

# **Integrity Commissioner Annual Report 2011-2012**

## **A. Commissioner's Remarks**

This is the first Annual Report submitted to Parry Sound Town Council since I was appointed as Integrity Commissioner on November 16, 2011. The Town had had a Code of Conduct since August 2010. The amended Code of Conduct (the "Code") was approved by Town Council By-Law 2011-6038 and came into force in November 2011. The amended Code contained changes which included a new section regarding an appointment of an Integrity Commissioner and a section that outlined the Duties of the new accountability officer, a section regarding a Complaint Procedure and a attached complaint form to be used to initiate a formal complaint. Although the Code was developed prior to my appointment as Integrity Commissioner for the Town, I have worked in consultation with the Deputy Clerk and the Manager of Administration and Human Resources to clarify the intent of the document and enhance the accountability and integrity rules for Members of Council. As leaders in their community, I applaud the Members of Parry Sound Town Council for their decision to bring forward this ethics framework.

The Code of Conduct applies to the Mayor and all Members of Council and has been given broad interpretation in accordance with applicable legislation and the intent of Council. The Code was amended in September 2012 to include rules for Members of Council around the pervasive area of social media. As I believe Council envisioned the policy enshrined in the Code to be a living document, there will be a need, from time to time, to add or amend sections of the Code to ensure its relevance and effectiveness.

There were 2 complaints filed with my Office in the period subject of this Report. The first complaint was an informal complaint that did not require the pursuit of a formal investigation. This complaint was received by the Town prior to my appointment. After discussions with the complainant and my indication that there would be training delivered to Town Council on the rules and obligations under the Code, the complaint was withdrawn upon the understanding that I would strongly advise the Member of Council named in the complaint, of the ethical obligations of an elected official contained in the newly adopted Code. The second complaint was also received prior to my appointment. While the complaint was provided to me on December 7, 2011, it was not perfected and received on the Town Code Complaint Form until January 19, 2012, which was still within the timelines for receipt of a valid complaint under Section E of the Code. In the Investigation Report 10.19.2012 submitted to Town Council on May 1, 2012, I recommended that the appropriate Town staff work with my office to develop guidelines to supplement and assist in the clarification of Section B Standards of Conduct and Section D Interpersonal Behaviour of Members of Council. The policy recommendations were unanimously adopted by Town Council.

**B. Activities of the Office of the Integrity Commissioner: November 16, 2011 – November 15, 2012**

1. The mandate of the Integrity Commissioner is to ensure that the Code of Conduct and the rules governing the behaviour of elected officials and Committee Members is objectively applied. In particular, this Office:
  - a. conducts inquiries into formal and informal complaints into whether a Member of Council or Committee has contravened the Code;
  - b. Provides written and oral advice to individual Members about their own situations under the Code and other policies and protocols governing the ethical behaviour of Members at the Town;
  - c. Provides general advice to Town staff on issues of ethics and integrity including Code rules and the intersection with Town policies, protocols and office procedures, with a view to emphasizing the importance of ethics in maintaining public confidence in municipal government activities.

Subsequent to my appointment to the Office of Integrity Commissioner for the Town of Parry Sound, met with the Chief Administrative Office, the Manager of Administration and Human Resources and the Deputy Clerk to discuss my duties for the Town. I advised the Town's senior administration officials that I would like to provide Code of Conduct information sessions to Members of Council to explain their responsibilities under the newly adopted Code. The Code information sessions were held on March 1<sup>st</sup> and March 29<sup>th</sup>, 2012 and covered the rules of the Code, the Code Complaint process and the legislative framework within which elected officials operate. All Members of Council and senior officials attended the information sessions and were provided with an overview of their duties under the Town's Code, in addition to having an opportunity to ask questions regarding the application of the Code.

This office received 8 email inquiries, 2 telephone inquiries and 3 in person inquiries during the period of this report. In addition to general inquiries and questions, I received one informal complaint and one formal complaint, both of which were received prior to Code coming into force.

2. I provided a Memo to Members of Council underscoring their responsibility to adhere to the rules of confidentiality. In particular, I advised that the rules contained in sections C (1) and (3) of the Code are of particular importance to the perception given to the public on the integrity of Members of Council and also to the reputation of the Town and the confidence that the public has in the ethical decision-making of their elected officials.

The following guidelines were submitted to provide all Members of Council with assistance in understanding their obligations under the Code:

- Members of Council have a Code duty to not disclose in any format to any third party, information discussed or circulated during a Closed Council Meeting. This duty of non-disclosure of confidential Closed Council Meeting information is also a statutory requirement under the rules of the *Municipal Act, 2001* **and** the *Municipal*

*Freedom of Information and Protection of Privacy Act.*

- Disclosure of confidential information discussed or circulated at a Closed Council Meeting is not only grounds for a complaint under the Code against the Member who is alleged to have disclosed the information, but also could increase the Town’s risk to be named in insurance claims and/or law suits.
  - While every Member of Council has been elected by the public, and as such, has the right to speak on various political positions, a Member of Council should refrain from making disparaging comments on Council’s processes and decisions. In addition, generally speaking, official information of the Town will be communicated to the community and the media by the Mayor as Head of Council or by those so designated. Accordingly, information disclosed to the public or the media by any Member of Council not designated by the Mayor, is deemed to be the position of the Member and not the Town.
3. I was consulted by the Deputy Clerk and the Manager of Administration and Human Resources in the development of an update to the Code in relation to Social Media Policy. The revisions were approved by by-law at the September 4, 2012 Council meeting.

**C. Complaints under the Code of Conduct**

Office Activities	Nov 2011-Nov 2012
Formal Complaints Received:	1
Informal Complaints Received:	1
<b>Total:</b>	<b>2</b>
<b>Inquiries on the application of the Code</b>	
From the public:	8
From City staff:	2
From Members of Council	3
<b>Total</b>	<b>13</b>
<b>Members of Council: Written opinions on the application of the Code</b>	
Formal opinions received by Members of Council:	2

**D. Education and Outreach:**

**Code of Conduct Information:**

- March 1, 2012: Members of Town Council and Senior Officials
- March 29, 2012: Members of Town Council and Senior Officials

**E. 2012 Statement of Expenditures**

November, 2011 – November, 2012	
	\$5,012.16 (includes, development of training materials, delivery of training sessions, complaint investigations, reports, long distance teleconferences, written opinions to Members and staff, mileage)

Respectfully submitted by:

Suzanne Craig  
Integrity Commissioner