

REPORT

Council

Meeting Date: May 25, 2021

FROM: Clerk's Department

DATE: May 11, 2021

SUBJECT: Accountability and Integrity Commissioner's Periodic Report

LOCATION:

WARD: Town-wide

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RECOMMENDATION:

That the report titled Accountability and Integrity Commissioner's Periodic Report dated May 11, 2021 from the Clerk's department be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Town's Integrity Commissioner Principles *Integrity* has submitted a report for Council's information respecting the advice, education and investigations carried out and developments or recommendations of significance related to the role of the Town's Integrity Commissioner.
- The Province has launched a consultation on strengthening accountability for municipal council members which will run until July 15th, 2021 allowing the opportunity for staff and members of council to respond to a survey.

BACKGROUND:

Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, expanded the responsibilities of Integrity Commissioners and removed the discretion of municipalities to make Integrity Commissioner services available or not. In June, 2018, Council appointed Principles *Integrity* as the Town's Integrity Commissioner effective until December 31, 2022. The contract with Principles *Integrity* requires the submission of an annual report to Council respecting the advice, education and investigations carried out along with any developments or recommendations of significance related to the role of the Town's Integrity Commissioner. A Periodic Report was received from Principles *Integrity* for Council's information and is attached as Appendix A to this report.

Recently, the Province announced that it has launched its consultation on further strengthening accountability for municipal council members to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials ethically and responsibly. The consultation is being led by Associate Minister of Children and Women's Issues, Jill Dunlop, and will consider input from municipal councillors, staff and associations. This consultation is seeking feedback on the following three guiding questions:

1. What changes or mechanisms are needed to better hold council members accountable for municipal code violations?
2. How can codes of conduct be more effectively enforced?
3. Are a broader range of penalties for codes of conduct violations needed?

COMMENT/OPTIONS:

Principles *Integrity*, as the Town's Integrity Commissioner, is responsible for the following:

- a. To provide advice on the application of the Code of Conduct, and on Town policies, procedures, protocols and rules relating to the ethical conduct of Members, and the *Municipal Conflict of Interest Act*;
- b. To conduct inquiries in response to a complaints;
- c. To provide opinions on policy matters and provide reports to Council as requested on issues of ethics and integrity;
- d. To provide educational information and training on matters related to the Code of Conduct and issues of ethics and integrity and to the *Municipal Conflict of Interest Act*;
- e. To provide general information to members of the public, on request, about the Code of Conduct and any related Complaint Protocol and the availability of complaint resolution services or referrals as contemplated by the Complaint Protocol;
- f. To maintain custody and control of the Integrity Commissioner's complaint and inquiry files; and
- g. To provide such other services respecting ethical and integrity matters as assigned by Council or as may be required by the *Municipal Act, 2001*.

Principles *Integrity* submitted a Periodic Report for Council's information, attached as Appendix A, respecting the advice, education and investigations carried out and developments or recommendations of significance related to the role of the Town's Integrity Commissioner covering the period of September 1, 2018 to February 28, 2021.

Since their appointment in 2018, Principles *Integrity* has worked with the Town providing advice on the development of the Codes of Conduct for Council and Local Boards and Committees. They also provided confidential advice on actual and

perceived conflicts of interest to Members and responded to complaints that were satisfied without requiring a report to Council.

The responsibilities and workload of the municipal Integrity Commissioner may be impacted by the results of the ongoing provincial consultation. This 90-day consultation period has been launched by the Province to obtain feedback on how to strengthen municipal codes of conduct and accountability for municipal council members ensuring that effective accountability measures are put in place for members of council who violate their municipal code of conduct.

The Province is encouraging feedback through an [online survey](#) that will be available online until July 15, 2021 and anyone is welcome to participate. This consultation was launched with the support of the Association of Municipalities of Ontario (AMO) Board of Director's recommendation for holding municipal councillors accountable, including increased financial penalties, suspension for certain violations, removal from office in certain circumstances, and better training and standards for integrity commissioners.

CONSIDERATIONS:

(A) PUBLIC

The Integrity Commissioner is provided for under the *Municipal Act*, as amended to address potential improvement to the transparency and accountability of municipalities to the public.

(B) FINANCIAL

The annual cost of the Integrity Commissioner service includes a \$1,000.00 retainer fee however the total cost is unknown as it will depend on the services that they will be called upon to perform, which is driven by requests for advice, educational information and other supports as well as inquiries into complaints received. These costs are covered in the Clerk's departmental operating budget.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All departments would be required to assist an Integrity Commissioner in providing information as required under an inquiry process.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be accountable in everything we do
- be honest in everything we do

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A - Principles *Integrity*, Periodic Report

Prepared, Recommended and Submitted by:

Vicki Tytaneck

Town Clerk