

**Subject: Report to Council on an Inquiry Respecting the Conduct of Members of the Manotick BIA Board of Management**

**File Number: ACS2023-OCC-GEN-0013**

**Report to Council 25 October 2023**

**Submitted on October 20, 2023 by Karen E. Shepherd, Integrity Commissioner**

**Contact Person: Karen E. Shepherd, Integrity Commissioner**

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**Ward: Citywide**

**Objet : Rapport au Conseil de l'enquête sur la conduite de membres du conseil d'administration de la ZAC de Manotick**

**Numéro de dossier : ACS2023-OCC-GEN-0013**

**Rapport au Conseil le 25 octobre 2023**

**Soumis le 2023-10-20 par Karen E. Shepherd, Commissaire à l'intégrité**

**Personne ressource : Karen E. Shepherd, Commissaire à l'intégrité**

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**Quartier : À l'échelle de la ville**

## **REPORT RECOMMENDATION(S)**

**The Integrity Commissioner recommends that City Council:**

- 1. Receive this report, including the finding that:
  - a. Respondent 2 contravened Section 7; and**
  - b. Respondent 3 contravened Sections 4 and 7 of the Code of Conduct for Members of Local Boards;****
- 2. Direct the City's Economic Development Office to work with OCOBIA to develop additional training materials for BIA Board members on matters including Procedure By-law, open and closed meeting procedures, and human resource management including procedure for the hiring of BIA**

staff.

## **RECOMMANDATION(S) DU RAPPORT**

La commissaire à l'intégrité recommande au Conseil municipal ce qui suit :

1. Prendre connaissance du présent rapport et de la conclusion selon laquelle :
  - a. l'Intimée 2 a enfreint l'article 7
  - b. l'Intimée 3 a enfreint les articles 4 et 7 du Code de conduite des membres de conseils locaux
2. Charger le Bureau du développement économique de la Ville de travailler de concert avec la Coalition des ZAC d'Ottawa à la production d'autres documents de formation pour les membres des conseils d'administration des ZAC portant sur différentes questions, dont le Règlement de procédure, les procédures de réunions ouvertes et à huis clos et la gestion des ressources humaines, notamment la procédure d'embauche du personnel des ZAC.

## **BACKGROUND**

The attached report relates to an inquiry undertaken by the Integrity Commissioner pursuant to her jurisdiction set out in Section 223.4 of the *Municipal Act, 2001* (the "Act") as follows:

### ***Inquiry by Commissioner***

*223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,*

*(a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or*

*(b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.*

### ***Powers on inquiry***

*(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, 2009, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).*

Where the Integrity Commissioner reports to Council or to a local board, Section 223.6 of the Act sets out the following specific requirements:

***Report about conduct***

*223.6 (2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.*

***Publication of reports***

*(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.*

The Complaint Protocol of the Code of Conduct for Members of Local Boards (Appendix A to By-law 2018-399) sets out the framework for the Integrity Commissioner receiving complaints, conducting investigations and reporting to Council and/or the local board.

Section 11 of the Complaint Protocol requires the Integrity Commissioner to report to Council where a complaint is sustained in whole or in part and outline the Integrity Commissioner's findings, the terms of any settlement and/or any recommended corrective action.

This report is submitted to Council under subsections 223.4(1), 223.6(2) and 223.6(3) of the Act and Section 11 of the Complaint Protocol.

**DISCUSSION**

The Integrity Commissioner received a total of five formal complaints from two individuals, who were also the respondents to one of the formal complaints.

As part of the Integrity Commissioner's intake analysis, the Commissioner assessed her jurisdiction to investigate the conduct of the five respondents, specifically whether the respondents were members of the local board at the time of the complaints. On this basis it was determined that two of the formal complaints were outside of the Integrity

Commissioner's jurisdiction to investigate.

Given the overlapping nature of the three formal complaints, the Integrity Commissioner exercised her discretion to conduct one investigation. However, each complaint has been treated separately, each with individual findings and recommendations.

The attached report contains the Integrity Commissioner's findings and recommendations related to the three formal complaints.

### **FINANCIAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **LEGAL IMPLICATIONS**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

This is a city-wide report.

### **CONSULTATION**

As this is a report from a statutory officer reporting directly to Council, this section is not applicable.

### **SUPPORTING DOCUMENTATION**

Document 1 – Report on an Inquiry Respecting the Conduct of Members of the Manotick BIA Board of Management

### **DISPOSITION**

Decisions made by Council as a result of this report will be implemented.