

**OFFICE OF THE INTEGRITY
COMMISSIONER**

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner

RE: Office of the Integrity Commissioner Annual Reporting

Integrity Commissioner Remarks:

In fulfilment of my role as the City's appointed Integrity Commissioner pursuant to the rules of Part V.1 of the *Municipal Act*, I respectfully submit the 2023-2024 Annual Report of the Office of the Integrity Commissioner for the City of Richmond Hill for Council's consideration and receipt. Subsection 223.6(1) of the *Municipal Act* states that the Integrity Commissioner shall provide a periodic report to the municipality on his or her activities. This Report covers the period from my appointment in April 2023 to May 2024.

In addition to the receipt of formal and informal complaints under the Council Code of Conduct for Members of Council and Local Boards (the "Code"), this Office received informal inquiries that related to areas that went beyond the mandate of the Office. In such situations, I advised individuals that my jurisdiction does not extend to matters relating to Council decisions regarding City-wide issues or complaints about operations, enforcement or the administration of the City, given the statutory limitations imposed on the Integrity Commissioner by the *Municipal Act*.

In the reporting period covered by this Annual Report, there were 5 formal complaints brought forward under the formal complaint process. I also received 1 informal Code of Conduct complaint. The matters identified in three of the formal complaints related to allegations of harassment by an appointed Member of a Local Board; in one formal complaint, the matter related to a Member of Council's conduct alleged to have contravened section 12 of the Ontario Human Rights Code (the "OHRC"); and in one formal complaint, the allegations suggested that a Member of Council *purposefully and persistently* ignored the telephone calls of a member of the public and that this amounted to "abusive conduct" in contravention of the Code.

In the three formal complaints respecting the allegations of the appointed Member of a Local Board, I determined that the allegations in two of the complaints were almost identical and thus, I consolidated the two formal complaints into one investigation and treated them as a single Complaint. This Complaint investigation report was tabled at Council on March 27th and Council adopted my findings and recommendations set out in the report.

In the third formal Code of Conduct complaint, while it was clear that the allegations set
Suzanne Craig Integrity Commissioner

out in the complaint were similar to those made in a complaint that was subject of another investigation report, I was barred by statute from investigating an individual who is no longer a Member of a Local Board, as their conduct as a private citizen is not governed by the Code of Conduct for Local Boards. If I had completed an investigation of the Complaint (and I did not), I would have been able to present my findings to Council in a report as the investigation would have been conducted while the individual was a Member.

In one formal complaint, the Complainant alleged that the Respondent's conduct contravened section 12 of the Ontario Human Rights Code (the "OHRC"). I dismissed the complaint advising that the review of human rights contraventions under the OHRC are enforceable by way of application to the Human Rights Tribunal.

Finally, in another formal complaint, upon review of the information provided to me, I made a preliminary classification decision that the complaint related to matters respecting the actions/decisions/omissions of administration relating to a matter under investigation by staff and the submission of a claim to the City of Richmond Hill. I determined that these matters were more appropriately pursued through the City's claims department, the courts or brought to the attention of one of the Regional agencies tasked with management of the matter raised by the complaint.

I set out in the dismissal that where an email from a member of the public raises an issue that relates to an operational issue, good governance principles dictate that the email should be forwarded to a City department staff that the Member believes is in a position to provide a substantive answer or that already has carriage of the matter. Generally, if a Member of Council believes that an email is repetitious of a previous email inquiry and/or contains comments to which his or her staff had previously advised a member of the public to speak with staff, there is no Code obligation to respond further. Finally, I made no determination on whether any action had been taken on the substantive operational matters raised in the complaint as a review of operational actions and omissions of staff is not within the Integrity Commissioner's statutory jurisdiction.

After having reviewed the formal complaint, I recommend that my Office work with the appropriate City staff to set out guidance for Members of Council in responding to inquiries from members of the public. In addition, I recommend that the City develop, or if one is already in place clearly communicate where the public may access, a complaint escalation process to be followed if a member of the public believes a matter has not been addressed through City processes. If a Member has referred the matter to staff who are responsible for carriage of the file, this should be communicated to the member of the public and reasons should be provided as to why the Member cannot provide further comment.

Of assistance for the Municipality may be the guideline document published by the Office of the Ombudsman Ontario on Complaint Handling, which was presented at the Rural Ontario Municipal Association Conference. The presentation as entitled Complaints in rural communities: The role of the Ontario Ombudsman and Integrity Commissioner.¹

The General Counsel for the Ombudsman Ontario recommended that each municipality develop a general complaint policy approved by council and publicly posted, and staff trained on policy that:

- Distinguishes between requests for service, complaints, inquiries, suggestions, and compliments
- Distinguishes from any code of conduct applying to council, committee and local board members
- Establish separate process for monetary claims
- Provide staff contact and referral information where appropriate e.g. for code of conduct complaints

Code of Conduct Related Inquiries

From Members of Council	From the Public	From staff	Total Inquiries
4	20*	3	27

*multiple inquiries from the same individual

Code of Conduct Complaints

	2021-22
Formal complaints	5
- Disposition	2 – Consolidated 2 complaints into one investigation. Complaint sustained. 3 - Dismissed with reasons
Informal complaints	1
- Disposition	1 Dismissed
Total Code of Conduct Complaints	6

¹ [The role of the Ontario Ombudsman and Integrity Commissioner](#)

Code of Conduct Inquires – Not Within the Jurisdiction of the Integrity Commissioner

Relating to staff from staff	0
Relating to process from staff	0
Relating to staff from public	0
Relating to process from public	10
Total non-Code related	10

Total Inquiries Received – 43²

Education and Outreach:

Code of Conduct and Protocol Document Review

I was appointed in April 2023. Upon assuming the role of Integrity Commissioner on May 12, 2023, I was advised by the City Clerk that Council required that I conduct a comprehensive review of the following:

- Council Code of Conduct, approved September 12, 2018
- Code of Conduct for Local Boards, approved April 12 2023
- Integrity Commissioner Procedures
- 2019 Council Code of Conduct – Complaint Form and Affidavit
- 2023 Local Board Code of Conduct – Complaint Form and Affidavit
- 2023 MCIA Inquiry Application Form Council
- 2023 MCIA Inquiry Application Form Board
- IC Consent and Confidentiality Agreement Form for Complainants

Based on my years of experience in drafting Council Codes of Conduct and after having conducted an environmental scan of the best practices of municipal codes of conduct in Ontario and a review of the City of Richmond Hill accountability officer documents, my recommendations included:

- i. I have made no changes to the MCIA Inquiry Application Form for Council and Local Board Members;
- ii. I have made no changes to the Code of Conduct for Local Boards Complaint Form Affidavit or the Code of Conduct for Council Complaint Form Affidavit;
- iii. I have made changes to the Consent and Confidentiality Agreement for Complainants;
- iv. I have combined the Council and Local Board Codes into one Code of Conduct;

² Includes queries to the Office of the Integrity Commissioner Code and non-Code related.

- v. I developed consistent language based on municipal best practices and added commentary sections where the Integrity Commissioner can comment on the provisions and best practices for better understanding of the code;
- vi. I streamlined the complaint investigation procedures and added the discretionary authority of the Integrity Commissioner to report to Council where there is a finding of no breach.

My revisions did not include any substantive changes to the responsibilities of Members of Council or Local Boards.

I have attached my revisions to these documents and submit the same for Council's consideration and receipt.

Statement of Expenditures

\$48,984.49 – Integrity Commissioner Services (including remuneration for advice to Members of Council, Investigation of Formal Code Complaints, Facilitation of Informal Complaints and comprehensive review of Code of Conduct documents).

In conclusion, I would like to extend my appreciation to the Director, Legislative Services/City Clerk, Mr. Stephen M.A. Huycke, who has assisted me in this reporting period in navigating the various City policies and processes in fulfilment of my mandate.

Respectfully submitted,

May 1, 2024



Suzanne Craig
Integrity Commissioner