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Town of Aurora
Information Report
No. CS21-021

Subject: Annual Report from the Integrity Commissioner – Additional Information

Prepared by: Michael de Rond, Town Clerk

Department: Corporate Services

Date: March 2, 2021

In accordance with the Procedure By-law, any Member of Council may request that this Information Report be placed on an upcoming General Committee or Council meeting agenda for discussion.

Executive Summary

The attachment to this report provides the additional information Council requested at the January 12, 2021 General Committee Meeting.

Background

At the January 12, 2021 General Committee meeting, Committee requested that further information regarding the types of advice that the Integrity Commissioner was providing members of Council as well as the general nature of the complaints received. The attachment to this report provides that additional information.

Analysis

None

Advisory Committee Review

None

Legal Considerations

The terms of the agreement entered into with the Town's Integrity Commissioner requires the Integrity Commissioner to provide an annual report to Council.

Financial Implications

A total of \$20,000 has been approved by Council as part of the Town's 2021 budget in support of its Integrity Commissioner's activities. A total of \$3,495 was spent against this budget in 2020.

Communications Considerations

None

Link to Strategic Plan

By appointing an Integrity Commissioner, the Town is working to ensure high ethical standards are being followed which promotes good governance.

Alternative(s) to the Recommendation

1. Council provide direction

Conclusions

None

Attachments

Attachment 1 – Additional Information from the Integrity Commissioner

Previous Reports

CS21-001 – Annual Report from the Integrity Commissioner – January 12, 2021

Pre-submission Review

Agenda Management Team review on February 11, 2021

Approvals

Approved by Techa van Leeuwen, Director, Corporate Services

Approved by Doug Nadorozny, Chief Administrative Officer

Mayor & Members of Council,
Town of Aurora

February 2, 2021

Re: Additional Detail regarding Advice and Complaints during 2019, 2020

Pursuant to our attendance at Council January 12, 2021, this memorandum is supplementary to the presentation of our Annual Report.

As noted in our Report, our activities on behalf of the Town of Aurora have included responding to a single request for advice from a member of Council, and reviewing four complaints filed with us alleging contraventions. The following summary is provided in response to your specific request.

Nature of Advice Request

We provided written advice to a member of Council regarding the role a member of Council may play in soliciting financial sponsorships from builder businesses and others in the community in support of a local community event (the Aurora Food and Culture Festival), while ensuring compliance with Rule 3 of the Code of Conduct. Rule 3 sets out guidelines for members of Council involvement in fund-raising for charitable, not-for-profit and other community-based organizations.

In reviewing the expectations established by Rule 3 around involvement in fund-raising, including solicitation of donations in support of community events, we provided advice that the member should avoid soliciting donations from organizations or individuals who have any matter before Council, or who may be engaged in the Town's procurement process. We further advised that the member should have no role in handling funds or in directing how funds are received or spent.

Nature of Complaints Filed

When a complaint is filed, our initial review includes a determination of whether the matter is within our jurisdiction. Complaints regarding operational issues, matters which are subject to another regime (Criminal Code, Elections Act) or policy decisions of Council are not matters within our jurisdiction. Following this review, if the matter is within our jurisdiction, we consider whether the matter is a mere technical breach (a member was rude once) or if it is in the public interest to conduct an investigation.

We consider whether there is a straight-forward resolution to be found without need for a public report and sanction, for example, we consider whether possible 'course correction' by the offending member could properly resolve the matter, in the public interest.

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Typically, where we close a file without bringing a public recommendation report to Council, we nevertheless provide a comprehensive disposition letter to the complainant, explaining our conclusion. A summary is typically provided to the respondent-member where the complaint has already been initiated. We do this not only so that the complainant understands why we are not proceeding, but also because the Provincial Ombudsman may be requested by a complainant to investigate a matter where the integrity commissioner is not investigating it. Our disposition letter provides a starting point for the Provincial Ombudsman to understand the conclusion.

Complaint #1

In August 2019 a complaint was filed alleging that a member of Council had improperly interfered in a by-law enforcement matter, and had improperly disclosed the identity of the by-law complainant.

Complaint #2

In October 2019 a complaint was filed alleging a member was in a conflict of interest in participating in consideration of certain matters before Council as a result of the member's family members being involved in an industry which might potentially benefit from increased business opportunities. Following a review of the relevant considerations involved in determining whether a conflict of interest exists, we were satisfied that no such conflict of interest existed.

Complaint #3

In November 2019 a complaint was filed alleging that all of Council, and individual members in particular, had improperly interfered in operational matters including by-law enforcement and licensing; had failed to encourage respect for Town by-laws; had improperly invoked police intervention; bribed an individual; directed by-law enforcement activities for improper purposes, in order to benefit friends; and alleging incomplete election campaign financial filings.

In thoroughly reviewing each allegation, we determined that most matters related specifically to operational decisions which had been appropriately taken, and that the remainder were beyond our jurisdiction or significantly out of time, arising from facts occurring well-before our appointment as Integrity Commissioner.

Complaint #4

In August 2020 a complaint was filed alleging conduct issues by operational staff. We provided an explanatory disposition letter re-directing the complainant to the appropriate administrative staff.

Principles *Integrity*,
Integrity Commissioner