

Office of the Integrity  
Commissioner

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October 19, 2020

Mayor Kloosterhuis & Members of Council  
3250 Highway 130  
Rosslyn, ON P7K 0B1

By Email To: [wayne.hanchard@oliverpaipoonge.on.ca](mailto:wayne.hanchard@oliverpaipoonge.on.ca)

### **Integrity Commissioner Decision**

Your Worship and Members of Council,

On October 8, 2020, our office received a request for inquiry from Mr. Rick Potter. In his request, Mr. Potter reported that he believed that Councillor Postuma has a pecuniary interest in a matter before Council. To be clear, Mr. Potter alleged that Councillor Postuma has a pecuniary interest in the amalgamation that you are considering with the Township of Conmee.

Mr. Potter further noted that Councillor Postuma *had advised Councillors Vis and Bishop as well as myself that he has a "10 page legal opinion" given by [the Integrity Commissioner] that he does not have a conflict. No one has seen the opinion and there is considerable doubt amongst the electorate and Council that it would be valid. Given the outright prevarication I have received from Mr. Postuma on a number of issues I am most suspect."*

Pursuant to section 5.4 we undertook a preliminary review of the matter.

Section 223.3 (2.1) of the *Municipal Act* requires that a member of Council write to the Integrity Commissioner for advice on the application of the municipality's Code of Conduct or the *Municipal Conflict of Interest Act* ("MCIA") and (2.2) requires that the advice from the Integrity Commissioner must also be in writing. The fact that a member of Council requests and receives advice is confidential.

Additionally, section 223.5 (2.1) provides that the Integrity Commissioner can release the advice with the permission of the member of Council and (2.2) provides that the Integrity Commissioner can release all of the advice if a member of Council has only released a part of the advice.

Under the circumstance, we sought approval of the member of Council to confirm to Council that he did receive advice from our office and we further confirm that he was advised that **Councillor Postma is able to take part in or influence any debate and/or decision that Council makes with respect to the Amalgamation.** We do not feel it necessary to release the entire advice at this time.

Mr. Potter has two additional remedies should he wish to pursue this matter;

1. He can file an application with the Superior Court of Justice for a judicial review of our decision; and
2. He can make an application pursuant to section 8 of the *MCI*A within six (6) weeks of becoming aware of the contravention.

We trust this appropriately resolves this matter.

Warm Regards,

A handwritten signature in cursive script, appearing to read "Peggy".

Peggy Young-Lovelace  
Director/Independent Consultant