



**Administration
Office of the CAO, Economic
Development and
Clerk's Department**

The Corporation of the Town of South Bruce Peninsula
P.O. Box 310, 315 George Street
Warton, On N0H 2T0

Telephone: (519) 534-1400 ext. 122
Fax: (519) 534-4862
Toll Free 1-877-534-1400
e-mail: angie.cathrae@southbrucepeninsula.com

Report To: Council, August 18, 2020

Report No: ADM52-2020

Subject: Integrity Commissioner Annual Report 2019

Recommendation: That the 2019 Annual Report from Robert Swayze, Integrity Commissioner be received for information;

And further that the annual report is posted on the Town website.

Link to Strategic Planning:

Goal 1: Supportive and Accountable Municipal Operations and Governance

Objective 1.2 Creation of a Municipal Structure that Improves Town-wide Management and Operations

Background: The contract that the Town has executed with Mr. Robert Swayze for the provision of Integrity Commissioner services, includes the requirement for Mr. Swayze to provide an annual report to Council in either a written or in person format. Mr. Swayze has provided a written report for Council consideration.

The report spans the period from June 1 to December 31, 2019. The Municipal Act, 2001 permits Mr. Swayze to maintain confidentiality and indicates that when reporting on whether a member of Council has contravened the applicable code of conduct, he may disclose such matters as in the Commissioner's opinion are necessary for the purposes of the report. The Municipal Act, 2001 directs that the report must be made available to the public.

Options:

The annual report is being provided for information; no options are being presented.

Attachments:

One 2019 Annual Report of the Integrity Commissioner

Inter-departmental Impact:

The Clerk's Department is the main point of contact with regard to the execution of the provisions contained in the contract with Mr. Swayze. Mr. Swayze interacts separately and independently as an Officer of the municipality, reporting directly to Council.

Financial Implications:



Approval of Director of Financial Services

The approved 2019 budget for Integrity Commissioner services was \$50,000. At December 31, 2019, \$7,627.93 was paid to Mr. Swayze for 2019 services.

Expected Date of Completion: Once adopted by Council, the annual report will be posted on the Town website.

Prepared by,

Angie Cathrae,
Clerk

Date: August 10, 2020

Respectfully submitted,

Chief Administrative Officer

Date:

2019 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

Robert J. Swayze
Barrister & Solicitor
Certified by the Law Society of
Ontario as a specialist in Municipal Law
20736 Mississauga Road
Caledon, ON
L7K 1M7

Introduction

I was appointed as the Integrity Commissioner for the Town of South Bruce Peninsula by agreement pursuant to subsection 223.3(1) of the *Municipal Act, 2001* on June 1, 2019 for a term of 1 year. A subsequent agreement extended the term to May 31, 2024.

This is the first annual report that I have prepared and it covers the period from my appointment until December 31, 2019.

Ontario's Municipal Accountability Framework

The municipal accountability framework for all local governments in Ontario was significantly amended early in 2019. The *Modernizing Ontario's Municipal Legislation Act, 2017* implemented changes to both the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*.

As of that date, all municipalities in Ontario were required to establish codes of conduct for both their members of council and members of their local boards, and to appoint or secure the services of an Integrity Commissioner. Prior to that date, both codes of conduct and Integrity Commissioners were permissive – they are now mandatory.

The role of the Integrity Commissioner was enhanced last year by amendments that were made to the *Municipal Act, 2001*. The functions of an Integrity Commissioner are set out in subsection 223.3(1) of the *Municipal Act, 2001*:

223.3(1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. 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.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.

6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

Code of Conduct and Complaint Protocol

The substantial changes to the *Municipal Act* coming into force in 2019, required that the Code of Conduct be amended. I worked with staff to revise the Code of Conduct and prepared a Complaint Protocol. These were passed in February of 2019 and in my opinion, they comply with the *Municipal Act*.

Complaints Received

During the year, I received two complaints against a member of Council, both of which related to beach maintenance and activities on the beach. As Integrity Commissioner, I have no jurisdiction to consider issues before Council and I found that these complaints did not establish any breach of the Code of Conduct by the respondent whose identity I am required to keep confidential.

Advice Provided

I received only two requests for advice from a member of Council and none from a member of the public. The Act requires that all requests for advice be made in writing. It is my policy to accept telephone calls from members of Council requesting advice, but require an E-mail to be sent to me before expressing my opinion in writing. The advice I provided during the year will remain confidential

Attachments

None.

Prepared by,



Robert Swayze,
Integrity Commissioner
Date: August 5, 2020