



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Niagara-on-the-Lake

March 19, 2019

SENT BY COURIER AND EMAIL TO:

Peter Todd
Town Clerk
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0
Peter Todd: peter.todd@notl.com

**Re: Niagara-on-the-Lake Integrity Commissioner 2018
Annual Report**

Dear Mr. Todd:

Thank you for the opportunity to act as the Integrity Commissioner (the "IC") for the Town of Niagara-on-the-Lake (the "Town") over the past year. In accordance with the terms of the Agreement between the Town and ADR Chambers Inc. pursuant to s. 223.3 (1) of the *Municipal Act, 2001*, we are providing our annual report for the first operating period of the Agreement covering the period March 19, 2018 to March 18, 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 Town's *Code of Conduct* ("the Code"). The IC is available to educate and provide advice to Members on matters governing their ethical behaviour and compliance with the Code. 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.

Complaints Received During the First Year

The Office of the IC received two requests for investigation of alleged contraventions of the Code during our first year of engagement by the Town. After undertaking various exchanges with the Complainants and the Members (and their counsel), both complaints were terminated pursuant to section 1.V of the Council Code of Conduct Complaint and Investigation Protocol (the "Protocol") as the fourth Friday in July (July 27, 2018) had passed and the inquiry into the complaints had not been completed. The IC reminded the parties of their confidentiality obligations relative to the complaints as no final investigation report was delivered to Council. The complainants were also advised that the complaints could be refiled within six weeks of election day. Neither complaint was refiled within this time parameter and the complaints were accordingly terminated without a determination that the Code had been contravened.

In response to requests from Council, the IC also provided comments on proposed revisions to the Code suggested by Aird & Berlis LLP. We further provided a proposed complaint and investigation protocol. The cost of this work was substantially reduced as we were able to refer the Town to advice we had previously provided on these issues to another municipality and the responses were a matter of public record.

Cost

Aside from the work associated with reviewing the revisions to the Code of Conduct, the total costs incurred by the Town during the year for the investigation and adjudication process amounted to \$8,085.16 including tax.

Issues to be considered going forward

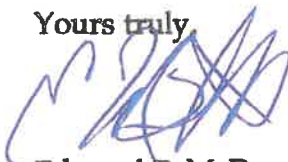
As a result of our experience during the past year, it is respectfully suggested that Council consider the following issues on a going forward basis:

- The provisions of Bill 68 came into force on March 1, 2019 and contain some significant amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Town's Code. We suggest that an *in camera* education seminar should be scheduled in the near future in order to familiarize all Councillors with the effect of these new amendments as well as emphasizing the importance of not disclosing confidential information in accordance with the requirements of the Code.
- We are seeing a significant increase in complaints being filed by a Member against other Members. Consideration should be given to amending the Town's investigation protocol to include a provision conferring on the IC the discretion to mandatorily order a mediation session when circumstances so warrant.

Summary

It has been a pleasure to assist the Town and its Members with the issues that 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 Town in the upcoming year.

Yours truly,



Edward T. McDermott
Integrity Commissioner