



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Pelham

March 19, 2020

SENT BY EMAIL TO: Nancy Bozzato
Town Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, Ontario L0S 1E0

Re: Town of Pelham Integrity Commissioner
Annual Report - February 4, 2019 – December 31, 2019

Dear Ms. Bozzato,

Thank you for the opportunity to act as the Integrity Commissioner (the “IC”) for the Town of Pelham (the “Town”) over the past year.

In accordance with the terms of the Agreement between the Town and ADR Chambers Inc. and pursuant to s. 223.3 (1) of the *Municipal Act 2001*, I am providing my annual report for the first operating period of the agreement covering the period of February 4, 2019 – December 31, 2019. We have determined to set the end date of this review to coincide with the calendar year in order to assist you with your budgeting process.

As you know, the IC’s role is to help Members of Council (“Members”) ensure that they are performing their functions in accordance with the Town’s *Code of Conduct* (the “Code”) and the Municipal Conflict of Interest Act (“MCIA”). The IC is available to educate and provide advice to Members on matters governing their ethical behavior and compliance with the Code and the MCIA. The IC is also responsible for receiving, assessing and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code by Members.

Activities During the First Year:

During our first year of service to the Town, the IC was requested to and conducted a review of the Town’s Code of Conduct and formulated a number of suggested revisions to it and the Town’s Protocol for the processing of complaints under the Code.

We also attended before Council in June 2019 to provide an educational seminar for Members of Council focusing on the implementation of various provisions of Bill 69 which involved changes to the Municipal Act and the MCIA which affect all members of Council and the Town.

We also provided full written responses to two Requests for Advice from Councillors with respect to matters within our mandate under the Code and the MCIA.

Cost

The total cost incurred by the Town during the year for the services performed (including an education seminar for Council) amounted to \$7,000.92 (including tax). This amount however does not include any billings for work performed with respect to matters before me which were initiated or in progress during 2020.

Issues to be Considered Going Forward

As a result of our experience during the past year, it is respectfully suggested that Council consider the following issues on a going forward basis:

- The provisions of Bill 68 came into force on March 1, 2019 and contain some significant amendments to the *Municipal Act 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Town's Code. We suggest that an *in camera* education seminar should be scheduled in the near future in order to review our experience with these changes and once again familiarize all Councillors with the effect of these new amendments as well as emphasizing the importance of not disclosing confidential information in accordance with the requirements of the Code.
- We are generally seeing an increase in complaints being filed by a Member against other Members. Consideration should be given to amending the Town's investigation protocol to include a provision conferring on the IC the discretion to mandatorily order a mediation session when, in the judgment of the IC, circumstances so warrant.

Summary

It has been a pleasure to assist the Town and its Members with the issues that have arisen in connection with the administration of its Code of Conduct. I look forward to continuing to provide the services of Integrity Commissioner to the Town in the upcoming year.

Yours truly,

Edward T. McDermott



Integrity Commissioner Town of Pelham