

**To:** COUNCIL

**Meeting Date:** 5/30/2023

**Subject:** 23-114-CRS Integrity Commissioner – Investigation of a Code of Conduct – Committee of Adjustment

**Submitted By:** Danielle Manton, City Clerk

**Prepared By:** Danielle Manton, City Clerk

**Report No.:** 23-114-CRS

**File No.:** C1101

**Wards Affected:** All Wards

### **RECOMMENDATION(S):**

THAT Report 23-114-CRS Integrity Commissioner – Investigation of a Code of Conduct – Committee of Adjustment be received;

AND THAT Council consider the recommendations proposed by the Integrity Commissioner in Appendix A of report 23-114-CRS.

### **EXECUTIVE SUMMARY:**

#### Purpose

- To provide Council with a report from the Integrity Commissioner in response to a complaint received related to Council Code of Conduct Violation for a Member of the Committee of Adjustment.
- Council is required to receive the report from the Integrity Commissioner and consider recommendations provided.

#### Key Findings

- On June 18, 2019, Aird & Berlis LLP was appointed as the Integrity Commissioner for the City of Cambridge.
- A formal complaint dated December 21, 2022, was received through the Integrity Commissioner related to a Code of Conduct violation.

- It is the role of the Integrity Commissioner to review all inquiries received in an independent, impartial, thorough, and professional manner in keeping with the process and procedures as outlined in the Code of Conduct.
- The findings of the inquiry and investigation are attached in a report from the Integrity Commissioner as Appendix A.

### **STRATEGIC ALIGNMENT:**

Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**OR**

Core Service

**Program: Council Services**

**Core Service:** Council and Citizen Committees

Section 223.4 of the Municipal Act enables an Integrity Commissioner to conduct inquiries of alleged breaches of a municipal or local board code of conduct and to report whether a contravention has occurred.

The Integrity Commissioner has broad powers of investigation including access to records of the Municipality or local board, the right to compel persons to testify under oath, and the right to compel production of information from the Municipality and local boards (with the exclusion of solicitor-client privileged information).

### **BACKGROUND:**

Section 223.3 (1) of the Municipal Act authorizes a municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality which include the application of the Code of Conduct for members of council.

On June 18, 2019, Aird & Berlis LLP was appointed as the Integrity Commissioner for the City of Cambridge through Report 19-187(CRS). The Integrity Commissioner has jurisdiction to review and investigate complaints made against members of Council pursuant to the Code of Conduct.

Municipal Act section 223.6 (3) entitled Publication of Reports directs that, “The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public”. In accordance with section 223.4 (1) of the Municipal Act, 2001 the Integrity Commissioner investigated the complaint and has provided their findings as outlined in Appendix A Code of Conduct Complaint – Integrity Commissioner Report.

### **ANALYSIS:**

The Integrity Commissioner is an independent and impartial position reporting directly to Council.

The Integrity Commissioner is responsible for oversight of the Code of Conduct for Members of Council and Local Boards and Advisory Committees, including providing advice to Members, issuing interpretations and reports, investigating complaints and, where necessary, recommending sanctions.

Responsibilities of the Integrity Commissioner include the following:

- Investigate complaints and alleged breaches of the Code of Conduct for Members of Council.
- Review the Code of Conduct for Members of Council and make recommendations on an annual basis.
- Serve as an advisor to individual Members of Council in relation to the Code of Conduct and any procedures, rules and policies of the municipality governing ethical behaviour, and act as a proactive educator for Council, the Civic Administration and the public.
- Provide reports to Council, summarizing their activities.
- Provide individual investigative reports, as required, which will include background concerning a complaint and recommendations to Municipal Council with respect to a complaint.

The process to file an inquiry with the Integrity Commissioner requires that a Request for Inquiry form (available on the City website) be completed and submitted to the City Clerk’s attention at City Hall. The process to file a request also includes a fee of \$25.

## **EXISTING POLICY / BY-LAW(S):**

The Council Code of Conduct and the Local Board and Advisory Committee Code of Conduct is the policy document which is used by the City to invoke an investigation by the Integrity Commissioner when there is a complaint lodged against a Member of Council or a Member of a Board or Committee, or others covered by the Code.

Section 223 of the Municipal Act, 2001 enables the Integrity Commissioner to investigate complaints against the Code of Conduct and provide recommendations for sanctions.

## **FINANCIAL IMPACT:**

There is a financial cost to the City for each complaint forwarded to the Integrity Commissioner's Office. The cost for this particular investigation has not been provided to the City Clerk at the time this report was drafted.

## **PUBLIC VALUE:**

### **Transparency:**

Ensuring accountability and transparency is one of council's roles under [section 224](#) of the [Municipal Act, 2001](#) (the Act), and is a priority in maintaining public trust.

Ontario municipalities and members of council operate under a legislated accountability and transparency framework that include rules for the municipality and rules for members of council and local boards.

## **ADVISORY COMMITTEE INPUT:**

### **Advisory Committees Consulted:**

Not Applicable

## **PUBLIC INPUT:**

The topic of this Staff Report has not been subject to a public meeting or public consultation as neither are required, the *Municipal Act, 2001* does require that a report from the Integrity Commissioner as a result of an investigation be available through a public agenda.

#### **INTERNAL / EXTERNAL CONSULTATION:**

Staff, the complainant and respondent have been consulted by the Integrity Commissioner as part of this investigation and to provide the final report.

#### **CONCLUSION:**

Providing advice is the most important function that an integrity commissioner performs. As part of Council's Accountability Framework, Cambridge City Council established a Code of Conduct for members of our Council, Advisory Committees and Boards.

The Code of Conduct outlines the ethical behaviour expected of members of Council, Committees and Local Boards. The City appointed an Integrity Commissioner to uphold the Code of Conduct.

Staff recommend that Council receive the Integrity Commissioner's report as outlined in Appendix A for information and consider the recommendations the report provides.

#### **REPORT IMPACTS:**

Agreement: **No**

By-law: **No**

Budget Amendment: **No**

Policy: **No**

#### **APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

## City Manager

### ATTACHMENTS:

1. 23-114-CRS Appendix A – Integrity Commissioner Report on Code of Conduct Complaint and Municipal Conflict of Interest Application – Committee of Adjustment