issues. As noted in the graphic, we believe that the support we give to Members of Council increases the public's perception of them, which in turn leads to greater trust, respect and engagement.

Because the development of policy and the provision of education and advice is not in every case a full solution, the broad role of the Integrity Commissioner includes the function of seeking and facilitating resolutions when allegations of ethical transgressions are made, and, where it is appropriate and in the public interest to do so, conducting and reporting on formal investigations. This in our view is best seen as a residual and not primary role.

Independence and Confidentiality:

Integrity Commissioners are independent statutory officers, notwithstanding their appointment by the Councils of the municipalities they serve. In every engagement, it is the responsibility of the Integrity Commissioner to ensure that structural independence is in place, even though they may, as in our case, seek to have as collaborative relationship as possible.

Much of the work of an Integrity Commissioner is done under a cloak of confidentiality. While

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in most cases secrecy is required by statute, the promise of confidentiality also encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures would be limited and rare.

Town of the Amherstburg Activity:

During the period covered by this report, we have been engaged in a moderate level of activity as Integrity Commissioner for the Town of Amherstburg which subdivides roughly into three categories:

1. Policy Development and Education

During the period covered by this report we assisted in a review of the Town of Amherstburg's Code of Conduct Policy.

2. Advice

The advice function of the Integrity Commissioner is available to all Members of Council and where applicable their staff and Members of local boards on matters relating to the code of conduct, the *Municipal Conflict of Interest Act* and any other matter touching upon the ethical conduct of Members. Advice provided by the Integrity Commissioner is confidential and independent, and where all the relevant facts are disclosed, is binding upon the Integrity Commissioner.

Our advice is typically provided in a short Advice Memorandum which confirms all relevant facts and provides with clarity our analysis and a recommended course of action.

During the period covered by this report, we responded to fourteen (14) such requests for advice.

3. Complaint Investigation and Resolution

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. Once a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary fact-finding and will also be provided with a summary of the disposition.

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the Complainant when that information is necessary to enable them to respond to the allegations raised.

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during the period covered by this report, we received ten (10) complaints, eight of which were able to be resolved and concluded without a report to Council. One complaint necessitated a report to Council, and one further complaint remains ongoing.

For the period covered by this report our fees for the services we provided, including our annual retainer, totaled approximately \$17,000.00 (including disbursements).

Observations from across Ontario

With due regard to our obligation to maintain confidentiality, this report enables us to identify learning opportunities gleaned from our experience in municipalities across Ontario.

Disclosure of confidential information from closed meeting sessions

It continues to be the case that some elected and appointed officials fail to recognize the serious implications of disclosing confidential information, particularly information learned of through attendance in closed session.

A Member's obligation to maintain confidentiality is clear. They may not unilaterally decide to share confidential information, even if they believe the information should be publicly disclosed. This extends to releasing information even to their own legal counsel to obtain a 'second opinion'.

We treat this breach of ethical responsibility as breach of a cardinal rule, and if an allegation in this regard is proved to be true, it tends to attract a recommended sanction at the upper end of the prescribed range. Left unchecked, a confidentiality breach undermines not only Council's interests on the matter subject to the breach, but destroys the trust required of elected officials, and the staff that support them, to ensure that all relevant, and sensitive, information required to support the deliberation on a matter is freely supplied.

Non-disparagement

One area of prominence continues to be the failure of some Members of Council to adhere to rules against disparagement. Members of Council are entitled to, and indeed expected to, disagree on all manner of issues. However, one of the cornerstones to democracy must be the recognition that different opinions and perspectives are to be respected, and disagreement should not devolve into disrespect, disparagement and name-calling.

Disrespectful interactions and/treatment of others can fall along a continuum which may manifest as occasional incivility and micro-aggressions, but when unchecked can culminate in bullying and harassment. Members of Council should be mindful to treat each other, staff and the public with appropriate respect and professionalism at all times.

One noted trend is the attempted justification of bad behaviour on the basis that the elected official was simply 'representing their constituents', often saying "it's my job to ask the hard questions". We disagree. The job of an elected official is to ask *good* questions. Their questions may at times need to be direct, or lead to difficult answers, but it should never be the primary objective that the person being questioned will be embarrassed, or in the worst

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instances, harassed.

Use of Social Media

Participation in social media discussions lends its own opportunity for attracting Code of Conduct complaints alleging disparagement. Members should be mindful that comments can be used or amplified in ways that bring municipal integrity into disrepute. It is important that Members be careful, accurate, and non-disparaging even as they attempt to offer what they see as a fair critique of municipal policy and actions. Municipal policy is advanced through the deliberations of Council and so wherever possible the focus should be on facilitating a discussion ‘in the Chamber’, and not in internet channels, so the general public, staff, and Council colleagues, can participate in the mechanisms through which a variety of important interests can be balanced and distilled into Council decisions made through democratic process.

Regardless of the medium, regardless of the intended audience, and regardless of motive, we have observed several instances where Members of Council in municipalities around the province have been found to have breached ethical standards by saying or recording things they have come to regret.

Role Adhesion

One area of concern that continues to arise relates to members of Council overstepping their role, attempting to ‘take the reins’ to fix a constituent’s problem, or directing staff how to do their job. Members of Council serve an important role in putting constituents in touch with appropriate staff, and leading them to established processes, or advocating for changes in policy, but it is important to strike the correct balance between guiding constituents and becoming their personal advocates.

It continues to be the case that elected officials attempt to inject themselves in quasi-judicial matters such as by-law enforcement, or with respect to insurance claims. While it is important for Council to retain an oversight role and have the ability to monitor how its by-laws and programs affect the community, file-level interference by individual elected officials must be avoided.

Stronger Mayor Powers

Many municipalities across the Province have now had experience in applying the provisions of Part VI.1 of the *Municipal Act*, entitled Special Powers and Duties of the Head of Council which we refer to as ‘stronger mayor powers’.

We have heard from councillors who vehemently oppose the powers, and some who are supportive.

What is clear to us is that the frictions amongst the elected officials who serve on stronger mayor councils is exacerbated when:

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- it appears that the head of council has made their decision without due consideration of other factors, such as the previous decisions of Council on the matter, or the advice of staff
- It appears that staff are expected to carry out mayoral directives without there being the required public disclosure and the associated formal documentation.

To alleviate these concerns, we recommend to our client municipalities that they consider doing the following:

- Adopt a guideline (in essence a non-binding policy) which guides the head of Council to have regard to the advice of staff and/or the previous decisions of Council before implementing a stronger mayor decisions; and
- Make it a provision in the *staff* code of conduct that makes it a breach of that code for staff to implement a *directive* from the head of Council without it being in compliance with the procedural, documentary and/or disclosure requirements of applicable legislation.

Provincial Review of Code of Conduct/Integrity Commissioner System

The status of Bill 9, the *Municipal Accountability Act, 2026* received royal assent on June 2, 2026, however its schedules (and any accompanying regulations) have not yet been brought into force. As a consequence we have little more to report than in our last periodic report.

Code of Conduct development for various municipalities has been paused because the Bill contemplates a universal code of conduct for all municipalities in Ontario. No detail has been provided with respect to the form or content of such a code, nor to the future role of the Integrity Commissioner of Ontario in developing training or in otherwise influencing the approach municipal integrity commissioners are to take in serving their client municipalities¹.

What the Bill did specify is a mechanism to remove elected officials from office should a municipal integrity commissioner find after a complaint investigation:

1. The member has contravened the code of conduct.
2. The contravention is of a serious nature.
3. The member's conduct that is the subject of the inquiry has resulted in harm to the health, safety or well-being of any person.
4. The penalties set out in subsection 223.4 (5) [reprimand or suspension of pay] are insufficient to address the contravention or to ensure that the contravention is not repeated.

If such is the case, the municipal integrity commissioner will refer the matter to the Integrity

¹ It should be noted that the Integrity Commissioner of Ontario does not currently have any role in the administration of municipal code of conduct/integrity commissioner matters.

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Commissioner of Ontario who will conduct their own inquiry. Upon the completion of that inquiry the Integrity Commissioner of Ontario, if they agree the above criteria have been met, will report to the respective municipal council with a recommendation that the elected official be removed from office. Council must vote unanimously (the respondent elected official cannot vote and is not counted) in order to cause the member's seat to become vacant.

In our view the mechanism set out in the bill is lengthy, uncertain and expensive, and does not adequately deal with what might be done to achieve course correction while the process is underway, nor at the conclusion of a non-unanimous Council vote should the Integrity Commissioner of Ontario recommend that removal from office is appropriate.

Regrettably the Bill represents a virtually single-minded approach to remedying the deficiencies of the current system by focusing on mechanisms leading to removal from office. It is hoped that there will be more fulsome consultations, including with practicing municipal integrity commissioners, prior to the introduction of regulations.

Conclusion:

We look forward to continuing to work with Members of Council for the balance of our tenure. We embrace the opportunity to elevate Members' familiarity with their obligations under the Code and to respond to emerging issues. As always, we welcome Members' questions and look forward to continuing to serve as your Integrity Commissioner until our successor is appointed.

We thank staff for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate.