



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
emcdermott@adr.ca

August 17, 2020

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

**Re: Township of Wainfleet Integrity Commissioner
Annual Report- IC- 170-0220**

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 pursuant to s. 223.6 (1) of the *Municipal Act, 2001*, (“MA”) we are providing our annual report for the second operating period of the Agreement covering the period April 17, 2019 – April 16, 2020.

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 in accordance with the provisions of the MA 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

As you are aware, we conducted a full educational (in person) seminar for Council at an in camera session held at the Municipal offices, on May 8, 2019. At that time, all Councillors and senior staff had full opportunity to participate and raise any issues or questions they may have relative to the Code of Conduct, the relevant amendments to the Municipal Act and Municipal Conflict of Interest Act as well as the role and responsibilities of the Integrity Commissioner. I also provided periodic advice on process issues to the Town Clerk as well as an Annual Report to Council.

I am pleased to advise that there were no complaints filed with me during the course of the year under review asserting a contravention of the Code or MCIA by Members. There were also no Requests for Advice submitted to me by Members of Council.

Cost

The cost to the municipality for my services during the year under review was accordingly limited to the sum of \$1,235.00 plus HST.

This is a substantial reduction from the first year of my engagement where I was required to deal with a significant Complaint and complete a full investigation and report (at a cost of \$11,330.50 plus HST). I would hasten to advise however, that since no one can predict when a further significant expenditure may be incurred with respect to matters arising under the Code or the MCIA, prudence would suggest that a reasonable amount be contained in the Township’s budget on an annual basis for dealing with these issues.

Issues to be considered going forward

As a result of our experience during the past year, 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 Town's Code. I have already conducted a comprehensive education seminar on the Code last year 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 (when circumstances permit) 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.
- It 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 Town'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 Town, 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). We would be pleased to assist in such a review if Council deems it appropriate.

Summary

It has been a pleasure to assist the Township and its Members in contending with the issues which have arisen in connection with the administration of its Code of Conduct. I look forward to continuing to provide the services of Integrity Commissioner to the Township of Wainfleet in the forthcoming year.

Yours truly,



Edward T. McDermott
Integrity Commissioner for the Township of Wainfleet