

ADM-2016-01

To: Mayor and Members of Council

From: Administration Department

Meeting: January 26, 2016

Subject: Office of the Integrity Commissioner's Annual Report for 2015

RECOMMENDATIONS

That Report ADM-2016-01 regarding Office of the Integrity Commissioner's Annual Report for 2015, be received.

EXECUTIVE SUMMARY

- As per the framework for the Office of the Integrity Commissioner, an annual Report (Appendix "A") outlining the activity of the Integrity Commissioner is required.

DISCUSSION

The purpose of this Report is to provide a summary of the activities of the Office of the Integrity Commissioner which covers the period from January 1, 2015 to December 31, 2015.

Council enacted a Council Code of Conduct that identifies the expectations of Members of Council and establishes guidelines for appropriate conduct. Further, the Council Code of Conduct also establishes the framework for the Office of the Integrity Commissioner.

Council appointed John Fleming from John Fleming Occasional Consulting Inc. as the Integrity Commissioner in March 2011, and has since granted a single source award contract with John Fleming Occasional Consulting Inc. appointing him as the Integrity Commissioner for the Town of Caledon until December 31, 2018.

In accordance with the agreement, the Integrity Commissioner is to deliver an Annual Report to Council containing a summary of the activities of the Office of the Integrity Commissioner during the calendar year.

FINANCIAL IMPLICATIONS

The costs related to the Town's Integrity Commissioner's services are included in the Administration Department's operating budget.

COUNCIL WORK PLAN

N/A

ATTACHMENTS

Appendix "A" - Annual Report for 2015 as provided by John Fleming Occasional Consulting Inc.

Prepared by: Laura Hall

Approved by: Carey deGorter

Appendix "A" to Report ADM-2016-01

Office of the Integrity Commissioner

To: Mayor and Members of Council
From: John E. Fleming
Integrity Commissioner
Date: December 14, 2015
Subject: **Annual Report (2015)**

BACKGROUND

On October 5, 2010, the then Council enacted By-Law 2010-129, adopting a Council Code of Conduct, and establishing the Office of the Integrity Commissioner. This year, with support and advice from me as Integrity Commissioner and from the Town CAO and Clerk/Director of Administration, Council updated and renewed the Council Code of Conduct. During the review process, Council also resolved to extend my term as Caledon's Integrity Commissioner, running until the end of the term of Council. I thank Council for its confidence in me, and look forward to working with you in the months ahead.

As in the past, the terms of appointment require me to report annually to Council summarizing the activities of the Office of the Integrity Commissioner during the calendar year.

This is my fifth such report, covering the period from January 1, 2015 to year end.

ACTIVITIES DURING THE YEAR

1. Inquiries and Investigations

As in previous years, no formal complaints respecting alleged contraventions of the Council Code of Conduct or the Employee Code of Conduct were filed with my office during the year, and therefore no formal inquiries or investigations were undertaken. I have had occasion over the past 12 months to speak at some length with staff concerning individuals who were contemplating the filing of a complaint, and spoke, again at some length with one potential complainant, although in neither case was a formal complaint filed.

As you know, changes were made to the Council Code of Conduct and the By Law in recent months, changes which *may* result in the filing of formal complaints in the future. What some may have perceived as barriers to complaints were removed by Council in the new Code, and I commend you for those changes.

2. Requests for other services

2.1 Requests for advice

On two occasions during the year, I was asked for advice by members of Council regarding the Council Code of Conduct. I am always pleased to see Caledon's Council taking a thoughtful approach to its responsibilities under the Council Code of Conduct, and a ready-willingness to seek my advice. When I'm asked for such advice, I consider the request carefully and respond on a timely basis. No further action or requests for follow-up were received by me in either case. As in the past, the source and nature of those requests are held private between my office and the member making the request.

Further, I have on two occasions been asked for advice by Town staff pertaining to two separate matters where an individual was considering the filing of a complaint. While in neither case was a formal complaint ultimately filed, I did provide assistance to your staff, and in one of the two cases spoke at some length with the citizen who had expressed concern. The same privacy measures have been taken in respect to those situations.

2.2 Education and Information

Our efforts in this respect, over the past year have been focused on the review and amendment of the Council Code of Conduct and enabling by laws. I submitted a comprehensive report to the Clerk earlier in the year, which became a part of the report ultimately considered by Council, leading to the changes noted above. Not every Integrity Commissioner across Ontario has been given a role in ongoing provision of education and information for elected officials, nor in the review of the Code, as Caledon has done, and I appreciate that opportunity.

A well-informed Council is, in many respects, one of the best preventive measures against breaches of the Code.

2.3 Municipal Integrity Commissioners of Ontario (MICO)

The various individuals who have been appointed as Integrity Commissioners across Ontario continue to meet at least two times per year. I attend those meetings wherever possible. The number of Integrity Commissioners across Ontario continues to grow steadily. There are now some 70 jurisdictions that have an Integrity Commissioner in place. While some have given thought to abandoning the appointment of a Commissioner, as the new role of the Provincial Ombudsman begins in early 2016, most have heeded the urging of both the previous Provincial Ombudsman and the Ministry of Municipal Affairs and Housing, that advice being essentially to establish and maintain a local approach first and foremost.

The Integrity Commissioners meetings continue to be a useful opportunity for me and others to explore timely issues, and to consider the growing body of experience with this aspect of municipal governance in the province since the introduction of the enabling changes in the Municipal Act in 2006. MICO has provided advice and comment to the Ministry over the past year regarding its legislative review, and on occasion has provided advice to specific municipal jurisdictions who were exploring alternative means of creating municipal accountability systems.

Currently, we are awaiting the appointment of a permanent new Provincial Ombudsman at which point we will ask to meet with that individual to explore how our respective offices will work together once the Provincial Ombud takes on the new role in the municipal sector.

I will of course continue to monitor developments in this whole area; to participate in the Integrity Commissioners of Ontario meetings, and to advise Council further in respect of changes that might be required.

Conclusion

I am pleased to continue to serve the Council and the people of Caledon in this important role, and look forward to an interesting year ahead.

Respectfully submitted

John E. Fleming
Integrity Commissioner