

**9. MOTION – INTEGRITY COMMISSIONER INVESTIGATION REGARDING  
THE RELEASE OF A CONFIDENTIAL MEMO  
MOTION – ENQUÊTE DU COMMISSAIRE À L'INTÉGRITÉ SUR LA  
DIFFUSION D'UNE NOTE DE SERVICE CONFIDENTIELLE**

**COMMITTEE RECOMMENDATION**

That pursuant to Section 5 – Confidential Information of the Code of Conduct for Members of Council, City Council direct the Integrity Commissioner to undertake an investigation into the release of the above-noted confidential memo and provide a report on his findings as soon as possible.

**RECOMMANDATION DU COMITÉ**

Que conformément à l'article 5, Renseignements confidentiels, du Code de conduite des membres du Conseil, le Comité des finances et du développement économique recommande au Conseil municipal de demander au commissaire à l'intégrité de mener une enquête sur la publication de la note de service confidentielle susmentionnée, et de faire un rapport de ses constats le plus rapidement possible.

**DOCUMENTATION/DOCUMENTATION**

1. Finance and Economic Development Committee report, dated May 21, 2021, (ACS2021-OCC-FED-0011)  
  
Rapport du Comité des finances et du développement économique daté le 21 mai 2021, (ACS2021-OCC-FED-0011)
2. Extract of draft Minutes, Finance and Economic Development Committee, May 18, 2021.  
  
Extrait de l'ébauche du procès-verbal, Comité des finances et du développement économique, le 18 mai 2021.

3. Extract of draft In Camera Minutes, Finance and Economic Development Committee, May 18, 2021. (held on file with the City Clerk)

Extrait de l'ébauche du procès-verbal à huis clôt, Comité des finances et du développement économique, le 18 mai 2021 (conservé dans les dossiers du greffier municipal)

**Report to  
Rapport au:**

**Council  
Conseil  
26 May 2021 / 26 mai 2021**

**Submitted on May 21, 2021  
Soumis le 21 mai 2021**

**Submitted by  
Soumis par:  
Finance and Economic Development Committee /  
Comité des finances et du développement économique**

**Contact Person  
Personne ressource:  
Carole Legault, Committee Coordinator / Coordonnatrice du comité  
613-580-2424 x28934, [CaroleA.Legault@ottawa.ca](mailto:CaroleA.Legault@ottawa.ca)**

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2021-OCC-FED-0011**

**SUBJECT: MOTION – INTEGRITY COMMISSIONER INVESTIGATION  
REGARDING THE RELEASE OF A CONFIDENTIAL MEMO**

**OBJET: MOTION – ENQUÊTE DU COMMISSAIRE À L'INTÉGRITÉ SUR LA  
DIFFUSION D'UNE NOTE DE SERVICE CONFIDENTIELLE**

#### **REPORT RECOMMENDATION**

**That pursuant to Section 5 – Confidential Information of the Code of Conduct for Members of Council, City Council direct the Integrity Commissioner to undertake an investigation into the release of the above-noted confidential memo and provide a report on his findings as soon as possible.**

## **RECOMMANDATION DU RAPPORT**

**Que conformément à l'article 5, Renseignements confidentiels, du Code de conduite des membres du Conseil, le Comité des finances et du développement économique recommande au Conseil municipal de demander au commissaire à l'intégrité de mener une enquête sur la publication de la note de service confidentielle susmentionnée, et de faire un rapport de ses constats le plus rapidement possible.**

## **BACKGROUND**

The Finance and Economic Development Committee, at its meeting of May 18, 2021, received a presentation from staff regarding the quarterly stage 2 LRT update. Committee also met in closed session to receive a briefing from the Ottawa Light Rail Office staff and Sharon Vogel, the City's external legal counsel, on LRT Legal Updates – Stages 1 and 2. Upon resuming in open session and after questions and discussion from members of Council, the Committee approved the following motion:

**WHEREAS the Code of Conduct for Members of Council (“the Code”) complements the existing legislation governing the conduct of Members of Council, including the Municipal Act, 2001 and the Municipal Conflict of Interest Act; and**

**WHEREAS in accordance with Section 5 of the Code, being “Confidential Information,” Members of Council shall not, “use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member’s private interest or improperly to further or seek to further another person’s private interest”; and**

**WHEREAS the Code further provides that, in accordance with the rules under Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Procedure By-law, Members of Council shall not, where a matter has been discussed in camera, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the in camera meeting (Subsection 42(1)(d) of the Procedure By-law) nor disclose or release by any means to any member of the public, any confidential information acquired by**

virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so; and

**WHEREAS** a confidential memo titled, “Stage 1 Insurance Claim – Confidential” was sent from City staff and external legal counsel to Members of Council on May 10, 2021, and was subsequently obtained by the media;

**THEREFORE BE IT RESOLVED** that pursuant to Section 5 – Confidential Information of the Code of Conduct for Members of Council, the Finance and Economic Development Committee recommend City Council direct the Integrity Commissioner to undertake an investigation into the release of the above-noted confidential memo and provide a report on his findings as soon as possible.

## **DISCUSSION**

This above Motion, introduced by Councillor El-Chantiry at the Special Meeting of the Finance and Economic Development Committee on May 18, 2021, was voted on and approved unanimously.

## **RURAL IMPLICATIONS**

No specific rural implications are identified in this Motion. Staff will be available at the Council meeting to respond to questions, as necessary.

## **CONSULTATION**

No public consultation was undertaken in relation to this Motion. .

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

This is a City-Wide issue.

## **ADVISORY COMMITTEE(S) COMMENTS**

Advisory committees were not consulted on this motion.

## **LEGAL IMPLICATIONS**

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of May 26, 2021. Staff will be available at the Council meeting to respond to questions regarding legal implications, as required.

### **RISK MANAGEMENT IMPLICATIONS**

Staff will be available at the Council meeting to respond to questions, as necessary.

### **FINANCIAL IMPLICATIONS**

There are no financial implications of implementing the recommendations in this report.

### **ACCESSIBILITY IMPACTS**

No specific impacts have been identified in the Motion. Staff will be available at the Council meeting to respond to questions, as necessary.

### **TERM OF COUNCIL PRIORITIES**

Staff will be available at the Council meeting to respond to questions, as necessary.

### **DISPOSITION**

Staff will implement Council's decision(s), as directed.