

**Subject: Report to Council on an Inquiry Respecting the Conduct of  
Councillor Kelly**

**File Number: ACS2024-OCC-GEN-0017**

**Report to Council 27 November 2024**

**Submitted on November 22, 2024 by Karen E. Shepherd, Integrity Commissioner**

**Contact Person: Karen E. Shepherd, Integrity Commissioner**

**613-580-2424 x21978, integrity@ottawa.ca**

**Ward: Citywide**

**Objet : Rapport de l'enquête sur la conduite de Clarke Kelly, conseiller municipal**

**Numéro de dossier : ACS2024-OCC-GEN-0017**

**Rapport présenté au Conseil le 27 novembre 2024**

**Soumis le 2024-11-22 par Karen E. Shepherd, Commissaire à l'intégrité**

**Personne ressource : Karen E. Shepherd, Commissaire à l'intégrité**

**613-580-2424 x21978, integrite@ottawa.ca**

**Quartier : À l'échelle de la ville**

## **REPORT RECOMMENDATION(S)**

**The Integrity Commissioner recommends that City Council:**

- 1. Receive this report, including the finding that Councillor Kelly contravened Section 4 (General Integrity) and Section 7 (Discrimination and Harassment) of the Code of Conduct;**
- 2. Reprimand Councillor Kelly for his conduct on July 3, 2024.**

## **RECOMMANDATION(S) DU RAPPORT**

**La commissaire à l'intégrité recommande au Conseil municipal :**

1. de prendre connaissance de ce rapport, ainsi que du constat selon lequel Clarke Kelly a contrevenu à l'article 4 (Intégrité générale) et à l'article 7 (Discrimination et harcèlement) du Code de conduite;
2. de réprimander Clarke Kelly pour sa conduite du 3 juillet 2024.

## **BACKGROUND**

The attached report relates to an inquiry undertaken by the Integrity Commissioner pursuant to her jurisdiction set out in Section 223.4 of the *Municipal Act, 2001* (the "Act") as follows:

### ***Inquiry by Commissioner***

*223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,*

*(a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or*

*(b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.*

### ***Powers on inquiry***

*(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, 2009, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).*

Where the Integrity Commissioner reports to Council, Section 223.6 of the Act sets out the following specific requirements:

### ***Report about conduct***

*223.6 (2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.*

### **Publication of reports**

*(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.*

The Complaint Protocol of the Code of Conduct for Members of Council (Appendix A to By-law 2018-400) sets out the framework for the Integrity Commissioner receiving complaints, conducting investigations and reporting to Council.

Section 11 of the Complaint Protocol requires the Integrity Commissioner to report to Council where a complaint is sustained in whole or in part and outline the Integrity Commissioner's findings, the terms of any settlement and/or any recommended corrective action.

This report is submitted to Council under subsections 223.4(1), 223.6(2) and 223.6(3) of the Act and Section 11 of the Complaint Protocol.

### **DISCUSSION**

The attached report is the Integrity Commissioner's final report respecting four formal complaints concerning the conduct of Councillor Kelly (the Respondent).

Given the overlapping nature of the four formal complaints, the Integrity Commissioner exercised her discretion to conduct one investigation.

The Integrity Commissioner retained the services of an independent investigator to complete the investigation. The Investigator was delegated the responsibility for the investigation in accordance with subsections 223.3(3) and 223.3(4) of the Act:

#### **Delegation**

*(3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.*

#### **Same**

*(4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.*

The attached report contains the Integrity Commissioner's findings and recommendations related to the four formal complaints.

## **FINANCIAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

## **LEGAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

This is a city-wide report.

## **CONSULTATION**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

## **ACCESSIBILITY IMPACTS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

## **SUPPORTING DOCUMENTATION**

Document 1 – Report on an Inquiry Respecting the Conduct of Councillor Kelly

## **DISPOSITION**

Decisions made by Council as a result of this report will be implemented by City staff as required.