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CHAMBERS

Integrity Commissioner Office
for the City of Markham

Training Session
Council Code of Conduct Complaint Protocol
Monday, January 27, 2014

COMPLAINT OR REQUEST FOR INQUIRY

- A complaint or a request for an inquiry:
 - Shall be in writing
 - Shall be signed by an individual or signing officer of an organization
 - Shall set out all reasonable and probable grounds for the allegation that a Member has contravened the Code
 - Shall include a supporting affidavit
 - Shall be filed with the City Clerk
- Staff in the City Clerk's office are authorized to swear the supporting affidavit

INITIAL REVIEW BY INTEGRITY COMMISSIONER

- The City Clerk will forward the complaint to the Integrity Commissioner
- If the complaint is not a complaint with respect to non-compliance with the Code or if it is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing of the appropriate avenue for addressing the complaint

INVESTIGATIONS

- If the Integrity Commissioner is of the opinion that the referral of a matter to him is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation
- The Integrity Commissioner shall not report to Council on any complaint where there are no grounds or insufficient grounds for an investigation

INVESTIGATIONS

- The Integrity Commissioner will serve the complaint and supporting material upon the Member whose conduct is in question and request that a written response to the allegation, by way of affidavit, be filed within 10 days
- The Integrity Commissioner will serve a copy of the response provided by the Member upon the Complainant with a request for a written reply within 10 days
- The Integrity Commissioner may speak to anyone relevant to the complaint and may access and examine any of the information relevant to the complaint

FINAL REPORT

- The Integrity Commissioner shall report to the Complainant and the Member, generally no later than 90 days after the making of the complaint
- Where the complaint is sustained, the Integrity Commissioner shall also report to Council outlining his findings and/or recommended penalty and the terms of any settlement
- Where the complaint is dismissed, the Integrity Commissioner shall not report to Council except as part of an annual report

REPORT TO COUNCIL

- The City Clerk shall process the report for the next meeting of Council
- The report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been reported to the Members of Council

COUNCIL REVIEW

- Council shall consider and respond to the report within 90 days after the report is laid before it
- Section 223.4(5) of the *Municipal Act* allows the municipality to impose either of the following penalties on a Member if the Integrity Commissioner reports to the municipality that, in his opinion, the Member has contravened the Code:
 - A reprimand; or
 - Suspension of the remuneration paid to the Member in respect of his or her service as a Member of Council, for a period of up to 90 days

CONFIDENTIALITY

- Section 223.5(1) of the *Municipal Act* provides that the Integrity Commissioner shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties
- If the Integrity Commissioner reports to the municipality his opinion about whether a Member has contravened the Code, the Integrity Commissioner may disclose in his report such matters as in his opinion are necessary for the purpose of the report

ANNUAL REPORT

- The Integrity Commissioner will prepare and deliver an Annual Report to Council
- The report will contain a summary of the Integrity Commissioner's activities and provide advice and recommendations to Council regarding amendments to the Code and any other procedures or policies related to the Code

THE PATH OF A COMPLAINT

