



180 Duncan Mill Road, 4th Floor  
Toronto, Ontario  
M3B 1Z6 Canada

t: 416.362.8555  
800.856.5154

adr@adrchambers.com f: 416.362.8825  
www.adrchambers.com 877.862.8825

July 6, 2018

SENT BY E-MAIL AND COURIER TO:

Mr. Andrew Taylor  
Chief Administrative Officer  
City of Markham  
101 Town Centre Blvd.  
Markham, ON L3R 9W3  
ataylor@markham.ca

Dear Mr. Taylor:

**Re: ADR Chambers as Office of the Integrity Commissioner—year-end report**

Thank you for the opportunity to act as the Office of the Integrity Commissioner (“OIC”) for the City of Markham over the past year. As you know, the OIC’s role is to help Members of Council (“Members”) ensure that they are performing their functions in accordance with their *Code of Conduct* (the “Code”). The OIC is available to educate and provide advice to Members on matters governing their ethical behaviour. It 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.

We are hereby providing our Annual Report for the fifth operating period of the OIC, covering the period July 1, 2017 to June 30, 2018.

### **Infrastructure**

As you know, a Complaint Protocol was established and an administrative intake team is in place to determine whether a particular complaint, once received from the City Clerk, is within the OIC's mandate. Every complaint received by the OIC is assigned a file number. An intake officer ("IO") records the pertinent information, and determines whether the complaint relates to a Member's alleged ethical violation or alleged breach of the *Code*. The IO then forwards the complaint to an investigator for analysis and, possibly, investigation, unless the complaint is not within our jurisdiction to process, in which case the Complainant and the City Clerk will be so advised. The IO deals with general file management and administrative support for complaint investigations.

### **Data**

The OIC received no new complaints during the year. One investigation was outstanding at the time of the previous year-end report. That investigation was completed and billed by the OIC during the fifth operating period.

### **Investigations**

As mentioned above, one investigation from the previous operating period was completed and reported to the City Clerk during the current period. Ben Drory

concluded that the actions of two Councillors did not contravene the *Code* and that neither Councillor had violated the s. 17.2 of the *Code*, which requires Members to be respectful of other Members, staff, and the public.

### **Other Services**

There were three requests for advisory services: one from a Councillor seeking to avoid the appearance of or actual use of improper influence; one from the City Clerk dealing with the appropriateness of certain actions by one or more Councillors; and one from a Councillor dealing with gifts under the *Code*. The OIC responded to these requests in writing.

### **Suggestions**

Based on our experience in other jurisdictions, and to help safeguard the integrity of the process of the OIC, we suggest the introduction of a requirement to have every Complainant execute a Consent and Confidentiality Agreement before the OIC can review the complaint. A draft Consent and Confidentiality Agreement has been provided to the City Clerk. We would suggest that the OIC not begin an investigation, and the 90-day timeframe for completion not begin to run, until the Complainant returns an executed copy of this Agreement.

Given the upcoming election, we suggest that one or more members of the OIC attend at the City for the purpose of providing educational services once the newly

constituted City Council is in place. Such an education session would cover the Council *Code of Conduct* Complaint Protocol as well as the procedure to be followed by the OIC, in addition to upcoming legislative changes to the role of the Integrity Commissioner.

### **Billing**

A summary of billing for the year is included in this report as Appendix 1.

### **Summary**

It has been our continued honour and pleasure to assist the City of Markham with our work in the OIC. We look forward to continuing to provide the highest quality of Integrity Commissioner services to the City of Markham.

Yours truly,  
ADR CHAMBERS INC.

A handwritten signature in blue ink, appearing to read "Jeni Ross", with a horizontal line extending to the right.

Office of the Integrity Commissioner  
for the City of Markham

cc Kimberley Kitteringham, City Clerk (kkitteringham@markham.ca)

## APPENDIX 1: Summary of Billing

Billing for the year to date has totalled \$31,075.08.

<i>Invoice #</i>	<i>Fixed Fees</i>	<i>Ben Drory</i>	<i>Deborah Anshell</i>	<i>HST</i>	<i>Totals</i>
6000 – Administrative fee July 2017	\$1,666.67			\$216.67	\$1,883.34
6015 – Administrative fee August 2017	\$1,666.67			\$216.67	\$1,883.34
6029 – Administrative Fee September 2017	\$1,666.67			\$216.67	\$1,883.34
6030 – Reviewing a complaint, report and advice to Council September 2017		20 hrs @ \$300/hr \$6,000	1 hr @ \$300/hr \$300	\$819.00	\$7,119.00
6045 – Administrative Fee October 2017	\$1,666.67			\$216.67	\$1,883.34
6059 – Administrative Fee November 2017	\$1,666.67			\$216.67	\$1,883.34
6090 – Administrative Fee December 2017	\$1,666.67			\$216.67	\$1,883.34
6107 – Administrative Fee January 2018	\$1,666.67			\$216.67	\$1,883.34
6132 – Administrative Fee February 2018	\$1,666.67			\$216.67	\$1,883.34
6148 – Review request for an opinion and Code of Conduct February 2018			2 hrs @ \$300/hr \$600	\$78.00	\$678.00
6169 – Administrative Fee March 2018	\$1,666.67			\$216.67	\$1,883.34
6168 – Reviewing request for an opinion March 2018			2 hrs @ \$300/hr \$600	\$78.00	\$678.00
6203 – Administrative Fee April 2018	\$1,666.67			\$216.67	\$1,883.34
6214 – Administrative Fee May 2018	\$1,666.67			\$216.67	\$1,883.34
6252 – Administrative Fee June 2018	\$1,666.67			\$216.67	\$1,883.34
<b>Totals</b>	<b>\$20,000.04</b>	<b>20 hrs @ \$300/hr \$6,000</b>	<b>5 hrs @ \$300/hr \$1,500</b>	<b>\$3,575.04</b>	<b>\$31,075.08</b>