



180 Duncan Mill Road, 4th Floor  
Toronto, Ontario  
M3B 1Z6 Canada

t: 416.362.8555  
800.856.5154  
f: 416.362.8825  
877.862.8825

adr@adrchambers.com  
www.adrchambers.com

July 18, 2017

SENT BY E-MAIL AND COURIER TO:

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

Dear Mr. Taylor:

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

---

Thank you for the opportunity to act as the Office of the Integrity Commissioner (“OIC”) for the City of Markham over the past year. As you know, the OIC’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 OIC is available to educate and provide advice to Members on matters governing their ethical behaviour. 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 fourth operating period of the OIC, covering the period July 1, 2016 to June 30, 2017.

### **Infrastructure**

As you know, a Complaint Protocol was established and an administrative intake team is in place to determine whether a particular complaint, once received from the City Clerk, is within the OIC's mandate. Every complaint received by the OIC is assigned a file number. An intake officer ("IO") records the pertinent information, and determines whether the complaint relates to a Member's alleged ethical violation or alleged breach of the *Code*. The IO then forwards the complaint to an investigator for analysis and, possibly, investigation, unless the complaint is not within our jurisdiction to process, in which case the Complainant and the City Clerk will be so advised. The IO deals with general file management and administrative support for complaint investigations.

### **Data**

The OIC received one complaint during the year which required investigation. As of July 14, 2017, the investigation for that complaint is underway. One investigation from the previous operating period was completed and billed by the OIC during the fourth operating period.

## **Investigations**

As mentioned above, one investigation from the previous operating period was completed and reported to the City Clerk during the current period. Ben Drory concluded that the actions of a Councillor did not contravene the *Code* and that the Councillor did not use his or her influence for an improper purpose or accept a gift in compensation for influence.

## **Other Services**

There were two requests for advisory services from the City Clerk, one dealing with Councillors appearing before the Committee of Adjustments, and the other dealing with gifts under the *Code*. These requests were addressed in written reports.

## **Suggestions**

Based on our experience in other jurisdictions, and to help safeguard the integrity of our process, we suggest the introduction of a requirement to have every Complainant execute a Consent and Confidentiality Agreement before the OIC will entertain their complaints. A draft Consent and Confidentiality Agreement has been recently provided to the City Clerk. We would suggest that the OIC not begin an investigation, and the 90-day timeframe for completion not begin to run, until the Complainant returns an executed copy of this Agreement.

## **Billing**

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

## **Summary**

It has been our honour and pleasure to assist the City of Markham with our work in the OIC. We look forward to continuing to provide the highest quality of Integrity Commissioner services to the City of Markham.

Yours truly,

ADR CHAMBERS INC.

A handwritten signature in cursive script, appearing to read "ADR Chambers Inc.", is positioned below the typed name.

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 totalled \$34,804.08.

<u>Invoice #</u>	<u>Fixed Fees</u>	<u>Ben Drory</u>	<u>Marshall Schapp</u>	<u>HST</u>	<u>Totals</u>
5789 – Administrative fee July 2016	\$1,666.67			\$216.67	\$1,883.34
5803 – Administrative fee August 2016	\$1,666.67			\$216.67	\$1,883.34
5817 – Administrative Fee September 2016	\$1,666.67			\$216.67	\$1,883.34
5818 – Reviewing a complaint September 2016		20 hrs @ \$300/hr \$6,000.00		\$780.00	\$6,780.00
5831 – Administrative Fee October 2016	\$1,666.67			\$216.67	\$1,883.34
5857 – Administrative Fee November 2016	\$1,666.67			\$216.67	\$1,883.34
5869 – Administrative Fee December 2016	\$1,666.67			\$216.67	\$1,883.34
5884 – Administrative Fee January 2017	\$1,666.67			\$216.67	\$1,883.34
5910 – Administrative Fee February 2017	\$1,666.67			\$216.67	\$1,883.34
5923 – Administrative Fee March 2017	\$1,666.67			\$216.67	\$1,883.34
5939 – Administrative Fee April 2017	\$1,666.67			\$216.67	\$1,883.34
5960 – Administrative Fee May 2017	\$1,666.67			\$216.67	\$1,883.34
5970 – Reviewing request for an opinion and Code of Conduct request May 2017		15 hrs @ \$300/hr \$4,500.00	1 hr @ \$300/hr \$300.00	\$624.00	\$5,424.00
5978 – Administrative Fee June 2017	\$1,666.67			\$216.67	\$1,883.34
<b>Totals</b>	<b>\$20,000.04</b>	<b>35 hrs @ \$300/hr \$10,500.00</b>	<b>1 hrs @ \$300/hr \$300.00</b>	<b>\$4,004.04</b>	<b>\$34,804.08</b>