

March 25, 2024

Integrity Commissioner's Quarterly Report
City of Mississauga

Principles *Integrity* is pleased to submit this report, covering the period from March 2023, (when Principles *Integrity* was appointed Interim Integrity Commissioner, subsequently appointed Integrity Commissioner), up to the date of this report.

Following issues arising about complaints not proceeded on by the former Integrity Commissioner, Council directed that the Integrity Commissioner is to report to Council quarterly on complaints not within jurisdiction:

The Integrity Commissioner shall report quarterly to City Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

The Role of Integrity Commissioner, Generally:

An integrity commissioner's statutory role is to carry out, in an independent manner, the following functions:

- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to members of Council and members of Local Boards
- Providing, on request, advice and opinions to Council
- Provide a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints, and
- Where it is in the public interest to do so, investigating, reporting and making recommendations to council within the statutory framework, while being guided by Council's codes, policies and protocols.

Confidentiality:

Much of the work of an integrity commissioner is done under a cloak of confidentiality. While in some cases secrecy is required by statute, the promise of confidentiality encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures would be limited and rare.

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The work of an Integrity Commissioner subdivides roughly into three categories:

1. Policy Development and Education
2. Advice
3. Complaint Investigation and Resolution

This report focuses only on matters within the third category.

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. Once a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary fact-finding and will also be provided with a summary of the disposition.

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the complainant and such information as is necessary to enable them to respond to the allegations raised.

The purpose of this quarterly report is to report on complaints received during the period covered by this report which were not within our jurisdiction, were not substantiated as Code contraventions, or were determined to be capable of resolution through course correction and were therefore concluded through disposition letter.

During the period covered by this report, there were twelve (12) such complaints, which did not conclude through issuance of a public recommendation report to Council. To the extent that complaints can be neatly categorized, all but one of these complaints alleged a breach of the behavioural provisions of the Code of Conduct, and one alleged a conflict of interest had occurred. Of the complaints, one was beyond the scope of our role.

The balance were generally resolved with a simple discussion of the complainant's expectations, or by our decision not to pursue a matter on the basis that there was a lack of substance in the complaint (or a combination of the two). Our obligation to maintain confidentiality prohibits us from providing further detail.

Conclusion:

We look forward to continuing to work with Members of Council to ensure a strong ethical framework. We embrace the opportunity to elevate Members' familiarity with their obligations under the Code and to respond to emerging issues. As always, we welcome Members' questions and look forward to continuing to serve as your Integrity Commissioner.

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Though we favour providing Members and the public as much information about our role and activity as is possible, Council should appreciate the limits upon us to provide a full depiction of our activities. Our work is to be independent, and confidential, except when we report publicly. A general quarterly report represents the limit of the information that can be provided.

We wish to recognize the Members of Council who are responsible for making decisions at the local level in the public interest. It has been a privilege to assist you in your work by providing advice about the Code of Conduct and resolving complaints. We recognize that public service is not easy and the ethical issues that arise can be challenging. The public rightly demands the highest standard from those who serve them, and we congratulate Council for its efforts to meet that standard.

Finally, we wish to thank the Clerk and other City staff for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate. This was done willingly and efficiently by the staff of the City.