

The Life and Times of an Integrity Commissioner

AMCTO Zone 5 - Spring Meeting
May 9, 2025

Jeffrey A. Abrams

Principles *Integrity*

Integrity Commissioner
(for a bunch of places)

What I hope to cover today...



What an IC is
and does

Your Role/Our
Relationship

How to Deal
with Bad
Behaviour

Council's
Disciplinary
Role

Bill 9 (formerly
Bill 241)

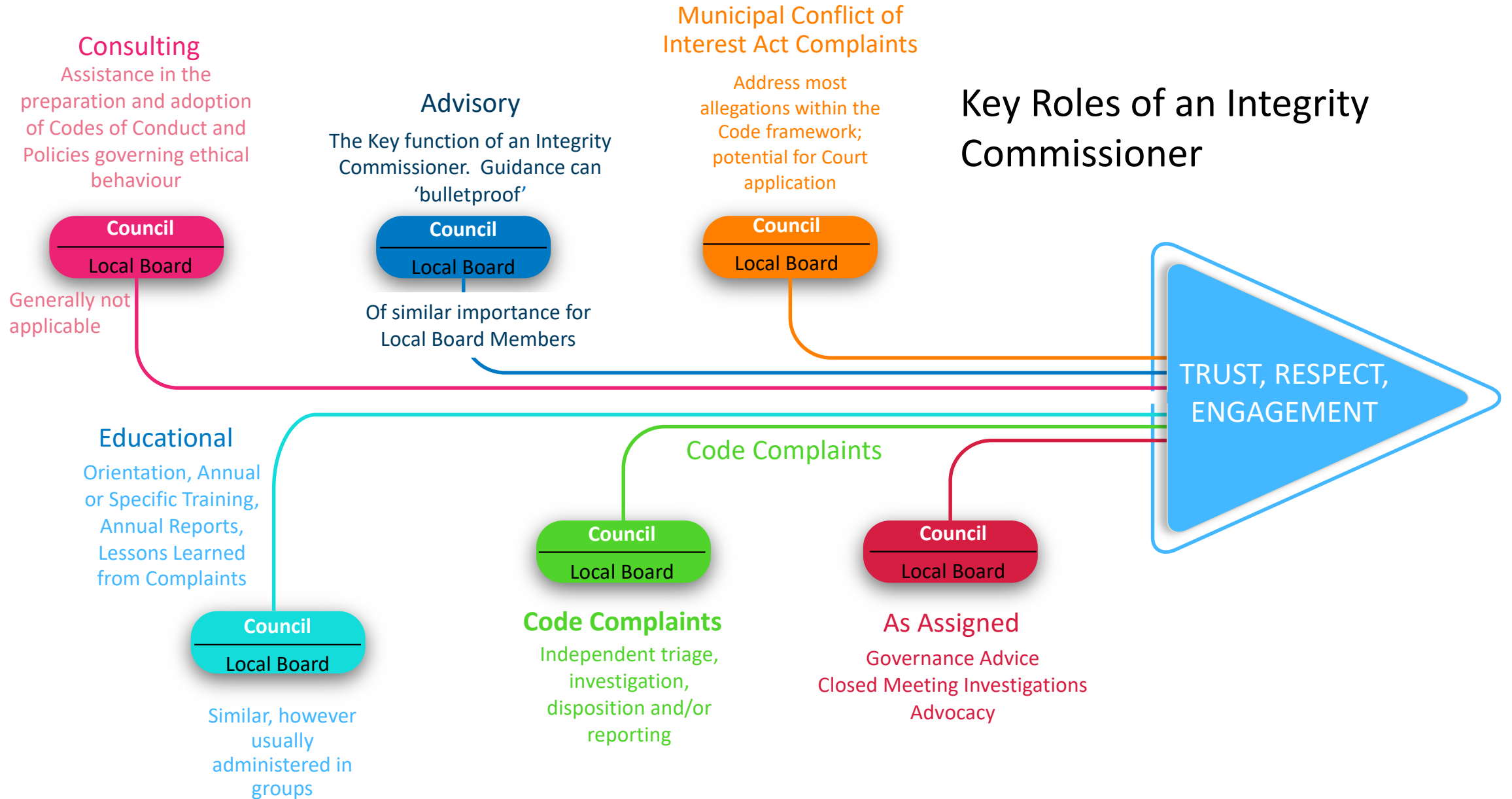




The Business of
Government is...

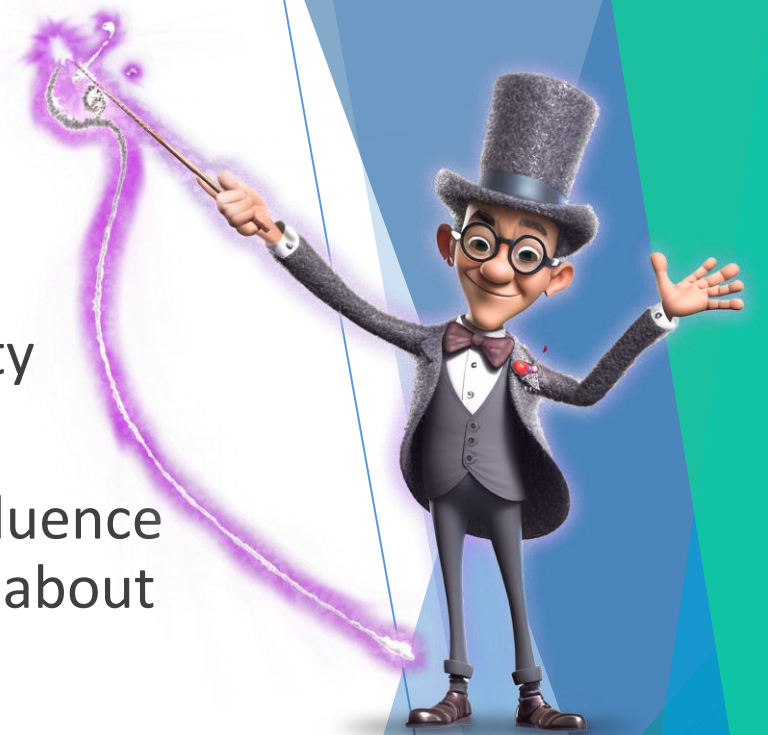
Governing

Key Roles of an Integrity Commissioner



What an IC is and does

- Municipalities Required to have Codes, and to have Integrity Commissioner.
- The Principles *Integrity* approach: Coach and Teacher; Influence Better Behaviour; Don't set fire to the Municipality; Not about mere technical breach- (toenail over a line)
- Keep costs in perspective
- There is no magic wand
- Practicing Integritycommissionering



Group Exercise

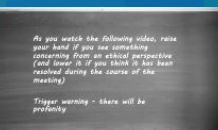
Group 1

What should be the key principles that guide Integrity Commissioners in the course of their work for municipalities

Group 2

What should be the priority for any universal code of conduct mandated under Bill 9

But first...



As you watch the following video, raise your hand if you see something concerning from an ethical perspective (and lower it if you think it has been resolved during the course of the meeting)

Trigger warning - there will be profanity

2023 Budget Summary - Saved to 9th PC

File Home Insert Page Layout Formulas Data Review View Automate Add-ins Smart View Help Acrobat

Clipboard Font Paragraph Styles

627 2.17M

	A	B	C	D	E	F	G	H	I	J	K
1		Project	Type	Project Cost	Funding						
26		Flood Mitigation	Engineering	\$ 75,000.00	Capital						
27		Total 2024 Contract Costs		\$ 2,192,991.00			2.17M				
28											
29		Geotechnical engineering/surveying	Study/Specialty Services	\$ 150,000.00	Reserve						
30		Gladwish Drive	Engineering	\$ 75,000.00	Capital						
31		Shoreline protection	Engineering	\$ 100,000.00	Capital						
32		Flood mitigation	Engineering	\$ 75,000.00	Capital						
33		Wellington Street Extension	Engineering	\$ 250,000.00	Capital						
34		Fire Renovation		\$ 25,000.00							
35		Clearwater Master Plan		\$ 180,000.00							
36		Germain Park Master Plan		\$ 150,000.00							
37		PASA		\$ 350,000.00							
38		Tecumseh		\$ 30,000.00							
39		BG Library		\$ 150,000.00							
40		General Park and Facility		\$ 100,000.00							
41											
42											
43		Total 2025 Contract Costs		\$ 1,635,000.00							
44											
45											
46											
47											
48											

Play (k)

1:26:20 / 3:17:23

CC HD



Group Exercise

Group 1

What should be the key principles that guide Integrity Commissioners in the course of their work for municipalities

Group 2

What should be the priority for any universal code of conduct mandated under Bill 9

Municipal Integrity Commissioners of Ontario Statement of Principles

As members of the Municipal Integrity Commissioners of Ontario (MICO), we endorse and undertake to promote these attributes and values as we carry out our roles as integrity commissioners in the communities we serve.

We employ the principles of reasonableness, fairness and natural justice to inform the interpretation and application of ethical codifications, so that in any circumstance the principal objective is the enhancement of the public interest.

As independent statutory accountability officers appointed by and reporting to municipal councils and other public bodies, we recognize that our primary role is to foster a culture of healthy ethical behaviour amongst elected and appointed officials.

We do this by exercising our responsibilities in a diligent, expert and respectful manner, guided at all times by a considered assessment of what will best serve the public interest.

We do this by championing the tenets of local democracy, accountability, transparency, procedural fairness and natural justice.

We do this by understanding that our jurisdiction is established by provincial statute, local enactments and judicial decisions.

We do this by exercising our authority in a manner that promotes good governance, and effective and equitable solutions.

We do this by being articulate, careful, curious, courageous, empathetic, humble, impartial, knowledgeable and timely, whenever there is cause to examine or advise on an issue of ethical responsibility.

THOU SHALT
NOT KILL

THOU SHALT NOT
COMMIT ADULTERY

THOU SHALT NOT
STEAL

10 THOU SHALT NOT
BEAR FALSE WITNESS

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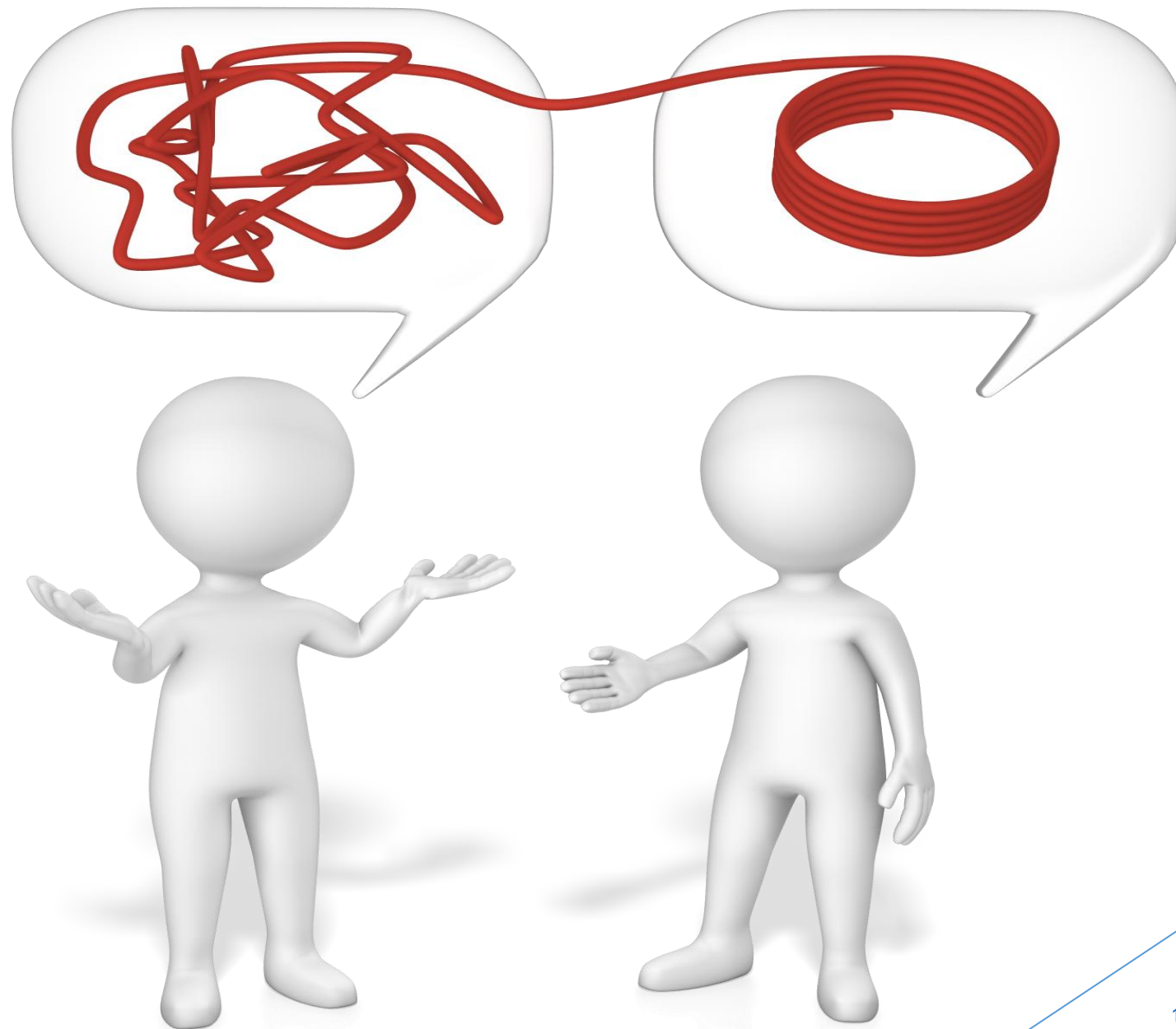
We do this by exercising restraint and a solution-oriented perspective, favouring teaching opportunities over sanctions.

We do this by being collaborative, while protecting the independence of our role.

And we do this by making findings on the balance of probabilities, while exercising the judgment of a reasonable person fully informed of relevant facts and circumstances.

Your Role - Our Relationship







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Your Role - Our Relationship

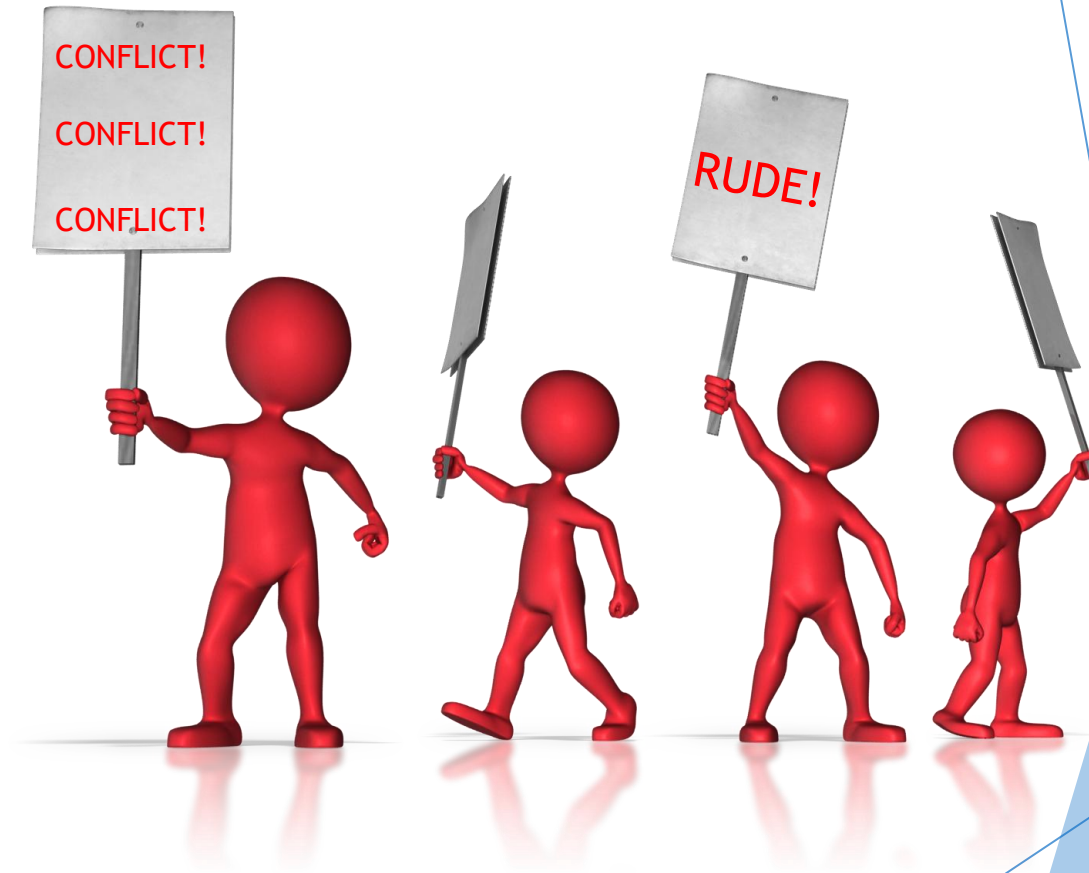
- Independence of our respective roles
- Statutory responsibility
- Purposeful, broad and liberal interpretation of the roles, and the policies that support the roles
- The benefits of conspiracy (a.k.a.) collaboration, while recognizing independence
- Good Governance is Key

The IC as Complaint Department



- Articulation and Initiation of Complaint
- Due Process / Procedural Fairness
- Confidentiality
- Findings/Recommendations/Remarks
- Dispositions

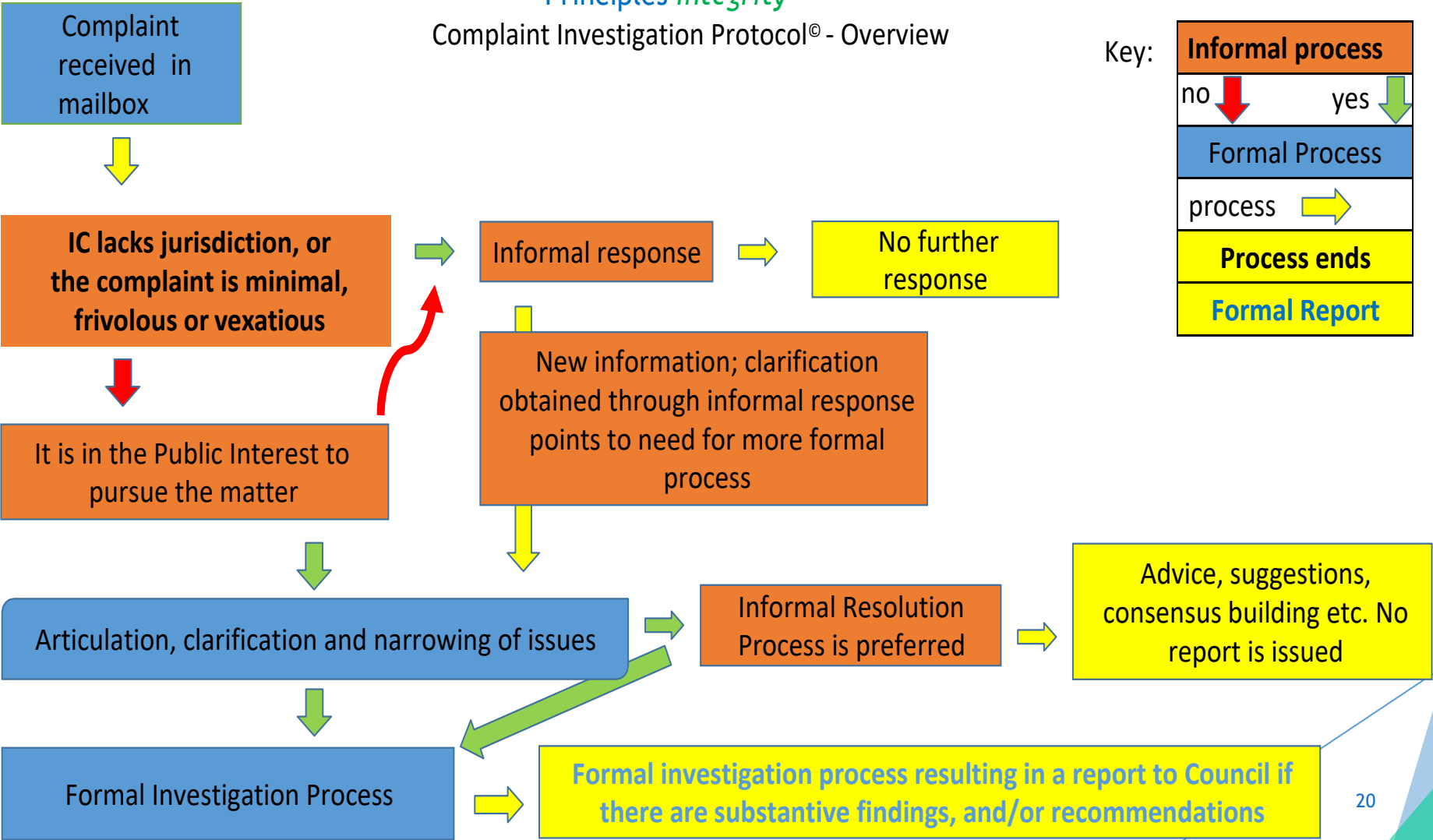
What to expect if a complaint is made



Investigation Protocol

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Complaint Investigation Protocol® - Overview



Day in the life - Complaints (1)

15%

Day in the life - Complaints (2)



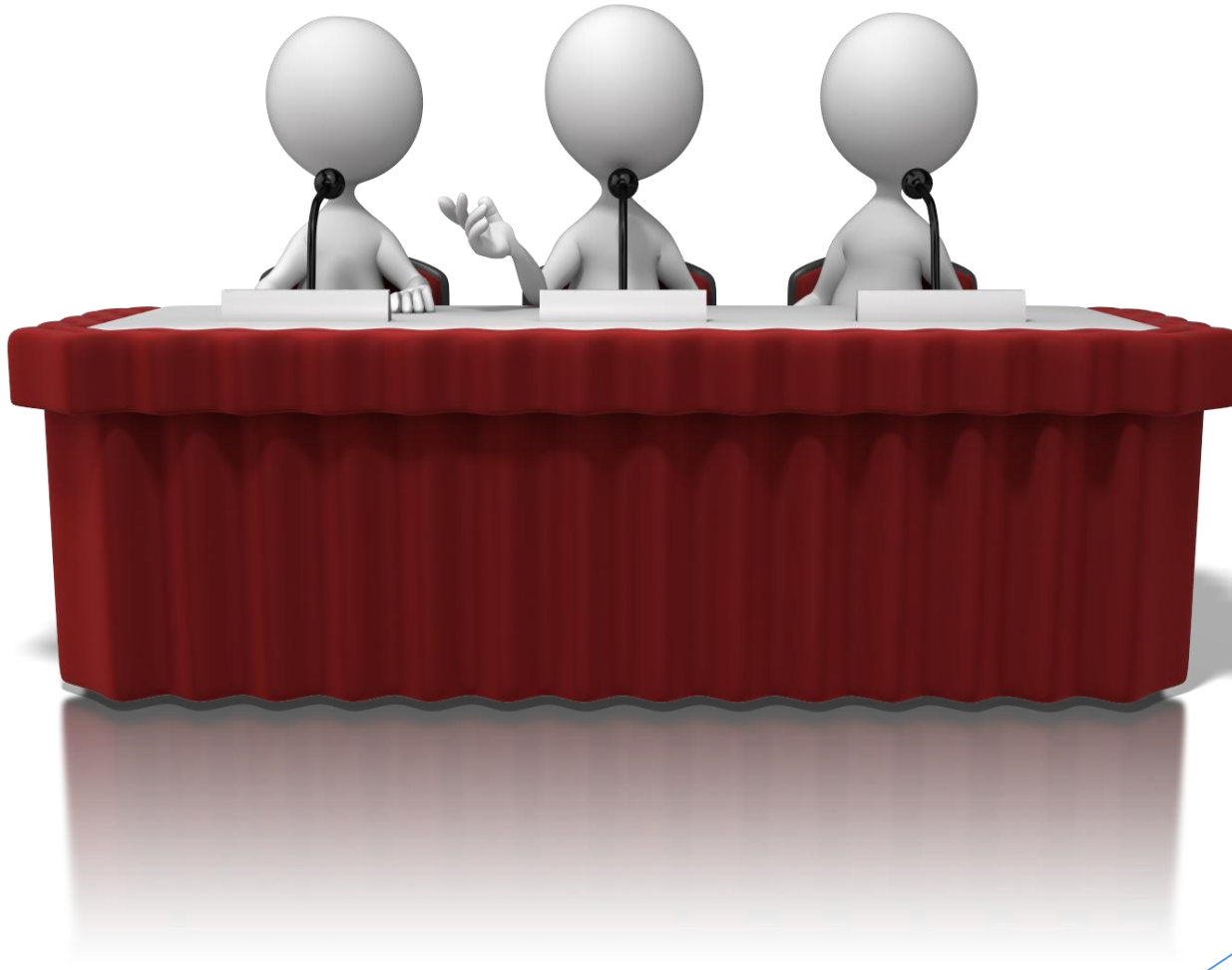
Day in the life - Complaints (3)



Day 1 the life - Complaints (4)



Day in the life - Complaints (5)



Day in the life - Complaints (6)



Day in the life - Complaints (7)



Day in the life - Complaints (8)



Day in the life - Comics (9)



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Council in Disciplinary Mode

“On your agenda tonight is a report that represents the culmination of a process. It is a process established by the Municipal Act – One in which a complaint about an elected official is brought to the attention of the municipality’s Integrity Commissioner, who in accordance with the Municipal Act is to conduct an INDEPENDENT, FAIR and CONFIDENTIAL investigation, and report findings, along with recommendations, to a municipal Council for a determination based on those findings and recommendations.”

Council in Disciplinary Mode

“ You are in a Disciplinary Mode this evening - we remind you regardless of your previous relationship with or views of Councillor XYZ, good, bad, or indifferent, you must set them aside. You must form your judgment based upon how our recommendations relate to our findings, and on what you hear tonight, recognizing that the investigation is now completed and that tonight is not a ‘hearing’ on what led to our findings.”

Dealing with Bad Behaviour

The Role of Town Staff

s.227 It is the role of the officers and employees of the municipality,

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

The Role of Town Staff

Plain Language:



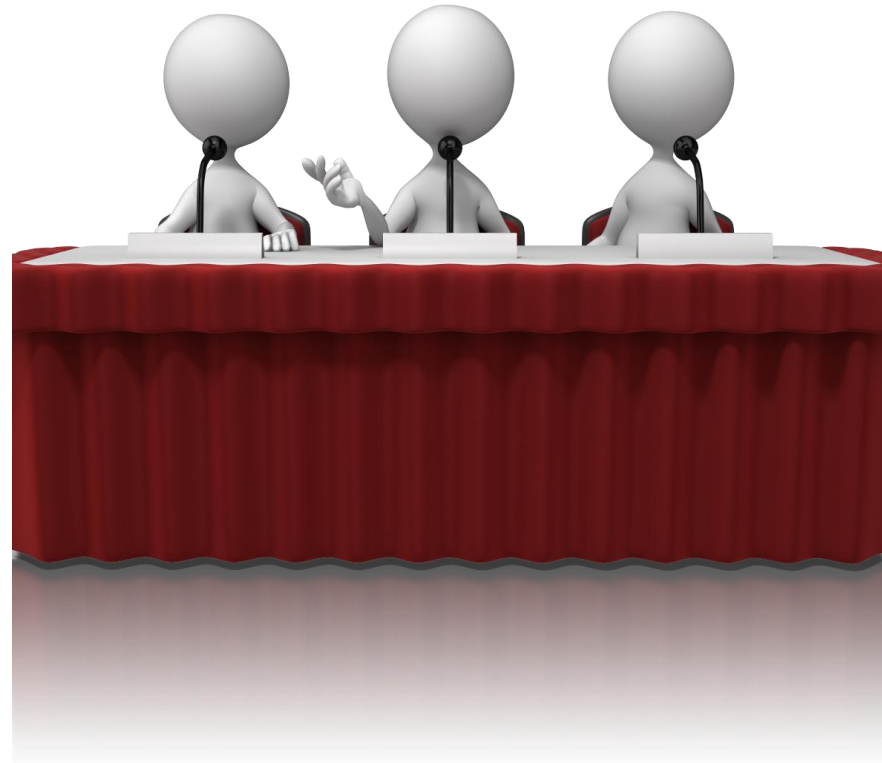
- Independent / Professional / Apolitical / Unbiased /
- Competent / Savvy / Purposeful / Productive

The Role of the Elected Official

- Balance the oversight, stewardship, policy making role – the governing role
- With Representing Constituents

Two tier systems....

- What is the fair expectation?
To have an open mind.



Balancing Power - Speak through the Chair



The Chair has responsibilities

Allows you to answer a proper question

Chair...I hear Councillor X and thank him for the question. What you need to know, Chair, is that...

Can't question the speaker, but can comment

The Don'ts:

Don't show your exacerbation - can't role eyes - body language.

Don't be disrespectful

Balancing Power - Prepare your Ad Libs

We are not all blessed with the ability to come up with the perfect phrase in the moment

Prepare Prepare Prepare



Set the landscape:

“I must disagree with the speaker’s premise for these reasons...”

“I understand the perspective of the speaker, but they are incorrect in this respect...”

Calmly express your agency:

“Chair I do take those comments as an attack on my staff’s credibility, [competence, truthfulness, professionalism....etc.] for these reasons...”

Swim with the current:

“Chair, of course reasonable people can disagree. I have listened to the Member’s arguments. I think there are some flaws in their statement but I take the point that the proposal has X impact, or is perceived Y way. If I may have 5 minutes to respond?”

“I’ll acknowledge we could have done a better job with X, but let me put the impact of that in perspective.”

If you have company, have them join you:
“Our presentation today was vetted (peer reviewed) by colleagues outside of the Town because we did indeed anticipate some of this pushback.”

Stand your ground:

“I’m afraid it would be inappropriate to respond to that kind of questioning Mayor, and I ask that the questions be put as questions and not statements. This is not a courtroom - I am your staff member, a professional, and not a witness in a courtroom drama. This line of questioning is not eliciting the information Council needs to make its decision.”

“Chair the Member is mixing questions and statements and I’m in no position, as a member of staff, to debate with him on the floor of council. My role is to answer questions properly put to me and I am more than happy to do that.”

“This is an intractable problem and I’m afraid the question asks for a simple answer. I do not mean any disrespect in saying that - it is, however, a fact that I cannot help Council solve its problem by responding simply ‘yes’ or ‘no’ to complex questions.”

And as the dust settles:

“Mayor, may I have a moment to
sum up our position to Council on
this?”





On the Horizon...

Legislative
Assembly
of Ontario




Assemblée
législative
de l'Ontario

1ST SESSION, 44TH LEGISLATURE, ONTARIO
3 CHARLES III, 2025

Bill 9

**An Act to amend the City of Toronto Act, 2006 and the
Municipal Act, 2001 in relation to codes of conduct**

The Problem with Bill 9



Single-Minded Focus on Removal
Uncertain and Expensive
Procedure
Lack of Detail / Style and
Perspective
Opportunity Cost

Questions and Takeaways?



