

**Schedule A: Integrity Commissioner's Annual Report  
Submitted by John E. Fleming**

**Office of the Integrity Commissioner**

**To:** Mayor and Members of Council  
**From:** John E. Fleming, Integrity Commissioner  
**Date:** December 31, 2021  
**Subject:** **Annual Report (2021)**

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**BACKGROUND**

I am pleased to have continued to serve as Caledon's Integrity Commissioner (IC) throughout the calendar 2021 year, having served continuously in this role since early 2011.

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 Annual Report, then, marks nearly 11 years in this important and still evolving aspect of municipal governance.

**ACTIVITIES DURING THE YEAR**

**1. Inquiries and Investigations**

The process outlined in the Code of Conduct pertaining to Complaints is quite clear as to the steps required. The first step is for the IC to undertake an Intake Review (S 11.6) to determine whether an investigation is appropriate.

On four (4) different occasions throughout 2021, I received what I interpreted as filed complaints. For clarity, the interpretation of those communications as complaints is my interpretation, since not all are formally stated or formatted as such, but in each case the complainant was clearly expressing concern about a specific incident. The purpose of the Intake Review is to determine whether an investigation is appropriate, or whether some other means of redress might be more appropriate.

None of those complaints contained sufficient grounds for me to proceed to an investigation; the complainants were so advised and no further action was taken. I might note that on two of those occasions the (same) complainant raised an objection with my determination with the Office of the Ombudsman of Ontario. I cooperated fully with the Ombud's request for clarification of my actions and determinations, and no further action was taken or required.

In sum, then, no investigations (as defined in the Code) were undertaken in 2021, and consequently no reports have been submitted to Council.

I make note of the fact that no requests were made to me to launch an inquiry under the new provisions of the Municipal Conflict of Interest Act. Consequently, no inquiries under this new role for the IC were undertaken.

## **2. Requests for advice**

On occasion during the year, I am asked for advice by a member of Council or of a Designated Board and on occasion by senior staff, regarding compliance with the Code of Conduct. Such requests continued to be relatively few in 2021.

Apart from advice questions which arise during training sessions, requests for advice have come in writing, and have been responded to accordingly, as now required by the legislation.

There were seven (7) such requests for advice to which I responded during the year.

Annually, I have stressed the importance attached to Members of Council, and now Members of Designated Boards, being aware that their IC is readily available for such advice. I stress that once again. The Integrity Commissioner is here, in the first instance, to avoid problems, and both education and advice are central to that proactive approach. It is important that Councillors and Members of Designated Boards take advantage of this aspect of the ICs role. The same holds true for staff.

As in the past, the source and nature of those requests, and the advice I provide, are held confidential between my office and the person making the request.

## **3. Requests for other services**

### **TRAINING**

An important part of the role of the IC is to provide periodic training for Members of Council and Designated Boards, and for senior staff. While there were no sessions held for the Designated Boards during the year, I did provide training on two occasions, one for the Members of Council and one for the Senior Leadership Team.

I will be pleased to work with staff to arrange similar opportunities early in 2022.

## **4. Municipal Integrity Commissioners of Ontario (MICO)**

As a result of the pandemic, both 2020 scheduled meetings of MICO have been held virtually. While I continue to be involved, the engagement of the members has been considerably curtailed. Of note is the fact that the number of integrity commissioners across the province has understandably grown considerably, recognizing the fact that all municipalities are now required to either have or have access to an IC.

I attended two such virtual sessions during the year, and have participated in several discussions with other IC colleagues, as the practice of this important work continues to evolve.

## **5. The Collingwood Judicial Inquiry**

Last year, I reported on the matter of the Collingwood Judicial Inquiry. Stemming from a request by the Town Council in Collingwood, Associate Chief Justice Frank Marrocco conducted a lengthy inquiry into alleged wrong doing on the part of several individuals associated with the Town. On November 2, 2020 Justice Marrocco released his findings in a comprehensive report with in excess of 300 recommendations.

I had participated in a panel of 3 expert witnesses at the Inquiry and was pleased to see some of my comments reflected in the Report, and also pleased on your behalf that Caledon's Code of Conduct was cited as an example of effective Codes in Ontario.

Justice Marrocco's work continues to attract attention, as numerous bodies continue to work towards improving and developing Ontario's municipal ethical infrastructure. Especially helpful is the fact that Justice Marrocco, now retired, continues to make himself available in a number of different municipal gatherings to discuss and consider his findings and recommendations.

Once again, for easy reference, should anyone be interested in reading the Report, the link to it is included below.

<http://www.collingwoodinquiry.ca/>

### **Charting the way forward into 2022**

As I write this Annual Report, I am deeply cognizant of the profound impact that COVID-19 has continued to have on the global community, and most certainly on Caledon and Peel Region.

Notwithstanding the emergence of new variants, I trust that we will continue on the journey to something closer to what we knew as normal. I look forward to working with the Council and the members of its Designated Boards over the months ahead and will be working with senior staff to plan a 'refresh' session for Members in the early part of the new year.

Respectfully submitted,

John E. Fleming  
Integrity Commissioner