



REPORT ON ACTIVITIES: 1 JANUARY 2024 TO DECEMBER 31ST, 2024

Bruce P. Elman LL.D.
Integrity Commissioner
31 March 2025

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. Pursuant to the amendments to the *Act*, the Town of Essex created the Office of the Integrity Commissioner and established a **Code of Conduct** for Members of Council. On February 19, 2019, Town Council approved a new and comprehensive **Code of Conduct for Members of Council and Local Boards/Committees** [hereinafter the **Code of Conduct**]. The **Code of Conduct** applies to all Members of Council, including the Mayor and Deputy Mayor, and members of Local Boards and Committees of Council. On May 16, 2022, Town Council passed a new *Procedural By-law 2159* for Town Council and its Committees and the Conduct of its Members.

In January of 2023, I was retained by the Town to serve as the Integrity Commissioner for a period of one year from January 1st, 2023 to December 31st, 2023. Prior to the expiration of my term, my contract was extended to December 31st, 2025. My first Annual Report to Council, dated 20 March 2023, can be found on the Integrity Commissioner’s webpage at the following link: <https://www.essex.ca/en/build/resources/Integrity-Commissioners-Report-2023.pdf>.

Primary Functions of The Integrity Commissioner:

The mandate of the Integrity Commissioner is very broad and extends to virtually all aspects of the integrity and ethics of Members of Council, Local Boards, and Committees of the Town of

Essex in the exercise of their public duties. (See **Code of Conduct**, sections 1.0, 2.0 and 3.0.) Section 16.0 of the **Code of Conduct** provides an extensive delineation of the duties of the Integrity Commissioner. Generally, however, the Integrity Commissioner has four primary functions: (1) Education; (2) Advice for Council and Individual Council Members; (3) Complaint Investigation; and (4) Complaint Adjudication and Resolution.

In addition, the Integrity Commissioner, in some instances, has a role to play in the development of Town policies or when the Town responds to legislative or policy initiatives from the Province of Ontario.

PART II – THE EDUCATION FUNCTION

Education and Training:

The last Municipal Election was held on October 24th, 2022. Shortly after the Municipal Elections, in November of 2022, at the behest of the CAO and Municipal Clerk, I conducted an extensive Education and Training seminar for Members of Council. The purpose of the seminar was to educate Members of Council regarding the main provisions of the Town’s **Code of Conduct** and to answer any questions raised by Members in this context. Senior staff were also in attendance. Prior to this session, I prepared materials in conjunction with the Municipal Clerk’s Office to orient Members of Council to the Office of the Integrity Commissioner, to the provisions of the **Code of Conduct**, and the procedures outlined in the **Complaints Protocol**. Included were three “Primers” on the following issues: (1) *Confidentiality*; (2) *Conflict of Interest*; and (3) *Pecuniary Interest in Land*. Some information was provided on the *Municipal Conflict of Interest Act (MCIA)* through the Primers and during the in-person seminar. The Council session lasted approximately two hours. In my view, it was a very productive meeting.

The next Municipal Election will be held in October of 2026. I believe that the Town should re-commit to a vibrant and enhanced program of Education and Training, for both elected Members of Council and those who volunteer their time on behalf of the community by serving

on Agencies, Boards, and Committees. Further, Integrity Commissioners now have an important role to play in providing advice on, and investigating Complaints regarding, conflicts of interest under both the *Municipal Conflict of Interest Act (MCIA)* and the **Code of Conduct**. Education and Training on both the *MCIA* and the **Code of Conduct** should be provided to Members of Council, Local Boards, and Committees as soon as feasible after the Municipal Election and the appointment of Members to Committees and Local Boards.

Additionally, in preparation for the October 2026 Municipal Election, I intend to hold an Education and Training seminar for Members of Council in the fall of 2025 to set out and discuss their obligations under the **Code of Conduct**, the *Municipal Elections Act*, the *Municipal Act*, the *Municipal Conflict of Interest Act*, and other relevant provincial statutes, should they decide to seek re-election. This seminar is designed to not only advise the Members of Council of their obligations under the relevant legislation but, more broadly, to ensure a level playing field as between incumbents and others who may choose to seek election to Council. A *Primer on 2026 Election Related Activities* will be prepared to accompany the seminar.

I will reiterate my comment from my 2023 Annual Report: “As a general comment, I would say that the Educational role of the Integrity Commissioner is extremely important, especially in the period following (and leading up to) a Municipal Election. Not only might there be newly elected Members of Council who are unfamiliar with the Integrity regime, but this, traditionally, is also the time when we replenish the membership of our Agencies, Boards, Commissions, and Committees. Education and Training is, effectively, the first line of prevention against potential violations of the **Code of Conduct** and the *Municipal Conflict of Interest Act*.”

PART III -- ADVISORY FUNCTION

The Advisory function provides a second layer of protection against violations of the **Code of Conduct**. Providing advice, on both the **Code of Conduct** and the *Municipal Conflict of Interest*

Act (MCIA), is a key function of the Integrity Commissioner and can often head-off **Code** violations.

Advice takes the following forms:

- (1) **Formal Letters of Advice:** A “Request for a Formal Letter of Advice” occurs when a Member requests a formal letter confirming the advice from the Integrity Commissioner. Generally, where a Member follows the advice contained in a Formal Letter, in all likelihood, there will be a finding that the Member was not blameworthy, and no penalty will be recommended or imposed. I received one (1) request for a Formal Letter of Advice in 2024;
- (2) **Primers:** Primers, generally, concern matters of importance that Members of Council, Senior Members of Administration, or members of the public have identified. The purpose of the Primers is, in part, educative but also preventative. The Primers 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**. “Primers” are most frequently prepared in conjunction with Educational and Training seminars for Council Members. As noted above, a *Primer on 2026 Election Related Activities* will be prepared to accompany a fall seminar on the upcoming Municipal Election. No other topics for Primers have been suggested by Members of Council or Senior Administrative Staff; and
- (3) **Brief Advice:** During this Reporting period (2024), there were three (3) instances of Brief Advice. These represent occasions where, in my opinion, advice could be provided immediately or in a very short period of time, and where no File needed to be opened. These are instances where neither extensive research nor lengthy consideration is necessary. Formal Letters of Advice are generally not provided except where the Member requests one. Where appropriate, Brief Advice provides timely, efficient, and cost-effective service.

PART IV – INQUIRIES AND COMPLAINTS

Two types of activity are included in this category:

- (1) **Complaint Files:** There were one Complaint filed in 2024. The matter was discontinued, however, before resolution; and
- (2) **Brief Service:** Aside from instances of “Brief Advice” provided to Members of Council, Members of Committees, and Senior Staff, there only two (2) instances of “Brief Service”. “Brief Service” constitutes instances where an individual has contacted the Integrity Commissioner, but no Formal or Informal Complaint has been initiated and no File has been opened.

Part V – Policy Developments

During this Reporting period, no Policy issues were brought to my attention.

PART VI – CONCLUSION

The year, similar to 2023, has been a very quiet year. Only one Complaint was filed and it was discontinued. There were very few inquiries, more generally. There was only one request for a Formal Letter of Advice and handful of instances of Brief Advice/Brief Service. **This should be seen as a very positive development.**

Respectfully submitted,



Bruce P. Elman LL.D.
Integrity Commissioner