

# THE TOWNSHIP OF MULMUR

## INTEGRITY COMMISSIONER ANNUAL REPORT: 2011-2012

For Consideration by  
The Council of The Township of Mulmur  
on January 9, 2013

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### 1. SUMMARY

On April 20, 2011, the Township of Mulmur Council appointed its first Integrity Commissioner, a voluntary position, after a recruiting process. My term as Integrity Commissioner commenced on May 18, 2011 and it ends on November 30, 2014. The Integrity Commissioner provides various services, including the preparation and delivery of an Annual Report to Council. This Report covers the work of the Integrity Commissioner from April 2011 to the end of December 2012.

### 2. RECOMMENDATIONS

1. That Council amend Section 3 of its *Code of Conduct Complaint Protocol* (“*Complaint Protocol*”) to enable the Integrity Commissioner to participate in the informal complaint resolution process, subject to the agreement of both the complainant and the Member of Council.
2. That Council receive the balance of this report for information.

### 3. FINANCIAL IMPACT

Receipt of this report will have no financial impact.

### 4. RECORD OF FORMAL COMPLAINTS

There was one formal complaint received pursuant to the Complaint Protocol. The Integrity Commissioner determined that she lacked jurisdiction with respect to the complaint.

On September 4, 2012, Council referred a written complaint to the Integrity Commissioner. In her September 19, 2012 report to Council, the Integrity Commissioner advised that she lacked jurisdiction with respect to the complaint.

There were a number of contacts made with the Integrity Commissioner by e-mail and telephone about potential complaints. Consistent with the mandate for public education, the Integrity Commissioner listened to concerns and clarified, by telephone, e-mail or in-person, the *Code of Conduct for Members of Council* (“*Code of Conduct*”), the public complaint process, and the duties and responsibilities of the position.

## **5. ACTIVITIES**

### **A. Code of Conduct and Complaint Protocol**

The first task of the Integrity Commissioner was to draft a *Code of Conduct* and a *Complaint Protocol*. I would like to recognize the excellent contribution made by Mr. Don MacFarlane in his work on a preliminary *Code of Conduct*.

After reviewing other municipal Codes of Conduct, the Integrity Commissioner drafted a “best practices” *Code of Conduct* and *Complaint Protocol*. On June 15, 2011, the Integrity Commissioner recommended that a public consultation process take place. On December 11, 2011, following a public consultation process, Council approved the *Code of Conduct* and the *Complaint Protocol*.

### **B. Public Information and Education**

The Integrity Commissioner has emphasized the importance of public access to information regarding the *Code of Conduct* and the public complaint process. To that end, a link entitled Integrity Commissioner was included on the Township’s website to facilitate access to both the *Code of Conduct* and the *Complaint Protocol*. In addition, citizens can access the Integrity Commissioner via e-mail if they have questions or require clarification about either or both of these documents.

### **C. Advice to Council**

The Integrity Commissioner has provided advice to Council Members. In response to motions of Council, the Integrity Commissioner has presented reports at public meetings that have clarified the role of the Integrity Commissioner in establishing jurisdiction under specific sections of the *Code of Conduct* prior to undertaking any inquiry into the conduct or activity of an individual Council Member.

### **D. Budget**

There is no budget for this position. The Integrity Commissioner has access to legal services through the Solicitor for the Township of Mulmur. I want to thank Mr. Terry Horner, Chief Administrative Officer, and the staff for administrative assistance.

### **E. Media Coverage**

There have been media reports on *Code of Conduct* issues. The coverage of these issues has helped to educate citizens on the scope of the *Code of Conduct* and the prescribed responsibilities of the Integrity Commissioner.

## **F. Learning Opportunities**

The Integrity Commissioner has made it a practice to learn from other jurisdictions that also have high standards of ethical conduct for Council Members in their respective Codes of Conduct. The Integrity Commissioner has found meetings with other Integrity Commissioners in Ontario to be a useful learning resource in gaining insight into the municipal conflict of interest and ethics framework.

## **G. Rationale for Recommendation Two**

The *Complaint Protocol* provides two options for proceeding with a complaint: an informal complaint procedure and a formal complaint procedure. The Informal Complaint Procedure provides individuals (including Township employees, members of the public, Members of Council or local committees) with an opportunity to resolve complaints in discussion with each other.

From time to time, the complainant and the Member of Council may wish the Integrity Commissioner to be part of the informal complaint resolution process. Therefore, it is recommended that Council amend Section 3 of the *Complaint Protocol* to include the following paragraph to be inserted after article 5:

*Individuals are encouraged initially to pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct. With the consent of the complainant and the Member of Council, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Section 4. Subject to the agreement of both the complainant and the Member of Council, the Integrity Commissioner may participate in the informal complaint resolution process.*

## **6. CONCLUSION**

In 2011, the Township of Mulmur Council decided to encourage and support a culture of integrity by appointing its first Integrity Commissioner and approving its first *Code of Conduct for Council Members* and *Code of Conduct Complaint Protocol*.

I consider it a privilege to be able to work with the Mayor, Members of Council and the staff who have supported my work as Integrity Commissioner during 2011-2012. I look forward to working with all in encouraging the highest standards of conduct from elected officials in 2013.



Connie Phillipson  
Integrity Commissioner  
Township of Mulmur