



REPORT

COUNCIL MEETING

MEETING DATE: FEBRUARY 23, 2015

FROM: Clerk's Department

DATE: January 22, 2015

SUBJECT: Integrity Officer Inquiry Requests

LOCATION:

WARD:

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RECOMMENDATION:

That direction be provided to the Town Clerk with respect to the eight requests for formal inquiries to be conducted by the town's Integrity Officer filed by Gordon Brennan under the Integrity Officer Procedure G-GEN-009-002.

KEY FACTS:

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

- On January 21, 2015 eight requests for formal inquiries to be conducted by the town's Integrity Officer were received by the Clerk's Department under the Integrity Officer inquiry procedure by Gordon Brennan (attached as Appendix A - H)
- Procedure G-GEN-009-002 (attached as Appendix I) governing Integrity Officer inquiries requires that Council authorization be obtained prior to forwarding any requests to the Integrity Officer.
- Subject to Council's authorization to conduct a full inquiry, the Integrity Officer prepares a preliminary response addressing whether the inquiry is appropriate and whether it can be conducted within the laws applicable to such an inquiry along with other details such as cost and timing.

BACKGROUND:

As part of the accountability and transparency reforms to the Municipal Act, 2001 introduced under Bill 130, municipal councils were provided the authority to appoint an Integrity Commissioner (hereafter referred to as the Integrity Officer) who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to either or both of the following:

- a. The application of the code of conduct for members of council and the code of conduct for members of local boards or either of them;

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- b. 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 or of either of them.

If an inquiry is conducted and the inquiry concludes that a member of Council has contravened the Code of Conduct, the Council may impose either of the following penalties on the member:

- a. a reprimand; or
- b. suspension of the remuneration paid to the member in respect of his or her services as a member of council, for a period of up to 90 days.

In 2013, Council approved a revision to eliminate the former requirement for a preliminary report to council from the Integrity Officer and replace it with the requirement to provide a preliminary response to the Town Clerk who will circulate the information to Council for its information. Should the content of preliminary response require further direction from Council, the Town Clerk will ensure a report is prepared for consideration. In addition, a former requirement for Members of Council and Local Boards to submit a request for advice to the Town Clerk for referral to the Integrity Officer has been replaced with the provision that a Member may submit the request directly to the Integrity Officer. The Town Clerk is to be advised that the request has been submitted to ensure that the costs for the provision of the advice are tracked as an expense to the requester.

The procedures require that requests for inquiries be submitted to the Town Clerk and that upon receipt the Clerk shall forward requests to Council in order to obtain authorization for the Integrity Officer to conduct an inquiry

COMMENT/OPTIONS:

Mr. Brennan's requests were received by the Clerk on January 21, 2015 and Council's direction in this matter is required.

Option 1: Council may choose not to authorize the Integrity Officer to conduct an inquiry and pass a resolution to receive the report.

Option 2: Council may pass a resolution to authorize the Integrity Officer to conduct an inquiry in accordance with Procedure G-GEN-009-002.

Should Council authorize an inquiry by the Integrity Officer, the requests will be forwarded to the Integrity Officer who will then provide a preliminary response to the Town Clerk including his opinion as to whether the inquiry is appropriate and whether it can be conducted within the laws applicable to such an inquiry. The Integrity Officer's preliminary response will also include the estimated cost of the inquiry and the estimated time required to complete the inquiry and prepare a final report. The Town Clerk will then circulate the preliminary response to Council for information and further direction, if required.

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Mr. Robert Swayze has been appointed as the town's Integrity Officer and would be conducting any inquiry in accordance with the established procedures and the Municipal Act, 2001 upon Council direction.

CONSIDERATIONS:

(A) PUBLIC

The Integrity Officer is required to preserve secrecy with respect to all matters that come to his/her knowledge in the course of his/her duties and is not subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. However, reports from the Integrity Officer to the Town including his/her opinion about whether a member of council has contravened the code of conduct may disclose such matters as, in the opinion of the Integrity Officer, are necessary for the purposes of the report. The Town is responsible to ensure that all reports received from the Integrity Officer are made available to the public.

(B) FINANCIAL

The cost of the inquiry, if authorized, will be addressed in the Integrity Officer's preliminary response pursuant to sections 4 and 5 of the Formal Complaints procedure. The cost of the inquiry conducted by the Integrity Officer in 2011 was \$11,160.00 plus HST.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal Department has been consulted on this matter.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

The office of the Integrity Officer addresses the accountability and transparency aspects of the Municipal Act, 2001.

APPENDICES:

Appendices A – H - Integrity Officer Inquiry Requests
Appendix I - Procedure G-GEN-009-002, Integrity Officer, Inquiries/Advice

Prepared and Submitted by:
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Town Clerk