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THE CORPORATION OF THE TOWN OF ESSEX OFFICE OF THE INTEGRITY COMMISSIONER REPORT TO COUNCIL IN OPEN SESSION

TO: Mayor Snively and Members of Essex Council
FROM: Robert Swayze, Integrity Commissioner
DATE: April 6, 2020
SUBJECT: Annual Report of the Integrity Commissioner for 2019

Recommendation:

It is recommended that the 2019 Annual Report of the Integrity Commissioner dated April 6, 2020 be received for information.

Background:

I was originally appointed Integrity Commissioner for the Town of Essex by Agreement dated November 5, 2015 with a term expiring on November 3, 2017. That contract was extended at the request of Council until December 31, 2018. In 2018 a request for proposal was advertised and I was again the successful bidder. A further agreement was entered into for a two year term ending with January 31, 2021. In that new contract Council has the right to extend the agreement on the same terms and conditions, for a further term of 2 years ending on January 31, 2023.

Activity in 2019

This report will cover the 2019 calendar year. No annual report was filed for 2018 because all of the activity during that year was reported on with several reports on

investigations carried out by me regarding one Councillor who is no longer on Council. The last report during that year was dated November 19, 2018.

There was very little activity by the Integrity Commissioner during 2019 and that speaks well of this Council in terms of compliance with the Council Code of Conduct (the “Code”).

During the year, I had only one complaint from a confused resident about staff which was summarily dismissed by me because I have no jurisdiction over staff. I had 5 requests for advice from members of Council on the legal interpretation of the Code and possible conflicts, which I choose to keep confidential except one:

At the Council meeting held on December 16, a group of local businessmen appeared as a deputation to thank Councillors for their service during the year and gift baskets were openly presented to all members of Council.

I watched the video of the meeting and reviewed the Code which prohibits “gifts connected directly or indirectly with the performance of their duties of office”, subject to certain exceptions. One of those exceptions is as follows:

- “k) Other items which are minor in nature, including:
 - i) small holiday gifts of appreciation such as cards, cookies or chocolates.”

In the deputation, there was no suggestion that the businessmen were looking for any favours and I decided that the gift of the baskets did not offend the Code.

Councillor Orientation

In the past 2 years, I have conducted more than 30 workshops across the Province on the *Modernizing Ontario’s Municipal Legislation Act, 2016* (Bill 68) which came into force in 2019. It made substantive changes to the accountability and transparency regime in Ontario and added the *Municipal Conflict of Interest Act* to the jurisdiction of the Integrity Commissioner. If Council has not taken some of this training, it is recommended that a session be provided in the near future.

Conclusion:

It has been a pleasure serving the Town of Essex as Integrity Commissioner. I wish to convey my sincere thanks to members of Council and staff, for their cooperation and assistance in carrying out my mandate.

Prepared by:

A handwritten signature in blue ink, appearing to be 'RS', with a long horizontal flourish extending to the right.

Robert Swayze
Integrity Commissioner

Attachment(s): none