



**ADR**  
C H A M B E R S

**Integrity Commissioner Office**  
for the Town of Fort Erie

EDWARD T. MCDERMOTT  
Integrity Commissioner  
Town of Fort Erie  
Email: [integrity@adr.ca](mailto:integrity@adr.ca)

October 31, 2023

SENT BY EMAIL TO:

Peter Todd  
Manager, Legislative Services/Clerk  
Town of Fort Erie  
[p.todd@forterie.ca](mailto:p.todd@forterie.ca)

**Re: Town of Fort Erie Integrity Commissioner Annual Report May 1, 2022- April 30, 2023- 25728-0723**

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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 fourth operating period of the Agreement covering the period of May 1, 2022- April 30, 2023.

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 Fourth Year**

The fourth year of our service to the Town was, once again, a reasonably calm one as we were requested to and undertook only one significant matter in connection with a Complaint that a Councillor had acted in contravention of the Code. That matter was fully investigated and a written decision was issued to the parties and Council finding that there were insufficient grounds asserted in the Complaint to warrant further investigation.

#### **Costs**

The total cost incurred by the Town during the year for the services performed amounted to \$5,372.50 (almost the same as the previous year), \$5,367.50 (plus HST) and substantially less than the charges of \$26,315.00 (plus HST) during my first year of service and \$16,602.00 (plus HST) for the second year. This amount does not however, include any billings for work performed with respect to matters before me which were initiated or in progress but not completed prior to the end of the review period (April 30, 2023). Notwithstanding that the cost of administering this portfolio has steadily declined over the last three years, I would 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.

### **Issues to be Considered Going Forward**

As a result of our experience during the past year, it is suggested that Council consider the following issues on a going forward basis:

- The content of the Town's Code of Conduct is a document which should be periodically reviewed to ensure it meets the needs and requirements of the law, the Town, its Councillors and its citizens. During the month of April, 2023, we were able to arrange for an education seminar for all Members of Council and Senior Staff on the numerous issues which have developed in this area since the provisions of Bill 68 came into force on March 1, 2019. Those amendments substantially affected the role and powers of the Integrity Commissioner and the obligations of Members under the Town's Code and during the education session we were able to focus on certain changes to the Code which Council may wish to consider in order to ensure the Town is in compliance with the current legislative requirements and that the Code reflects the intentions of Council.

I believe the session was of significant benefit to those present and we have recently been contacted by Mr. Todd in order to arrange a meeting to help formulate recommendations to Council on these important issues.

- It has also recently come to light that a significant number of municipalities have not properly dealt with the requirements of the Municipal Act to have a Code of Conduct and Integrity Commissioner in place for Members of "Local Boards" of the municipality and we will be reviewing this issue with Mr. Todd as well.

### **Summary**

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

Yours very truly,



Edward T. McDermott  
Integrity Commissioner, Town of Fort Erie