

June 28, 2024

Integrity Commissioner's Quarterly Report¹
City of Mississauga

Principles *Integrity* is pleased to submit this report, covering the period from March 2024, to the date of this report.

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.

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

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

¹Pursuant to Mississauga Council direction, the Integrity Commissioner reports 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.

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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, a by-election was conducted for the office of Mayor and for Ward 5 Councillor, culminating on Election Day June 10, 2024. Four (4) members of Council registered as candidates for Mayor: Councillors Damerla, Dasko, Parrish and Tedjo.

The *Municipal Act* imposes a 'hiatus' on complaints to the Integrity Commissioner during an election campaign. That Act provides as follows:

Termination of inquiry when regular election begins

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, the Commissioner shall terminate the inquiry on that day.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the Municipal Elections Act, 1996, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

(9) The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member.

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2. The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of council or of a local board has contravened the code of conduct applicable to the member.
3. The municipality or local board shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board.

The rationale for the hiatus is to ensure that the Code of Conduct is not ‘weaponized’ against candidates during an election campaign period.

Applying this principle to the By-Election, no requests for inquiries (complaints) were processed by the Integrity Commissioner during the election campaign period, from April 26, 2024 being the close of nominations (‘nomination day’) to June 10, 2024 being Election Day, we declined to accept or process any complaints about any of the four (4) candidates who were members of Council.²

Other than those complaints about one of the four candidates which we declined to process during the election hiatus, there have been no other complaints received during the period covered by this report.

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.

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.

² Despite the fact that Councillor Parrish had resigned her seat, all the four (4) candidates who might have been subject to a Code Complaint were treated in the same manner and we declined to process complaints during the campaign period.