

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT Committee of the Whole	
TO:	Mayor and Council Members	
FROM: TITLE:	Brent Larmer Municipal Clerk/Manager of Legislative Services	
DATE OF MEETING:	Monday November 16, 2020	
TITLE / SUBJECT:	Transparency and Accountability Policies, Processes and Statutory Officers reporting for the Town of Cobourg.	
REPORT DATE:	November 5, 2020	File #:

1.0 STRATEGIC PLAN

Not Applicable

2.0 PUBLIC ENGAGEMENT

Not Applicable

3.0 RECOMMENDATION

THAT Council receive the report from the Municipal Clerk for information purposes.

4.0 ORIGIN

On July 2, 2019 Council passed By-law No.044-2019 to appoint Aird & Berlis LLP to provide Integrity Commissioner Services and Closed Meeting Investigation Services for the Town of Cobourg.

On December 2, 2019, Municipal Council passed Resolution No.469-19, and selected to utilize the services of the Ontario Ombudsman to be the Town's independent and impartial Officer of the Ontario legislature with authority to address complaints about the administrative conduct of the Town of Cobourg.

On December 2, 2019, Municipal Council passed Resolution No.468-19, and approved the new Municipal Complaint Policy (LEG-ADM19) for the handling of Municipal Complaints within the Town of Cobourg.

5.0 BACKGROUND

Pursuant Section 22 of the Town of Cobourg Municipal Council Code of Conduct Policy as approved through By-law No.068-2019 the Integrity Commissioner is responsible for providing an Annual Report to Council and the Public, the section is as follows:

Integrity Commissioner Annual Report

22.1 The Integrity Commissioner shall provide an Annual Report to Council in March in each year detailing its activities, including advice, education and investigations over the previous year and such periodic reports as the Integrity Commissioner consider may be necessary for the purposes of discharging its obligations to the Council and the Town of Cobourg.

Pursuant to Section 11 of the *Ombudsman Act*, the Provincial Ombudsman, must provide an Annual Report on their investigation activity during the current fiscal year. The section is as follows:

Ombudsman Annual Report

11 The Ombudsman shall report annually upon the affairs of the Ombudsman's office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. O.6, s. 11.

Pursuant to Section 9 of the Town of Cobourg Complaint Policy, the Municipal Clerk shall provide a report quarterly to Municipal Council on Complaints received under the policy. The section is as follows:

Municipal Clerk Quarterly Report

9 On a quarterly basis, the Municipal Clerk will report to Council a summary of the Complaints received through the Municipal Complaint Policy for information with protecting personal information when necessary.

Pursuant to Section 239.1 (11) of the *Municipal Act, 2001*, all Closed Meeting Investigations that are initiated by a Formal Complaint by an individual and investigated will be made public and presented to Council. The section is as follows:

Publication of Closed Meeting Investigations

239.1 (11) The municipality or local board shall ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 104.

6.0 ANALYSIS

1) Town of Cobourg Integrity Commissioner Report on Activity to date:

Aird & Berlis LLP – Leas Investigator – John Mascarin:

The Town of Cobourg Integrity Commissioner Services and costs can be broken down as follows:

Advice ¹	\$ 4,600
Investigation ²	\$ 8,900
Policy Review and Drafting ³	\$ 7,100
Education and Training ⁴	\$ 5,400

Total cost: **\$26,009.43** (including HST of \$2,992.24)

- ¹ Advice – both written and verbal advice to members of council and local boards, to staff and to the public (no media inquiries);
- ² Investigation – one formal investigation conducted and completed, and several possible investigations reviewed;
- ³ Policy Review and Drafting – Code of Conduct, Complaint Protocol and Council-Staff Relations Policy;
- ⁴ Education and Training – presentations to Council on Code of Conduct and Integrity Commissioner, and on Council-Staff Relations Policy.

A full Annual Report from the Town appointed Integrity Commissioner will come before Council in March 2021 with more detail and information on the current reporting term.

2) Ontario Municipal Ombudsman Report on Activity:

April 1, 2019 to March 31, 2020, as reported in the Ombudsman’s 2019-2020 Annual Report.

The Provincial Ombudsman’s Office received two (2) complaints about the Town of Cobourg between April 1, 2019 and March 31, 2020. One (1) was about public transit, and the other about appointed accountability officers. The complaints have been reflected in the Provincial Ombudsman 2019-2020 annual report and all Complaints have been closed.

Attached is a copy of the link to the 2019-2020 Provincial Ombudsman Report:

<https://www.ombudsman.on.ca/resources/news/press-releases/2020/ombudsman-reports-on-2019-2020-%E2%80%93-a-year-like-no-other%E2%80%9D>

3) Town of Cobourg Comment and Complaint Policy:

December 2, 2019 to October 31, 2020:

The establishment of a public complaint handling policy provides a systematic approach for handling formal public complaints; provide the public with a fair and equitable process when submitting a formal complaint to the Town, and provide documented information on the nature of the complaint and how it was managed.

The Town has received to date Two (2) complaints under the Municipal Complaint Policy.

Complaint #1:

Complaint No.	Complaint Received Date	Municipal Area of Complaint	Summary of Complaint	Date Completed:
CPL001-2020)	July 16, 2020	Parks and Recreation	<ol style="list-style-type: none">1. Lack of Communications from Staff2. Insufficient responses to inquiries.3. Disregard for concerns and suggestions.	Completed on: August 28, 2020

Outcome:

Phone Conversation conducted. Conversation covered a range of topics covering the entire community services division, not happy with budget allocations. Complainant felt there should be long range planning to ramp up Staff and Equipment for future parks. Budget should be presented to Council based on real needs of departments, not flat prescribed increases. Concerns about dead trees, not being replaced in a timely manner. Town Arborist confirmed that the area in question are part of eth fall tree planting 2020 – five (5) new trees.

Complaint #2:

Complaint No.	Complaint Received Date	Municipal Area of Complaint	Summary of Complaint	Date Completed:
CPL002-2020)	September 6, 2020	Community Services	<ol style="list-style-type: none">1. Lack of response to written Complaints submitted to the Division.2. Alleged Behaviour of Staff to a Member of the Public.	On-Going

Outcome:

This complaint is still proceeding through the investigation stage. Due to the nature of the complaints alleged by the complainant, the Town of Cobourg has engaged a third party investigator in order to complete the investigation and provide findings in an impartial manner.

Closed Meeting Investigations:

There has been no Closed Meeting Investigations initiated or investigated within 2020.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

There are no financial implications related to this report. There is a budget for the Integrity Commissioner and Staff is recommending that \$15,000 be included in the 2021 Budget to fund Integrity Commissioner Services in 2021.

8.0 CONCLUSION

THAT Municipal Council receive the Staff Report for information purposes.

9.0 AUTHORIZATION/SIGNATURES



Brent Larmer
Municipal Clerk
Manager of Legislative Services

A handwritten signature in black ink, appearing to read "Tracey Vaughan". The signature is fluid and cursive, with the first name "Tracey" being more prominent than the last name "Vaughan".

Tracey Vaughan,
Chief Administrative Officer