



# THE CITY OF WINDSOR

COUNCIL SERVICES DEPARTMENT

**BRUCE P. ELMAN**  
INTEGRITY COMMISSIONER

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

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## Office of the Integrity Commissioner

### Annual Report 2014 - 15

1 October 2014 – 30 September 2015

**Bruce P. Elman**  
**Integrity Commissioner**

## Part I -- Background:

The Office of Municipal Integrity Commissioner came into existence in the Province of Ontario with amendments to the *Municipal Act*, effective January 1, 2007. Pursuant to the amendments to the *Municipal Act*, the City of Windsor created the Office of the Integrity Commissioner in 2007 and, in 2008, established a **Code of Conduct** for Members of Council, including the Mayor, and the members of certain Local Boards. On June 7, 2011, the City Council passed a new Procedural By-law for Windsor City Council Meetings and its Committees and the Conduct of its Members. Part 14.1(a) provides that Members of Council as well as City committees, agencies, boards and commissions shall act in accordance with the **Code of Conduct** which is set out in Appendix B to the Procedural By-law. The **Code of Conduct** notes that the purpose is to improve the quality of public administration and governance by encouraging high standards of conduct on the part of government officials and, thereby, protect and maintain the reputation and integrity of the City of Windsor. The **Complaint Protocol for Members of Council and Others Governed by the Code of Conduct** was presented to Council and adopted on May 8<sup>th</sup>, 2012. This Protocol provides a regime under which **Code of Conduct** Complaints will be investigated and adjudicated.

Effective August 1<sup>st</sup>, 2011, I assumed the Office of Integrity Commissioner for the City of Windsor. My appointment was renewed effective October 15<sup>th</sup>, 2012. A further two year renewal was effective on October 15<sup>th</sup>, 2013. This will be my fourth Annual Report on Activities to Council. My first Report covered the period from August 1<sup>st</sup>, 2011 to September 30<sup>th</sup>, 2012. The 1<sup>st</sup> Annual Report is posted on the Integrity Commissioner website at <http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Annual%20Report%202011-12.pdf>. The 2<sup>nd</sup> Annual Report covered a 12 month period from October 1<sup>st</sup>, 2012 to September 30<sup>th</sup>, 2013 and can be found at <http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Integrity%20Commissioner%20Annual%20Report%202012-13.pdf>. The 3<sup>rd</sup> Annual Report covered activities from October 1<sup>st</sup>, 2013 to September 30<sup>th</sup>, 2014. It can

be found at <http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Integrity%20Commissioner%20Annual%20Report%202013-14.pdf>.

This 4<sup>th</sup> Annual Report covers the period from October 1<sup>st</sup>, 2014 to September 30<sup>th</sup>, 2015.

The Integrity Commissioner has four primary functions: (1) Education; (2) Advisory; (3) Complaint Investigation; and (4) Complaint Adjudication. The Integrity Commissioner, in some instances, also has a role to play as the City develops its policies or as it responds to policies and legislation of the Province of Ontario.

## **Part II -- Education Function:**

**Presentations:** I delivered two presentations during the period of time covered by this Report: (1) A Presentation to the Rotary Club of Windsor St. Clair, on "The Office of the Integrity Commissioner"; and (2) A Presentation to Windsor Public Library Board on "The **Code of Conduct** and Other Issues of Integrity as Applied to Local Boards". The first of these presentations falls into the realm of "public education" and is, of course, quite important. However, the presentation to the Library Board, which was delivered in conjunction with a presentation by the City Clerk, can serve an important educative, and even prophylactic, function with Members of a Local Board to whom the **Code of Conduct** applies. In my view, this should be the model we adopt more generally regarding the education of Members of Agencies, Boards, Committees, and Commissions to whom the City of Windsor's **Code of Conduct** has application. It is not unlike the Education Plan that we employ for Members of Council which is outlined in the next paragraph.

**Meetings with Members of Council:** The Municipal Elections were held on October 27<sup>th</sup>, 2014. Following the Election, I met with every Member of Council, including the Mayor. The purpose of these meetings was to educate the Members of Council on the main provisions of the City's

**Code of Conduct** and to answer any questions raised by Members in this context. The meetings lasted anywhere from 30 minutes to an hour. At the conclusion of the meeting, each Member of Council was asked to sign a Statement that they had read the **Code of Conduct**, that they understood it, and that they are committed to abiding by its terms. All Members signed the **Statement of Commitment to the Code of Conduct**. (A copy is attached as Appendix A.) These were, in my opinion, very useful sessions because it brought home to the Members of Council the centrality of integrity in their exercise of the duties of office.

**Part III -- Advisory Function:**

During my first 14 months as Integrity Commissioner, I received no requests for Advice. In my 2<sup>nd</sup> Annual Report, I indicated that four "Advice" files were opened. Two resulted in Letters of Advice being issued. In my 3<sup>rd</sup> Annual Report, two "Advice" files were opened. Both resulted in Letters of Advice being issued. In this reporting period, effectively three Advice files were opened. All resulted in a Letter of Advice being provided.

Providing advice is a key function of the Integrity Commissioner. Providing advice can often head-off **Code of Conduct** violations. Indeed, the **Code of Conduct** recognizes the important nature of the "Advice function" by providing in Article XVIV that "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 in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner." In this way, the Member is protected from any future Complaints in regard to the same matter in which the Integrity Commissioner's advice has been sought out in advance.

**Part IV -- Inquiries/Complaints:**

1. **Cases Carried Forward:** There were no Complaints carried forward from the previous year.

2. **New Cases:** No new Complaints were received from the 1<sup>st</sup> of October, 2014 to the 30<sup>th</sup> of September, 2015.
3. **Brief Service:** There were eight instances of “Brief Service” involving eight individuals. “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. This may occur because the nature of the concern is outside the jurisdiction of the Integrity Commissioner or because the alleged complaint is clearly not a violation of the **Code of Conduct** or because the individual is simply seeking information. In some instances, the answer provided ends the matter; in other instances, a referral may be made to a more appropriate entity or individual. In some instances, the individual is advised on the procedure for making a formal Complaint although, ultimately, no formal Complaint is received. The phrase “Brief Service” does not denote the amount of time expended in providing the service; rather it simply indicates that the Integrity Commissioner was contacted but that no file was opened as a result of my response. Of the eight inquiries received during the current reporting period, six resulted in referrals to other agencies or individuals. In one case, detailed information was provided to the individual on how to lay a Complaint but no Complaint was received. In the final instance, due to the nature and timing of the inquiry, a preliminary examination was undertaken under the **Code of Conduct**. No violation was found. Nonetheless, I provided information to the individual on how he or she could lay a Formal Complaint and, also, referred the individual to other mechanisms available for ensuring transparency and accountability.

**Part V -- Policy Development:**

1. **Municipal Act and Municipal Conflict of Interest Act Review:** During the past year, the Ministry of Municipal Affairs and Housing undertook a review of four pieces of legislation which affect Ontario’s municipalities: the *Municipal Act*, the *City of Toronto Act*, the *Municipal Conflict of Interest Act*, and the *Municipal Election Act*. As part of its review, the Ministry sent a communication to all interested parties, including

municipalities, to take part in the consultation phase of the review and invited submissions in that respect. The City Clerk was asked to prepare a Report for Council regarding the City of Windsor's submission to the Ministry. Before sending her Report to Council, the City Clerk asked me for my input regarding the Ministry's review of these pieces of legislation. I provided a detailed Memorandum to the City Clerk regarding the subjects raised in the Review. The Memorandum formed Appendix B to the City Clerk's Report. In her Report, the City Clerk recommended that the submission of the City of Windsor and the submission of the Association of Municipalities of Ontario (AMO) "be endorsed and that the comments of the City's Integrity Commissioner "be received for information". (A copy of my Memorandum is attached as Appendix B to this Report.)

2. **The Code of Conduct:** I expect to present a draft of an Amended **Code of Conduct** (possibly with some alternatives regarding certain provisions) to Council in the new year. The issues that will be raised at that time include the following:
- a. Should the **Code of Conduct** be passed by Council as a separate By-law?
  - b. Should the Schedules to the **Code of Conduct** be removed?
  - c. Should we have a separate **Code of Conduct** for volunteers who sit on Agencies, Boards, Committees, and Commissions that fall under the jurisdiction of the Integrity Commissioner pursuant to the **Code of Conduct**?
  - d. Should there be a specific provision dealing with "Conflict of Interest"? If so, should the provision deal with pecuniary and proprietary conflicts only or should it also cover "personal conflicts"? If it is determined that personal conflicts should also be included in the definition of a conflict, how should we define a personal conflict?
  - e. Can we develop, within the current statutory and jurisprudential limitations, a broader array of sanctions that can be more suitably tailored to the facts and the context of each Complaint?
  - f. Further, within the current statutory and jurisprudential limitations, can we develop a model for Complaints adjudication which is efficient and effective but

still preserves the due process rights of an individual accused of a violation of a provision under the **Code of Conduct**?

**Part VI – Conclusion:**

A summary of the foregoing indicates that the number of “Advice” files was up slightly from the previous year; the same was true regarding the “Brief Service” files. In addition, some of these Brief Service files required greater time and effort to manage. Each year, there seems to be work which can be broadly characterized as “Policy Development” – last year this work involved the interface between the Concerned Citizen/Concerned Employee Hotline and the Integrity Commissioner’s Complaint processes under the **Code of Conduct**; this year the focus was on the Province’s Review of the *Municipal Act* and *Municipal Conflict of Interest Act*.

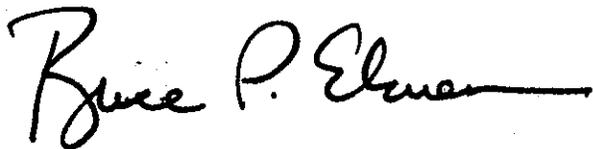
The most notable differences between this year and the previous year were (1) the amount of time spent on meeting with Members of Council to provide to each of them with a primer on the **Code of Conduct**; and (2) the fact that we had no Complaints filed during the past year. There is no doubt that the greater emphasis on providing “education” to Members of Council was due to the fact that the past year was an election year. There was substantial turnover in the membership of Council and, consequently, it was important to provide Members with as much information as possible before they took up their duties. The second difference between this year and last – the fact that we received no Complaints – may also be attributed to the election. In the lead-up to the election, the focus of those interested in municipal affairs was directed towards the municipal election itself. (Indeed, there is a moratorium on the Integrity Commissioner bringing any Reports before Council from “the last Committee of the Whole meeting of June in any year in which a regular municipal election is to be held, until following the date of the Inaugural meeting of the next Council.”) After the Election, there is, naturally, a certain honeymoon period.

It is, of course, a good thing that we do not have a plethora of Complaints. And, indeed, the more emphasis that we place on the Educative role and the Advice function of the Integrity Commissioner, we would expect to see lower rates of Complaints.

On December 9, 2014, the Ontario Legislature passed Bill 8 -- *The Public Sector and MPP Accountability and Transparency Act, 2014*. It received Royal Assent on December 11, 2014. It will come into force on January 1, 2016. At that point in time, Ontarians will be able to make complaints to the Ombudsman regarding municipal governance, services, and personnel. This will include the Office of the Municipal Integrity Commissioner. We can only speculate on the effect this legislation will have on oversight in the area of Transparency and Accountability.

It remains a great honour to serve as the Integrity Commissioner for the City of Windsor.

Respectfully submitted,

A handwritten signature in black ink that reads "Bruce P. Elman". The signature is written in a cursive style with a long horizontal flourish at the end.

Bruce P. Elman  
Integrity Commissioner  
City of Windsor

**Appendix A**  
**Statement of Commitment to the Code of Conduct**



# THE CITY OF WINDSOR

COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

## STATEMENT OF COMMITMENT TO THE CODE OF CONDUCT

WHEREAS Windsor City Council, at its meeting held June 9, 2014 adopted Council Resolution CR156/2014 which accepted a recommendation of PriceWaterhouseCoopers LLP (who provide audit services for the City of Windsor) that all Council members and the Mayor sign a "Statement of Commitment to the Code" within seven (7) days of taking the Declaration of Office (per Section 232 of the *Municipal Act, 2001*);

THEREFORE BE IT RESOLVED that I, \_\_\_\_\_ (name of person), having been elected or appointed to the office of \_\_\_\_\_ (Name of office), in the municipality of Windsor, do hereby acknowledge receipt of the "Code of Conduct for Members of Council" along with the "Complaint Protocol for Members of Council"; and further, the Complaint Form/Affidavit.

I hereby acknowledge that I have read the attached "Code of Conduct for Members of Council" and that I commit to adhere to the terms of the same.

Declared before me )  
At the City of Windsor and )  
County of Essex )

On \_\_\_\_\_, 2014

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Witness

- A Copy will be maintained by the Integrity Commissioner as well as the Office of City Clerk.

**Appendix B**  
**Memorandum of Issues Regarding the Municipal Act**  
**and Municipal Conflict of Interest Act Review**



# THE CITY OF WINDSOR

COUNCIL SERVICES DEPARTMENT

BRUCE P. ELMAN  
INTEGRITY COMMISSIONER

IN REPLY, PLEASE REFER  
TO OUR FILE NO. P2015-07-01

## MEMORANDUM

### CONFIDENTIAL

**DATE:** 30 September 2015.

**TO:** Ms. Valerie Critchley  
City Clerk, City of Windsor

**FROM:** Bruce P. Elman  
Integrity Commissioner  
City of Windsor

**RE:** **Municipal Act and Municipal Conflict of Interest Act Review**

Dear Valerie:

Following your email of the 30<sup>th</sup> of July, 2015, I reviewed the following: the *Municipal Act, 2001* in particular Part V.1 of the Act as it pertains to Accountability and Transparency; the *Municipal Conflict of Interest Act*; the *Municipal Legislation Review: Public Consultation Discussion Guide*; the *AMO Submission to the Minister of Municipal Affairs and Housing Concerning the 2015 Municipal Act Five-Year Review and Conflict of Interest Review*; and **UPDATING THE ETHICAL INFRASTRUCTURE** – the Mississauga Judicial Inquiry.

First, I provide some comments on the Municipal Legislation Review through the vehicle of the Consultation Guide. I, then, look at the Recommendations of Justice Cunningham in his Report in the Mississauga Judicial Inquiry, and, finally, I conclude with comments on the AMO Submission.

### A. Comments on Municipal Legislation Review

The following are some comments on questions raised in the *Municipal Legislation Review: Public Consultation Discussion Guide*:

1. On "Codes of Conduct", the City of Windsor has a **Code of Conduct for Members of Council and Local Boards**. We, also, have a **Complaint Protocol for Members of Council and Others Governed by the Code of Conduct**. I believe it is working effectively;

2. There should be a greater range of penalties available to Council for violations of the **Code of Conduct**. The Divisional Court's decision in the *Magder v. Ford* case indicates the importance of allowing the Municipalities to broaden the range of penalties they can impose in **Code of Conduct** cases. Section 223.4(5) of the *Municipal Act, 2001* ought to be amended to allow this;
3. On "Integrity Officers", it is my view that Municipalities should be permitted to combine Integrity Offices, where appropriate. It seems to me that Integrity Commissioners could easily do Meeting Investigation, serve as the Registrar for Lobbyists, and, perhaps, serve as the Ombudsman as well, although I would think more examination of this latter proposition would be required;
4. On "Conflicts of Interest", I think that plainer language could be used in the *Municipal Conflict of Interest Act* with the caveat mentioned later that it must still be written with precision so that it is clear what behaviour will constitute a violation of the Act;
5. I have had no indication that Windsor's Municipal Councillors have been prevented unduly from participating in municipal decision making. As noted further on, if a change were to be made to expand the scope of the *Municipal Conflict of Interest Act* to "private interests", as recommended by Justice Cunningham, then some effort would be required to narrow the scope of those private interests to ones that are substantial where there is a close relationship between the parties;
6. I believe that Municipal Councillors require a Conflict of Interest specialist whom they can consult and upon whose advice they can rely. However, as noted further on, that person should not be the Municipal Integrity Commissioner, except as to possible violations of the **Municipal Code of Conduct**;
7. In my view, the penalties for violations of the *Municipal Conflict of Interest Act* should be broadened and no penalty should be mandatory. This was the Recommendation of Justice Cunningham;
8. Municipal conflict of interest rules should be enforced by the Municipal Integrity Commissioners and their Councils, where the **Code of Conduct** contains a provision prohibiting Conflicts of Interest, and by the Courts under the *Municipal Conflict of Interest Act*. This would provide residents with a variety of avenues in which to pursue their concerns. Three caveats: 1) if the matter is before the Courts, any Complaint under the **Code of Conduct** should be suspended until there has been a resolution of the matter in Court; 2) if a Member is sanctioned under the *Municipal Conflict of Interest Act*, the Member should not be subject to sanction under the **Code of Conduct** for the same matter; and 3) the Integrity Commissioner should not be able to recommend and Council should not be able to enforce the removal of the Member from Council. This penalty should be reserved for the most serious conduct and should be imposed only by a Court of law; and

9. In regard to "Open Meetings", I think it is important that we have some certainty and consistency in what we mean by a "meeting". Please see the discussion below with regard to this issue.

### B. Comments on the Mississauga Judicial Inquiry

In November of 2009, the Honourable J. Douglas Cunningham of the Superior Court of Ontario was appointed by the Council of the Corporation of the City of Mississauga to Chair a Judicial Inquiry into certain matters which raised ethical concerns for members of the Mississauga City Council and citizens of that municipality. Justice Cunningham reported back to Council on October 3, 2011. His Report, entitled **UPDATING THE ETHICAL INFRASTRUCTURE**, contained Recommendations regarding both the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*. In general, I endorse those Recommendations with a few reservations and clarifications. More specifically, in relation to the *Municipal Act, 2001*, Justice Cunningham recommended:

1. That additional safeguards be added to the Office of the Integrity Commissioner in the *Municipal Act, 2001*. In particular, he suggested that there should be a minimum term of appointment to provide security of tenure and that the Municipalities should indemnify the Integrity Commissioner. Although neither of these issues has presented a problem for me, most likely because of my unique situation, they are sound in principle. I would suggest that two further provisions be added to the *Municipal Act, 2001*. The first would provide that the minimum term of an Integrity Commissioner be for a five or six year period but that the term be non-renewable. The second suggestion is that a section be added to the *Municipal Act, 2001* which provides that Integrity Commissioners cannot be removed from office prior to the end of his or her term except by a two-thirds majority vote of Council. Both of these suggestions provide additional safeguards for the Integrity Commissioner; and
2. That section 223.8 of the *Municipal Act, 2001* be amended to explicitly require an Integrity Commissioner to suspend his or her investigation or proceedings related to a matter that is also the subject of proceedings in a Court of Competent jurisdiction. Our **Complaints Protocol** has a similar provision but, I agree, that it should be explicitly stated in the Act itself.

In relation to the *Municipal Conflict of Interest Act*, Justice Cunningham recommended:

1. That a Preamble be added to the Act. I have no comment on this;
2. That a statement be added to the Act making it clear that interests of spouses, parents, children, siblings, and other relatives be deemed to be the interests of the member. I

- concur with this idea except I would want to ensure that the phrase "other relatives" does not include relationships which are too distant from the member, him or herself;
3. That the *Municipal Conflict of Interest Act* should state clearly the types of meeting to which it applies. It should apply beyond the "deliberative and legislative functions of Municipal Council". In particular, it should be clear that the Act applies to Committee Meetings. Further, Members should have to declare their conflicts and specify the nature and extent of those conflicts. I agree;
  4. That the Act should be amended to provide for lesser sanctions and that no sanctions should be mandatory. I am in full agreement with this Recommendation. In fact, this Recommendation has been seen as particularly important following the *Magder v. Ford* case. In addition, Justice Cunningham provides some useful suggestions as to potential sanctions that could be added to the Act;
  5. That the Attorney General have standing to bring an application under the Act. My only reservation regarding this Recommendation is that electors and other interested individuals and groups might, as a result, default to the Attorney General rather than pursue these cases on their own. It is important that the electorate remain engaged in municipal issues of public importance and I am wary of any changes that could dull that engagement;
  6. That Integrity Commissioners should be recognized and integrated into the fabric of the *Municipal Conflict of Interest Act*. Matters covered by the *Municipal Conflict of Interest Act* should fall under the jurisdiction of the Integrity Commissioner except that an application to a Court under the Act should take precedence over a Complaint to the Integrity Commissioner under the **Code of Conduct**. I agree with this although I would restrict the sanctions that an Integrity Commissioner can suggest and that Council can impose. For example, I would not give Integrity Commissioners and Council the power to remove a Member from office or bar them from running for office in the future; and
  7. That the Act be amended to include a provision that "nothing in the Act prevents a member of Council from making submissions (i.e. defending him or herself) regarding a Report by the Integrity Commissioner or regarding the imposition of a sanction under the Municipal **Code of Conduct**. As Justice Cunningham notes, such a provision is important to ensure due process for the accused Member of Council. I strongly agree with this recommendation. The *Ford* case as well as our own case dealing with *Councillor Maghnieh* highlighted the importance of this Recommendation.

Only one of Justice Cunningham's Recommendations gives me some cause for concern. He would like the scope of the Act to extend beyond "pecuniary" interests to include "private interests". The question, of course, is what we mean by "private interests". Such a provision might work in large metropolitan areas such as Toronto and Mississauga but what would be its import for a City the size of Windsor or even smaller Municipalities? Justice Cunningham

acknowledged that there would have to be a "materiality threshold". Here the devil is in the details. I would want to be sure that such a change in the scope of the Act would not impair the conduct of the business of the Municipality.

### C. Comments on the AMO Submission

I reviewed the *AMO Submission to the Minister of Municipal Affairs and Housing Concerning the 2015 Municipal Act Five-Year Review and Conflict of Interest Review* and I thought I would offer some comments on it as follows:

1. I agree with the "Principles for a Mature Provincial-Municipal Relationship" originally established in 2004 and re-iterated in the AMO Submission. The importance of recognizing these principles became clear to me on reading the judgement of the Divisional Court in *Magder v. Ford*. In this case, the Court severely, and in my view unreasonably, restricted the potential scope of sanctioning powers available to the Integrity Commissioner and Council under the *Municipal Code of Conduct*. As noted earlier, I also advocate a broadening of the Penalties which are provided for in section 223.4(5) of the *Municipal Act, 2001*;
2. I fully understand AMO's concern regarding the definition of what constitutes a "Meeting", given the Ombudsman's expansive definition of a "Meeting". I believe that the provisions regarding "Meetings" are designed to get at two types of problems: first, Closed Meetings that should not be closed; and second, surreptitious meetings. AMO's proposal does not assist with the latter problem whereas the Ombudsman's definition does. There needs to be some middle ground devised on this issue as certainty and uniformity is essential;

In the section of the AMO Submission on "Transparency and Accountability", I agree with all of the "desired outcomes" set out therein. I have some reservations on the "Specific Recommendations", however. Here are my comments:

1. I agree that the *Municipal Conflict of Interest Act* could be should be written in plainer language. There is one caveat: because the penalties for violation of the Act are, potentially, so severe, it must still be written with precision so that it is clear what behaviour will constitute a violation of the Act;
2. As I noted earlier, there is a debate on whether the Act should apply to interests beyond "pecuniary" ones. I am in favour of extending it to "private interests" if that concept can, in some way, be limited to substantial interests where the parties have a close relationship;
3. I agree that the *Municipal Conflict of Interest Act* needs to be amended to provide for a broader range of penalties;
4. I agree that elected officials should have access to a person who is able to provide them with advice on the *Municipal Conflict of Interest Act* and should be able to rely on that advice. However, I do not believe that individual should be the Municipal Integrity

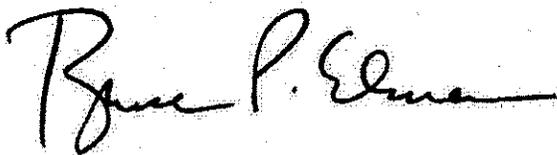
Commissioner. If a provision on Conflicts of Interest is included in the Municipal **Code of Conduct**, then the elected official should be able to seek advice from the Integrity Commissioner on any potential violation of the Code and rely on it in that regard but, in my view, it would go too far to say that the Municipal Integrity Commissioner could bind Court on whether there had been a conflict and whether a certain type of behaviour had violated the *Municipal Conflict of Interest Act*;

5. In my opinion, Municipal Integrity Commissioners should not be able to investigate complaints under the *Municipal Conflict of Interest Act*. Municipalities should include a Conflict of Interest provision in their **Codes of Conduct** and it should be under that regime that any investigation by the Integrity Commissioner and consideration by Council should take place;
6. Integrity Commissioners should not be able to recommend that a Member be removed from office nor should Council be able to do so;
7. Any accountability framework should set out safeguards against frivolous and vexatious complaints;
8. In my opinion, Conflicts of Interest arising from a Member's private financial interests are a proper subject for inclusion in a **Code of Conduct**;
9. I have no comment on the issue of training; and
10. In my view, all municipally appointed "Accountability" officers should be exempt from "final oversight" by the Ontario Ombudsman, although I fear that "ship has already left port".

I hope these comments are helpful. Do not hesitate to call me if you wish to further discuss any of these issues, or issues I have not included.

I remain,

Yours truly,



Bruce P. Elman  
Integrity Commissioner