



ADR  
CHAMBERS

Integrity Commissioner Office  
for Niagara Region

**EDWARD T. MCDERMOTT**  
**Integrity Commissioner**  
**Region of Niagara**  
**emcdermott@adr.ca**

August 12, 2020

SENT BY EMAIL TO:

Ann-Marie Norio  
Regional Clerk  
Office of the Regional Clerk  
Niagara Region  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7

Dear Ms. Norio

**Re: IC-220-0720**  
**Referral of Motion - Item 8.CL 12-2020, July 23, 2020**

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Further to your letter of July 24, 2020 and our subsequent telephone discussion in relation to the contemplated proposed motion, I wish to confirm that I have reviewed the motion and the recording of the portion of Council's meeting of July 23, 2020 relating to the subject matter which gave rise to this motion.

Obviously, it is not within my mandate or jurisdiction to advise Council if it has the authority to take the actions contemplated by the two action points raised in the motion. That is a matter upon which the Regional Solicitor can, I expect, quickly opine. My role as Integrity Commissioner is to respond to complaints filed, (asserting a contravention of the provisions of the Region's Code of Conduct) in accordance with its processes and protocol for investigating and determining whether such contraventions have occurred.

After completing such an investigation and compiling a detailed report of the steps taken to determine the facts and evidence as well as my analysis of whether those facts have resulted in a contravention of the Code, I will then make such a determination and (if a contravention is found) file my detailed report and a recommendation as to the appropriate penalty Council should impose, recognizing that ultimately the severity of the penalty resides with Council alone.

Having reviewed the contents of your meeting of July 23, 2020 (as they relate to this matter), I share the view of many Councillors who expressed concerns about passing a resolution of this nature (which included a denunciation of a fellow Councillor and direction to apologize) without even knowing what was said or in what context. That, in my view, would constitute a denial of natural justice to the Councillor and would deprive him of the opportunity to hear and make a fair and full response to the allegations against him.

I accordingly believe that in these circumstances, it is appropriate to advise Council by way of a periodic report to Council on my activities (as provided for under the Municipal Act) that I am currently seized with a complaint which encompasses many, if not all, of the issues raised at Council's meeting of July 23, 2020. That complaint is currently being processed in accordance with the provisions of the Region's protocol and will ultimately result in a report to Council as to whether a contravention of the Code has or has not occurred. If the former, there could be a recommendation formulated by me to Council as to the penalty to be assessed.

I also understand from the comments at the meeting of Council on July 23, 2020, by the Councillor involved, that there may also be other proceedings underway at the lower tier municipality.

Accordingly, while it is always open to any Councillor or Council as to a whole to file a complaint of a contravention of the Code, Council (or Councillors) may also wish to consider the utility of doing so in light of the various proceedings currently underway.

Yours truly,

A handwritten signature in blue ink, appearing to read 'E. McDermott', with a stylized flourish at the end.

Edward T. McDermott  
Integrity Commissioner, Region of Niagara.