



INTEGRITY COMMISSIONER REPORT TO COUNCIL ON ACTIVITIES FROM 1 JANUARY 2022 TO 30 JUNE 2022

Bruce P. Elman LL.D.
Integrity Commissioner
25 July 2022

PART I – INTRODUCTION

History of The Office of Municipal Integrity Commissioner:

The Office of Municipal Integrity Commissioner came into existence in the Province of Ontario with amendments to the *Municipal Act 2001*, effective January 1st, 2007. The Municipality of Lakeshore created the Office of the Integrity Commissioner pursuant to *By-law 22-2019* on the 19th of February 2019 (Effective December 1st, 2018). The **Code of Conduct** for Members of Council, including the Mayor, and the Members of certain Local Boards and Committees was established as Schedule “B” to the *Procedural By-law 94-2017* (Effective December 12th, 2017). The **Complaint Management Protocol** – Schedule “A” to *By-law 106-2019* – was passed by Council on the 10th of September 2019. As noted in my last Report to Council, a revised Code of Conduct, entitled **Code of Conduct for Members of Council, Local Boards and Committees**, was passed by Council on April 20th, 2021 [*By-law 35-2021*]. (Links to all Documents may be found on the Integrity Commissioner’s webpage here: <https://www.lakeshore.ca/en/municipal-services/integrity-commissioner.aspx>.)

In July of 2019, I was asked to serve as the Acting Integrity Commissioner for the Municipality of Lakeshore. On the 10th of December 2019, Council appointed me as Integrity Commissioner pursuant to *By-law 137-2019* (Effective January 1st, 2020). I entered into a contractual agreement with the City of Windsor, the Town of Amherstburg and the Municipality of

Lakeshore to share Integrity services. This contract took effect on the 1st of January 2020. It expired on the 31st of December 2021 but, with regard to the City of Lakeshore and the Municipality of Lakeshore, was subsequently extended until June 30th, 2022. (The Town of Amherstburg renewed the Agreement for a further three years.)

Reports:

My first Report to Lakeshore Council – entitled an “Update on Activities” – covered the period from my appointment to October 31st, 2020 and may be found at this link:

<https://www.lakeshore.ca/en/municipal-services/resources/Integrity-Commissioner---Update-on-Activities.pdf>. My second Report, covering the period from November 1st, 2020 until

December 31st, 2021 may be found at this link: <https://pub-lakeshore.escribemeetings.com/filestream.ashx?DocumentId=7341>. This Report – my final Report -- covers the six-month extension period from January 1st, 2022 to June 30th, 2022.

Primary Functions of the Integrity Commissioner:

The Integrity Commissioner has four primary functions:

- (1) Education;
- (2) Advice;
- (3) Complaint Investigation; and
- (4) Complaint Resolution and Adjudication.

In addition, the Integrity Commissioner, in some instances, has a role to play as the Municipality develops its policies, including the **Code of Conduct** itself, or as the Municipality responds to legislative initiatives or policy developments from the Province of Ontario. Over the past six months, I have not been involved with the Municipality in any policy development regarding integrity issues.

PART II – THE EDUCATION FUNCTION

Education and Training:

No educational programs or training seminars took place during this six-month period. As I indicated in my last Report, a Municipal Election will be held in October, 2022. Once the new Council has been sworn-in and appointments have been made to Local Boards and Council Committees, a more robust Education and Training Program should be instituted. This should involve an in-depth discussion with Members of Council regarding the new **Code of Conduct** using examples drawn from other Municipalities. Materials should be developed for this session. The Council training should be replicated, in a slightly condensed fashion, with Members of Local Boards, Agencies, and Committees, all of whom are subject to the provisions of the **Code of Conduct**. A strong Education and Training program will be very important after the 2022 Municipal Election, not just for new and continuing Councillors, but also for those members of the Community who are appointed by Council to Local Boards, Agencies, and Committees. The first line of prevention against violations of **Code of Conduct** is Education and Training. It should be given a high priority following the next Municipal Election.

PART IV -- ADVISORY FUNCTION

Requests for a Formal Letter of Advice:

As I noted in my last Report, the **Code of Conduct** recognizes the importance of the Advice function and incentivizes its use. The **Code of Conduct** of Lakeshore, Rule 19.0 provides: “Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member, as long as all of the relevant facts known to the Member were disclosed in writing to the Integrity Commissioner prior to the written advice being requested.” In this way, the Member is protected from any

future Complaints regarding the same matter on which the Integrity Commissioner's advice has been sought out in advance and, subsequently, followed.

From January 1st, 2022 to June 30th, 2022, there was one request for a Formal Letter of Advice.

Advisory Bulletins:

The purpose of Advisory Bulletins is, in part, educative but also preventative. Advisory Bulletins are intended to provide guidance to Members of Council and others to whom the **Code of Conduct** applies so that they can avoid violations of the **Code**. Advisory Bulletins are placed on the Integrity Commissioner's webpage and are, therefore, available to Members of Council, Local Boards, Agencies, and Committees and the public at large.

During this Reporting period, I issued one Advisory Bulletin -- *Advisory Bulletin Regarding Pecuniary Interest in Land*. This Advisory Bulletin may be found at this link: <https://pub-lakeshore.escribemeetings.com/filestream.ashx?DocumentId=6290>.

Brief Advice:

There were no instances of Brief Advice during this Reporting period.

PART V – INQUIRIES AND COMPLAINTS

New Files:

There were no new Complaints during this period.

Brief Service:

There were no instances of Brief Service during this period

Part VI – Conclusion

It has been an honour to serve as the Integrity Commissioner for the Municipality of Lakeshore for the past two and a half years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce P. Elman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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