

Provision of Services

The Integrity Commissioner will provide the following services:

1. Upon request, provide advice to Council or a Local Board, or the members of same, regarding the following:
 - a. The application of the Code of Conduct.
 - b. The application of any procedures, rules and policies of the Town and local boards governing the ethical behaviour of members of Council and of Local Boards.
 - c. The application of sections 5, 5.1, and 5.2 of the *Municipal Conflict of Interest Act*, to members of Council and of Local Boards.
 - d. Their obligations under the Code of Conduct applicable to the member.
 - e. Their obligations under a procedure, rule, or policy of the Town or Local Board, as the case may be, governing the ethical behaviour of members.
 - f. Their obligations under the *Municipal Conflict of Interest Act*.
2. Upon receipt of a complaint regarding the conduct of a Member, assess the validity of the complaint to determine if it is appropriate, within the mandate of the Integrity Commissioner, to investigate and if so, whether a full investigation is warranted.
3. In the appropriate circumstances, initiate an inquiry, in accordance with section 223.4 of the *Act*, as to whether a Member has contravened the Code of Conduct and take such further action as deemed necessary and as authorized by that section.
4. In the appropriate circumstance, initiate an inquiry, in accordance with 223.4.1 of the *Act*, as to whether a Member has contravened sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act* and take such further action as deemed necessary and as authorized by section 223.4.1.
5. Be responsible for performing his or her set of duties independently, and shall report directly to Council in respect of all such matters. In addition to any requirements that may be set out in the *Act*, file an annual report to Council respecting the advice, education provided and inquiries undertaken in the previous year and to advise of any developments or recommendations of significance related to the role of Integrity Commissioner.
6. Provide advice and suggestions with respect to amendments to the Code of Conduct.
7. Serve as a proactive educator for Council, Administration and the public with respect to the ethical behaviour of Council members, and provide training regarding the role of the Integrity Commissioner, the Code of Conduct and the *Municipal Conflict of Interest Act*. In this regard, the Integrity Commissioner may also be requested to prepare or edit written materials and content for the Town's website or otherwise for distribution to the public to aid in the understanding of the role of Integrity Commissioner, the Code of Conduct, and the *Municipal Conflict of Interest Act*.

The Closed Meeting Investigator will provide the following services:

1. Conduct investigations from time to time as requested by the municipality upon receipt of a complaint in respect of meetings or part of meetings that are closed to the public to determine compliance with the *Act* or the Town's Procedure By-law and to report on the results of such investigations.
2. Conduct such investigations having regard to being independent and impartial while respecting confidentiality.
3. Proceed with investigations in private, without undue delay and with due diligence.
4. Provide an opportunity to any such person that may be adversely affected by a proposed report of the Investigator, to make representations respecting such report.
5. Hear and obtain information from such persons as the Investigator determines is necessary.
6. Preserve confidentiality and secrecy with respect to all matters that come to the Investigator's knowledge in the course of performing these duties, save and except disclosure of such matters as in the Investigator's opinion ought to be disclosed in order to establish grounds for his/her conclusions and recommendations.
7. After concluding an investigation, to render his/her opinion as to whether or not the meeting or part of the meeting that was subject to the investigation appears to have been closed to the public contrary to the *Act*, or the Procedure By-law and, in either case, the Investigator shall report his/her opinion and the reasons for it to the municipality and shall make recommendations that s/he sees fit.

Mary Ellen Bench, BA, JD, CIC.C, CS
maryellen@benchmunicipal.com



About Mary Ellen

For over 30 years Mary Ellen has worked in municipalities and has a solid reputation as a strategic thinker focused on problem solving and ensuring that legal services needs are met. Advocacy efforts have been successful in advancing the interests of municipalities. Mary Ellen is Certified as a Specialist in Municipal Law, local government / land use planning and development law, by the Law Society of Ontario and is a Certified In House Counsel, designated such by the Canadian Corporate Counsel Canada Association and the Rotman School of Business. She and is seen as a leader in municipal governance, policy and law.

Skills and Expertise

Municipal law, municipal governance, conflict of interest and ethics, finance, economic development, land development, infrastructure, workplace investigations, risk management, strategy, elections, and not-for-profit corporate organization and governance. Frequent speaker and advisor.

Professional Experience

- Counsel at Dentons and Senior Advisor at StrategyCorp, specializing in municipal matters
- Integrity Commissioner and Closed Meeting Investigator, Municipality of Chatham-Kent since 2019
- 18 years as City of Mississauga City Solicitor, leading the City's Legal Services Division. Developed a culture where legal advisors also play a strategic business role, expanding the team where appropriate to ensure full range of legal, insurance and risk management services are provided to the Corporation in a timely, cost effective manner, using a combination of in-house and external legal support. Supported the City's Economic Development and City-building initiatives as a business partner.
- 10 years' experience at the City of Toronto including 9 years as a leader in the Legal Department, including playing a leadership role during the amalgamation process and subsequent years' reviews and changes that followed. At Toronto, provided legal support to the then Toronto Economic Development Corporation (TEDCO) and the Toronto Parking Authority in addition to the City.
- Participated actively in teams led by the Association of Municipalities of Ontario (AMO) and as a speaker at both AMO and the Association of Municipal Clerks and Treasurers of Ontario (AMCTO).
- Senior Advisor (policy and governance) at StrategyCorp and Counsel at Dentons following municipal service

Career Highlights

- Continue to provide advice, carry out formal and informal investigations, provide educational sessions for Council as Integrity Commissioner at Chatham-Kent
- Led the strategy development and work to prepare and introduce a Councillor Code of Conduct and Integrity Commissioner to the City of Mississauga, and Council-staff relationship policy.
- Participated in the development of the City of Mississauga's strategic plan, and in many areas of governance, policy development and in developing the business plan model.
- Participated on the steering committees for Downtown Stewardship; LRT; BRT; Lakeview and Small Arms site development; Inspiration Port Credit (West Village Partnership and Canada Lands/marina developments); Britannia Farm; Stormwater charges; Administrative Penalties project; Central Agreement Tracking System; Ward Boundary review; Development Charges and Cannabis
- Participated on key City projects related to the formation of Toronto Global, Mississauga's business incubation initiatives, supporting relationship development opportunities with Sheridan College and University of Toronto at Mississauga, and the City's relationship with the Greater Toronto Airport Authority (GTAA)

Professional Leadership in the Community

- Active as a Board member and corporate secretary of Safe City Mississauga; as a member of the Governance Committee of the International Alliance of ALS/MND Associations; and as a Board member of Canoe Kayak Ontario.
- As City Solicitor, an advisor to the Association of Municipalities of Ontario (AMO) in respect of various issues including representing AMO in discussions with the Province; the Association of Municipalities of Ontario (AMCTO), the Federation of Canadian Municipalities (FCM) and Law Departments Association of Ontario (MLDAO) with the objective of benefitting all municipalities.
- As City Solicitor, was an early municipal supporter and member of Legal Leaders for Diversity (LLD), and of Women's General Counsel Canada (WGCC) as a former Board member.
- Past President and Past Treasurer of the International Municipal Lawyers Association (IMLA). IMLA Board member 2006-2018; currently chairs IMLA Rapid Transit Working Group.
- Engaged in the pilot program development and subsequent program offerings, in the Certified In-House Counsel Canada (CIC.C) program established by the Rotman School of Management and the CCCA and continue to serve as an Executive-in-Residence and as an exam marker when needed, and as a strong supporter of the program.