

**OFFICE OF THE INTEGRITY
COMMISSIONER**

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner

RE: Office of the Integrity Commissioner Annual Report

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 2024-2025 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 if the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.

This Report covers the period from my appointment in May 2024 to June 2025.

In addition to the receipt of 1 formal complaint under the Council Code of Conduct for Members of Council and Local Boards (the "Code"), this Office received 3 informal inquiries that related to areas that went beyond the mandate of the Office. As has been my practice, in those situations, I advised the individuals that my jurisdiction does not extend to matters regarding City-wide issues or complaints about operations or enforcement 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 was 1 formal complaint brought forward under the formal complaint process. Given the sensitivity of the subject of the complaint, I only provided a summary report to Council. Section 6.22 of the Code Complaint Procedures, if upon completion of the investigation the Integrity Commissioner finds that a Member has contravened a Code, the Commissioner shall report his or her findings to Council and may make a recommendation on whether Council should impose one of the penalties provided for in the Municipal Act, and any other remedial measures. *The Integrity Commissioner may choose to report to Council on investigations where the Member has not been found to have contravened the Code.*

After my investigation of the complaint, I concluded that the Respondent did not breach the Code. However, I have exercised my discretion to report to Council because my investigation raised concerns about access to municipal offices and nepotism. I made several recommendations at the end of the formal complaint investigation report.

I also received 3 informal Code of Conduct complaints. Two of the matters related to enforcement rules, and one related to concerns about the Council Events Policy and certain Council Members endorsing a City community event. I advised the Complainant that I had reviewed the Member of Council Events Policy (the "Policy") at the City and noted that under the Policy, Council-led events:

- are planned and delivered by a Member (or by a Member and Staff acting on behalf of a Member) and do not have a broad community focus or relate to the business, services or decisions of Council or Richmond Hill. Funding for the events comes from community sponsorship. Council-led events are categorized into three streams as follows:

- Private or Events by Invitation – the main objective being to raise profile for a Member to a select audience where there is or is not a charitable fundraising component. – main objective being to raise profile for a specific ethnic or sociocultural audience where there is or is not a charitable fundraising component.

- Ward or Themed Events – the main objective being to create interaction with residents within a local community where there is or is not a charitable fundraising component.

- “Community-led events” are planned and delivered by a local community group, not-for profit organization, corporation or any other for-profit organization to support their larger purpose or for meeting a community need. These events are fully funded by the organizer with applicable City fees charged according to the Council-approved Tariff of Fees By-law.

I determined that based on the Policy, events such as the Maple Syrup Festival are permitted and may be endorsed and supported by Members of Council and external funding and support from business in the community is encouraged. I was advised by City staff that further review of the Donations Policies would be undertaken.

In the one formal complaint respecting the allegations of a Member of Council, I determined that the allegations were not sustained.

The Complaint raised the following issues:

1. an allegation that the Respondent's spouse engaged in workplace harassment of a staff person contrary to Rules of the Code (Respect in the Workplace) and (Discrimination and Harassment) for which the Respondent is responsible;
2. an allegation that the Respondent failed to intervene to stop the Respondent's spouse's controlling behaviour against a staff person which allegedly had the effect of intimidating, undermining and disrespecting a staff person.; and
3. an allegation that the Respondent did not adhere to the procedures and policies of the City with respect to confidential information, use of municipal property, employment of council member relatives/family members, and reprisal against an individual for providing information to the Integrity Commissioner.

I set out in my recommendations at the conclusion of the report that:

The Respondent is held in the highest regard at the City. He has been an elected Member of Council for over 15 years and has served with commitment to the City and its residents. That being said, a Member of Council's office is not their "personal space" but rather a part of a municipal organization assigned to them to conduct business of the City. Staff should receive direction from the Member of Council or staff with delegated authority. The City as the employer must ensure that employees work in a safe environment free from harassment, intimidation and bullying.

A Member's Office is not their personal space nor can a Member allow their family member or associate to wander around areas that are dedicated to municipal staff.

The Respondent's Office and his elected service at the City of Richmond Hill is not a family business. Unlike a solely owned business in the private sector, it is not acceptable for a councillor to allow personal acquaintances or family members to dwell in their office from time to time. There may be instances where a staff person or a Member of Council has family members visit to say hello or have lunch with their relative. However, business is conducted at City Hall and municipal offices, which includes confidential information on the email servers and in hard copy; residents' calls with personal information that should not be shared with anyone who is not entitled to receive it; staff members may share financial information for accounting, payroll and Pcards in the office and on office devices- relatives may not.

The Independent Investigator advised that the Respectful Workplace Policy does not extend to the review of actions of a non-employee and in any event the Investigator found that the allegations of harassment by the Respondent's spouse were unsubstantiated.

As a result of the investigation of this formal complaint, I underscore the obligation of each Member of Council to ensure that no Richmond Hill Property, including the municipality’s facilities, equipment, supplies, services, staff or other resources, are used for any purpose other than for purposes connected with the discharge of their official duties. Although I did not find that the Respondent in the formal complaint had contravened the Code, or allowed any third party to have access to confidential information, all Members are reminded that they cannot allow family members or other third parties to be copied on Council and Committee meeting schedules or to have access to closed meeting agenda items which would constitute a contravention of the confidential information rules of the Code.

At the conclusion of the formal complaint, in fulfilment of my education duty as Integrity Commissioner, I recommended:

1. That a policy be developed that ensures that only staff (or consultants, volunteers) that are entitled to be in the municipal offices and at staff events are granted access to use of access cards to enter municipal offices or attend internal municipal events;
2. That there be a review of Council Office hiring practices that will include the principles of fairness and transparency and an update to the Nepotism Policy.\

It is of vital importance to the enhancement of ethical decision-making and good governance at the City of Richmond Hill, that Members of Council’s family members refrain from participation in any way in the business operations of the City, including hiring, management and direction of any personnel and that only staff (or consultants, and volunteers) have access to municipal offices, internal staff events or Council Member calendars and office staff matters.

Code of Conduct Related Inquiries

From Members of Council	From the Public	From staff	Total Inquiries
7	10	1	18

Code of Conduct Complaints

	2024-25
Formal complaints	1
- Disposition	Complaint allegations not sustained. Report to Council
Informal complaints	3
- Disposition	3 Dismissed
Total Code of Conduct Complaints	4

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	3
Total non-Code related	3

Total Inquiries Received – 25

Education and Outreach:

Code of Conduct and Protocol Document Review

After my appointment April 2023, I conducted a review of the Council Code of Conduct and Integrity Commissioner Procedures. In May 2024, Council approved the Council Code of Conduct and Complaint Protocol.

I note that in the update to the new Code and Procedures, there was an error in the updated version. I did not identify the error until I received the formal Code complaint in December 2024. Given that the Code complaint was with respect to allegations regarding the Respect in the Workplace Policy, the error did not compromise the investigation of the complaint because the Respect in the Workplace provides confidentiality of the complainant.

I identified that in the approved update to the Integrity Commissioner procedures, I had recommended:

Investigation

6.16 If following a preliminary review, the Integrity Commissioner determines that a formal investigation is required he or she shall, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under Parts I and II of the *Public Inquiries Act*, proceed in the following manner:

(a) The Integrity Commissioner shall provide an outline of the complaint with sufficient detail to allow the Member to understand the complaint against him or her, but the Integrity Commissioner shall not have any obligation to disclose:

- i. The identity of the complainant, or
- ii. the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner,

unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion.

Members will normally be requested to provide the Integrity Commissioner with a written response to the allegations(s) within ten (10) days.

(b) The Integrity Commissioner shall give a copy of the response provided by the Member to the complainant with a request for a written reply within ten (10) days.

(c) If necessary, after reviewing the submitted materials, the Integrity Commissioner may request further information from the complainant or the Member, speak to anyone, access and examine any other documents or electronic materials, and may enter any Richmond Hill work location relevant to the complaint for the purpose of investigation and potential resolution.

This recommendation that was adopted by Council in 2024, was not included in the update currently in force and online. I recommend that this housekeeping correction be made to the Integrity Commissioner Procedures relating to the Code complaint investigation procedure.

Municipal Accountability Act, 2025, Bill 9:

On May 01, 2025, the Ontario government announced Bill 9, the *Municipal Accountability Act, 2025* (Bill 9). Bill 9 re-introduces legislation originally proposed under Bill 241, the *Municipal Accountability Act, 2024*, that was not enacted prior to the provincial election. If passed, Bill 9 would enable the creation of a new, standardized municipal code of conduct, an integrity commissioner inquiry process that would be consistent throughout the province, and mandatory code of conduct training for members of council and certain local boards.

Bill 9:

- seeks to expand the application of municipal policies related to municipal accountability regimes with respect to *Codes of Conduct for Members of Council* to facilitate the removal of a member in exceptional circumstances where there has been an egregious breach of those rules.
- would enable the creation of a standard municipal code of conduct and code investigation process with the intent of creating consistency across all Ontario municipalities.
- would create a role for the Integrity Commissioner of Ontario to provide oversight of municipal integrity commissioners, including providing training to municipal integrity commissioners.
- proposes to establish a mechanism to permit the municipality to direct the Integrity Commissioner to recommend the removal and disqualification of members of council and certain local boards for a period of four years for the most serious code of conduct violations. This mechanism would include Council's receipt of a concurring report from the Integrity Commissioner of Ontario, and a unanimous vote of council. If such a vote is made, it would allow Council to decide to vacate the Member's seat on Council and the Member would be ineligible for re-election (or to sit on a local board) in the municipality for a period of four years.

It is not clear if the changes contemplated by Bill 9 are intended to function in a way similar to the process currently in place by virtue of amendments to the *Municipal Act* brought in force by *Bill 68*. Bill 68 amended the *Municipal Act, 2001*, the *City of Toronto Act, 2006* and the *Municipal Conflict of Interest Act*. Bill 68 expanded the list of responsibilities of the integrity commissioner to include receipt and review of complaints concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA").

Notwithstanding the type of inquiry proposed by Bill 9, the Integrity Commissioner of Ontario if satisfied the criteria for removal and disqualification have been met, can provide a recommendation to the municipal council that the member be removed from

office. In its current form, Bill 9 requires that all members of council (except those excluded from voting) must vote in favour of the recommendation. If the council votes in favour of the recommendation, the member is removed from their seat, the seat is declared vacant, and the member is disqualified from being a member of council or of any local board of the municipality for four years. However, if there is not a unanimous decision by the local council, the outcome that could result is that the member who has been found to have violated the municipality's code of conduct, may face no sanctions or remedial actions.

The Standing Committee on Heritage, Infrastructure and Cultural Policy is holding public hearings in London on Thursday, July 3, 2025, in Niagara Falls on Friday, July 4, 2025, in Ottawa on Thursday, July 17, 2025, in Whitby on Thursday, July 24, 2025, and in Thunder Bay on Thursday, July 31, 2025.

The government website has set out that “[i]nterested people who wish to be considered to make an oral presentation on Bill 9 are required to register by 2:00 p.m. (EDT) on Wednesday, June 25, 2025 (London) and 2:00 p.m. (EDT) on Wednesday, June 25, 2025 (Niagara Falls) and 2:00 p.m. (EDT) on Wednesday, July 2, 2025 (Barrie) and 2:00 p.m. (EDT) on Wednesday, July 9, 2025 (Ottawa) and 2:00 p.m. (EDT) on Wednesday, July 16, 2025 (Whitby) and 2:00 p.m. (EDT) on Wednesday, July 23, 2025 (Thunder Bay). Those who do not wish to make an oral presentation but wish to comment on the bill may send a written submission by 2:00 p.m. (EDT) on Monday, August 18, 2025. “

Statement of Expenditures

\$ 11,907.37 – 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, again, 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,

July 7, 2025


Suzanne Craig
Integrity Commissioner

