



J. Paul Dubé, Ombudsman

SENT BY EMAIL

October 3, 2024

Council for the Township of Rideau Lakes
c/o Shellee Fournier, Chief Administrative Officer
1439 County Road 8
Delta, ON K0E 1G0

Dear Members of Council for the Township of Rideau Lakes:

Re: Integrity Commissioner report

My Office received complaints that the Township of Rideau Lakes has not made an Integrity Commissioner report into the conduct of councillor Linda Carr available to the public. My Office is also aware that Council for the Township of Rideau Lakes recently passed a resolution requesting that my Office provide the Township with “options” for an “unbiased review” of the report prior to releasing the report to the public.

The *Municipal Act, 2001* requires that Integrity Commissioner reports be released to the public. This obligation applies even if the Integrity Commissioner’s findings may be damaging, even if council disagrees with the findings, and even if council wishes to challenge the findings in another forum. I write to strongly encourage council to comply with the *Municipal Act*. There are no exceptions or options available under the *Municipal Act* that would permit the withholding of the report.

The Ombudsman’s authority and role

The Ombudsman is an independent and impartial Officer of the Ontario Legislature with the authority to review and investigate complaints about the administrative conduct of public sector bodies in Ontario, including municipalities such as the Township of Rideau Lakes.

When reviewing complaints about municipal government administration, the Ombudsman may consider whether relevant law, policies, and procedures were followed. If he identifies concerns, he may share best practices to improve municipal processes, as well as strengthen local governance, transparency and accountability.

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Wherever possible, the Ombudsman strives to review complaints and resolve matters without a formal investigation, and, where appropriate, offers constructive feedback in the form of best practices that municipalities can adopt to improve their processes and avoid future complaints.

Review

During our review, members of my Office spoke with the Chief Administrative Officer. We reviewed minutes from the meeting of the Municipal Services Committee on August 12, 2024 and the Council meeting on September 3, 2024, including Resolution 125-2024, “Motion to Reconsider release of Integrity Commissioner Report: Mayor Hoogenboom”. We also reviewed the Township’s Accountability and Transparency By-law.¹

Analysis

According to our review, the Township received a report from its Integrity Commissioner. The Municipal Services Committee, which is composed of all members of council, voted on August 12, 2024, against directing staff to place the report on the agenda for an upcoming council meeting. At a council meeting on September 3, 2024, Council defeated a motion to reconsider this decision. Council also passed a resolution at the meeting which, among other things, requested my Office provide “options” regarding the report.

The *Municipal Act, 2001* is clear that a municipality shall ensure that reports received from its Integrity Commissioner are “made available to the public.”² There are no exceptions to this rule. While I recognize that council may be motivated to protect the reputation of a councillor against findings that council wishes to dispute, the object of the *Municipal Act* is to encourage transparency surrounding Integrity Commissioner reports. The Accountability and Transparency By-law states that within seven days of receipt of a report, the clerk shall submit the report at the next open session meeting of council.³ Effectively, Council has deferred public release of the report indefinitely, which frustrates the intent of the *Municipal Act, 2001*. Moreover, Council is not in compliance with its own by-law which requires the prompt release of Integrity Commissioner reports.

My Office’s best practice guides for municipalities and Integrity Commissioners state that “complaint protocols should address how and when such reports will be made available to the public.” These guides were developed based on our experience reviewing complaints in this area since 2016 and are available on my Office’s website at www.ombudsman.on.ca/resources/brochures-and-posters/municipal-resources.

¹ Township of Rideau Lakes, *Accountability and Transparency Consolidated By-law 2019-17*

² *Municipal Act, 2001* s. 233.6(3)

³ *Accountability and Transparency Consolidated By-law 2019-17*, s. 16.1



Conclusion

I appreciate the time taken by Township staff to discuss these issues with my Office. I hope this information will be helpful to council in understanding the role and function of my Office and its own obligations under the *Municipal Act, 2001*. The Township may seek legal advice regarding a judicial review of the Integrity Commissioner report.

We have confirmed with the Chief Administrative Officer that this letter will be added to the next council agenda.

Please contact Lauren Chee-Hing, Legal Counsel, by email at lchee-hing@ombudsman.on.ca if you require additional information.

Sincerely,



Paul Dubé
Ontario Ombudsman

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