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# Held to Account? An Analysis of Political Accountability in Ontario's Municipal Sector

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Held to Account?

An Analysis of Political Accountability in Ontario's Municipal Sector

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David W. Arbuckle  
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One's educational path is often referred to as a journey. Like any journey, there is excitement and anticipation that is normally accompanied by trepidation and uncertainty.

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**Abstract**

This exploratory research paper looks at the current political accountability framework at the municipal level in Ontario, which consists of a mandatory requirement for council code of conduct and access to an integrity commissioner. The literature review defines political accountability, both generally and within the Ontario municipal context, and outlines the historical beginnings, role and challenges with council codes of conduct and integrity commissioners. To answer the research question, “Does hiring an integrity commissioner improve political accountability at the municipal level in Ontario?” a detailed analysis of municipal council decision related to integrity commissioner investigations and recommendations, as well as comparing 2014 and 2018 municipal election results for elected officials who have been investigated for code of conduct violations, is conducted. From this data, an assessment of the overall effectiveness of the municipal accountability framework in influencing the two primary actors in holding municipally elected officials politically accountable, municipal councils and the voting public, is completed. Ultimately, this paper contends that while municipal councils are generally holding their municipal colleagues to account for their actions, code of conduct violations appear to have little bearing on election results. While more research is necessary, the paper suggests that greater consideration is needed for increasing sanctions available to integrity commissioners and their councils.

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## Introduction

As a public policy area, political accountability at the municipal level in Ontario has been on the “front burner” for well over a decade. Why? Both Breux and Bherer (2011) and Taylor (2011) highlight that “in Canada, the quality of municipal democracy is called into question by three facts, or phenomena. First is voter turnout in Canada is generally lower at the municipal level than it is at the other levels of government... Second, the re-election of incumbents is relatively high. Third, in recent years corruption and other scandals have deeply tarnished the image of representative democracy at the municipal level” (Breux & Couture, 2018).

Following the Toronto Computer Leasing Inquiry conducted by Justice Denise Bellamy, which began in February 2002 and concluded in September 2005, the Government of Ontario enacted Bill 130, *Municipal Statute Law Amendment Act, 2006*. One of the goals Bill 130 sought to address was to increase political accountability at the municipal order of government. To accomplish this, Bill 130 allowed municipalities the option (mandatory for the City of Toronto) of creating a council code of conduct and retaining accountability officers, such as integrity commissioners, to make elected municipal representatives more accountable for their actions.

Advancing just over ten years from this point to 2017, the Government of Ontario passed Bill 68, *Modernizing Ontario’s Municipal Legislation Act*. Again, the government took aim at political accountability and transparency by making municipal council codes of conduct and integrity commissioners mandatory for all municipalities in Ontario.

With any public policy change, one would hope to see evidence to support the need for change. In this instance, there is little to no evidence to suggest that moving to a mandatory accountability model, which in Ontario’s case involved codes of conduct and integrity commissioners, will result in greater levels of political accountability within municipal governments. While one might suggest that the mere existence of codes and commissioners increases transparency and accountability, this too is lacking evidentiary support.

This lack of evidence on the effectiveness of this accountability model is the rationale for this paper. Through this research, I will answer the question “Does hiring an integrity commissioner improve political accountability at the municipal level in Ontario?”

To do this, I will first review the history of council codes of conduct and integrity commissioners in Ontario, including their overall role, authority and challenges. In addition, I will look briefly at how political accountability is defined at the local level.

To directly address the research questions, I will outline the intended research design, strategy and operationalization for two key research components: 1) municipal integrity commissioner recommendations versus council decisions within the 2014–2018 term of council, and 2) a comparison of 2014 versus 2018 election results for those elected representatives who were investigated for code of conduct violations.

Through the subsequent analysis of the data produced, I will assess the connection between the integrity commissioner recommendations and the final arbiters of political accountability at the municipal level, municipal councils and the voting public, to help answer the main research question.

Finally, this paper will conclude with important considerations and questions that hopefully will help guide both future research and decision-making as it relates to the implementation of integrity commissioner regimes at the municipal level and the sanctions they have at their disposal.

## **Literature Review**

### **Political Accountability**

So what is political accountability, generally defined? Simply put, “Person A is accountable to another, B, if two conditions are met. First, there is an understanding that A is obliged to act in some way on behalf of B. Second, B is empowered by some formal institutional

or perhaps informal rules to sanction or reward A for her activities or performance in this capacity” (Ferron, 1999).

This entire concept of accountability is based on the principal-agent philosophy, which, in a representative democracy “tends to assume a bilateral relationship between P (the people) and A (their agents), where A is to serve P’s interest” (Philip, 2009).

Mark Bovens provides a similar definition in his 2007 *European Law Journal* article “Analysing and Assessing Accountability: A Conceptual Framework,” indicating that “accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences” (Bovens, 2007).

Further building on these definitions, Schmitter believes that “accountability, in short, implies an exchange of responsibilities and potential sanctions between rulers and citizens, made all the more complicated by the fact that a varied and competitive set of representatives typically interposes between the two” (Schmitter, 2004).

Schmitter describes this traditional type of political accountability as a “‘vertical’ power relationship between citizens, representatives and rules” where “various kinds of information, justification and sanctions or threats of sanctions move up and down the chain in an on-going exchange” (Schmitter, 2004). He also believes political accountability can take another directional form.

“Horizontal accountability is a matter of interactions not between rulers and ruled but between arms or branches of the regime and state acting according to preset constitutional or legal rules. Such regular ‘checks and balances’ are supposed to ensure greater accountability and in some accounts, even trump the vertical connection with citizens...” (Schmitter, 2004). The concept of municipal politicians’ possible adherence to a council code of conduct could conceivably be considered horizontal accountability.



### Municipal Political Accountability

A significant amount of time, energy and resources have been dedicated to the study of accountability, both political and broader public service, at the provincial and federal levels of government. Most studies that look at accountability within the municipal context focus on those in the United States (Breux & Couture, 2018). Far less attention has been provided to understanding political accountability for municipal politicians in Canada.

The literature suggests that while the principal-agent model is well understood and applied in the study of accountability, like any theory, challenges or limitations occur when practically applied. “The exchange between the actors and the different forums in accountability relationships is seen as evolving in three steps that together constitute accountability: information, discussion, and consequences/sanctions” (Brandsma & Schillemans, 2012). So what occurs to this accountability relationship when any of these steps are missing, like information?

Andy Sancton, in his analysis of the 2014 Ontario municipal elections in the cities of London and Greater Sudbury, highlighted “that the conventional model (principal-agent) for such accountability involves attentive voters informed by journalists about the actions of local elected members of council. It is easy to see how this model fails. Even before the decline of intensive political reporting by local media in mid-sized cities such as Greater Sudbury and London, it was difficult for voters to monitor the actions of their local non-partisan council” (Sancton, 2018).

This lack of information at the municipal level reoccurs as the theme in the overall ability for the municipal voter to hold local politicians to account. Elmendorf and Schleicher observe “that voters take little account of the performance of local officials and attribute this to the fact that municipal politics is often characterized by a lack of readily available information” (Elmendorf & Schleicher, 2012). “Accountability models for elections assume typically that while voters don’t know something that they need to know to evaluate governments, incumbents do know what they need to know to be re-elected” (Manin, Przeworski, & Stokes, 1999).

Building on this lack of information provided to the electorate is the general lack of understanding about who voters are supposed to hold accountable at election time. “In addition to a marked deficit in the political knowledge of the electors, the institutional complexity of federations seems to impair the responsibility of elected officials” (Choquette & Godbout, 2017). Generally speaking, the populous may not know which level of government is responsible for which public policies or services and may mistakenly hold the wrong politician to account through their individual vote.

Another important limitation to this principal-agent theory highlighted by Philip is that “these agents (municipal politicians in this case) can serve interests other than those of P (people), especially when there is an imbalance in the amount of information held by A (agents) regarding the responsibilities of P” (Philip, 2009).

### Accountability and Elections

It is this relationship between the elected representative and the citizen, or more specifically, the voter, that is the key underpinning of political accountability as “democratic theory suggests, that elected representatives are tasked and incentivized to implement the preferred policies of voters. The role of voters in this interplay is to reward or punish elected representatives based on how government performance corresponds with citizens’ expectations” (Breux & Couture, 2018). Within this relationship, “accountability is meant to promote democratic control, compliance, and continuous improvement in the use of public authority and resources” (Aucoin & Heintzman, 2000). One venue to exercise this control is through an election.

Manin, Przeworski and Stokes (1999) theorize about the possible connection between accountability and elections, from a voter’s perspective. They indicate that elections are seen in one of two views: mandate or accountability. With a “mandate view, elections serve to select good policies or policy-bearing politicians.” Through an “accountability view, elections serve to

hold governments responsible for the results of their past actions.” They also argue that “governments are accountable if voters can discern whether governments are acting in their interests and sanctioned appropriately” (Manin, Przeworski, & Stokes, 1999).

According to Mansbridge, the principal-agent theory can manifest itself in two models: sanctions or selection. “The sanctions model presupposes that the interests of these two parties are divergent and that therefore the monitoring and sanctioning of the behaviour of agents is done by way of an election. The selection model, on the other hand, presumes that the principal and the agent share a certain number of similar objectives. As a result, the struggle for power in this model is determined beforehand, at the moment elected officials are chosen by the electors” (Mansbridge, 2009).

Regardless of intentions, “voters can decide whether to reelect an incumbent on any basis they want... and they can change their minds between the beginning and the end of the term. At least in this way, voters are sovereign” (Manin, Przeworski, & Stokes, 1999).

### Ontario Municipal Accountability Historical Context

In its broadest sense, the concept of accountability officers with the Canadian parliamentary system of government is not new. One could argue that at the federal and provincial orders of government, both the Governor General and the Lieutenant Governor, respectively, serve a quasi-accountability officer role within Canada’s constitutional monarchy. Practically speaking, with the exception of the federal government’s Auditor General, “public sector accountability offices are still relatively new. At the federal level, the first Ethics Counsellor was only appointed in 1994 and that position did not become independent until 2004” (Dodek, 2018).

At the municipal level, the advent of accountability officers has been much more recent. Sancton mentions that it is only within the last 15 years that municipal accountability officers

have become established in Canada (Sancton, 2017). What was the impetus for this sudden adoption of municipal accountability officers within the municipal sector?

In the early 2000s in Ontario, some believe the push for municipal accountability and transparency legislation “was driven by a number of factors related to a perception that municipal politics in Ontario lacked openness” (Alcantara, Leone, & Spicer, 2012). Dodek is slightly more pointed in his rationale in stating that “part of the drive for the creation and expansion of accountability regimes can be attributed to the failure of political accountability in Canada” (Dodek, 2018).

A significant contributor to the above-noted perceptions was the Madam Justice Bellamy inquiry and subsequent report detailing the City of Toronto and its relationship with MFP Financial. Through the Toronto Computer Leasing Inquiry, “Madam Justice Bellamy uncovered remarkably wide-ranging breaches of ethical behaviour among some City councillors and staff.” Through her report, presented in 2005, Justice Bellamy “recommended new institutions and procedures, including the creation of Canada’s first full-time municipal integrity commissioner and the first compulsory municipal lobbyist register” (Sancton, 2017). “These specific scandals (related to the Bellamy Inquiry) reinforced pre-existing negative perceptions of municipal transparency, such as those related to the close relationship between certain special interests and municipal officials in the GTA (Greater Toronto Area)” (Alcantara, Leone, & Spicer, 2012).

Alcantara et al. highlight multiple other key factors that contributed to the accountability gap such as the correlation between private sector support and electoral victory and municipalities’ inability to effectively respond to requests for information. “In short, a convergence of structural and temporal factors created the conditions for the Ontario government to pursue accountability and transparency reform at the local level in 2006” (Alcantara, Leone, & Spicer, 2012). Anand and Sossin (2018a) punctuate this premise by indicating that “the independence of accountability officers often has been a direct or indirect

response to the erosion of credibility in other government offices or decision-making” (Anand & Sossin, 2018b).

In an article by Stanley Makuch and Matthew Schuman, “The Impacts of Expanding Municipal Authority without Safeguards in Toronto and Ontario,” the authors seek to advance the theory that the expansion of ethics regimes at the municipal level is partially due to the increase in municipal powers and citizens’ growing expectations related to accountability.

*“Canadian municipalities now have broad powers in provincial legislation and are no longer subject to the express authority doctrine in judicial review proceedings. Instead, they are seen as responsible partners with provincial government and are entrusted to act properly to decide what is in the public interest. Yet, while this shift is based in economic and political values, there are few political controls in the municipal decision making process that might ensure that municipalities do not abuse their new, broad powers. Rather, in practice, individual municipal councillors may control the outcome of a municipal decision”* (Makuch & Schuman, 2015).

In reaction to this environment of heightened awareness of the lack of accountability and transparency within the municipal sector, the Government of Ontario introduced Bill 130, *Municipal Statute Law Amendment Act, 2006* on June 15, 2006, with it being proclaimed on January 1, 2007. The Act prescribed a number of mandatory accountability and transparency policies on the sector including the retention of a closed meeting investigator. In addition, “municipalities were authorized to establish a code of conduct for council and for local boards of the municipality as well as the ability to appoint accountability and transparency officers such as an integrity commissioner, an auditor general, an ombudsman, and/or a lobbyist registrar” (Alcantara, Leone, & Spicer, 2012).

While articulated as optional in Bill 130, the simultaneously introduced the *City of Toronto Act, 2006* did not provide the same flexibility related to the appointment of

accountability officers. The *City of Toronto Act, 2006* mandated the creation of all four offices (integrity commissioner, auditor general, ombudsman and lobbyist registrar) for the City of Toronto.

From the study presented by Alcantara et al., the data suggests that not a significant amount of change occurred as a result of Bill 130. “Our findings suggest that most, but not all, municipalities chose to meet the minimum requirements, while the optional measures were adopted unevenly across our sample. Those that pursued more than the minimum requirements tended to be larger municipalities or had existing policies that were similar to the voluntary ones listed in the legislation” (Alcantara, Leone, & Spicer, 2012).

Between the 2012 Alcantara et al. study and 2017, many more municipalities adopted the optional accountability provisions within Bill 130, including implementing council codes of conduct as well as the retention of individuals or firms to serve as integrity commissioners. This being said, overall gaps in the adoption/institution of accountability regimes within Ontario’s municipal sector continued to exist, creating a patchwork of regimes throughout Ontario. The Government of Ontario sought to address these gaps through additional legislative change.

“Today, Ontario passed legislation to empower municipalities to be more open, accountable and flexible in responding to the needs of residents” (Ontario Ministry of Municipal Affairs, 2017). The above quote is from a press release for Bill 68, *Modernizing Ontario’s Municipal Legislation Act, 2017*, which was proclaimed on May 30, 2017. Bill 68 made a number of amendments to three key pieces of municipal legislation, the *Municipal Act, 2001*, the *City of Toronto Act, 2007* and the *Municipal Conflict of Interest Act*. While Bill 68 addressed some important policy areas such as municipal financial sustainability and municipal service delivery, the changes related to accountability and transparency were what garnered significant attention within the sector.

According to the Bill 68 Ministry of Municipal Affairs backgrounder, the new legislation will, amongst other things:

- Require municipalities to establish codes of conduct for members of municipal council and certain local boards, which could include rules that guide the ethical conduct of those members.
- Give the public and municipal councillors access to an integrity commissioner, with broadened powers to investigate conflict of interest complaints and provide advice to councillors. (Ministry of Municipal Affairs, 2018)

By requiring municipalities in Ontario to have codes of conduct as well as ensuring citizens have access to an integrity commissioner at the local level of government, the government was looking to ensure consistency from an accountability and transparency perspective. Bill Mauro, the Minister of Municipal Affairs who introduced the legislation, indicated as much during legislative debate on Bill 68:

*“In our review, we asked Ontarians whether their municipality had a code of conduct and if it was working effectively. We learned that while many large municipalities have a code of conduct, many medium-sized or small municipalities do not.*

*In order to provide greater consistency in the level of accountability and integrity across Ontario’s governments, we are proposing to require codes of conduct in all municipalities. I’m confident that our proposed approach strikes a strong balance between municipal autonomy and the need to have some consistent guiding principles across the province.*

*To ensure that codes of conduct are enforced more effectively, we are also proposing to make changes related to local integrity commissioners. Municipal representatives are expected to perform their roles with integrity and meet the highest standards of conduct. When citizens, members of council and local boards feel that these standards have not been met, it is important that they have the opportunity to voice their concerns. Our proposed changes focus on*

*improving access to integrity commissioners, to ensure that these concerns are addressed. Municipalities would be required to provide access to an integrity commissioner to investigate complaints and provide advice to municipal councillors and information to the public” (Legislative Assembly of Ontario, 2016).*

The establishment of an accountability system, through both Bills 130 and 68, make Ontario an ideal case to study political accountability at the local level.

### Codes of Conduct

While some council codes of conduct existed at the municipal level prior to Bill 130, it was the fallout from the Bellamy report that brought this accountability tool into the limelight. “The Bellamy Report recommended that the City’s codes of conduct include rules about apparent and real conflicts of interest and that to assist with meeting this obligation, public officials should seek advice of the integrity commissioner” (Jepson, 2018). Bill 130 adopted this recommendation, albeit prescribed in a voluntary manner.

In the Ontario context, there is a symbiotic relationship between municipal council codes of conduct and the position of integrity commissioner.

Up until Bill 68, the *Municipal Act, 2001* offered very little guidance as to the definition of a code of conduct for municipal councils, nor did it prescribe content for these codes.<sup>1</sup>

Municipalities that have adopted council codes of conduct have taken different approaches, from prescriptive, rules-based codes to those that are higher-level, minimalist guideline codes. But what is their purpose? According to Lyman, Fletcher and Gardiner, “formalized guidelines, such as codes of ethics, regarding outside financial interests, gifts and favors, treatment of information, outside employment, respect for professional judgment, political activity, and other

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<sup>1</sup> Bill 68 added Regulation O 55/18 to the *Municipal Act, 2001* and prescribed four broad categories that must now be included in all municipal codes of conduct including: gifts, benefits and hospitality; respectful conduct; confidential information; and use of property of the municipality or of the local board.



aspects of public behavior establish formal guidelines for ethical behavior and help cut down on the ambiguity that can attend individual consideration of ethical rights and wrongs” (Lyman, Fletcher, & Gardiner, 1978).

Municipal codes of conduct can exist, or at least could exist before the passage of Bill 68, without a municipality employing an integrity commissioner. While a municipality may save on integrity commissioner-related costs by not hiring one, challenges exist when a potential code of conduct violation occurred or code interpretations were needed. Sancton highlights how an integrity commissioner fulfills this role in the Ontario context: “The office (in Ontario at least) is designed both to advise members of municipal councils on ethical issues and to investigate complaints of ethical violations. In both tasks, an integrity commissioner must apply the provisions of the council’s ‘code of conduct’ to the particular ethical issue in question” (Sancton, 2017). Phillip MacEwen, in his review of the high-profile case in the City of Vaughan involving then Deputy Mayor Michael DiBiase, highlights that “no matter how comprehensive the rules, there will on occasion be situations where the ethical course of action is not clear and an individual will need authoritative advice and guidance” (MacEwen, 2018).

A code without an integrity commissioner has difficulty being enforced. An integrity commissioner without a code has nothing to enforce. The two accountability tools are linked in today’s Ontario municipal context and are key in helping define council and public expectation.

### Integrity Commissioner Role

While still a relatively new function within the municipal sector in Ontario, the role of an integrity commissioner is generally well-defined. The *Municipal Act, 2001* Section 223.3 (1) clearly defines the role as:

(a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;

(b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them (*Municipal Act, 2001*).

As Sancton indicates, the office of integrity commissioner is designed to both advise and investigate. He points out that “judging from the annual reports of integrity commissioners, it appears that much of their time and effort is spent advising councillors in confidence about how to respond to perceived ethical dilemmas” (Sancton, 2017). Levine and Couto concur that “these commissioners’ most basic function is to investigate and report an opinion on whether a code rule has been breached and to recommend what to do about it. In turn, council is to impose sanctions where appropriate. Councils may assign other functions to commissioners – educational and advisory functions, for example, are increasingly common” (Levine & Couto, 2017).

This being said, “there is no universally understood definition of an accountability officer” (Anand & Sossin, 2018b). While the literature spells out the rudimentary functions of the integrity commissioner position, there continues to be some debate about what the role of integrity commissioners or other accountability officers should be, particularly as it relates to issues of political accountability.

Many, including Sancton, see the integrity commissioner role as informative in nature. “The most important function of municipal accountability officers is to provide much-needed information for local media, for potential council candidates, and for conscientious citizens.” Sancton continues that “rather than expecting accountability officers to take over accountability functions from electors by imposing harsh penalties such as removal from office, we should see them as people who can help municipal voters make informed decisions” (Sancton, 2017). Valerie Jepson, current Integrity Commissioner for the City of Toronto, concurs with Sancton on this point: “Modern Canadian ethics programs are best understood as mechanisms to encourage the best behaviour; and, to provide non-partisan, transparent fact-finding for the

benefit of the electorate to help make an informed choice about who to vote for at the next election” (Jepson, 2018).

### Authority

As mentioned, the authority of the position of integrity commissioner exists within Section 223.1 of the *Municipal Act, 2001*. “Municipal accountability officers cannot be effective unless they have some form of statutory authority. This authority can derive only from decisions made by provincial governments” (Sancton, 2017). The legislation provides the basis for integrity commissioners to take action (or non-action) within their prescribed role, albeit limited. “In general, these officers have very limited authority other than that required to make declarations and non-binding recommendations. Such limited authority is in one sense a virtue, because it makes possible informal, non-adversarial ways of proceeding” (Sancton, 2017).

It is also generally understood that accountability officers need to operate and exercise their limited authority independently. Anand and Sossin (2018b) write about the importance of an “independence framework” for accountability officers like municipal integrity commissioners:

*“Institutionally, the structure of the office, from the appointment process through to the investigation and the decision-making process, must have a clear and objective separation from the Government of the day (or any other individual, group or institution) that could be perceived as exerting improper or undue influence on the accountability officer’s decision-making”* (Anand & Sossin, 2018b).

Anand and Sossin point out that “the independence of accountability officers often has been a direct or indirect response to the erosion of credibility in other government offices or decision-making.” Again, the subject of the Bellamy Inquiry is positioned as a prime example as “the City of Toronto accountability offices (Integrity Commissioner, Ombudsman and Lobbyist Registrar) all arose out of the MFP Computer Leasing Inquiry following a procurement

scandal” when municipal government credibility was under attack. “The core of independence – which posits accountability offices that function above the political fray – is also fragile at particular times, such as times of tension or crisis” (Anand & Sossin, 2018b).

### Challenges/Failings

Since the option of hiring an integrity commissioner was legislated in 2007 in Ontario, a number of challenges have been highlighted and questions have been asked regarding this particular mechanism of political accountability.

The first question relates to what is truly the responsibility of an integrity commissioner. Is it to educate the general populous about ethical behaviour within their particular municipal jurisdiction, or is it to investigate potential violations of accepted ethical standards and enforce the rules on individual councillors? Anand and Sossin see this dilemma as significant for the position.

*“For accountability offices, the most challenging metric is whether their goal is increasing or decreasing levels of enforcement activity. If successful in education and avoidance efforts, fewer instances requiring their intervention should arise, and so over time a successful accountability office should have decreasing levels of activity. On the other hand, if successful in education and profile raising, more people should seek out the intervention of accountability offices and increasing levels of activity should be seen as a metric of success. Advice giving, for example, may contribute to better ethical conduct by public officials, but is often premised on confidentiality, and therefore its impact is difficult to quantify”* (Anand & Sossin, 2018b).

Adam Dodek, in his article “What Lies Ahead for Public Sector Ethics?” points out a number of significant challenges with the current system, starting with the very manner in which they came into existence. Dodek pieces together the brief history of ethics

officers in Canada, starting with the establishment of the first Ethics Commissioner at the federal level in 1994, and moving to the integrity commissioner environment in Ontario. Dodek describes these reforms as “not coordinated or necessarily coherent.” He continues that “they produced a fragmentary approach to the creation of new accountability offices, tending to create a multiplicity of offices with narrow jurisdiction and often modest funding” (Dodek, 2018).

Dodek outlines another challenge presented to these types of “public sector regimes” and that is the “continuing failure of political accountability” (Dodek, 2018).

*“This (failure of political accountability) puts increased pressure on public sector accountability officers who instead of being seen as complementing traditional political accountability are perceived as supplanting it. They have come under increasing media, public and political scrutiny and may be involved in open clashes with public officials whose conduct they are scrutinizing or, more often, criticizing”* (Dodek, 2018).

Dodek is not alone in his concern over the lack of ethics in politics and the challenges this presents to ethics officers like municipal integrity commissioners. “At one time, integrity commissioners and lobbyist registrars were regarded as innovations that might or might not succeed, but they have proven their worth. However, effective institutions are not enough. Without the underpinning of a solid civic culture, even good institutions that support and enforce ethical behaviour will eventually flounder” (Ogata, Couto, & Greene, 2014).

Lastly, a thread that is found throughout most writings related to Ontario’s municipal integrity commissioner regime, is the inability for integrity commissioners to enforce their recommendations upon municipal councillors should they be found in violation of their own council code of conduct. “The advantage of having integrity commissioners is that the municipalities fund them, and residents do not have to go to great expense to get some level of

accountability from local councillors. But the downside is that commissioners typically have no power to give orders, and their reports may be dealt with politically or expediently by councils, thus failing to fulfill the intent of the codes” (Levine & Couto, 2017).

### Sanctions

Jepson observes, as does Sancton, that the role of the municipal integrity commissioner should be one of information sharing rather than enforcement. “Ethics programs for elected officials ought not to be viewed as punitive in the criminal or quasi-criminal sense and unless they lead to disqualification from standing for office, they ought not to be viewed as professional regulatory programs” (Jepson, 2018). The real power according to Sancton lies in that fact that “the capacity of these officers to influence public opinion about the performance of municipal officials is very high.” Sancton warns that “the effect of such influence on individual electoral and bureaucratic careers should not be underestimated” (Sancton, 2017). This very point will be examined in this paper.

Currently, as outlined in the *Municipal Act, 2001 223.4 (5)*, the options available to an integrity commissioner for sanctioning a municipal councillor who has violated their code of conduct are:

- “1. A reprimand.
  2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.”
- (*Municipal Act, 2001*).

Dodek believes that these sanctions are insufficient: “Formal sanctions are important enforcement mechanisms because they are often the most visible forms of enforcement. There is a need to both expand the range of formal sanctions and to increase their strength. The inclusion of administrative monetary penalties (AMP) in many ethics regimes demonstrates both imperatives” (Dodek, 2018).

In their article “Rob Ford and the End of Honour,” Ogata, Couto and Greene suggest that the general public, at least in the City of Toronto, might be ready for more significant sanctions on ethics violators, such as removal from office. “It would be useful to have a public debate about innovative, fair, and effective ways of removing rogue politicians who refuse to do the honourable thing and resign. To that end, there appears to be a high level of public support for legislative change in this regard. A survey conducted in September of 2014 indicated that four-fifths of Torontonians support ‘a recall mechanism for voters so they can remove a duly elected mayor at any point during their term if people are unhappy with his or her conduct’ (Jacobs, 2014)” (Ogata, Couto, & Greene, 2014).

For Brandsma and Schillemans, it is less about the use of sanctions than it is about the ability to use them. “It would not make sense to measure the sanctioning element of accountability by the frequency the principal resorts to it; this would imply that relationships where everything runs perfectly well are situations of poor accountability. What matters is that the principal should be *able* to sanction or reward” (Brandsma & Schillemans, 2012). They continue that “what is at stake for a measurement of accountability is not the ease by which a superior resorts to actually imposing consequences, but rather whether he has the possibility. As mentioned before, accountability prevents undesired behavior precisely because actors want to avoid being sanctioned. Sanctioning capacities, thus, are reflected by the repertoire of consequences that a superior can impose on the actor” (Brandsma & Schillemans, 2012).

## **Research Design**

### **Research Aim and Question**

The literature review provides overall context as it relates to the current ethics environment at the municipal level in Ontario as well as gaps that exist with the current accountability system. In light of the fact that the Government of Ontario, through Bill 68, made

significant changes to the municipal accountability and transparency legislation, it is notable that little evidence has been produced to understand whether ethics programs like codes of conduct or the installation of an accountability officer like an integrity commissioner are having an impact on political accountability at the municipal level.

The impetus for action on issues of accountability related to municipal government appears to be perceptual. “Ensuring that there is a strong public ethics framework to protect public confidence in existing democratic and political institutions has become central to discussions of public policy. Recent political developments suggest that established Western democracies cannot take for granted the continuation of political order without strong public confidence in the ethical conduct of public officials” (Anand & Sossin, 2018a).

In “Responding to Policy Change from Above,” Alcantara, Leone and Spicer’s application of John Kingdon’s “agenda setting” policy framework (1984) would tend to support public policy decision-making in this regard. Kingdon highlights three types of policy streams: problems, policies and politics. The problems stream is driven by people pushing for policy change. The policies stream is driven by experts looking at problems and proposing solutions. And finally, the politics stream can be driven by a number of sources including legislative action or interest group pressure. While the streams operate independently, action occurs when the streams converge and a policy window opens (Alcantara, Leone, & Spicer, 2012).

This theoretical model fits well with the decision made regarding municipal accountability in Ontario. The MFP Computer Leasing Inquiry provided a crisis/problem that needed to be addressed through the problems stream. The policies stream was fuelled through analysis and solution proposal. Political pressure and media attention provided the politics stream rationale for action. The convergence of the three streams culminated in a policy window that helped produce Bill 130, and, perhaps to a lesser extent, Bill 68.

This being said, I contend that the ethics program at the municipal level in Ontario falls somewhat short in its practical application. Not only is there a lack of evidence to support the



potential effectiveness of ethics mechanisms like codes of conduct or integrity commissioners, but there is also no stated measurement structure to assess the overall or specific effectiveness of the public policy.

This lack of public policy evidence and concrete measurement, combined with the relatively short timeframe in which the municipal accountability mechanisms have been available, leads to an exploratory aim for this research paper. I will address the need to further investigate the effectiveness of integrity commissioners in affecting political accountability.

The research question “Does hiring an integrity commissioner improve political accountability at the municipal level in Ontario?” is consistent with the exploratory aim in that there is little existing evidence that would have already answered the question. With the question posed in this manner (a potential yes or no response), there is also a significant testing aim in addition to the exploratory aim. A more complete testing aim would contain researcher expectation as to the result of the test. In this instance, I have no perceived expectation as to the potential answer to the research question, partially due to the lack of evidence, hence the rationale for a blended exploratory/testing research question.

### Theoretical Framework

From the literature review provided, one key observation is particularly relevant in addressing my specific research question, and that is who, ultimately, is responsible for holding elected municipal representatives accountable politically. My contention is that political accountability at the municipal level in Ontario is determined by two groups of actors: individual municipal councils and the voting public.

Within the current Ontario municipal integrity commissioner working environment, which includes applicable provincial legislation, overall accountability is, for the most part, not in the hands of individual municipal integrity commissioners. While integrity commissioners have the ability to make recommendations to elected municipal councils with regard to possible code of

conduct violations, as well as sanctions against individual politicians who have been found in violation of their code of conduct, the integrity commissioners' recommendations are not binding.<sup>2</sup>

Once an integrity commissioner has done an investigation (should that be necessary) and brought his or her analysis and recommendations forward to their respective council, it is up to each individual council to adopt, reject or modify recommendations made by that integrity commissioner. I identify this collective ability, even obligation, to make decisions on an individual politician as a mechanism for determining political accountability within a given municipal environment.

As for the other accountability actor, the voting public, the literature supports the observation that an informed electorate has a role in holding politicians to account for their actions, both positive (reward) and negative (punish). It is suggested that voters will use the information related to an individual municipal politician's ethical behaviour, again either positive or negative, and incorporate it into their actions, in this case casting a vote during a municipal election.

With decision-making power regarding political accountability belonging to both municipal councils and the public, I will use the data provided through both council decisions and voting results to form the axiom that there is a relationship between council decisions, voter decisions and municipal political accountability.

This research follows an inductive theoretical framework by building from both the above observations and axiom. Through the review of the data sources, I will seek to identify patterns to help determine any possible relationship between the retention of a municipal integrity commissioner and improved political accountability.

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<sup>2</sup> There are provisions in some municipal code of conduct/integrity commissioner by-laws that bind council to some or all of the sanctions recommended by their integrity commissioner.

## **Research Strategy**

The research strategy chosen for this work is a desk or unobtrusive approach. Two secondary existing data sources, municipal council reports/minutes and municipal voting results, will serve as the basis for comparison, analysis and interpretation, to help answer the research question. This research strategy was chosen due to the availability and consistency of data, to promote overall research reliability and validity and avoid both accessibility and conflictual issues presented by other possible strategies such as survey or interview methods.

## **Data Sources**

The first data source is municipal council reports and minutes from the identified subject municipalities. The specific sources I look to review are 1) integrity commissioner reports to council that articulate the results of an investigation and recommendations to council regarding possible sanctions against the offending/non-offending councillor,<sup>3</sup> and 2) municipal council minutes that highlight the formal decision made in relation to the recommendations and/or sanctions proposed by the integrity commissioner towards the investigated member of council. The review and analysis of this data source will help describe the actions of municipal councils and relate them to how they are holding their municipal colleagues to account.

The second data source is designed to speak to how the municipal electorate performs as actors in a political accountability forum. I will review the October 22, 2018, voting results of those individual members of council from the municipality subject group who 1) sought re-election for the same office/position in 2018 as they did in 2014, and 2) were subject to an integrity commissioner investigation that was reported to council during the 2014–2018 municipal term. The data here will be drawn from the certified municipal election results

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<sup>3</sup> For the purposes of this study, a non-code violation finding, regardless of proposed sanction, is also considered a recommendation to council.

released by the City/Town Clerk on their respective municipal website. For each of the subject councillors, I will also review their 2014 municipal election results for comparison.

### Data Reliability and Validity

The use of secondary data as the primary source of information for research analysis carries some inherent risks, particularly if the researcher has little understanding of the context in which that data was gathered. With regard to the data sources identified for this paper, the risk has been identified as minimal.

Both the reporting of council decisions and of election results is within the purview of municipal clerks and their offices. Great time, effort and processes are dedicated to the accurate reporting of municipal decisions made by each council, decisions that must be made readily available to the public.

The same can be said about municipal election results. Municipal elections and the procedures for calculating and reporting on results are specifically prescribed in provincial legislation (*Municipal Elections Act, 1996*). Following the election, results are reviewed and certified by the municipal clerk, providing enhanced confidence in accuracy and reliability. Given that the municipal election procedures are well-prescribed, there will be high levels of consistency between municipalities with this methodology.

From a validity perspective, this paper seeks to introduce the relationship between municipal integrity commissioners and political accountability, which I suggest portrays a possible causal relationship.

The biggest challenge to validity is the very nature of election results themselves. While I will isolate for one variable (number of candidates running for an individual office), there is clear recognition that there are a significant number of variables that impact voter decision-making. As pointed out by Ackerman, "it is difficult to make generalizations about the numerous and

diverse evaluations that the electorate take into consideration when casting a ballot” (Ackerman, 2004).

## **Operationalization**

### **Sampling Framework**

Since there are a limited number of units of study, namely municipalities with integrity commissioners, this paper will use non-probability sampling in general and a purposive sample, specifically.

In Ontario, there are a total of 444 municipalities, ranging in population from the City of Toronto (approximately 2.7 million) to the Township of Cockburn Island (population 0) (Statistics Canada, 2018). The majority of municipalities have not retained an integrity commissioner. This, in part, was the rationale for making the retention of an integrity commissioner mandatory in Bill 68. Municipalities have until March 2019 to fulfill this obligation under the Act.

The Association of Municipal Clerks and Treasurers of Ontario (AMCTO), a “leading organization in fostering, promoting and sustaining excellence in municipal management and administration in Ontario” (Association of Municipal Clerks and Treasurers of Ontario, 2018b), maintains a list of municipal integrity commissioners and the municipalities to whom they are contracted with. In the most up-to-date list (October 1, 2018), there are currently 39 municipal integrity commissioners servicing 139 different municipalities (Association of Municipal Clerks and Treasurers of Ontario, 2018a). With municipal integrity commissioner decisions being a central piece of data in this research, the larger sample size will consist of these 139 municipalities.

A review of all 139 municipalities was conducted to identify municipalities with at least one integrity commissioner investigation report going to their council in the 2014–2018 term. The search was conducted using both internal municipal search engines as well as broader

internet searches using the search terms “integrity commissioner,” “investigation” and the names of individual integrity commissioners as identified by the AMCTO list.

The results of this search showed 45 municipalities with at least one integrity commissioner report from 2014–2018. The 45 municipalities are representative geographically and with regard to municipal size (population and corporation) and also include municipalities from different structures of municipal government in Ontario (upper-tier, lower-tier, single-tier).

### Data Collection

#### *Integrity Commissioner Recommendations/Council Decisions*

In all circumstances reviewed for this research, the result of investigations into potential code of conduct violations are presented to council in the form of a report. These reports can come in various formats; however, they commonly contain similar categories of information such as background, investigations process, analysis and recommendations.

All integrity commissioner reports resulting from a formal investigation and presented to the 45 municipal councils in the 2014–2018 term of council were reviewed. From this secondary data, the following data was extracted and recorded (Appendix A):

- Municipality Name
- Elected Official Investigated
- Date
- Integrity Commissioner Finding
- Integrity Commissioner Sanction Recommendation
- Council Decision

In addition, municipal council recorded minutes were reviewed from the date of the presentation of the integrity commissioner report.

### *Voting Results*

In order to look at political accountability as determined by public participation in a municipal election, I sourced and extracted comparable data from both the 2014 and 2018 municipal elections in each of the 45 sample municipalities, specifically for those election contests where a member of the 2014–2018 council had been investigated for potential code of conduct violations. From both the 2014 and 2018 certified election results, the following information was extracted and recorded (Appendix B):

- Municipality Name
- Investigated Elected Official
- Was there a code of conduct violation? (Yes or No)
- Were they a 2018 election candidate? (Yes or No)
- Were they re-elected? (Yes or No)
- 2014 and 2018 election data
  - Vote percentage
  - Balanced vote percentage
  - # of Candidates
- Data Analysis
  - Vote percentage +/- (Actual and Candidate Adjusted)
  - Percentage Vote % +/- (Actual and Candidate Adjusted)

The data will also highlight if the investigated candidate decided to not seek re-election or sought election in another elected office within the same municipality.

### *Candidate Vote Balancing*

With this research, I recognize the infinite number of potential independent variables that impact an individual voter's decision in any election. Without direct polling/surveying of

municipal electors post-voting, it is not possible to isolate for all associated independent variables. One potentially impactful variable that can be addressed is election candidates.

As the number of candidates in any individual election race can have an impact on overall vote percentage, a formulaic control for this variable was developed for when there is a difference in the number of candidates between the 2014 and 2018 election race. The correction is to equalize the number of candidates to the lower number in either race. The equalization will be done based on the number of votes the “extra” candidate(s) received and distributing those votes based on the vote percentages for the winning candidate and for the non-winning opponent candidates (as a collective) in that particular election year, be it 2014 or 2018. An example is provided to demonstrate:

*In the 2014 Wasaga Beach mayoral election, the winning candidate, Brian Smith, received 56.3% of the vote (5311 votes), with the two opponents, David Foster (2073) and Cal Patterson (2046), receiving 43.7% of the vote (4119 votes).*

*In 2018, there were only two candidates, Brian Smith and Nina Bifulchi. Bifulchi received 60.8% (6101) of the vote to Smith's 39.2% (3981).*

*To compare election results with the lowest number of candidates from the two elections, which would be two, the lowest finishing candidate from 2014 (Cal Patterson) needs to be removed with his votes (2046) being distributed based on 2014 vote percentage. This would mean that Brian Smith would receive 56.3% of the 2046 votes, or approximately 1152 additional votes, with the remainder of 894 going to the opponent David Foster.*

*As a result, the candidate-balanced 2014 results would be Smith with 68.5% (6463 votes) to Foster's 31.5% (2967 votes).*

By equalizing for the number of candidates in this manner, I can better compare the vote data from the 2014 and 2018 election results.



This research treats the integrity commissioner recommendations/council decisions and voting results separately, but brings the information together through the analysis to help inform the response to the research question.

### Research Data Limitations

For the purposes of research transparency, it is important to highlight a few limitations within the data collection model.

First, as mentioned, this research uses information gathered from the ACMTO list of municipalities with integrity commissioners, updated as of October 1, 2018. AMCTO is a well-respected organization, which has served its members and member municipalities with confidence since 1938 (Association of Municipal Clerks and Treasurers of Ontario, 2018b). This being said, I did not create the list and cannot guarantee that it is without errors or omissions.

Second, the results gathered through the council agendas and minutes were not validated through the municipalities' clerks/legislative services departments. At the time of this research, all municipal clerks' offices were preparing for the 2018 municipal election in Ontario, which is a considerably time-consuming and labour-intensive process. For this reason, as well as the time involved in contacting 139 individual municipalities, it was determined that sourcing integrity commissioner reports, municipal council minutes and municipal election results via both internal and external search engines would be sufficient.

Lastly, the individual integrity commissioner by-laws and council codes of conduct for each municipality within the sample group were not reviewed as part of this study. It is possible that some by-laws or codes contain provisions that could affect the data. For example, the Town of Caledon has a provision within its council code of conduct by-law that grants its integrity commissioner the authorization to recommend binding penalties on those not in compliance with the code. This type of provision has a potential impact on the data as it limits council's ability to make alternative decisions related to code violations. In addition, some integrity commissioner

by-laws do not require negative code violation results (i.e., elected official did not violate the council code of conduct) to be reported to council. This research only reviews formal investigation reports to councils done through a separate report and does not consider those that might have been included within an annual report. This might have limited the number of non-code violations within my overall sample. It is also appropriate to note here that integrity commissioners routinely dismiss complaints before they are accepted for formal investigation. Those dismissals are also not within the scope of this research.

## **Analysis**

### **Integrity Commissioner Recommendations/Council Decisions**

Appendix A to this research report contains all collected data associated with integrity commissioner investigation reports and recommendations as well as the municipal council's decision directly related to those reports and recommendations.

*Table 1 – 2014–2018 Term of Council Integrity Commission Investigation Reports Data*

# Municipalities with ICs (AMCTO list)	139	
# of Municipalities with 1+ IC Investigation Reports	45	
# of IC Investigation Reports	113	
# of Code of Conduct Violations		74
# No Code of Conduct Violations		39
Total # of Council Decisions*	114	
# of IC Recommendations Accepted by Council		96
# of IC Recommendations Reduced/Rejected by Council		9
# of IC Recommendations Increased by Council		9

\*Town of Innisfil had one IC recommendation split decision by Council, resulting in an additional decision

As outlined in Table 1, the resulting number of integrity commissioner reports generated from the 45 subject municipalities was 113. On average, the 45 subject municipalities dealt with between 2 and 3 (2.48 mean) integrity commissioner reports within the 2014–2018 term; however, some municipalities were busier than others. The Regional Municipality of Niagara

had the most integrity commissioner reports come forward during this time with a total of 14, of which six were separate code of conduct complaints towards St. Catharines Regional Councillor Andy Petrowski. The City of Toronto, perhaps expectedly due to overall population and council size, had 13 investigations, four involving former Councillor/Mayor Rob Ford and his brother, former Councillor, current Ontario Premier Doug Ford. Of the smaller municipalities within the sample, most had only one investigation during the period. However, some municipalities, like the Township of Southgate, with a population of approximately 7,300 according to the 2016 Census (Statistics Canada, 2018), had a total of six investigations in the 2014–2018 term.

In reviewing all 113 reports, it was determined that approximately two-thirds (74) resulted in a council code of conduct violation ruling. The remaining one-third (39) of complaint decisions were assessed by the individual integrity commissioner as not violating the council's code of conduct.

While the total number of recommendation reports is 113, the total number of council decisions within the sample is 114. On August 30, 2018, the Council of the Town of Innisfil considered an integrity commissioner report investigating a possible code of conduct violation against three council members, Mayor Wauchope and Councillors Doug Lougheed and Bill Loughead. While Innisfil's integrity commissioner, Janet Leiper, determined a code of conduct violation and recommended sanctions towards all three investigated council members, Innisfil Council chose not to receive the sanctions related to Councillor Doug Lougheed, but accepted the sanctions assessed to Mayor Wauchope and Councillor Bill Loughead. This "split" decision of the integrity commissioner's recommendations resulted in one additional council decision in this sample group.

With regard to the 114 individual council decisions, municipal councils in the sample group accepted<sup>4</sup> the findings and implemented the recommendations 96 times, or approximately

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<sup>4</sup> Different councils use different language when council endorses the information provided in a report. Words such as accepted, received, carried, etc. are used interchangeably throughout the sector.

85% of the time. In the remaining 18 cases, the municipal council reduced/dissmissed the integrity commissioner's recommendations (nine or 8% of the time) or accepted and/or increased the sanction imposed by council (nine or 8% of the time).

In the 39 reports where no council code violation was determined by the integrity commissioner, only three sanctions were recommended (apology or council workshop); however, all 39 integrity commissioner decisions of no violation were received by council. For the remaining 74 reports that found a violation, 57 councils accepted the recommendations completely (77%) with nine reduced/dissmissed and nine accepted and/or increased.<sup>5</sup>

Of the 74 reports that determined a code of conduct violation, the integrity commissioners collectively recommended no sanction 21 or 28.4% of the time to their councils, and in only two cases (City of London and Township of Southgate) did council choose to apply a sanction despite the integrity commissioner's recommendation.<sup>6</sup> In 46 of the 74 code violations (62.2%), the integrity commissioner chose to use the legislative sanctions provided within the *Municipal Act, 2001*, a reprimand, up to 90-day pay suspension or a combination of both. In the remaining recommendations, some integrity commissioners made recommendations that looked to specifically address the violation, such as a communications ban or behavioural workshop or training, or to formally recommend that the code-violating elected official, or council as a whole, apologize for their violation.

### Voting Results

To properly assess the public's role in political accountability, an analysis of the public voting behaviour towards those who were investigated in 2014–2018 is necessary. Table 2

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<sup>5</sup> Total 75 due to additional Innisfil decision.

<sup>6</sup> A number of Integrity Commissioner reports highlight that an apology would have been recommended as a sanction, but often the offending elected official has already issued an apology before the release of the report.

provides a summary of the individuals who make up the sample group for this portion of the research.

With the 113 IC investigation reports that went to council in the 2014–2018 term of municipal office in Ontario, complaints were received about 98 individuals. Of those 98, only one unelected individual, Municipality of Sioux Lookout Economic Development Chair Nancy Roy, was investigated under the scope of the municipality’s code of conduct. The remaining 97 individuals were investigated as elected officials.<sup>7</sup>

In further breaking down the review of these 97 individuals, 42 were found by their municipality’s integrity commissioners as not having violated their council code of conduct in the 2014–2018 term of council, while 55 were found in violation at least once in that same time period.

*Table 2 – 2014–2018 Investigated Elected Official Data*

# of Individuals Investigated by IC*	98	
# Elected Officials Investigated	97	
# Elected Official with No Code Violation		42
# Elected Officials with 1+ Code Violations		55
# Investigated Elected Officials Seeking Re-Election (Same office) in 2018		49
# Investigated Elected Officials Not Seeking Re-Election in 2018		24
# Investigated Elected Officials Seeking Election for Another Office		14
# City of Toronto Mayor/Council Excluded From Further Analysis**		10
* One investigated individual, Chair Roy, served as Board Chair in an unelected capacity		
** Due to significant ward boundary restructuring in the City of Toronto, comparative electoral data was deemed unobtainable		

In order to perform a comparison of 2014 and 2018 election results, I identified which elected officials put their names forward as candidates in the 2018 municipal election. Following the review of official election results for the investigated municipalities, I determined that 24 of the investigated municipal politicians did not seek office in 2018. An additional 14 individuals contested another elected office, such as mayor/head of council.

<sup>7</sup> Two municipal politicians in the group, former Innisfil Mayor Baguley and Markham Councillor Shore, were defeated in 2014, subject of an integrity commissioner report 2014–2018, and ran for the same position in 2018. They meet the criteria to be included in the sample.

In addition, the 10 investigated municipal councillors from the City of Toronto were eliminated from the same group. On August 14, 2018, the Province of Ontario passed Bill 5, *Better Local Government Act, 2018*, which reduced the total number of municipal electoral districts in the City of Toronto from 47 to 25 seats. It was determined that electoral boundary changes at that scale could drastically impact election result for those in the group running for re-election in the newly amalgamated wards.

Ultimately, this review of 2018 election results shows 49 previously investigated municipal politicians seeking re-election for the same office as they did in 2014. These 49 individual elected officials form the sample group for further analysis in this section.

Appendix B to this paper contains all data related to this portion of the study. It contains all specific data that assists in selecting the 49 elected officials for further analysis, such as their 2018 election status and official election result data for both 2014 and 2018.

As a result of mining this specific data, three candidates<sup>8</sup> were eliminated from the election data comparison due to the fact they were acclaimed for their elected position in either 2014 or 2018. Being “acclaimed” means that a candidate had no other individuals register to run for the same position so that candidate is appointed to that position. Since there is no election for that acclaimed seat, no voting results are available. Overall, election data calculations for a total number of 46 election candidates were used for this portion of the study.

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<sup>8</sup> Acclamations: 2014 – Councillor Dunhill, Manitouwadge. 2018 – Councillor DeLuca, South Huron; Mayor and County Warden Murphy, Bonnechere Valley/Renfrew County.

*Table 3 – Elected Official 2014–2018 Vote Percentage Comparison – Separate Code/Election Categories*

<u>Elected Official Categories (Total #)</u>	<u>Vote Pct. +/-</u>	<u>Vote Pct. +/-</u> (CA)	<u>Pct. Vote Pct. +/-</u>	<u>Pct. Vote Pct. +/-</u> (CA)
No Code Violation (25)*	-3.3	-3.3	-29.2	-24.9
Code Violation (24)*	-6.9	-7.1	-38.1	-34.7
Re-Elected (32)*	1.3	1	-0.4	-1.2
Not Re-Elected (17)*	-18.3	-18	-102.4	-88.9
(CA) - Candidate Adjusted * While 49 elected officials are in the overall group, data represents 46 elected officials due to 3 acclamations				

*Table 4 – Elected Official 2014–2018 Vote Percentage Comparison – Combined Code/Election Categories*

<u>Elected Official Categories (Total #)</u>	<u>Vote Pct. +/-</u>	<u>Vote Pct. +/-</u> (CA)	<u>Pct. Vote Pct. +/-</u>	<u>Pct. Vote Pct. +/-</u> (CA)
No Code Violation/Re-Elected (17)*	-0.7	-0.7	-3.9	-2.7
No Code Violation/Not Re-Elected (7)*	-10.6	-10.9	-101	-87.8
Code Violation/Re-Elected (15)*	3.8	3	3.8	0.5
Code Violation/Not Re-Elected (10)*	-23.6	-22.7	-103	-89.5
(CA) - Candidate Adjusted * While 49 elected officials are in the group, data represents 46 elected officials due to 3 acclamations				

Tables 3 and 4 present the data contained in Appendix B in a number of ways. Categories of the 49 investigated elected officials are created to see if there is significant difference in the direct vote percentage and candidate-adjusted vote percentage. I also look at percentage vote percentage increase or decrease; that is, on average, how much percentage vote share was lost or gained between 2014 and 2018, as well as candidate-adjusted percentage vote percentage lost or gained over the same period.

In the broader specific categories (no code violation, code violation, re-elected, not re-elected) in Table 3, it is not overly surprising to see the largest drop in vote percentage across the board was with those not re-elected. Of particular note from these four categories is the difference between vote percentages between those 25 who were deemed to have violated their council code of conduct and those 24 that did not. While not a significant difference, those that did violate their codes of conduct had a larger vote percentage drop on average (-6.9%) than non-code violating candidates (-3.3%). This statistical difference between code and non-code violators maintains across all for statistical categories.

While these broader categories are interesting from a contextual perspective, it is the following four categories outlined in Table 4, no code violation/re-elected, no code violation/not re-elected, code violation/re-elected, code violation/not re-elected, that gives a better window into whether voters are potentially fulfilling (or failing in) their political accountability role.

As identified in Table 4, those candidates who violated their code of conduct and were not re-elected saw the largest decreases across all four statistical categories. These 10 individuals in total realized an average vote percentage loss of 23.6%, decreased slightly to 22.7% when adjusted for candidate numbers. Again, on average, these candidates experienced a 103% loss in vote share, 89.5% adjusted.

For context, the most severely affected within this particular grouping was Mayor Louis Antonakos from the Town of Carleton Place, dropping 38.8% of the vote share from 2014, or 35.1% when candidates were adjusted to 2014 numbers (three candidates to two candidates). Mr. Antonakos' percentage vote percentage went down over 260% from 2014. During the 2014–2018 term of council, Mayor Antonakos was the subject of three integrity commissioner reports resulting from code of conduct violations such as bullying, disclosing confidential materials from closed meetings and staff harassment/abuse. From these violations, Mr. Antonakos received sanctions of 30- and 90-day pay suspensions as well as training and a staff communications ban. Others seeing large vote percentage drops in this grouping were Central Elgin Councillor



Dan McNeil, who swore at a resident in a public meeting (-36.1%), former Innisfil Mayor Barb Baguley, who used the Town logo on election material (-25.6%), and Scugog Councillor Jennifer Back, who along with another councillor bullied local BIA staff (-35.1%).

In the next grouping that saw the largest reduction in vote from 2014 were the seven councillors who were not found in violation of their code of conduct but were not re-elected. They experienced a drop of 10.6% on average in vote percentage (-10.9% adjusted) and an average vote percentage loss of 101% (-87.5% adjusted), almost equal to those 10 candidates who did violate their codes and lost their 2018 bid for re-election.

These findings were driven in part by three of the seven individuals in this grouping, St. Catharines Regional Councillor Alan Caslin, Orangeville Mayor Jeremy Williams and Cambridge Mayor Doug Craig. Caslin, who also served as Niagara Region Chair for 2014–2018, was found on three occasions to have not violated the Niagara Region Council Code of Conduct; however, Caslin has been embroiled in two very public battles related to media censorship and alleged improper hiring and extending the term of Niagara Region's Chief Administrative Officer. On the surface, the loss of 4.2% of the vote would not seem substantial (5.6% in 2014 to 1.4% in 2018). However, as shown in Appendix B, given the number of 2018 candidates (23 in the St. Catharines Regional Council race with six getting elected), this 4.2% represents a percentage loss of 300% from Caslin's 2014 results, 250% when adjusted for 2014 candidate levels, which was 15. In the 2018 Orangeville municipal election, all three incumbents who ran for re-election were defeated, including Mayor Williams. He experienced a vote percentage loss of 33.9% (-30.4% adjusted), and a percentage vote loss of 179.4% (-134.7% adjusted). Mayor Craig, who had a number of public battles with Cambridge councillors, and who also faced a popular former Member of Provincial Parliament in the 2018 mayoral contest, saw a drop of 27% (-29.3% adjusted) in vote percentage and a percentage vote loss of 102.7% (-111.4% adjusted).

Another interesting finding from this data subset is that the 17 individuals who did not violate their council code of conduct and were re-elected in 2018 actually lost a greater percentage of vote than those 15 individuals who were found in violation of their code of conduct and were re-elected, a 0.7% vote percentage loss versus a 3.8% vote percentage gain, respectively.

There was significant variation within the sub-group of 15 individuals. Councillor Maureen Cassidy was embroiled in political scandal following an admitted extramarital affair as Deputy Mayor with London's Mayor Matt Brown in 2016. Cassidy, though re-elected, saw a vote percentage drop of 22.7% (-24.1% adjusted), which represents a 65.4% drop in her overall vote percentage (-69.5% adjusted).<sup>9</sup> Councillor Lloyd Ferguson from the City of Hamilton, who was found in violation of its council code of conduct due to a "shoving" incident with a local media member, saw his vote percentage drop approximately 20% (both actual and adjusted) from 78.8% to 58.3%. On the other side of this group, Mississauga and Region of Peel Councillor Carolyn Parrish, who received a five-day pay suspension as well as sensitivity training for racially insensitive texts involving a black female police superintendent, increased her share of the vote by 24.7% (21.7% adjusted), which represents a 38.7% increase in vote percentage (34% adjusted). Also standing out in this group is Richmond Hill Councillor Tom Muench, who three times was found in violation of the council code of conduct, receiving two reprimands and a 30-day pay suspension. Despite these sanctions, Councillor Muench increased his vote percentage by 24.2%, an increase of 57.5% from 2014. These numbers drop somewhat when adjusted from nine candidates in 2014 to five candidates in 2018, coming in at 12.8 vote percentage, a percentage increase of 30.4% in 2018.

Another observation from this data set relates to the number of overall candidates. It is interesting to note that for the 15 investigated elected officials who violated their codes and

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<sup>9</sup> As the City of London went to a ranked ballot voting system, the results of the first round of voting were used for Councillor Cassidy's voting data.

gained re-election, there was a net drop from 2014 to 2018 of four total candidates, including one acclamation (Bonnechere Valley Mayor and Renfrew County Councillor Jennifer Murphy). This fact sits in contrast to those who violated their code and did not gain re-election. In those contests, there was a net gain in the number of candidates by 21. One-third of this was driven by Township of Manitouwadge Councillor Ed Dunnill, who was acclaimed with three other councillors in 2014 but faced a slate of 11 candidates in 2018. One possible factor in the election success (or lack of success) between the two groups is that there were more additional candidates in one group than in the other.

A couple final pieces to this puzzle are worth noting. Of the 87 investigated elected officials available for analysis (97 minus the 10 City of Toronto Mayor/Councillors), 24 did not seek re-election in 2018, 16 of whom were deemed to have contravened their council's code of conduct. This includes some very high-profile violations like Vaughan Deputy Mayor Michael DiBiase and London Mayor Matt Brown. Some, like Port Hope Councillor Robert Polutnik, found in violation for sexual harassment, resigned before the integrity commissioner had an opportunity to present his findings to Port Hope Council.

On a related point, another 14 investigated elected officials ran for another municipally elected position, including a total of eight who violated their code of conduct. Five of the 14 were successful in winning a different seat in the 2018 election, and only one individual in this group, Councillor Gurpreet Dhillon from Brampton (moved from Area to Regional Councillor), was successfully elected to a different seat after being found in violation of their code of conduct.

### *Correlation Analysis*

To better understand the relationship between council code violation and getting re-elected (to help understand if the public is holding elected officials accountable), a correlation analysis was conducted using code violation as the dependant variable, with a response being yes or no, and re-election as the independent variable, again with the response being yes or no.

*Table 5 – Correlation Analysis Data – Code Violation vs Re-Election*

	<i>Violation?</i>	<i>Re-Elected?</i>
<i>Violation?</i>	1	
<i>Re-Elected?</i>	-0.1168522	1

The correlation analysis indicates that there is a weak, negative correlation between adherence to a council’s code of conduct and election success or failure. In other words, the data shows that while there is almost no correlation between code violation and re-election, there is a slightly better chance of getting re-elected if a candidate does violate their council code of conduct. The data presented in Table 3 supports this result as there were 24 and 25 code violators and non-code violators, respectively, yet 32 were re-elected and only 17 were not re-elected.

### **Research Observations**

Circling back to the research question “Does hiring an integrity commissioner improve political accountability at the municipal level in Ontario?” I believe that the data would suggest the answer to this question is “Well, kind of.”

Integrity commissioners are contracted by municipalities to provide expert advice and interpretations as they relate to the council codes of conduct, which are endorsed by the very council they serve. As highlighted by the investigations research data, municipal councils in the 2014–2018 term followed the advice, interpretations and recommendations of these experts in 96 out of 113 council decisions, or 85% of the time. Adding in the times where municipal councils increased the sanction over and above the integrity commissioner’s recommendation, which occurred nine times within the sample, that percentage rises to 92.9%.

Overall, as one of two bodies that can truly hold elected officials politically accountable, the data in this paper would support that municipal councils, by consistently adopting the

recommendations of hired expert integrity commissioners, are increasing political accountability within their individual municipalities and within the sector as a whole.

General council acceptance of integrity commissioner recommendations would seem to be appropriate for two main reasons. The first is that the vast majority of integrity commissioners identified by the AMCTO list are lawyers. As lawyers, they are expertly trained in discovery (gathering evidence), interpretation of statutes/laws and providing overall advice to their clients. Second, again most of the individuals hired as municipal integrity commissioners have extensive experience in municipal law and/or municipal governance, even though not all are lawyers. While there is not always unanimity amongst integrity commissioners on the application of their responsibilities, councils are receiving well-reasoned, unbiased advice and recommendations from legal experts within the municipal context.

The research data presented in the voting portion of the paper is certainly less definitive than the investigation portion.

Both the specific data presented in Table 4 and the correlation analysis suggest there is minimal connection between whether someone violates a municipal code of conduct and whether they are re-elected in the subsequent election. The data shows that of 49 investigated elected officials in the sample group, it was those that violated their code of conduct that had the strongest overall vote percentage increases, both actual and adjusted, considerably higher than those who were found to not have violated their council codes.

Using a comparative example from the sample to demonstrate this inconsistency between code violation and voter behaviour, two of the most publicized code of conduct violators in this past term (other than perhaps former Toronto Mayor Rob Ford) were Whitchurch-Stouffville Mayor Justin Altmann and Sarnia Mayor Mike Bradley.

Altmann was investigated four times during his term and found in violation of the council code of conduct four times for behaviours like having a “mind-map” on his bathroom wall featuring photos of councillors, staff and residents, as well as repeatedly publicly criticizing staff

and his council colleagues. The sanctions included four reprimands, three pay suspensions totalling 210 days, as well as additional penalties. According to the data collected, Altmann's vote share went from 33.3% in 2014 to 21.5% in 2018, representing an 11.8% loss in vote percentage and a percentage vote percentage loss of 54.9%. Knowing the context of Mayor Altmann's actions, one might assume that voters "punished" him for his code violations, and held him politically accountable for those actions. However, without any direct voter polling to support this, I simply cannot make that assumption. In addition, voters' reaction to a situation like Mayor Bradley's of Sarnia casts some doubt as to whether the public is actually using the vote to hold politicians accountable.

During the 2014–2018 term of council, Mayor Bradley was twice found in violation of the council code of conduct for harassing and bullying staff. He was also found to have violated the *Occupational Health and Safety Act* for his behaviour. As a result, Mayor Bradley received total pay suspensions of 90 days and 2 weeks, as well as physically being separated from staff to avoid further confrontation. Making the same assumption as in the Altmann case, one would assume that the voters of Sarnia reacted by holding Bradley politically accountable through their vote in the 2018 municipal election. They did not. In 2018, Mayor Bradley secured almost two-thirds of the total vote for Mayor, dropping only 1.5% of the percentage vote share from the 2014 election. Again, without voter polling data, it is impossible to understand why the voters of Sarnia voted in the manner that they did. Perhaps Bradley would have received 75% of the vote had he not very publicly violated the rules of his own council. It is just not possible to know.

The purposes of comparing the Altmann and Bradley examples is to demonstrate that even the most egregious and public examples of code of conduct violations are in no way a predictor or even an indicator of how successful a violator may be in an election.

In survey research released by Nanos Research during the Association of Municipalities of Ontario Conference in August, one-third of all respondents were unaware there was even a municipal election in 2018. In this study, 31% identified infrastructure/transportation as being the

top challenge facing municipalities with politics/council/mayor sitting a distant second, even with budget/funding, economy (Nanos, 2018). This research is highlighted for the fact that those who actually participate in the election through their vote may be prioritizing other issues ahead of issues of integrity or accountability.

As highlighted in the literature review, there is a strong belief amongst the academic community that it is the general/voting public that ultimately should make the determination on holding politicians politically accountable. From the data presented in this section, I suggest that the public is not consistently fulfilling that role.

### **Considerations**

Assuming that the Province of Ontario's expectation in introducing council codes of conduct and integrity commissioners was to establish a mechanism for political accountability at the municipal level, I believe the evidence outlined in this report demonstrates that integrity commissioners, in partnership with their municipal councils, are meeting this expectation. However, if there was an expectation that increased transparency would translate into individual voters using this information to educate themselves and hold their elected municipal politicians to account for their actions, the evidence is certainly not as definitive.

I turn back to the Sancton quote used earlier in this paper: "The capacity of these officers to influence public opinion about the performance of municipal officials is very high; the effect of such influence on individual electoral and bureaucratic careers should not be underestimated" (Sancton, 2017). While this research looks through a limited window of time, I believe the data provided here questions Sancton's assertion. The evidence suggests that integrity commissioner recommendations have very little impact on the electoral careers of those investigated for code violations. How can these results be explained?

In the Bradley case, perhaps it was the power of incumbency. "Sometimes you see long-serving mayors being unseated by scandals or major missteps, but long-serving mayors have a

tremendous amount of staying power,” says Martin Horak, an associate professor of political science at London’s Western University. “Long-serving mayors can weather significant controversy but it depends on how it plays out in the election campaign” (Morden, 2018).

It should be noted that on a number of occasions, the public was “robbed” of the opportunity to hold elected officials politically accountable. As stated earlier, 24 elected officials within the sample group of 87 did not seek re-election at all in 2018, 16 of whom violated their codes of conduct. While it is impossible to accurately assess why individuals vote in the manner they do without directly asking them, it is equally impossible to know what voters would have done if they had been given the chance to vote (or not vote) for these 24 individuals in 2018.

It is also tempting to make the assumption that these individuals did not run for re-election because of any controversy or negative perception surrounding their code violation investigation. If this were true, it certainly could be seen as a manner of influencing public careers, as Sancton puts it, and maintaining political accountability. However, again, without direct confirmation of this fact from the investigated elected official, it is impossible to prove. In the overall sample, the majority of code violators did not see this as a deterrent to seeking re-election.

The integrity commissioner environment in Ontario is still very much in its infancy and continues to evolve. While I certainly believe additional study is necessary, perhaps longitudinally over the next few municipal elections or retrospectively to the 2010 municipal elections, this study raises questions about the public’s ability and interest in fulfilling its role in holding municipal politicians accountable for their actions.

Aside from the results provided by this paper, another big indicator of the public’s lack of interest in its accountability role is voter turnout. According to the Association of Municipalities of Ontario website, voter turnout in Ontario for the 2018 election was 37.61%, down from approximately 43.12% in 2014 (Ontario, 2018). If the public is not interested in using its vote, for



accountability purposes or otherwise, I believe considerations need to be made to adjust how we think about accountability at the municipal level.

One possible solution worth considering is addressing the sanctions available to integrity commissioners to shift the balance of responsibility for political accountability into the integrity commissioner's/council's hands. If there is not significant confidence or evidence to suggest that the public will hold politicians accountable for code violations, perhaps alternative sanctions should be available for integrity commissioners in specific circumstances.

As an example of the shifting integrity commissioner environment, Bill 68 granted new powers to integrity commissioners to provide interpretation and advice related to the *Municipal Conflict of Interest Act, 1990* (MCIA) and to even bring forward potential violations to the court system.

With the integrity commissioner role being enhanced by these new responsibilities related to the MCIA, being placed closer to the quasi-judicial policy spectrum, I believe it is now appropriate to look at that Act for guidance when it comes to penalties or sanctions for code of conduct violations.

As of March 2019, under Section 9 (1) of the MCIA, "If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity

is not readily ascertainable, to the municipality or local board, as the case may be. 2017, c. 10, Sched. 3, s. 7.” (Government of Ontario, 2018).

While sanction numbers 1, 2 and 5 are currently available and being applied by integrity commissioners in their recommendations, numbers 3 and 4 are not available.

I believe it would be irresponsible to recommend, based on the research data provided, that integrity commissioners be given the power to recommend an elected official be removed from office and banned from running for a period of time. Again, more evidence is needed to better understand overall trends related to both council’s and the public’s willingness and appetite for holding municipal politicians accountable in code of conduct violation situations.

I would, however, indicate that if there is not more concrete data that suggests the public is willing to fulfill its role in holding municipal politicians to account, a shift in responsibility may be necessary, including enhanced sanctions.

One possible option could be to hold a removal of office or election ban in reserve for the most frequent violators (three strikes?) or those who engage in the most serious of council code of conduct violations (sexual harassment? violence in the workplace?).

Within the sanctions portion of the literature, Jepson (2018) and Sancton (2017) present counter arguments to Dodek (2018) and Ogata, Couto and Greene (2014) about the role of integrity commissioners and where increased sanctions might fit into the overall ethics system. While this paper does not provide all of the answers, I believe it starts to highlight an early “crack” in the foundation of Ontario’s municipal political accountability system.

## **Conclusion**

With municipal integrity commissioners now mandated by the *Municipal Act, 2001*, the provincially chosen mechanism for great accountability and transparency at the local government level is now, or soon will be, complete. While there will be variety in overall application as a tool for ensuring integrity, all municipalities will have this particular code of

conduct/integrity commissioner accountability network in place by March 2019, whether they like it or not. I suppose a possible answer to the research question “Does hiring an integrity commissioner improve political accountability at the municipal level in Ontario?” would be “What does it matter? We have to hire one anyway!” While this is true, for future policy direction, it is important to understand whether or not having an integrity commissioner is having the desired impact.

Through this research paper, I have demonstrated political accountability is being achieved through the integrity commissioner/municipal council relationship, which was designated as one of two decision-makers in the area of municipal accountability. The results related to the other decision-maker, the voting public, are far less conclusive. It is very much unclear whether code of conduct violations are factoring into overall voter decision-making, and it is seemingly having little overall impact on potential re-election success or failure.

“For elections to serve as an effective mechanism for achieving democratic representation, it is essential that citizens use their votes to signal their policy preferences, that elected representatives are responsive – in terms of what they have promised, in terms of what public opinion wants, and in terms of what is in the best interest of the citizens – and that voters are capable of voting out of office incumbents who do not deliver on their promises or who underperform in terms of policy outcomes” (Dassonville, 2018). By adopting a council code of conduct and not following that code, the incumbent has by default not delivered on their commitment.

With the integrity commissioner/council tandem being shown as the more effective accountability mechanism when compared to public voting, some consideration should be given to enhanced sanctions options for integrity commissioners that effectively shift more responsibility for overall municipal political accountability to the municipal integrity commissioner/council and away from the voting public.

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**Appendix A - 2014-2018 Integrity Commissioner Investigation Results**

<b><u>Municipality Name</u></b>	<b><u>Elected Official Investigated</u></b>	<b><u>Date</u></b>	<b><u>IC Finding</u></b>	<b><u>IC Sanction Recommendation</u></b>	<b><u>Council Decision</u></b>
City of Brampton	Councillor Miles	20-May-15	Code Violation	Warning/Reprimand	Received/Carried
	Councillors Gibson/Moore	28-Oct-15	No Code Violation	None	Received/Carried
	Councillor Sprovieri	28-Oct-15	Code Violation	60 Day Pay Suspension	Reprimand
	Councillor Dhillon	8-Mar-17	Code Violation	None	Received/Carried
	Councillor Sprovieri	21-Feb-18	Code Violation	None	Received/Carried
City of Cambridge	Councillor Devine	21-Feb-17	Code Violation	Reprimand	Received/Carried
	Mayor Craig	15-May-17	No Code Violation	None	Received/Carried
	Councillor Monteiro	19-Sep-17	Code Violation	Written Apology	Report Received/Recommendations Dismissed
City of Dryden	Councillors Beyak/Carlucci/McKinnon, Mayor Wilson	24-Sep-18	No Code Violation	None	Received/Carried
	Councillors Beyak/Carlucci/McKinnon, Bush, Mayor Wilson	24-Sep-18	No Code Violation	None	Received/Carried
	Councillors Valley/Trist	23-Oct-18	No Code Violation	None	Received/Carried
City of Guelph	Councillors Alt, Downer, Gordon, Piper, Salisbury	25-Apr-16	No Code Violation	None	Received/Carried
City of Hamilton	Councillor Pearson	25-Feb-15	No Code Violation	None	Received/Carried
	Councillor Ferguson	25-Feb-15	Code Violation	None	Received/Carried
	Councillor Pearson	22-Apr-15	No Code Violation	None	Received/Carried
	Councillor Johnson	22-Apr-15	No Code Violation	None	Received/Carried
	Councillor Whitehead	30-Mar-16	No Code Violation	None	Received/Carried
City of Kingston	Councillor George	12-Jul-15	Code Violation	None	Received/Carried
	Councillor Candon	15-Nov-16	Code Violation	None	Received/Carried
	Councillor Stroud	20-Jun-16	Code Violation	None	Received/Carried
City of London	Mayor Brown/Deputy Mayor Cassidy	23-Jun-16	Code Violation	None	Received/Reprimand
City of Markham	Councillor Shore	13-May-15	Code Violation	Reprimand	Received
	Councillor Shore	29-Jul-15	Code Violation	Reprimand	Received
	Councillor Ho	31-May-16	Code Violation	Reprimand	Received/No Reprimand
City of Mississauga	Councillor Saito	13-May-15	Code Violation	Remuneration/Repayment	Received/No Remuneration/Repayment
City of Sarnia	Mayor Bradley	28-Jun-16	Code Violation	90 Day Pay Suspension	Received
	Councillor Boushy	14-Nov-16	Code Violation	None	Received
	Mayor Bradley	25-May-17	Code Violation	2 Week Pay Suspension	Received
City of St.Catharines	Councillor Britton	30-May-16	No Code Violation	None	Received/Carried
	Councillor Sorrento	30-May-16	No Code Violation	None	Received/Carried
City of St.Thomas	Councillor Wookey	16-Jul-18	Code Violation	None	Received/Carried
City of Toronto	Former Mayor Ford	31-Mar-15	Code Violation	None	Received/Carried
	Former Mayor Ford	30-Sep-15	Code Violation	None/Donation Coordination	Received/Carried

<u>Municipality Name</u>	<u>Elected Official Investigated</u>	<u>Date</u>	<u>IC Finding</u>	<u>IC Sanction Recommendation</u>	<u>Council Decision</u>
	Mayor Tory	3-Feb-16	No Code Violation	None	Received/Carried
	Councillor R.Ford	3-Feb-16	Code Violation	3 Day Pay Suspension (Conditional	Received/Carried
	Councillor Karygiannis	7-Jun-16	Code Violation	None	Received/Carried
	Councillor Karygiannis	7-Jun-16	Code Violation	Reprimand	Received/Carried
	Councillor Grimes	12-Jul-16	Code Violation	None	Received/Carried
	Former Councillor D.Ford	13-Dec-16	Code Violation	None*	Received/Carried
	Councillor Matlow	26-Apr-17	Code Violation	None	Received/Carried
	Councillors Burnside/Campbell	26-Apr-17	No Code Violation	None	Received/Carried
	Councillor Matlow	26-Jun-18	Code Violation	Reprimand	Received/Carried
	Councillor Filon	26-Jun-18	No Code Violation	None	Received/Carried
	Councillor Thompson	26-Jun-18	Code Violation	Reprimand	Received/No Reprimand
City of Vaughan	Mayor DiBiase	21-Apr-15	Code Violation	90 Day Pay Suspension	Received/Carried
	Councillor Carella	19-Jun-18	Code Violation	Reprimand	Received/Carried + "censoring"
City of Welland	Councillor Di Marco	7-Nov-17	No Code Violation	Apology	Received/Carried
City of Windsor	Councillor Bortolin	7-May-17	Code Violation	Reprimand	Received/Carried
County of Brant	Councillor Cardy	5-Apr-18	Code Violation	2 Day and 30 Day Pay Suspension	Received/2 Day Pay Suspension Only
County of Renfrew	County Warden Murphy	29-Aug-18	Code Violation	None	Received/Carried
Municipality of Bluewater	Councillor Whetstone x 2*	4-Dec-17	Code Violation	Reprimand	Received/Carried
Municipality of Central Elgin	Two (2) unnamed councillors	11-Sep-17	No Code Violation	None	Received/Carried
	Councillor McNeil	26-Feb-18	Code Violation	Reprimand and 30 Day Pay Susper	Received/No Reprimand or Pay Suspension
Municipality of Middlesex Centre	Deputy Mayor Bloomfield/Councillor Brennan	20-Jul-16	No Code Violation	None/Council Workshop	Received/Carried
Municipality of Port Hope	Councillor Polutnik	6-Feb-18	Code Violation	90 Day Pay Suspension	Received/None* (Councillor Resigned)
Municipality of Sioux Lookout	Chair Roy, Economic Development Committee*	21-Oct-15	Code Violation	Reprimand/Chair Apology	Received/Carried/Council Apology
Municipality of South Huron	Councillor Tomes	21-Nov-16	Code Violation	None	Received/Carried
	Councillor DeLuca	18-Dec-17	No Code Violation	None	Received/Carried
Municipality of West Nipissing	Councillor Tessier	8-Nov-16	No Code Violation	None	Received/Carried
Region of Niagara	Councillor Heit	18-May-17	No Code Violation	None	Received/Carried
	Councillor Edgar	18-May-17	No Code Violation	None	Received/Carried
	Chair Caslin	18-May-17	No Code Violation	None	Received/Carried
	Councillor Petrowski	18-May-17	Code Violation	Apology	Received/Carried
	Councillor Petrowski	18-May-17	Code Violation	Apology/Social Media Ban (Twitter)	Received/Reprimand
	Councillor Petrowski	18-May-17	Code Violation	Apology/Social Media Ban (Twitter)	Received/Reprimand/ABC Ban/Sensitivity Training
	Councillor Petrowski	7-Dec-17	Code Violation	Reprimand	Report Deferred
	Councillor Petrowski	18-Jan-18	Code Violation	30 Day Pay Suspension	Report Deferred



<u>Municipality Name</u>	<u>Elected Official Investigated</u>	<u>Date</u>	<u>IC Finding</u>	<u>IC Sanction Recommendation</u>	<u>Council Decision</u>
	Chair Caslin	18-Jan-18	No Code Violation	None	Received/Carried
	Mayor/Councillor Augustyn	14-Jun-18	Code Violation	None	Received/Carried
	Chair Caslin	5-Jul-18	No Code Violation	None	Received/Carried
	Councillor Petrowski	5-Jul-18	Code Violation	Reprimand	Received/30 Day Pay Suspension
	Councillor Quirk	26-Jul-18	No Code Violation	None	Received/Carried
	Councillor Quirk	1-Nov-18	Code Violation	Reprimand	Received/Carried
Region of Peel	Councillor Parrish	12-Jul-18	Code Violation	5 Day Pay Suspension/Sensitivity T	Received/Carried
Town of The Blue Mountains	Unnamed	5-Mar-18	No Code Violation	None	Received/Carried
	Unnamed	18-Jun-18	No Code Violation	None	Received/Carried
	Councillor Seguin	18-Jun-18	Code Violation	Defered Sanction**	Received/Carried
Town of Caledon	Councillor Shaughnessy	18-Apr-17	Code Violation	1 Week Pay Suspension/Procedure	Received/Carried
	Councillor Shaughnessy/Groves	18-Dec-17	No Code Violation	None	Received/Carried
Town of Carleton Place	Mayor Antonakos	9-May-17	Code Violation	90 Day Pay Suspension	Received + 25% reduction discretionary funding
	Mayor Antonakos	30-Jan-18	Code Violation	30 Day Pay Suspension	Received/Carried
	Mayor Antonakos	16-Oct-18	Code Violation	Training/Staff Communications Bar	Received/Carried
Town of Essex	Councillor Voakes	22-Aug-16	Code Violation	1 Month Pay Suspension	Received/Carried
	Councillor Voakes	5-Sep-17	Code Violation	2 Month Pay Suspension	Received/Carried
Town of Innisfil	Former Mayor Baguley	12-Nov-14	Code Violation	None	Received/Carried
	Deputy Mayor Dollin	17-Jun-15	No Code Violation	None	Received/Carried
	Mayor Wauchope/Councillor Loughheed/Loughhead	30-Aug-18	Code Violation	30-60 Day Pay Suspension (Wauc Received/45 Days Each 10-30 Day Pay Suspension (Lough Not Received/Carried/No Pay Suspension)	
Town of Milton	Councillor Malboeuf	6-Mar-17	Code Violation	None	Received/Carried
	Councillor Malboeuf	11-Sep-17	Code Violation	30 Day Pay Suspension	Received/Carried
Town of Orangeville	Mayor Williams	7-May-18	No Code Violation	None	Received/Carried
Town of Richmond Hill	Councillor Parrelli	4-Nov-14	No Code Violation	None	Received/Carried
	Councillor Muench	28-May-18	Code Violation	Reprimand	Received/Carried
	Councillor Muench	28-May-18	Code Violation	Reprimand	Received/Carried
	Councillor Muench	28-May-18	Code Violation	30 Day Pay Suspension	Received/Carried
Town of Wasaga Beach	Mayor Smith	29-Nov-16	Code Violation	None	Received/Carried
	Deputy Mayor Bifolchi	26-Jan-17	No Code Violation	None	Received/Carried
Town of Whitchurch-Stouffville	Mayor Altmann	26-Sep-17	Code Violation	Reprimand/30 Day Pay Suspensior Apology within 90 Days	Received/Carried
	Mayor Altmann	6-Mar-18	Code Violation	Reprimand/90 Day Pay Suspensior	Received/Carried
	Mayor Altmann	6-Mar-18	Code Violation	Reprimand/90 Day Pay Suspensior	Received/Additional Penalties Imposed
	Mayor Altmann	29-May-18	Code Violation	Reprimand	Received/Carried

<u>Municipality Name</u>	<u>Elected Official Investigated</u>	<u>Date</u>	<u>IC Finding</u>	<u>IC Sanction Recommendation</u>	<u>Council Decision</u>
Town of Georgian Bay	Councillor Edwards	8-May-17	Code Violation	Reprimand/30 Day Pay Suspensior Communications Retrictions	Received/Carried
Town of Ignace	Councillor Pescaola	12/4/2017*	Code Violation	Reprimand	Received/Carried*
Township of Madawaska Valley	Councillor Maika	13-Aug-17	No Code Violation	Council Apology	Received/Carried
Township of Manitowadge	Councillor Dunnhill	25-Apr-18	Code Violation	Anti-harassment training/apology	Received/90 Day Pay Suspension/Travel and Communications restrictions
Township of Ramara	Deputy Mayor O'Donnell	16-Jul-18	Code Violation	5 Day Pay Suspension	Received/Carried
Township of Seguin	Councillor Hepworth	1-Oct-18	Code Violation	Apology	Received/Carried
Township of Scugog	Councillor Kett/Back	6-Mar-17	Code Violation	Reprimand/30 Day Pay Suspensior	Received/No Sanctions
Township of Southgate	Councillor Gordon	16-Dec-15	Code Violation	None	Received/Conditional Apology (Up to 90 Day Pay Suspension if not delivered)
	Councillor Woodbury	4-May-16	No Code Violation	None	Received/Carried
	Deputy Mayor Jackson	4-May-16	No Code Violation	None	Received/Carried
	Deputy Mayor Jackson	4-May-16	No Code Violation	None	Received/Carried
	Councillor Gordon	13-Dec-17	No Code Violation	None	Received/Carried
	Mayor Fosbrooke	13-Dec-17	No Code Violation	None	Received/Carried

\* One integrity commissioner report contained two complaints, only one recommendation to council

\*\* Town of Blue Mountans Council deferred sanctions due to the fact that Councillor Seguin resigned in advance





<u>Municipality</u>		<u>Violation?</u>	<u>2018 Candidate?(Y/N)</u>	<u>Re-Elected?</u>	<u>Vote %</u>	<u>Candidate Balanced Vote %</u>	<u># Candidates (Balanced Candidate #)</u>	<u>Vote %</u>	<u>Candidate Balanced Vote %</u>	<u># Candidates (Balanced Candidate #)</u>	<u>Vote % +/-</u>	<u>Vote % +/- (Candidate Adjusted)</u>	<u>% Vote +/-</u>	<u>%Vote +/- (Candidate Adjusted)</u>
Town of Orangeville	Mayor Williams	N	Y	N	52.8		2	18.9	22.5	3 (2)*	-33.9	-30.3	-179.4	-134.7
Town of Richmond Hill	Councillor Parrelli	N	N	N/A										
	Councillor Muench	Y	Y	Y	17.9	29.3	9 (5)	42.1		5	24.2	12.8	57.5	30.4
Town of Wasaga Beach	Mayor Smith	Y	Y	N	56.3	68.5	3 (2)	39.2		2	-17.1	-29.3	-43.6	-74.7
	Deputy Mayor Bifolchi	N	N (Different office)	N/A										
Town of Whitchurch-Stouffville	Mayor Altmann	Y	Y	N	33.3		5	21.5		5	-11.8	-11.8	-54.9	-54.9
Town of Georgian Bay	Councillor Edwards	Y	N	N/A										
Town of Ignace	Councillor Pesca	Y	N (Different office)	N/A										
Township of Madawaska Valley	Councillor Maika	N	Y	N	11.6	15.8	11 (5)	15.6			4	-0.2	25.6	-1.3
Township of Manitouwadge	Councillor Dunhill	Y	Y	N	Acclaimed		4	3.2	4.3	11 (4)	N/A	N/A	N/A	N/A
Township of Ramara	Deputy Mayor O'Donnell	Y	Y	Y	47.2		3	40.2	41.6	4 (3)	-7	-5.6	-17.4	-13.5
Township of Seguin	Councillor Hepworth	Y	N	N/A										
Township of Scugog	Councillor Kett	Y	N (Different office)	N/A										
	Councillor Back	Y	Y	N	69.7		2	34.6	40	3 (2)	-35.1	-29.7	-101.4	-74.3
Township of Southgate	Councillor Gordon	Y	N	N/A										
	Councillor Woodbury	N	N (Different office)	N/A										
	Deputy Mayor Jackson	N	N	N/A										
	Mayor Fosbrooke	N	N	N/A										

## Notes

\* The City of Hamilton had a number of ward boundary changes that saw some wards increase in size

\*\* The City of London went to a ranked ballot system of voting. The results used were those from the first round of vote tabulation

\*\*\* Councillor Shore was defeated in the 2014 election however a code of conduct complaint was investigated in the 2014-2018 term and sought re-election in 2018 for the same seat.

\*\*\*\* The City of Toronto Council was reduced from 47 seats to 25 seats. With such significant boundary changes, impacting overall voting data, the City of Toronto was eliminated in the voting sample

\*\*\*\*\* As Chair of the Economic Development Committee in Sioux Lookout is an unelected position, Chair Roy was not included in the voting analysis

^ Former Mayor Baguley was defeated in the 2014 election however a code of conduct complaint was investigated in the 2014-2018 term and sought re-election in 2018 for the same seat.