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## THE CORPORATION OF THE TOWN OF ESSEX

### OFFICE OF THE INTEGRITY COMMISSIONER

### REPORT TO COUNCIL IN OPEN SESSION

TO: Mayor McDermott and Members of Essex Council

FROM: Robert Swayze, Integrity Commissioner

DATE: May 29, 2017

SUBJECT: Annual Report of the Integrity Commissioner

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#### **Recommendation:**

It is recommended that the Annual Report of the Integrity Commissioner dated May 29, 2017 be received for information.

#### **Background:**

I was appointed Integrity Commissioner for the Town of Essex by Agreement dated November 5, 2015. This report will cover the period from my appointment to the date of this report. My duties include broad advisory and educational assistance to Council as well as conducting inquiries as to whether the Council Code of Conduct (the "Code") has been complied with.

I received 8 complaints since my appointment and I reported to Council on six of them in my report dated August 22, 2016. One sanction was recommended and imposed on Councillor Voakes for disruptive behaviour and he was warned that any future such conduct would be treated by me as a second offence with additional sanctions recommended.

Both of the other two complaints received in the summer of 2016 were against Councillor Voakes, one for having a conflict of interest and the other for the same

disruptive behaviour at a Council meeting. I dismissed the first one because I do not have jurisdiction under the Code to rule on conflicts of interest under the *Municipal Conflict of Interest Act*. For this reason, I invited the complainant to take the matter to court. I also dismissed the second one because the alleged disruptive behaviour was during a Council meeting held on December 15, 2015 which had already been ruled on by me and a sanction recommended in my report dated August 22, 2016.

I understand from staff that there have been continuing disruptive incidents at Council meetings caused by Councillor Voakes and I repeat my warning to him. A valid complaint to me will result in a recommendation to suspend a substantial amount of his salary as a Councillor.

### **Bill 68 – Modernizing Ontario’s Municipal Legislation Act, 2016**

For the information of Council, Bill 68 has emerged from the Standing Committee on Social Policy at the date of writing this report, with recommended amendments affecting the integrity regime, as follows:

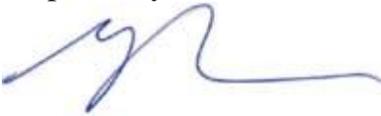
1. All municipalities in Ontario will be required to appoint an Integrity Commissioner or have access to one.
2. Expanded duties of the Integrity Commissioner have been made mandatory to include the advisory and educational role as well as the application of the *Municipal Conflict of Interest Act*. (“MCIA”)
3. The MCIA will require members to declare pecuniary interests in writing to the Clerk and the Clerk will be required to create a public registry of declared interests.
4. All requests for advice and the giving of advice are required to be in writing.
5. Any inquiry commenced by an Integrity Commissioner will be required to be completed by Nomination Day of an election year or it must be terminated. The complainant may within 6 weeks of voting day, request that the inquiry be reinstated.
6. The Integrity Commissioner may apply to a judge at the cost of the municipality, to seek determination of complaints received under the MCIA. The complaint under the Act must be made within 6 weeks of the complainant becoming aware of the alleged contravention and the inquiry must be completed in 180 days.

7. The Minister can by regulation, create minimum standards for Codes of Conduct.
8. The respondent member of Council will be permitted to participate in a council meeting considering suspension of his or her salary but will not be permitted to vote.
9. Municipalities will be required to insure (indemnify) Integrity Commissioners for liability when acting in good faith.

**Conclusion:**

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

Prepared by:



Robert Swayze  
Integrity Commissioner

Attachment(s): none