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SENT BY E-MAIL TO: [mpettit@markham.ca](mailto:mpettit@markham.ca)

Ms. Martha Pettit  
Deputy Clerk, Legislative Services  
City of Markham  
101 Town Centre Blvd.  
Markham, ON L3R 9W3

**Re: ADR Chambers as Office of the Integrity Commissioner - Year-End Report**

Dear Ms. Pettit:

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 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 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 seventh operating year of the OIC covering the period July 1, 2019 to June 30, 2020.

## **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.

Investigator Marvin J. Huberman concluded that there were no contraventions of the Council Code of Conduct for the one complaint, and he provided a report dismissing the complaint with no further recommendations.

## **Requests for Advice**

There were five requests for advice. One of the requests for advice was from the City and four requests for advice were from Councillors.

## **Other Services**

During this reporting period, ADR Chambers fulfilled an additional service after being asked by a councillor to determine whether a claim for indemnification was covered under Article 3.6 of the City's 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 suggested, in our year-end 2019 report, the introduction of a Consent and Confidentiality Agreement ("CCA"). Complainants would be required to sign and return the CCA to us before the review of the complaint begins. The 90-day timeframe for completion does not begin to run until the Complainant returns an executed copy of this Agreement. The CCA helps to safeguard the integrity of the process of the IC. We continue to recommend the CCA.

We suggest the introduction of a Request for Advice Form to be made available to Councillors seeking advice from the IC. When completing this form, Councillors will outline the matter at issue and will be asked to provide sufficient detail to allow the IC to provide a complete response. We would be happy to provide you with a sample form.

## **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 in contending with the issues which have arisen in connection with the administration of its Code of Conduct. We look forward to continuing to provide the services of Integrity Commissioner to the City in the forthcoming year.

Yours truly,



Allan J. Stitt

ADR Chambers Inc.

Office of the Integrity Commissioner for the City of Markham

AJS/tmg

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

## APPENDIX 1: Summary of Billing

Billing for the year to date has totaled \$ 52,736.04, as detailed below.

Invoice number Month	Fixed fee	Investigator Hours @\$300/hr	HST	Totals
6565 July 2019	\$ 1,666.67	Anne Morris 8.0 hours @ \$300/hour \$ 2,400.00	\$528.67	\$ 4,595.34
6597 August 2019	\$ 1,666.67	Leslie Dizgun 16.25 hours @ \$300/hour \$ 4,875.00 \$ 14.00 - Disbursements	\$852.23	\$ 7,407.90
6632 September 2019	\$ 1,666.67		\$216.67	\$ 1,883.34
6658 October 2019	\$ 1,666.67		\$216.67	\$ 1,883.34
6685 November 2019	\$ 1,666.67		\$216.67	\$ 1,883.34
6709 December 2019	\$ 1,666.67		\$216.67	\$ 1,883.34
6733 January 2020	\$ 1,666.67		\$216.67	\$ 1,883.34
6746 February 2020	\$ 1,666.67		\$216.67	\$ 1,883.34
6781 March 2020	\$ 1,666.67	Michael Maynard 8.8 hours @ \$300/hour \$ 2,640.00	\$559.87	\$ 4,866.54
6802 April 2020	\$ 1,666.67	Marvin Huberman 51.7 hours @ \$300/hour \$ 15,510.00  Michael Maynard 4.1 hours @ \$300/hour \$ 1,230.00	\$2,392.87	\$ 20,799.54
6819 May 2020	\$ 1,666.67		\$216.67	\$ 1,883.34
6836 June 2020	\$ 1,666.67		\$216.67	\$ 1,883.34
<b>TOTAL</b>	<b>\$ 20,000.04</b>	<b>\$ 26,669.00</b>	<b>\$6,067.00</b>	<b>\$ 52,736.04</b>