



MEMO / NOTE DE SERVICE

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| To / Destinataire | Mayor and Members of Council | File/N° de fichier: |
| From / Expéditeur | Robert Marleau Integrity Commissioner | |
| Subject / Objet | Termination of Inquiry | Date: 18 June 2021 |

Mayor and Members of Council,

The purpose of this memorandum is to advise City Council that I have terminated my inquiry into the leak of a confidential memo titled, “Stage 1 Insurance Claim – Confidential”.

Background

On May 26, 2021, City Council formally requested an investigation into the alleged leak of a confidential memo titled, “Stage 1 Insurance Claim – Confidential”, sent from City staff and external legal counsel on May 10, 2021.

All requests for investigation are subject to a thorough intake analysis. Through my initial classification of the request for investigation, I determined that the matter was, on its face, a complaint with respect to non-compliance with the Code of Conduct, that the referral of the matter to me was not frivolous, vexatious or not made in good faith and that there were sufficient grounds to proceed with an investigation. On June 2, 2021, I issued a Notice of Inquiry to all Members of Council and began my investigation.

Shortly thereafter, during the City Council meeting on June 9, 2021, Councillor Tierney rose on a point of personal privilege and identified himself as the source of the leak. The Councillor admitted to inadvertently including the confidential memo with some other documents he sent to a journalist about an unrelated public issue. Councillor Tierney asked Council to accept his apology and stated he would be much more careful in the future.

City Council then unanimously approved the following motion:

BE IT RESOLVED that, as this matter has now been resolved, Council accept the Member's apology and request that the Integrity Commissioner cease his investigation regarding this matter.

Termination of the inquiry

Under the Complaint Protocol, I have the discretion to terminate an inquiry if, during the course of an investigation, it becomes apparent that there are no grounds or insufficient grounds to continue with an investigation.

Councillor Tierney has admitted to the breach of the Code of Conduct for Members of Council, apologized for his mistake, and committed to upholding Council's confidentiality obligations in the future. By way of motion, Council has unanimously accepted the Councillor's apology.

I have considered Councillor Tierney's public admission and apology as well as Council's request that I cease my investigation into the matter.

By invoking my authority under Section 7 of the Formal Complaint Procedure, I have decided to terminate the investigation. I consider the matter closed.

Regards,

A handwritten signature in black ink, appearing to read "Robert Marleau". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'R'.

Robert Marleau, C.M.
Integrity Commissioner