



Angie Cathrae
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Report Re: Council, February 2, 2021

Report No: LS15-2021

Subject: Integrity Commissioner 2020 Annual Report

Recommendation: That Council receives the 2020 Annual Report submitted by the Integrity Commissioner;

And further that staff are directed to place the annual report on the Town website for public viewing.

Link to Strategic Planning: Goal 1: Transparent and Accountable Governance would be the general link to the Strategic Plan

Background: Mr. Robert Swayze is the Integrity Commissioner for the Town. Under the contract for the provision of services, Mr. Swayze is to provide an annual report to Council in either a written or in person format. Mr. Swayze has provided for Council consideration, a written report for his activities in 2020.

The report spans the period from January 1 to December 31, 2020. The *Municipal Act, 2001*, as amended, Section 223.5 (1) indicates that the Integrity Commissioner has a duty of confidentiality and preservation of secrecy and Section 223.6 (1) and (2) provides that when reporting on whether a member of Council has contravened the applicable code of conduct, he or she may disclose such matters as in the Commissioner's opinion are necessary for the purposes of the report. The *Municipal Act, 2001*, as amended, Section 223.6 (3) directs that the report received from the Integrity Commissioner must be made available to the public.

Options:

- a) Receive the report, as presented, and place the report on the municipal website for public viewing.
- b) Seek further clarification from the Integrity Commissioner regarding his activities in 2020, as they related to South Bruce Peninsula.

Attachments:

One 2020 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 2020 approved budget for Integrity Commissioner services was \$20,000. The Town paid \$7,770.39 for services provided in 2020.

\$20,000 has been included in the 2021 budget for Integrity Commissioner services.

The Town paid \$10,324.57 in 2019 for Integrity Commissioner services.

Expected Date of Completion: Once the report is received by Council, no further action is required in this regard.

Prepared by,

Respectfully submitted,



Angie Cathrae
Director of Legislative Services

Chief Administrative Officer

Date: January 21, 2021

Date: _____

2020 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

Robert J. Swayze
Integrity Commissioner
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 executed in May of 2020 extended the term to May 31, 2024.

This is the second annual report that I have prepared and it covers the calendar year 2020.

Duties of the Integrity Commissioner

The functions of an Integrity Commissioner are set out in subsection 223.3(1) of the *Municipal Act, 2001* which provides as follows:

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*.

Complaints Received

During the year, I received only two complaints against a member of Council, both of which were summarily dismissed by me. It is my practice to provide comprehensive reasons when

I dismiss a complaint which provides a full explanation to the complainant. I am required by the *Municipal Act* to anonymize complaints in annual reports and have done so below.

The first related to the alleged entry by a staff member into a residence without permission of the owner. As Integrity Commissioner, I have no jurisdiction over staff and when I advised the complainant accordingly, the complaint was expanded to include a heated phone call with a member of Council. I investigated and found that there was no improper entry of the residence and that the complainant caused the heated phone call.

The second complaint was in relation to the closed session procedure where a member has a conflict and does not attend the meeting. I found that the procedure adopted by the Clerk was completely in accordance with the *Municipal Act* and there was no contravention of the Code of Conduct by the respondent.

Advice Provided

I received only two requests for advice from a member of Council and one 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.

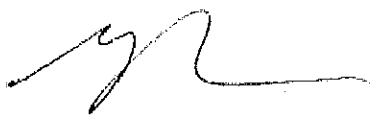
Closing Remarks

I commend Council for being one of my Ontario clients with the lowest complaint activity which speaks well for both members of Council and staff. I am grateful for the trust that Council and the Town have placed in me to be the Integrity Commissioner. I would like to particularly acknowledge the support and assistance that I have received this past year from Ms. Angie Cathrae, Director of Legislative Services.

Attachments

None.

Prepared by,



Robert Swayze,
Integrity Commissioner
Date: January 15, 2021