

Town of Caledon

Office of the Integrity Commissioner

To: Mayor and Members of Council

From: John E. Fleming
Integrity Commissioner

Date: December 15, 2023

Subject: **Final Annual Report (2023)**

BACKGROUND

As my final term as the Integrity Commissioner for the Town of Caledon draws to a close, I am pleased to submit this report of my work throughout 2023.

As in the past, the terms of appointment require me to report annually to Council summarizing the activities of the Office of the Integrity Commissioner during the calendar year. In my report last year, I commented on the still-evolving nature of this aspect of municipal governance. 2023 is no exception, recognizing that recent changes to the Municipal Act may cause Council to consider whether changes to the Code of Conduct and its accompanying Council-Staff Relations Policy might be appropriate.

I also commented last year that, as the new Council took office that the new Council was and is constituted somewhat differently than the previous one, following decisions by Peel Regional Council. Of perhaps more consequence this year are the changes that may well flow from the current Provincial consideration of a more fundamental restructuring of Peel Region.

Those potential changes may and should engage the new Integrity Commissioner for the Town, once Council has chosen someone to carry on this very important work. The demands, expectations and challenges facing elected officials in municipal Ontario are increasingly complex. Experience in Caledon over the last six months of my service to the Council and the community demonstrate the importance of a continued focus on the integrity of those elected to serve on Council, and a very clear understanding of the role of the municipal governing body, and its differentiation from the roles of municipal staff.

ACTIVITIES DURING THE YEAR

1. Inquiries and Investigations

The process outlined in the Code of Conduct pertaining to Complaints is quite clear as to the steps required. The first step is for the IC to undertake an Intake Review (S 11.6) to determine whether an investigation is appropriate.

On a quite limited number of occasions throughout 2023, I received filed complaints and/or queries about the process of filing a complaint. For clarity, the interpretation of those communications as complaints is my interpretation, since not all are formally stated or formatted as such. I have continued to use my own judgement about each 'complaint' as it comes forward. The important issue to consider is that in each case the complainant contacts me to express concern about a specific incident. The purpose of the Intake Review is to determine whether an investigation is appropriate, or whether some other means of redress might be more appropriate.

This question arose during my recent attendance at a meeting of the General Committee when a report on a significant investigation was before you. I was asked how the public can and should be protected where there is a question about the conduct of elected officials (or words to that effect). I commented once again that the very existence of the Code of Conduct, the Council-Staff Relations Policy and importantly the power of the Integrity Commissioner to investigate are all fundamental to good municipal governance. The people of Caledon should and must be aware that those mechanisms are there to ensure good governance, and are there to be exercised when an apparent issue arises.

Only one of the complaints received in 2023 contained sufficient grounds for me to proceed to an investigation. As Council is very well aware, that complaint was very thoroughly investigated; findings made by me in my role; a report submitted to Council and sanctions put in place for the two breaches of the Code and Policy committed by the respondent.

Five other issues were raised with me, in the nature of complaints. Following my usual Intake Review, I determined that I would not proceed with four of those five, as they were largely outside of my mandate, or because I determined them to be frivolous or vexatious. The fifth complaint was withdrawn before extensive investigation had begun.

I make note of the fact that no requests were made to me to launch an inquiry under the provisions of the Municipal Conflict of Interest Act. Consequently, no inquiries under this role for the IC were undertaken.

2. Requests for advice

On occasion during the year, I am asked for advice by a member of Council or of a Designated Board and on occasion by senior staff, regarding compliance with the Code of Conduct. Such requests were somewhat more numerous during 2023.

Apart from advice questions which arise during training sessions, requests for advice generally come in writing, and are responded to accordingly, as required by the legislation.

All requests for advice were responded to as required, in writing. I was also invited by the then Clerk for input into the process to be followed in the search for a new Integrity Commissioner for the term beginning on January 1 2024.

Annually, I have stressed the importance attached to Members of Council, and Members of Designated Boards, being aware that their IC is readily available for such advice. I stress that once again. The Integrity Commissioner is here, in the first instance, to avoid problems, and both education and advice are central to that proactive approach. It is

important that Councillors and Members of Designated Boards take advantage of this aspect of the ICs role. The same holds true for staff.

As in the past, the source and nature of those requests, and the advice I provide, are held confidential between my office and the person making the request.

3. Requests for other services

TRAINING

An important part of the role of the IC is to provide periodic training for Members of Council and Designated Boards, and for senior staff. On this matter, I reiterate what I reported in my 2022 Report, as follows:

This is especially true following the election of a new Council and I was pleased to be invited to attend the Inaugural meeting of the new Council. As well I attended and presented/spoke at two different training and orientation sessions, at which most Members of Council were present.

As Council makes its decision to appoint a new Integrity Commissioner, I cannot overstate the importance of the training and education aspect of the role of your IC.

Charting the way forward into 2024

As noted above, the expectation is that Caledon will see many further changes, perhaps existential changes, in the months ahead. I urge all Members, once again, to pay very careful attention to the requirements of the Code and Policy as those changes unfold. There is a considerable expectation that Members be very clear about their role and authority.

I can only hope that the matters that lead to the extensive investigation, findings and sanctions over the last months of my engagement will have underscored the need for that clarity, going forward.

And with that, I extend my sincere appreciation for the many courtesies shown to me over the thirteen years I have been your Integrity Commissioner, and my best wishes for whatever lies ahead.

Respectfully submitted

John E. Fleming C Dir
Integrity Commissioner