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**OFFICE OF THE INTEGRITY
COMMISSIONER**

March 27, 2019

TO: Mayor Koetsier and Members of Council
Township of Georgian Bay

FROM: Suzanne Craig, Integrity Commissioner

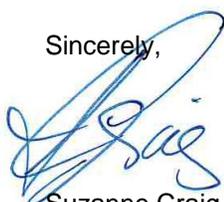
I am honoured to have been appointed as Integrity Commissioner for the Township of Georgian Bay. For Members who I have already met, I look forward to serving the Township Council and working with you again. For the newly elected Members of Council, I look forward to meeting and working with you.

I am writing to you to advise that during the time that I previously served as the Township's appointed Integrity Commissioner, it had come to my attention that Members were unsure of their Code of Conduct obligations in respect of responding to emails and other inquiries from the public. Since being appointed, I have receive similar requests for clarification from some of the current Council.

In response to the recent requests for clarification, I have drafted the attached Guidelines as a reference to assist Members of Council who have received emails or other correspondence from the public. I recognize that Members of Council want to clearly understand the substance of their ethical obligations under the Code of Conduct and the criteria that I will consider in applying the rules to their actions and behavior.

Every situation is fact specific and therefore, Members are always encouraged to seek clarification on their Code of Conduct obligations from the Integrity Commissioner.

Sincerely,



Suzanne Craig
Integrity Commissioner
Encl: Best Practices Decision #1

Best Practices Decision #1**Member of Council Guidelines: Responding to emails from the public****Introduction**

There is a fundamental ethical responsibility of Members to respond to residents.

However, there are limits to that responsibility.

Generally, these limits coincide with 3 fundamental principles: 1. the need to balance access to information against the need to protect the legitimate interests of the Township 2. the need to respect approved policies and procedures of the Township within civil and respectful discourse; and 3. the need to respect the role of officers and employees of the municipality.

The Guidelines

The following guidelines should serve to assist Members of Council in understanding their obligations in relation to responding to email and letter correspondence questions from the public and will be considered by the Integrity Commissioner when she is asked to review actions and behavior of Members of Council under the Code of Conduct rules.

1. Reasonable access to information in relation to how decisions are made does not put a requirement on individual Members of Council to directly answer every question from the public.
2. Code compliance by a Member of Council is neither measured by whether they provide a response nor whether a response is deemed to be satisfactory to the author of a question.
3. If a Member of Council receives an email or other form of correspondence requesting information, a response to the question or request for information in the email or correspondence does not have to come directly from a Member of Council. It may be preferable to direct the requestor to the Township office with responsibility for the matter or to the senior staff official who is responsible for the services raised in the request. For example a request for an agenda for a meeting should be directed to the Clerk's Office or a complaint about Enforcement services should be forwarding to the Director responsible for By-law Enforcement.
4. If information requested is not routinely available to the public, such as documents containing personnel, financial, third party proprietary information or records covered by solicitor-client privilege, the requestor should be directed to make a formal written request under Freedom of Information.
5. Questions from the public that relate to the *operational, transactional, procedural* or administrative decisions of the Township should be directed to the appropriate senior staff official of the Township for response.
6. Where a question from the public is not operational, transactional, procedural or administrative in nature, an individual Member of Council should not request staff to

undertake extensive work or prepare lengthy reports or answers even if it is felt that the matter has broad relevance to the business of the Township. Only the CAO or Council as a whole has the capacity to direct staff members to carry out specific tasks or functions.

7. The Code of Conduct does not require Members of Council to provide a response to an inquiry or request for information that is frivolous or vexatious, unreasonable or harassing. Under this Practice Direction, a frivolous or vexatious email or correspondence includes one that individually or as part of a series of emails or correspondence, is part of a pattern of conduct by an individual or group that amounts to an abuse of a Township process.

For example, a Member of Council is not required to respond to an email/inquiry, if:

- the Member of Council is of the opinion on reasonable grounds that the inquiry is made for a purpose other than to obtain information;
- the inquiry has been made more than once and is being used for the purpose of revisiting an issue that has been previously addressed;
- the inquiry is articulated in such a way that it can be considered harassing or abusive;
- the Member of Council is of the opinion, on reasonable grounds, that providing a response would interfere with the operations of the Township;
- the inquiry is not an inquiry but rather a complaint.

If a Member of Council is uncertain whether a question or email from an individual is frivolous, vexatious or has been answered previously; or where a Member of Council believes the question falls more appropriately within the administration of the Township to respond, the Member may seek comments from the Integrity Commissioner to determine their Code obligations, if any.

8. Questions regarding matters that may be brought before a Township Committee or Town Council or Local Board should be acknowledged, time and resources permitting, and the requestor informed as to whom the question should more appropriately be directed.

9. Questions regarding actions, omissions and decisions of staff in the administration of the business affairs of the City should be forwarded to the CAO.

10. Questions regarding City decisions and decision-making processes should be forwarded to the appropriate senior level staff, for response. If the member of the public does not receive a response, within a reasonable period of time taking into account the City's policy directed timeframes, the matter may be referred to the CAO.

11. Questions regarding matters covered by Freedom of Information legislation should be directed to the Clerk's Office.

12. Where an email or other correspondence to a Member of Council is marked “confidential” and where the issue is either within the mandate of the Town administration to address or requires consultation and advice from City staff, it is appropriate and lawful for a Member of Council to forward the correspondence to internal staff for action and response, as required.

Suzanne Craig
Integrity Commissioner
March 2019