



**ADR**  
C H A M B E R S

Integrity Commissioner Office  
for the Township of Wainfleet

**EDWARD T. MCDERMOTT**  
Integrity Commissioner  
for Township of Wainfleet  
[integrity@adr.ca](mailto:integrity@adr.ca)

July 18, 2022

SENT BY EMAIL TO:

Meredith Ciuffetelli  
Township Clerk  
Corporation of the Township of Wainfleet  
Municipal Office  
31940 Highway 3  
Wainfleet, Ontario L0S 1V0  
[mciufetelli@wainfleet.ca](mailto:mciufetelli@wainfleet.ca)

**Re: Township of Wainfleet Integrity Commissioner  
Annual Report- IC- 18287-0622- April 17, 2021- April 16, 2022**

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Dear Ms. Ciuffetelli:

Thank you for the opportunity to act as Integrity Commissioner (or "IC") for the Township of Wainfleet over the past year. In accordance with the terms of the Agreement between the Township and ADR Chambers and pursuant to s. 223.6 (1) of the *Municipal Act, 2001*, ("MA") we are providing our Annual Report for the fourth operating period of the Agreement covering the period April 17, 2021 – April 16, 2022.

As you know, the IC's role is to help Members of Council ("Members") ensure that they are performing their functions in accordance with the Township's Code of Conduct ("the Code"). The Integrity Commissioner is available to educate and provide advice to Members on matters governing their ethical behavior and compliance with the Code

and the Municipal Conflict of Interest Act ("MCIA") in accordance with the provisions of the MA; MCIA and the Code. The Integrity Commissioner is also responsible for receiving, assessing, and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code (and now the Municipal Conflict of Interest Act ("MCIA")) by Members.

### **Activities of Integrity Commissioner during Year under Review**

Once again the Township is to be congratulated on its continuing record for three consecutive years of having no Complaints of contraventions of the Code or MCIA filed with my office. Your continuing efforts to comply with these legislated requirements has helped to contribute towards healthy and progressive relationships between Councillors and with members of the public who you have the responsibility to serve. It also helps to conserve the resources of the Township for other issues of concern to the residents of Wainfleet.

I wish to advise that during the period under review, I did respond to a Request for Advice made by a Councillor which was completed in a quick and cost-effective manner.

### **Cost**

The cost to the municipality for my services during the year under review was accordingly limited to the sum of \$787.50 plus HST (including the preparation of an Annual Report and Responding to a Request for Advice).

You will recall that in my first year of service to the Township I had to deal with a significant Complaint against a Councillor which was upheld. This involved a cost of \$11,330.00. We subsequently held a full educational seminar with Council on May 8, 2019 with all Councillors and senior staff participating. The results of that effort appear to have borne fruit but no-one can predict when another significant matter (and expenditure) may arise. I would therefore caution Council that it would be prudent to budget a reasonable amount for this portfolio on an annual basis to deal with these unknown but ever present potential costs.

### **Issues to be considered going forward**

As a result of our experience during the past four years, it is respectfully suggested that Council consider the following issues on a going forward basis:

- The provisions of Bill 68 came into force on March 1, 2019 and contain some significant amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Township's Code. I have already conducted a comprehensive education seminar on the Code in 2019 for all Members of Council and senior staff, but would once again suggest that an *in camera* education seminar with the IC might be scheduled in the future in order to (once again) familiarize all Councillors with the effect of these new amendments as well as emphasizing our experience with evolving issues such as the importance of not disclosing confidential information in accordance with the requirements of the Code. In my view, you should look at doing this when the next elected Council is in place - December, 2022 or early 2023.
- It also might also be of some value if Councillors could have at least some personal interaction with the Integrity Commissioner (in the form of an education seminar) so that Requests for Advice and subsequent complaints are not dealt with in a vacuum.
- The content of the Township's Code of Conduct is also a living document which should be periodically reviewed to ensure it meets the needs and requirements of the law, the Township, its Councillors and its citizens. There are a number of provisions which should, in my view, be reconsidered (e.g. delegating the power to impose penalties to the IC).

It has also recently come to light that a significant number of municipalities have not properly dealt with the requirements of the Municipal Act to have a Code of Conduct and Integrity Commissioner in place for Members of "Local Boards" of the municipality.

These and other issues should be addressed at the first reasonable opportunity. I would be pleased to assist in such a review if Council so requests.

- On March 5, 2021, The Ontario Government launched a Consultation process to "Strengthen Municipal Codes of Conduct" with the objective of eliminating "workplace harassment or discrimination of any kind". The Consultation process was led by Ms. Jill Dunlop the Associate Minister of Children's and Women's Issues.

It is likely that the results of this consultation process will lead to further statutory obligations being placed on municipalities and their Councils and that the duties and powers of an Integrity Commissioner will be expanded to deal with matters arising out of these new measures.

Council should be aware of this impending development and make appropriate plans to deal with any new obligations once they are announced as it is anticipated these measures will affect the scope of the Code; the role of the IC; and inevitably, the cost of administering this program.

### **Summary**

It has been a pleasure to assist the Township and its Members of Council (for now four years) in contending with the issues which have arisen in connection with the administration of its Code of Conduct and the MCIA.

Yours truly,

A handwritten signature in blue ink, appearing to read 'E. McDermott', written in a cursive style.

Edward T. McDermott  
Integrity Commissioner for the Township of Wainfleet