

February 7, 2023

Annual Report 2022
Township of Wilmot Integrity Commissioner

I was appointed Integrity Commissioner for the Township of Wilmot in March 2013 (By-law 2013-16) in conformity with Section 223.3 (1) of the Ontario *Municipal Act, 2001* as revised in 2017.

Under that section of the *Municipal Act, 2001* the Integrity Commissioner “is responsible for performing in an independent manner the functions assigned 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 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.”

The *Municipal Act, 2001* refers to the possibility of the Integrity Commissioner providing “a periodic report to the municipality on his or her activities” and I have done so through an annual report to Council on investigations completed and underway and other activities that fall within my jurisdiction. This report will continue that practice and to set out some observations for future reference based on the Integrity Commissioner’s 2022 activities.

Integrity Commissioner Activity 2022

I can report that no applications to investigate violations of the Codes of Conduct for Elected Officials or Members of Local Boards or the Municipal Conflict of Interest Act were filed with me during the calendar year 2022.

However, throughout the year I responded to several questions about the applicability of both Codes of Conduct and the *Municipal Conflict of Interest Act* from elected officials, staff and members of the public and provided both oral and written advice as necessary.

Revisions to section 223.4 (7) of the *Municipal Act, 2001* that took effect on March 1, 2019 instituted a limitation on inquiries under the two Codes of Conduct and the *Municipal Conflict of Interest Act* during a year when a regular election is scheduled (that is, between nomination day in late August and election day in late October). The past year was the first in which these limitations were operative and the amended legislation required me to decline to act on a matter raised by a resident during the campaign period.

In April 2022, I prepared *Periodic Report to Council 2022-01* and *Periodic Report to Members of Local Boards 2022-01* that set out the applicability of the Township of Wilmot Codes of Conduct for Elected Officials and Members of Local Boards during an election campaign. The reports were understood to be supplementary to the Township of Wilmot Policy #GP 22-001 on the use of municipal resources during a municipal election, a policy required under section 88.18 of the *Municipal Elections Act, 2006* as amended in 2021.

Two observations follow from this new policy:

- members of Council who sought re-election were attentive to the information provided in the Periodic Report and to the provisions of Policy #GP 22-001, as indicated by the inquiries directed to me during the campaign period. At the same time, it appears that Policy #GP 22-001 was not communicated to all candidates along with the other bulletins pertaining to campaign rules and the like. I will work with staff to ensure this information is incorporated in communications to all candidates ahead of the 2026 municipal election.
- neither section 88.18 of the *Municipal Elections Act* nor Policy #GP 22-001 provide enforcement arrangements or sanctions for violations of the Policy. I will also work with staff to ensure these gaps are addressed ahead of the 2026 municipal election.

In November 2022, I prepared a Council orientation session presentation to educate Township elected officials on the arrangements for municipal accountability in Ontario and the *Municipal Conflict of Interest Act*. I will prepare a similar set of materials in early 2023 for members of local boards when those bodies have been established for the 2022 – 2026 term of Council.

Conclusion

I am prepared to work with Staff on revisions to the Township's two Codes of Conduct and associated documents during 2023 in response to legislative changes and other developments since the Codes were adopted (especially related to social media) and will continue to maintain regular contact with other Municipal Integrity Commissioners across Ontario as part of my professional development.

I appreciate the opportunity to serve the Township of Wilmot in this important responsibility.

Respectfully submitted,



Integrity Commissioner
Township of Wilmot