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2024 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

THE CORPORATION OF THE CITY OF GUELPH

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INTEGRITY COMMISSIONER'S MESSAGE

Aird & Berlis LLP was appointed as the Integrity Commissioner for The Corporation of the City of Guelph (the "City") pursuant to subsection 223.3(1) of the *Municipal Act, 2001* on December 14, 2020 by By-law No. 20553. Our services commenced on January 1, 2021 and we were re-appointed by Council for another one-year term with an option of three additional extensions.

The functions of an Integrity Commissioner are set out in subsection 223.3(1) of the *Municipal Act, 2001* and have all been assigned to Aird & Berlis LLP by Council. Our functions include inquiry, investigation, advice and education responsibilities.

We note that the provincial government introduced Bill 241 on December 12, 2024. Bill 241 purports to strengthen the municipal accountability framework in Ontario by imposing new requirements for provincial-wide uniform codes of conduct; mandatory education and training for Integrity Commissioners and for members of council and local boards; for the involvement of the Ontario Integrity Commissioner; and for the removal from office and disqualification of members of council for serious contraventions of a code of conduct that results in harm to the health, safety or well-being of any person.

This is the fourth annual report that we have prepared since our appointment, and it encompasses the period from January 1, 2024 to December 31, 2024.

This report provides an executive summary of our activities undertaken in carrying out our functions as the Integrity Commissioner for the City pursuant to our appointment.

CODE OF CONDUCT

The City established its original Code of Conduct for Members of Council (the "Code") on February 25, 2013. Council updated and re-affirmed the Code on December 17, 2018 pursuant to the 2018 Governance Review contained in Staff Report [CS-2018-66](#).

COMPLAINTS / APPLICATIONS

Last year our office received four (4) formal complaints pursuant to the Code. We did not receive any applications pursuant to the *Municipal Conflict of Interest Act*.

Complaints 2023-02, 2023-03 and 2024-01

Two complaints were filed against a councillor alleging that the member conducted themselves in an intimidating and bullying manner, and had thus contravened the Code of Conduct. A third complaint regarding the same matter was filed in early January, 2024 (**Complaint 2024-01**). All three complaints related to breaches of the Code of Conduct with respect to the use of social media. While we did not find a contravention, we recommend that all members be cautious when using social media for communication purposes, even from personal accounts.

Complaint 2024-02

We received a complaint alleging that a member of Council had contravened the Code of Conduct by engaging in behaviour at a non-City meeting that led to violent counter protests and that the member was involved in the organization of these activities. We determined that we had no jurisdiction to review the complaint as it was commenced beyond the applicable limitation period.

Complaint 2024-03

A complaint was filed against a member of Council alleging that the member had overreached their position, and had acted purported to speak for “all Council” with respect to a matter of significant controversy in the City. A number of provisions of the Code of Conduct were alleged to have been breached. Upon review of the relevant materials, we determined that the member had acted within the strictures of their responsibilities as a member of Council and that no breach of the Code of Conduct had occurred. We do note that the complainant had initially reached out to City staff who provided essentially the same response that we did. We dismissed the complaint without further investigation.

Complaint 2024-04

A complaint was filed alleging that a member of Council breached the gifts and benefits provisions of the Code of Conduct. Notice was provided to the complainant that we would report on the matter separately to Council pursuant to Section 5 of Appendix 1 – Integrity Commissioner Complaint Protocol of the Code of Conduct (detailed below).

REPORT TO COUNCIL RE CODE OF CONDUCT

The Code of Conduct contains a rather unusual provision that requires the Integrity Commissioner to report any instance of a violation of the Code that may be discovered when written advice is provided to a member of Council by the Integrity Commissioner. Section 5 of the Code’s Appendix 1 – Integrity Commissioner Complaint Protocol, provides as follows:

5. Procedure for Obtaining Advice

...

3. Where the Integrity Commissioner learns of a violation of the Code through the request for advice from a member, they are required to report such a violation to Council.

We accordingly presented a report to Council dated November 19, 2024 which related to the advice that we had provided to the Mayor when he self-disclosed that he had received certain benefits and hospitality as a Director of the North American Board of Directors of the Global Covenant of Mayors for Climate and Energy, particular as it pertained to expenses that had been paid for the Mayor to attend an environmental conference in Dubai in 2023.

Our report was fully and publicly presented at an open meeting of Council on November 26, 2024. Our report concluded that such benefits and hospitality were not permitted to be accepted pursuant to Section 5 of the Code of Conduct. We recommended that the Mayor publicly disclose the matter to senior management, that he not attend a planned conference in November 2024 and that he could seek amendments to the Code of Conduct. The Mayor took each of these actions. We determined that the Mayor had come forward in good faith to disclose the matter, that he fully and frankly answered all of our questions and that he, ultimately, had acted advertently in accepting the benefits and hospitality. We accordingly recommended no penalty.

ADVICE

One of our key functions as Integrity Commissioner is to provide specific and particularized advice to members of Council and the City's local boards with respect to the obligations of the requesting member under the Code of Conduct, any procedure, rule or policy relating to the ethical behaviour of members and the *Municipal Conflict of Interest Act*.

We received and responded to a number of written requests for specific advice from members of Council and from members of local boards. The inquiries related to the application of various provisions of the Code of Conduct and the *Municipal Conflict of Interest Act*, as well as certain municipal policies.

We reiterated in a number of separately issued advisements to members that the purpose of the *Municipal Conflict of Interest Act* is to prohibit members engaging in the decision-making process for matters in which they have a significant pecuniary (i.e., financial) interest, be it direct, indirect, or deemed.

We also received a number of requests for advice with regards to gifts and benefits, one of which triggered the aforementioned report to Council.

In addition, we would like to highlight a series of requests we received with regards to council relations and council-staff relations. We recognize that working collaboratively across the political spectrum can be challenging, and that Council was tasked with making a number of difficult and controversial decisions this year, which sometimes led to heated debate. We remind all members that they should, at all times, act with civility, respect and professionalism when communicating with fellow members, as well as with staff and with the public, even, and perhaps especially, on contentious and divisive issues.

We remind members that the *Municipal Act, 2001* expressly requires that any requests from members are to be made in writing. To date, members have been very mindful of their obligation to provide written requests and to include all of the relevant background facts and copies or links to supporting documents (such as correspondence, social media posts, staff reports, etc.). This has immeasurably assisted us in our providing advice. We seek to respond in writing within 24 to 48 hours of receiving the information and records that are necessary to be reviewed in order to provide proper and correct advice to members.

CODE OF CONDUCT UPDATES

In late 2024, we were asked to provide our advice on several proposed revisions and updates to the Code of Conduct which we have completed, or will do in early 2025. We will report on any amendments that are made to the Code of Conduct in next year's annual report. In view of the proposed statements from the provincial government that a province-wide, uniform municipal code of conduct may emanate from Bill 241 (if it is enacted), we are not at this time recommending that more extensive amendments be made.

EDUCATION & TRAINING

We conducted a comprehensive training session related to the Code of Conduct, the Role of the Integrity Commissioner, and the *Municipal Conflict of Interest Act* in early 2023. No further education or training was provided this past year.

CLOSING REMARKS

We will closely monitor Bill 241 and will report on any material and substantive changes that may impact the City, its members and our role as Integrity Commissioner.

We appreciate the trust and support that the City has given us in appointing us as its Integrity Commissioner. We look forward to working with City staff in bringing forward amendments to update the Code of Conduct. We continue to value the opportunity to work together with all members of Council and the City's local boards to ensure the City maintains its strong ethical standing.

Respectfully submitted,

AIRD & BERLIS LLP



John Mascarin
Integrity Commissioner for the City of Guelph