



ADR
CHAMBERS

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July 23, 2019

SENT BY COURIER AND E-MAIL TO:

Mr. Andrew Taylor
Chief Administrative Officer
City of Markham
101 Town Centre Blvd.
Markham, ON L3R 9W3
ataylor@markham.ca

Re: ADR Chambers as Office of the Integrity Commissioner-year-end report

Dear Mr. Taylor:

Thank you for the opportunity to act as the Office of the Integrity Commissioner ("OIC") for the City of Markham (the "City") over the past year. As you know, the IC's role is to help Members of Council ("Members") ensure that they are performing their functions in accordance with their Code of Conduct (the "Code"). The IC is available to educate and provide advice to Members on matters governing their ethical behavior. It is also responsible for receiving, assessing, and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code by Members.

We are hereby providing our Annual Report for the sixth operating year of the IC covering the period July 1, 2018 to June 30, 2019.

Code of Conduct Complaints

The OIC received one new complaint during the year. One investigation was concluded and no investigations were outstanding at the time we concluded this year-end report.

The report of the investigator, Michael Maynard, concluded that there were violations of the Code by the Councillor with respect to some (but not all) of the incidents referenced in the complaint.

Requests for Advice

There were five requests for advice. Two of the requests for advice were from the City and three requests were from Councillors.

Education and Training Session

Charles Harnick conducted an education seminar for Council on April 23, 2019. The training dealt with a number of issues including the amendments made to the *Municipal Act, 2001*, and the *Municipal Conflict of Interest Act*.

Other Services

During this reporting period, the City entered in to an amending agreement with ADR Chambers for the additional service of determining whether claims were covered under the City's Indemnification By-Law, By-Law 2019-42 (A By-Law to Provide for the Indemnification and Defence of Employees and Members of Council Against Loss or Liability in Certain Circumstances Arising Out of Acts or Omissions Done While Acting on Behalf of the Corporation).

Suggestions

We suggest that, for future complaints, the City require complainants to sign a Consent and Confidentiality Agreement ("CCA"). Complainants would be required to sign and return the CCA to ADR Chambers before the review of the complaint begins. The 90-day timeframe for completion of the investigation would begin to run from the date the Complainant returns an executed copy of the CCA. The CCA helps to safeguard the integrity of the process of the IC.

We also suggest that a Request for Advice Form be made available to Councillors who wish to seek advice from the IC. Councillors will be able to outline the matter at issue and will provide detail to allow the IC to give a proper response.

Billings

A summary of billing for the year is included in this report as Appendix 1.

Final Comments

It has been a pleasure to assist the City and its Members with the issues that have arisen during the year. We look forward to continuing to provide our services to the City in the forthcoming year.

Yours truly,

A handwritten signature in blue ink, appearing to read "Am. J.A.", is positioned below the "Yours truly," text.

ADR Chambers Inc.
Office of the Integrity Commissioner for the City of Markham

Cc Kimberley Kitteringham, City Clerk (kkitteringham@markham.ca)

APPENDIX 1: Summary of Billing

Billing for the year to date has totaled \$ 36,251.73, as detailed below.

Invoice number Month	Fixed fee	Investigator Hours @\$300/hr	HST	Totals
6276 Jul 2018	\$ 1,667.67		\$216.67	\$ 1,883.34
6303 Aug 2018	\$ 1,667.67		\$216.67	\$ 1,883.34
6325 Sep 2018	\$ 1,667.67		\$216.67	\$ 1,883.34
6345 Oct 2018	\$ 1,667.67		\$216.67	\$ 1,883.34
6372 Nov 2018	\$ 1,667.67		\$216.67	\$ 1,883.34
6392 Dec 2018	\$ 1,667.67		\$216.67	\$ 1,883.34
6423 Jan 2019	\$ 1,667.67		\$216.67	\$ 1,883.34
6444 Feb 2019	\$ 1,667.67		\$216.67	\$ 1,883.34
6458 Mar 2019	\$ 1,667.67		\$216.67	\$ 1,883.34
6495 Apr 2019	\$ 1,667.67	Michael Maynard 19.8 hrs @ \$300/hour \$ 5,940.00 Marvin Huberman 3.7 hrs @ \$300/hour \$ 1,110.00 Marvin Huberman 2.85 hrs @ \$300/hour \$ 855.00 Anne Morris 0.5 hrs @ \$300/hour \$ 150.00	\$ 1,263.82	\$ 10,958.49
6513 May 2019	\$ 1,667.67	Charles Harnick 5.5 hrs @ \$300/hour \$ 1,650.00	\$ 413.17	\$3,747.84
6565 Jun 2019	\$ 1,667.67	Anne Morris 4.5 hrs @ \$300/hour \$ 1,350.00 Anne Morris 3.5 hrs @ \$300/hour \$ 1,050.00	\$528.67	\$ 4,595.34
TOTAL	\$ 36,251.73			