



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Fort Erie

EDWARD T. MCDERMOTT
Integrity Commissioner
Town of Fort Erie
Email: integrity@adr.ca

September 23, 2024

SENT BY EMAIL TO:

Peter Todd
Manager, Legislative Services/Clerk
Town of Fort Erie
ptodd@forterie.ca

Re: Town of Fort Erie Integrity Commissioner Annual Report May 1, 2023- April 30, 2024- IC- 34362-0924

Dear Mr. Todd:

Thank you for the opportunity to act as the Integrity Commissioner (the "IC") for the Town of Fort Erie (the "Town") over the past year.

In accordance with the terms of the Agreement between the Town and ADR Chambers Inc. and pursuant to s. 223.3 (1) of the *Municipal Act 2001*, I am providing my Annual Report for the fifth operating period of the Agreement covering the period of May 1, 2023- April 30, 2024.

As you know, the IC's role is to help Members of Council ("Members") ensure that they are performing their functions in accordance with the Town's Code of Conduct (the

“Code”) and the Municipal Conflict of Interest Act (“MCIA”). The IC is available to educate and provide advice to Members on matters governing their ethical behavior and compliance with the Code and the MCIA. The IC 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.

In addition, and independently from an IC’s duties under the Code, under the March 1, 2019 amendments to the Municipal Act, the IC was empowered (upon application by an “elector” of the municipality or “a person demonstrably acting in the public interest”) to inquire into an alleged contravention of the MCIA and make application to a judge for a judicial determination as to whether a Member of Council has contravened section 5, 5.1, or 5.2 of the MCIA. If the Court determines such a contravention has occurred it can impose a wide range of penalties on the offending Councillor including declaring the Member’s seat vacant and prohibiting the Member from serving on Council for up to seven years.

Activities During the Fifth Year

The fifth year of our service to the Town was an active one as we were requested to and undertook an investigation in response to a Complaint of a violation of the Code by a Councillor. That matter was fully investigated and a written decision was issued to the parties and Council finding that there had not been a contravention of the Code. We also received, reviewed and provided full written responses and advice to four Requests for Advice from Councillors. In addition, we undertook a review of certain elements of the Code as Council responded to the need to address certain issues that were brought forward in the education seminar we held with all Members of Council and Senior Staff in April, 2023. The costs for the seminar and Code Review were included in this year’s billings.

Costs (without HST)

The total cost incurred by the Town during the year for the services performed amounted to \$24,611.51 compared to the following charges for previous years:

- Year 4 \$5,372.50
- Year 3 \$5,367.50
- Year 2 \$26,315.00
- Year 1 \$16,602.00

As you can see, depending on the activity in any given year there can be a significant variance in the cost of this program between years. I would accordingly caution Council that it would be prudent to budget a reasonable amount for this portfolio on an annual basis to deal with these unknown but ever present potential costs.

Summary

It has been a pleasure to assist the Town and its Members of Council (for now five years) with the issues that have arisen in connection with the administration of its Code of Conduct and the MCIA.

Yours very truly,

A handwritten signature in blue ink, appearing to read "E. McDermott", with a stylized flourish at the end.

Edward T. McDermott
Integrity Commissioner, Town of Fort Erie