

January 12, 2021

SENT BY EMAIL TO: FHAMILTON@BROCKTON.CA

Fiona Hamilton, Clerk
Municipality of Brockton
100 Scott Street, PO Box 68
Walkerton, ON N0G 2V0

Dear Ms. Hamilton:

Re: Report of the Integrity Commissioner

Please accept this letter as my report to Council on my activities, since the time of my appointment as Brockton's Integrity Commissioner.

Role of the Integrity Commissioner

As you know, as of March 1, 2019, all municipalities in Ontario were required to have a Code of Conduct for Members of Council and Local Boards, and to appoint an Integrity Commissioner. I am please to report that the Municipality of Brockton was in full compliance with these new obligations.

As your Commissioner, I am responsible for performing in an independent manner the functions assigned to me 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*.

Advice and Inquiries

In my tenure as your Commissioner, I received three requests for advice and one complaint against a Member of Council. The complaint was dismissed. The nature of the advice I gave and the complaint included conflicts of interest and the Code of Conduct.

Education

I attended the September 10, 2018 Council Meeting to present and recommend the Council Code of Conduct.

Commissioner's Message

I was first appointed as a municipal Integrity Commissioner in 2011. Over the past decade, it has been my experience that the role of Commissioners is now widely accepted as a necessary and helpful resource to members of council and local boards, and a valuable safeguard of the public's trust in municipal government.

To sustain a healthy local democracy, it is vitally important that there be rules governing conflicts of interest, the preservation of confidential information, the receipt of gifts and hospitality and the manner in which elected officials treat one another, municipal staff and members of the public. The rules are sometimes difficult to interpret and it is the job of the Commissioner to assist members in their application. When a person believes that there has been a contravention of a rule, it is equally important that there be someone whom they can complain to who has an independent ability to conduct an inquiry and report to Council.

If I might, I would like to highlight two fundamental components of my position. First, as the Municipality's Integrity Commissioner, I am an independent appointee, taking my direction from the province through the *Municipal Act, 2001*. Second, when I have completed an inquiry, I report and make recommendations to Council. While I strive to conduct a fair inquiry and make balanced recommendations, the ultimate decision as to any sanction of a Member of Council lies with Council.

I would also take a moment to address Justice Marrocco's Report on the Collingwood Inquiry, which was delivered November 2, 2020. With 306 recommendations in almost 1,000 pages, the Judge carefully reviews the powers and the limitations of municipal Councils. Moving forward, based on Justice Marrocco's recommendations, we may see refinement of the roles of the Mayor and CAO (6-year terms), the Integrity Commissioner (5-year terms), and a requirement that Councillors annually disclose all private financial interests, similar to other elected officials, provincially and federally.

Councillors are ultimately reminded of your obligations to your municipalities, to your Code of Conduct, and your duties to create clear, separate distinctions between elected representatives and impartial public service, remaining competitive, open, and honest in your capacities as leaders.

I deliver this report in the midst of the most difficult of times, but with a renewed faith in the ability of local governments to meet and overcome circumstances unthinkable only nine months ago, inventing and embracing new ways of ensuring the pillars of an open, accountable and transparent government survive and flourish.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'H.G. Elston', followed by a long horizontal flourish line.

H.G. Elston