



**ADR**  
C H A M B E R S

Integrity Commissioner Office  
for Niagara Region

September 17, 2019

SENT BY COURIER AND 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  
Ann-Marie.Norio@niagararegion.ca

**Re: Niagara Region Integrity Commissioner  
Annual Report, August 17, 2018 – August 16, 2019**

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Dear Ms. Norio:

Thank you once again for the opportunity to act as the Integrity Commissioner (“IC”) for the Region of Niagara over the past year. In accordance with the terms of the Agreement between the Region and ADR Chambers pursuant to s-s. 223.6 (1) of the *Municipal Act, 2001*, I am providing our Annual Report for the second operating period of August 17, 2018 to August 16, 2019.

As you know, the IC’s role is to help Members of Council (“Members”) ensure that they are performing their functions in accordance with the Region’s Code of Conduct (“the Code”), and the Municipal Conflict of Interest Act (“MCIA”). The IC is available to educate and provide advice to Members on matters governing their ethical behaviour and compliance with the Code and the MCIA. The IC is also responsible for receiving, assessing, and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches

of the Code by Members or complaints by electors of the Municipality or persons demonstrably acting in the public interest that a Member has contravened the provisions of the MCIA.

There is no question that the first year of operation by this Integrity Commissioner and the ADR Office of the Integrity Commissioner was indeed a busy one, which we reported on to Council in August 2018.

During that year we were required to process 14 formal requests for investigation of contraventions of the Code, three of which had been outstanding for several months pending the selection and appointment of a new Integrity Commissioner

We were also asked by the Region to undertake a review of a draft Code (which had been prepared by the previous Interim Integrity Commissioner, Mr. Mascarin), that had been the subject of considerable input and debate by Members, the constituent Municipalities of the Region, and the public. We completed that review and presented it to Council in November 2017 following which, at the invitation of Council, we attended before it on December 14, 2017 in order to respond to any questions that Council may have relative to the proposed new Code and/or review thereof. In the end result, Council determined not to adopt the proposed new Code and opted to remain with the existing Code which had been in place for some time.

We also prepared and provided the Regional Clerk with a proposed Investigation Protocol which sets forth a process for dealing with complaints of contraventions of the Code.

At the conclusion of our first year of service to the Region we had completed and reported on 13 of 14 Requests for Investigation with one still in progress as of August 16, 2018. A further two complaints were initiated at the commencement of this reporting period.

#### **Aug 17, 2018 – Aug 16, 2019**

By contrast to our first year of service to the Region, the second year was significantly less active, perhaps in part, because of the election process. We quickly dealt with the outstanding requests for investigation from the first year of operation and reported to Council when a contravention of the Code was found to have occurred. We also attended before Council in November, 2018 (after the election) to provide all Members with a review of the status of all matters before the IC and offer insight into the importance of the forthcoming revisions to the Municipal Act and the MCIA relative to the Municipality's obligations under those statutes once Bill 68 comes into force (March 1, 2019).

Whether it was because of the election process or the advent of a new Council, not a single new complaint was filed with the Regional Clerk until June 2, 2019. In the months of June/July, 2019,

however, ten complaints were filed against various Councillors and Appointees of the Region, all by the same complainant. After a thorough review of these complaints, I determined that:

- Two were beyond my jurisdiction.
- Seven complaints were dismissed as, in my view, even if all of the allegations were found to be true, the result would not support a finding of a violation of the Region's Code.
- The allegations with respect to one complaint were found by me to be sufficient to warrant further investigation and determination and that process remains ongoing.

In the result, therefore, aside from the unfinished complaints and the two which were received just at the start of our second year of service to the Region, (which involved Councillors complaining about the conduct of other Councillors), and which were concluded by the end of October, 2018, not a single new complaint was filed against any Member of the Council until June, 2019.

Of the 10 complaints filed in June/July, 2019 by a single complainant, only one was deemed to warrant an investigation. That investigation is now nearing completion.

### **Costs**

In the result, there has been a significant cost reduction in this budget item for the second year of my appointment as your Integrity Commissioner.

In the first year the cost of processing some 14 complaints was \$ 65,218.17 (including HST). By comparison, the cost in the second year (involving some 13 complaints, 9 of which were dismissed without further investigation) was \$27,992 (including HST) or approximately 40% of the previous year.

It is also of some interest to note that of the 13 complaints arising during this second year of our service:

- Three were initiated by Councillors (of the previous Council) against other Councillors.
- Nine were initiated by one complainant against 7 Councillors and one against an Appointee of Council.
- Not one complaint was filed by a Member of the new Council against another Member of that Council.
- One outstanding complaint remains under investigation. The cost of this investigation will be attributed to the third year of my appointment.

### **Other Services**

- We prepared an annual report to Council of our services for the first year of operation.

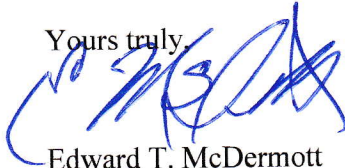


- In November 2018 a full educational seminar was provided to Council to inform Members of the evolution of the Region's Code of Conduct and the impact of Bill 68 on the increased obligations of Members of Council and the Region's Integrity Commissioner.
- In the second year of my service I received and responded to two Requests for Advice from Members of Council. The cost of responding to such Requests (which I am now statutorily obligated to provide) is on average 20-25% of a full-scale investigation in response to a complaint. Councillors will have to decide when and if to avail themselves of this facility but if they do, the issue will be considered and responded to by me as quickly as reasonably possible.

### Summary

It has been a pleasure to assist the Region and its Members in contending with the numerous issues which have arisen in connection with the administration of its Code of Conduct. We look forward to continuing to provide the services of Integrity Commissioner to the Region of Niagara in the forthcoming year.

Yours truly,



Edward T. McDermott  
Integrity Commissioner  
Office of the Integrity Commissioner for Niagara Region