

## **Integrity Commissioner**

Duties:

The Office of the Integrity Commissioner performs four basic functions in its role of governing the ethical behaviour of Council.

### **Advisory Services:**

Providing advice to Members of Council to assist in maintaining a high standard of ethical behaviour in City government: This includes:

- Conducting research into specific issues as requested by members of Council and provide advice and guidance to prevent potential violations of the Code of Conduct and other statutes;
- Providing opinions to members of Council on various matters that relate to the Code of Conduct, again to prevent violations of the Code of Conduct and other statutes;
- Reviewing the Code of Conduct to ensure it continues to meet the needs of Council.

### **Complaint Investigation Services:**

Investigating complaints of alleged violations of the Code of Conduct by Members of Council, which includes:

- Receiving complaints and conducting the appropriate investigations into allegations of misconduct by members of Council
- Completing an investigation report and submitting it to Council for dissemination to the public.

### **Complaint Adjudication:**

Upon completion of the investigation of a complaint against a member of Council for a violation of the Code of Conduct, the Integrity Commissioner adjudicates the matter. This includes:

- Determining whether a member of Council has violated a City protocol, by-law or policy governing ethical behaviour
- Administering the appropriate discipline as outlined in the By-Law.

### **Education Services:**

The Integrity Commissioner provides education to Members of Council and to the public to assist in maintaining a high standard of ethical behaviour in City government. This includes:

- Developing presentations for Council relative to the Code of Conduct, annually meeting personally with Members of Council to discuss any issues they may have and developing written material for dissemination to Council.

- Developing a website to educate the public on the Code of Conduct and the Office of the Integrity Commissioner.
- Presenting an annual report to Council

Fees:

Monthly Retainer: \$1,500

Hourly Rate – Investigations Only: \$150 per hour

The monthly retainer is to engage the services of the Integrity Commissioner (IC) on a monthly basis to be available to perform the functions described above.

The IC does not receive any mileage expense, vehicle or out-of-pocket expenses for parking in travelling from his office in Waterloo to perform his duties or functions in Hamilton.

The Clerk's office provides some welcome administrative support to the IC and is very helpful when called upon to do so. However, the IC the must provide his own administration for his files and general paper flow.

The IC provides a toll-free line for the use of Hamilton residents to contact the IC at no cost to the residents and at no additional cost to the City.

Presentations and meetings with residents, support groups, committees or Council is at no expense to the City. The hourly rate submitted to the City of Hamilton on invoices from the IC is for investigation expenses only.

The City of Hamilton would be billed the expense for expert witnesses to assist in investigations. This would normally include forensic accountants or IT investigation experts. However, the IC is a forensic accountant and there is no need to retain outside resources for that function. Normal forensic accountant fees range from \$250 per hour to \$400 per hour. Expert legal advice, if required, would also be expensed to the City.

2013:

3 Investigations	1 Withdrawn 1 Reprimand 1 Still under investigation
8 Enquiries from Residents	Some of these enquiries required attendance at the resident's home for discussion to assist them in determining potential action.
4 Enquiries from Councillors	Requiring clarification on a number of issues relating to the Code of Conduct and potential action being taken by the Councillor in question.

Other Duties	<ul style="list-style-type: none"> <li>- Attend 3 Committee Meetings</li> <li>- Make presentation to Hamilton Rotary</li> <li>- Host Integrity Commissioners' Semi-Annual Conference</li> <li>- Attend Integrity Commissioners' Semi-Annual Conference</li> </ul>
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2012:

3 Investigations	<p>1 No Violation  1 Completed – Awaiting outcome of independent judicial processes, prior to reporting  1 No Violation</p>
6 Enquiries from Residents	Some of these enquiries required attendance at the resident's home for discussion to assist them in determining potential action.
4 Enquiries from Councillors	Requiring clarification on a number of issues relating to the Code of Conduct and potential action being taken by the Councillor in question.
Other Duties	<ul style="list-style-type: none"> <li>- Attend 2 Committee Meetings</li> <li>- Appear before GIC and provide information</li> <li>- Research and attain copies of summary judgements relating to the conduct of City Councillors and Mayors in other jurisdictions and providing Council with that information.</li> <li>- Attend Integrity Commissioners' Semi-Annual Conference</li> </ul>

2011:

3 Investigations	<p>1 No Jurisdiction  1 Withdrawn  1 Reprimand</p>
6 Enquiries from Residents	Some of these enquiries required attendance at the resident's home for discussion to assist them in determining potential action.
3 Enquiries from Councillors	Requiring clarification on a number of issues relating to the Code of Conduct and potential action being taken by the Councillor in question.
Other Duties	<ul style="list-style-type: none"> <li>- Attend 2 Committee Meetings</li> </ul>

	<ul style="list-style-type: none"> <li>- Attend Integrity Commissioners' Semi-Annual Conference</li> <li>- Arrange for Toll Free Line</li> </ul>
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2010:

3 Investigations	<ul style="list-style-type: none"> <li>1 No Violation</li> <li>1 Frivolous and Vexatious</li> <li>1 Frivolous and Vexatious</li> </ul>
5 Enquiries from Residents	Some of these enquiries required attendance at the resident's home for discussion to assist them in determining potential action.
4 Enquiries from Councillors	Requiring clarification on a number of issues relating to the Code of Conduct and potential action being taken by the Councillor in question.
Other Duties	<ul style="list-style-type: none"> <li>- Attend Committee Meetings</li> <li>- Presentation to New Council</li> <li>- Meet individually with each Councillor to explain the Code of Conduct and the duties of the Integrity Commissioner</li> <li>- Develop Website</li> </ul>