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CHAMBERS

Integrity Commissioner Office
for the Township of Wainfleet

EDWARD T. MCDERMOTT
Integrity Commissioner
for Township of Wainfleet
integrity@adr.ca

August 16, 2023

SENT BY EMAIL TO:

Meredith Kirkham
Deputy Township Clerk
Corporation of the Township of Wainfleet
Municipal Office
31940 Highway 3
Wainfleet, Ontario L0S 1V0
mkirkham@wainfleet.ca

**Re: Township of Wainfleet Integrity Commissioner
Annual Report- IC- 24106-0523- April 17, 2022- April 16, 2023**

Dear Ms. Kirkham:

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 fifth operating period of the Agreement covering the period April 17, 2022 – April 16, 2023.

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 now four 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 and provided my written opinion of the matter at issue. I also provided some requested advice on the procedures under the Code to Senior Staff as well as preparing my last Annual Report.

Cost

The cost to the municipality for my services during the year under review was accordingly limited to the sum of \$4,200.00 plus HST (including the preparation of an Annual Report).

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 following which no further Complaints have been received over some 4 years. I would however 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

- We were fortunately able to arrange for an education seminar in May of this year in order to enable all Councillors (and Senior Staff) to receive our presentation on the Code of Conduct and its application to Members of Council. We also outlined

circumstances to be careful about including situations involving the operation of the Municipal Act and the Municipal Conflict of Interest Act. Councillors had full opportunity to meet with the Integrity Commissioner and question him on these matters.

We also canvassed various issues which should be addressed in order to bring the Code up to date with new legislative requirements and evolving trends.

- The content of the Township's Code of Conduct is 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. We advised Council of 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. We discussed this issue at the education seminar in May, 2023 as it relates to the Township's existing Code of Conduct.

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.

Summary

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

Yours truly,



Edward T. McDermott
Integrity Commissioner for the Township of Wainfleet