

Correspondence respecting Report FCS20086 respecting the Submission of Integrity Commissioner Investigation Report - Complaint Filed Against a Citizen Committee Member (Item 4.8):

From Lyla Miklos (September 29, 2020)

Sent via e-mail ...

This is the full text of a social media post that I shared on Facebook and Twitter.

<https://www.facebook.com/lyla.miklos/posts/10164249950705228>

<https://twitter.com/lylamiklos/status/1310777641889419271?s=21>

Lyla Miklos
Resident
Hamilton, Ontario

Time to pick apart Report #FCS20086 Filed Against a Citizen Committee Advisory Member from the Integrity Commissioner for The City of Hamilton point for point.

<https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=240014>

PAGE 1 (Executive Summary)

"The Integrity Commissioner is appointed to act in an independent manner on the application of the Code of Conduct and other rules and procedures governing the ethical behaviour of members of Council. The Integrity Commissioner appointed by Council shall be responsible for providing Integrity Commissioner services on an as required basis in accordance with sections 223.3 to 223.8 of the Municipal Act, 2001, as amended."

Hmmm??? So an Integrity Commissioner is appointed to work independently, yet the Integrity Commissioner is appointed by that very same Council whom they have been legislated to investigate.

Confused yet???

Well maybe the Municipal Act of Ontario will make things clearer?

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.

3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act. 2017, c. 10, Sched. 1, s. 19 (1).

From: <https://www.ontario.ca/laws/statute/01m25#BK255>

Yes even Ontario's own legislation gives the Municipality the authority to appoint an Integrity Commissioner who's core function is to investigate the leaders of that same Municipality for misconduct and suggest an appropriate "punishment" for their misdeeds.

Although no where in the Act does it talk about Advisory Committees falling under the umbrella of the groups that the Integrity Commissioner should have the power to investigate.

It is also interesting to note that on the City of Hamilton's own website that the first role of the Integrity Commissioner is to provide "advice to Council, members of Local Boards and Citizen Committee members to prevent potential violations of the Code of Conduct".

From: <https://www.hamilton.ca/government-information/accountability/integrity-commissioner>

So there seems to be a fundamental flaw from the get go about what the role of an Integrity Commissioner is and whom they report to. Providing advice to a City Council on whether their actions conflict with the Municipal Act, Codes of Conduct ... etc. sounds more like what the City's legal counsel are for.

The same person providing advice to that body can't also conduct investigations, suggest punishments and dole out advice on retribution against City Councillors who violate the act or other rules.

These need to be two very separate and distinct jobs.

If they are appointed by Council and report to Council their job is no longer independent.

An investigation, reporting and sentencing should all be done by an independent third party.

The role of the Integrity Commissioner as it is currently laid out contradicts this entirely.

Another contradiction: The Integrity Commissioner must preserve secrecy, but their reports to Council must be made public.

Huh!?!?!?

PAGE THREE (ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN)

"Our People and Performance: Hamiltonians have a high level of trust and confidence in their City government."

OMG!!!!

Seriously?!?!?

Red Hill. Cootes Paradise. Hamilton Pride. Anti-Racism Resource Centre. Hate Crime Capital of Canada.

I mean come on!?!?!?

PAGE FOUR

"Principles Integrity was appointed the Integrity Commissioner for the City of Hamilton in July 2018. We are also privileged to serve as Integrity Commissioner for a number of Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this: The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council and local boards meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest."

So they start from the stance that all elected leaders go about their business from a place of "good intent". This may explain the lack of any real action against any councillors whom residents have filed complaints against. Or the follow up of any complaints against any councillors as of late.

PAGE FIVE

"The essence of the complaint is that the Respondent Cameron Kroetsch has inappropriately used his position as Chair of the Lesbian, Gay, Bisexual, Transgender & Queer Advisory Committee (the LGBTQ AC), including by improperly and publicly criticizing and/or disparaging Council decisions or processes, and that he improperly publicly disclosed personal information about identifiable individuals contrary to the Municipal Freedom of Information and Protection of Privacy Act."

If you read over the Code of Conduct for the members of Citizen Advisory Committees for The City of Hamilton you will note that NO WHERE in that code of conduct does it state that a member of an Advisory Committee may NOT "publicly criticizing and/or disparaging Council decisions or processes".

Check out their Code of Conduct at <https://www.hamilton.ca/sites/default/files/media/browser/2020-03-05/advisory-committee-code-conduct.pdf>

PAGE SIX

"We were also asked to consider the propriety of the Chair having given a political endorsement while being identified in that role."

Again absolutely NOTHING in that code of conduct states that the Chair of an Advisory Committee can NOT endorse a political candidate.

Heck ... I think I may have given an endorsement to a Former City Councillor back in the day when I chaired this same committee praising their work as our Committee's Advisor from Council when they ran for re-election.

PAGE NINE

"Non-compliance with established codes, policies, laws and norms may well be the only way to achieve a needed change. The thoughtful experiences of the late United States Congressman John Lewis – famous for his notion of "Good Trouble" come to mind. Non-conformity with some rules, can (although perhaps only retrospectively) be perceived as a virtue. To the extent any of the behaviours we have examined can be argued to be virtuous (Good Trouble, in order to achieve a desired change), they must also be assessed by their adherence to principles of municipal accountability and democratic governance. In that respect the primacy of Council is key – decisions are made by Council, and Council is accountable to the electorate for those decisions. The processes for making decisions depend upon deliberation and persuasion. Interests are balanced, if not traded, for the benefit of what is understood by the decision-makers to be the public good."

How! Dare! You!

John Lewis has to be rolling over in his grave right now for you to invoke his name in this gross misappropriation of all that he stood for.

He nearly lost his life protesting against the "Primacy of Council".

Even as a Congressman in his final years he held sit ins in the halls of government and other acts of civil disobedience to speak out against injustices such as gun violence, racism and more.

Shame!

PAGE ELEVEN

"The LGBTQ AC for the City of Hamilton exists to eliminate barriers experienced by LGBTQ communities by giving voice to the perspectives of LGBTQ individuals and evaluating the City on its related efforts. The Committee does this by making recommendations to Council and staff in order that the City of Hamilton will excel in providing services to and interfacing with members of the LGBTQ communities."

If that is their mission I'd say Cameron as it's Chair has been boldly fulfilling that mission and then some!

PAGE TWELVE

"These undertakings have, it has been suggested, supported a belief by members of the LGBTQ AC that their advisory committee has taken on an operational function and is 'expected' to do things beyond simply provide advice to Council."

Ok let's get real here. The organizing of that particular event fell under the tasks of that committee for YEARS. They organized the speakers, musicians, call out to the community ... etc. All the Mayor ever had to do was show up, and most years that's pretty well all he did. Long time supportive staff with the City made sure the flags were unfurled, sound system set up, chairs laid out and notices went out to the media. Mayor's office had little to do with it other than to respond to the invite and give some words of greeting. Come on!?!?!?

And what do yah know??? Further down on the same page!!!

"On April 30, 2019 the LGBTQ AC had their first meeting of the new committee and began planning the Pride Flag event. Potential dates were selected and members confirmed they would forward a list of guest speakers to staff who organize the event."

So after it became public that a Nazi had been working in the City's IT department for YEARS and a white, het, male, cisgender, able-bodied, former Auxiliary Police Officer was appointed to the Police Board by Council as their Citizen rep the Committee put forward a motion that the flag raising event be cancelled because the City had failed to live up to their commitments to the Two Spirit and LGBTQIA+ community.

I mean how DARE they!?!?! Puhlease!!!

PAGE SEVENTEEN

Maybe I missed something, but in Principles Integrity's report they have a screen shot of the Tweet Cameron posted in which they claim he shared info that was redacted by Council and the City Clerk.

Ironically that screen shot does NOT contain any of the material that was redacted.

A better report might have had a hyperlink to that Tweet where you will note that neither well known figure to the public at this point is actually NAMED.

In all my YEARS sitting on Advisory Committees for the City of Hamilton I have never had Council get so up in our business that they ordered the City Clerk to redact our meeting minutes.

Witch hunt much!?!?!?

PAGE NINETEEN

This entire line of reasoning that a volunteer City Advisory Committee needs to seek Council's approval before addressing the Police Board is absurdity of the highest order. Council screwed up, so the LGBTQ AC threw the HPSB a bone and gave them another option to correct their mistake. Apparently the LGBTQ AC needed Council's AOK before doing that.

PAGE TWENTY-TWO

And the kicker?!?!?!?

"At the time neither the Clerk nor other support staff appear to have attempted to stop the LGBTQ AC from making the deputation, as might be expected, or tried to prevent the committee from venturing beyond their mandate in criticizing Council's appointment."

Or how about that Integrity Commissioner who is suppose to advise "board members" if they are in breach of the Municipal Act or any codes of conduct.

Hmmm????

PAGE TWENTY-THREE

"We find that the Respondent's public criticism and disparagement of Council and City processes during this radio interview, while identified as Chair of the LGBTQ AC, is conduct that undermines public confidence in the advisory committee, contrary to the Good Conduct provision in the Code. We find that the Respondent's conduct in this regard breached the Advisory Committee Code of Conduct."

Really?!?!?

That is a pretty BROAD interpretation of that Code of Conduct. Because no where does it state that a member of an Advisory Committee can NOT openly criticize the actions of Council.

<https://www.hamilton.ca/sites/default/files/media/browser/2020-03-05/advisory-committee-code-conduct.pdf>

Also that Code of Conduct says that only the Chair can speak on behalf of the Committee to the media. It doesn't say that the Chair needs to seek permission from Council BEFORE they speak to the media.

PAGE TWENTY-FOUR

"Regardless of the Respondent's opinion of the person affected, and the City's relationship to that person, the choice to publish the information on his personal Twitter account did not amount to 'Good Trouble'. On the contrary, the violation was serious and purposeful, and carried with it implications for the City's privacy protection obligations, and the individual involved."

Seriously?!?! Enough of the misappropriation of the words of John Lewis. Just stop it already.

PAGE TWENTY-SIX

"As noted, advisory committees can only effectively promote change by influencing Council decisions by the making of persuasive recommendations . The decision to follow such recommendations will always reside with Council, and Council will be influenced by the confidence it has in the body making the recommendation. Loss of confidence in a Chair of an advisory committee would be concerning, particularly when the anticipated advice is expected to be complex, and challenge the status quo."

Persuasive Recommendations?!?!?

Hamilton's Marginalized Communities have been recommending that Council end Hate in our City. The LGBTQ Advisory Committee gave Council several solid recommendations towards that path. Council ignored them. Council keeps ignoring the voices of marginalized communities over and over again.

Is this because all of our recommendations aren't "persuasive" enough.

Or is it because Council has no desire to change the status quo because they are more interested in clinging on to power?

PAGE TWENTY-SEVEN

"Accordingly, it is recommended:

1. That Council pass the following resolution:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct, that Cameron Kroetsch be and is hereby formally reprimanded.

2. That Cameron Kroetsch consider resigning from his position on the LGBTQ AC, and should it be his decision to do so, that he indicate that outcome prior to the day upon which this Recommendation Report is to be considered by Council; and

3. Alternatively, that Council consider revoking the appointment of Cameron Kroetsch as a member of the Lesbian, Gay, Bisexual, Transgender & Queer Advisory Committee, and that he be thanked for his service to date."

So in the end whom does this Integrity Commissioner serve?

The residents of Hamilton or the members of Council?

All this money and time spent on investigating a volunteer unpaid citizen appointee for behaviour unbecoming of an Advisory Committee Chair.

I want my tax dollars back damn it!

Meanwhile we have members of Council harassing and disparaging and disrespecting Hamiltonians delegating to council constantly to the point that people dread even the idea of addressing them in order to "persuade" them.

Expertise is dismissed. Lived experience is disregarded. Intelligent and passionate activists who speak eloquently to Council are written off as "professional agitators".

This is a disgrace!

Councillor Clark recently put forward a motion that MORE marginalized people respond to the City's survey on hate because he felt the sample number that did respond was too small. Because I guess the responses of those who did answer the survey just weren't "real" enough for him. Especially those saying there was a HUGE disconnect between the realities of marginalized communities and the members of Council.

What credible members from marginalized communities would want to put forward their names to sit on any of the City's Advisory Committees after this disturbing silencing by a member of a marginalized community by Council?

But I guess that was the point all along.

We aren't to call out the City for their oppressive practices and systems.

We are suppose to know our place.

And our place is to be a TOKEN.

Because the existence of an Advisory Committee for a marginalized community is as much symbolism as Council wants to prove to every one that they are fighting racism, sexism, homophobia, transphobia, ableism ... etc.

This is shameful and I hope Hamiltonians have been paying attention because in 2022 it's time to CLEAN HOUSE and get rid of all this dead weight.

ENOUGH!!!