



Town of Amherstburg Delegation Request Form

I wish to appear before:



Council



Advisory Committee of Council Specify: _____

Date of Meeting: Monday June 13, 2022

Name of Delegate(s): Nancy Atkinson

Address: _____

Phone: _____ Email: _____

Attending as an Individual ☒

Representing a Group/Organization Amherstburg Taxation Assoc.
(Name of Group/Organization/Business)

Have you contacted Administration regarding this matter? ☐ Yes ☒ No

If yes, who? _____

Reason(s) for Delegation Request (subject matter to be discussed):

If the request is in response to an item on the agenda, please specify the item by agenda item #.

Financial concerns of a group of residents

(Use a separate page if more space is required or attach additional documentation.)

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below:

n/a

****Speaking notes and presentation materials must accompany this request.** ✓

Additional documentation attached?

☒ Yes

☒ No

Will a PowerPoint presentation be made?

☐ Yes

☒ No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to the Town Clerk no later than 12:00 noon on the Friday before the meeting.

The completed Delegation Request Form is to be submitted to the Clerk, Town of Amherstburg, 271 Sandwich Street South, Amherstburg, ON N9V 2A5
Phone: 519.736.0012 Fax: 519.736.5403 or email: clerk@amherstburg.ca.

For office use only:

Date request received: June 7/22 Request Received by (initials): PT

Request relates to: Financial concerns from tax payers

☐ Staff Report: n/a Staff Name: n/a

Personal information contained on this form is authorized under Section 5 of the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. Questions regarding collection of the information on this form or additional accessibility requirements may be directed to the Municipal Clerk, 271 Sandwich Street South, Amherstburg, ON N9V 2A5, 519.736.0012.

May 31,2022

Mr Mayor, Council, Administration

My name is Nancy Atkinson. I am a life long resident of Amherstburg. I belong to a group of concerned taxpayers. We formed a group called Amherstburg Taxpayers Association for like minded residents to meet and discuss our concerns for our community and what we feel might be viable solutions prior to Covid Restrictions and have recently resumed meetings. I have been asked by this group to address you this evening with regards to Resolution #20211213-395 being a motion by councillor Courtney requesting a financial audit be performed in the Town of Amherstburg.

With an election quickly looming and no further information being forthcoming in the months following the resolution of December 13 we are concerned that a new Mayor, Deputy Mayor and perhaps some new Councillors will be running for positions not fully understanding the true financial status of the municipality. And certainly if questioned on Financial issues they would not be dealing perhaps with the reality of those issues.

In meeting your fiduciary(appendix 1) obligations to the residents who have put their trust in you could you advise us at this time

- a) If a firm has been retained to carry out this audit
- b) Is the scope of the audit Forensic
- c) What is the current status of the audit...in process, completed and when will this audit be made public.

JUSTIFICATION:

Taxpayers are the beneficiaries of the Corporation of the Town of Amherstburg...under the fiduciary obligation relationship (appendix 1). As such they should be on top of their investment {taxes}

We as investors would not simply hand a cheque over to our investment manager and not expect him to do his fiduciary duty in giving us updates periodically as to how our investment is doing. Since we give The Corporation of the Town of Amherstburg , as do all the other concerned residents quarterly tax payments and am diligent in seeing to it that this investment is paid on time so that the Town has the funds it needs to make good investments in the municipality on our behalf, we feel we are simply asking for a report as to how our investment is being used and is it being used to the best possible interests of the entire municipality overall. This is important to us as we would not ever consider that another taxpayer's investment should go for an investment that would only benefit one person or group's special interest. We would like to see and believe that our investment in the

municipality is benefitting everyone with proper infrastructure, water treatment, sewage treatment, roads, and well-maintained assets and amenities. These are the areas I and other likeminded residents feel our taxes were meant to provide.

In light of losing almost all, if not all of our financial department employees we feel an audit would certainly be in keeping with the Fiduciary responsibility of the council and newly acquired Administration.

So in closing I sincerely hope you understand our concerns and are forth coming in answering our questions here tonight.

Thank you for your time.

APPENDIX 1

What is the best definition of a fiduciary?

A fiduciary is a **person or organization that acts on behalf of another person or persons, putting their clients' interests ahead of their own, with a duty to preserve good faith and trust.** Being a fiduciary thus requires being bound both legally and ethically to act in the other's best interests.

What is Fiduciary Obligation?

The legal system recognizes many special relationships in which one party is required to look after the best interests of the other in the best possible way. These relationships are called fiduciary relationships. They include solicitor/client, physician/patient, priest/parishioner, parent/child, partner/partner, director/corporation and principal/agent relationships. Fiduciary relationships involve trust and confidence. They require that the fiduciary (i.e., the party entrusted with taking care of another party) acts honestly, in good faith, and strictly in the best interests of the other party (i.e., the beneficiary).

Fiduciary relationships emerge from the reasonable expectations of the parties, often in circumstances where one person relies on the other, to protect his or her interests. They frequently involve explicit or implicit commitments by one party to look after the interests of the other. Even relationships where the parties are expected to pursue their own self-interest can, in appropriate circumstances, be fiduciary. There are several cases where banks have been regarded as fiduciaries of their customers.

Usually, fiduciaries have power or influence over the economic, legal or practical interests of beneficiaries, who are somewhat vulnerable. There is a debate in the law about whether beneficiaries must be vulnerable, and if so, the extent of vulnerability they must have in order to benefit from this area of law. Some federal and provincial corporate law statutes contain provisions that arguably make fiduciary obligations in the corporate world a matter of statute.

Breaches of Fiduciary Obligation

Breach of fiduciary duty is a serious violation. Stringent remedial rules are used to put beneficiaries in the position they would have been in had there not been a breach of fiduciary duty. The beneficiary will be compensated for any losses flowing from the breach, such as a loss of an investment, or physical and mental suffering flowing from sexual or other abuse. Any profit that was improperly obtained by the fiduciary will be given to the beneficiary. Fiduciaries in breach of duty are more likely to have punitive damages (a type of punishment) awarded against them than are ordinary defendants. Fiduciary obligations can continue even after any contractual relationship between the fiduciary and the beneficiary has ended.

Ordinarily, fiduciaries cannot take advantage of opportunities that will profit them in some way because of their role in the relationship. There are demanding rules that prohibit both profit making and any conflict of interest that goes beyond what is necessary to the relationship. Secret benefits in the form of undisclosed kickbacks, commissions and profits, conflicts of interest, and discounts are strictly prohibited. An improper benefit is usually financial, but can include virtually any form of improper personal gain.

A fiduciary cannot ordinarily buy from or sell anything to a beneficiary, cannot ordinarily refer the beneficiary to a business in which the fiduciary has an interest, and, in many cases, cannot without suspicion be the recipient of a gift from a beneficiary. Fiduciaries like physicians cannot conduct research without disclosing to their patients that they are doing research. Fiduciaries who in any way physically or sexually abuse their beneficiaries are guilty of a particularly grievous form of breach of fiduciary duty.