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2025-2026 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

ONE JOINT INVESTMENT BOARD

John Mascarin
Aird & Berlis LLP

May 28, 2026

INTEGRITY COMMISSIONER'S MESSAGE

Introduction

Aird & Berlis LLP was originally appointed as Integrity Commissioner for ONE Joint Investment Board (the "Board") pursuant to subsection 223.3(1) of the *Municipal Act, 2001* on May 19, 2020 and was re-appointed by the Board on May 19, 2021 for an additional five (5) year term. Earlier this year the Board approved the renewal of our appointment for another term.

This is the sixth annual report that we have prepared for the Board. This report encompasses the period from May 13, 2025 to May 27, 2026 and provides an executive summary of our activities undertaken in fulfilling our duties and responsibilities as the Integrity Commissioner.

Complaints/Investigation

We have minimal activities to report for this past year. We did not receive any complaints or applications and not conduct any inquiries or investigations against any members of the Board.

During our six (6) years as Integrity Commissioner, we have not received any complaints for investigation under the Code of Conduct nor any applications for inquires under the *Municipal Conflict of Interest Act* filed against any member of the Board.

Advice-Giving

With respect to our advice-giving function as Integrity Commissioner, we provided written advice on two (2) occasions relating to potential conflicts of interest arising from a member of the Board accepting a time-limited paid consultant role with an advisory committee and with respect to reimbursement to members of expenses for travel on business.

Proposed Provincial Legislative Changes

On May 1, 2025, the provincial government announced Bill 9, re-introducing the legislation originally proposed under Bill 241, which would impose new requirements for provincial-wide uniform codes of conduct; mandatory education and training for Integrity Commissioners and for members of council and local boards; for the involvement of the Integrity Commissioner of Ontario; and for the removal from office and disqualification of members of council (but not local boards) for egregious contraventions of a code of conduct, which result in harm to the health, safety or well-being of any person.

Bill 9 was referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy which held a number of public hearings on the proposed legislation from May 28 to August 25, 2025. We attended and presented as one of the committee hearings on July 24, 2025 and filed written submissions, which we have appended to our annual report.

We also presented to the AMO Board Committee of the Whole on September 25, 2025 on Bill 9 outlining a number of suggestions that could assist the provincial government with its proposed new local accountability structure.

Only minor and rather inconsequential amendments have been made to the bill despite the majority of the evidence before the Standing Committee indicating that the proposed legislation was flawed and represented a lost opportunity to actually strengthen the local government accountability framework. Bill 9 was ordered for Third Reading on October 20, 2025. The Minister of Municipal Affairs and Housing recently indicated that the statute and the accountability framework will be in place prior to the municipal elections on October 26, 2026 and the commencement of the new term for municipal councils and local boards.

Education and Training

We did not present any education sessions to the Board in the last year, nor did we believe that any additional training was required. We can certainly provide updated training to the Board and staff should the provincial government indeed implement changes to the municipal accountability framework.

Concluding Remarks

We are privileged to be of service to the Board as both its Integrity Commissioner (as well as its Closed Meeting Investigator). We look forward to continue to work with the Board, its members and staff.

Respectfully submitted,

AIRD & BERLIS LLP



John Mascarini

Integrity Commissioner for ONE Joint Investment Board

Append.

July 25, 2025

Standing Committee on Heritage, Infrastructure and Cultural Policy
Whitney Block - Queen's Park
23 Queen's Park Crescent East
Toronto, ON M7A 1W4

Attention: Laurie Scott, MPP, Chair & Tanzima Kham, Clerk

Dear Chair Scott and Members of the Committee:

Re: Bill 9 – Municipal Accountability Act, 2025

Accountability and proper ethical conduct amongst elected representatives is something that everyone wants to see, not only for municipalities but for all levels of government.

Bill 9 proposes to strengthen municipal accountability but, with respect, misses the mark, in several ways.

By way of background, I am a municipal lawyer practicing with Aird & Berlis LLP in Toronto. I am a Certified Specialist by the Law Society of Ontario in Municipal Law (Local Government & Land Use Planning and Development). I have co-authored two books in the *Municipal Act, 2001* and on the *City of Toronto Act, 2006*. I am a long-standing Adjunct Professor at Osgoode Hall Law School where I regularly teach courses on Municipal Law. I have taught "Ethics and Municipalities" for the LL.M. Program at the law school and units on municipal accountability and the *Municipal Conflict of Interest Act* are always included in my Municipal Law course. I lead all municipal accountability mandates for my firm which acts as Integrity Commissioner for approximately 70 local governments, as well as Closed Meeting Investigator, Municipal Ombudsman and Lobbyist Registrar for many municipalities.

It is important to bring the Integrity Commissioner perspective to Bill 9 because Integrity Commissioners have the experience, knowledge and understanding of the local governmental accountability framework. The current system has been pejoratively referred to as a "fragmented system of accountability for local elected officials" which ignores the historical reasons for the implementation of the original system in Part V.1 of the *Municipal Act, 2001* and the rejection of the "provincial commissioner" system that had been proposed by the never-proclaimed-into-force *Local Government Disclosure Act, 1993*.

In many ways, the current system is working very well. Municipalities have the ability to select well-qualified and knowledgeable Integrity Commissioners, to craft codes of conduct that will be responsive to local needs and distinctiveness and to respond on a timely basis on requests for written advice. I acknowledge that some municipalities have chosen unwisely and have also attempted to get away with substandard codes of conduct and complaint protocols that ignore the proper statutory independence and discretion afforded to Integrity Commissioners.

I would urge the Committee to consider the following:

1. Expand Scope of Bill 9

Bill 9 should be broadened to address more than just the most egregious ethical misconduct of officials. While the removal from office of members that contravene the ethical standards of their municipalities is, in some cases completely justified, these are rare and atypical instances. The government should expand the scope review of the local accountability framework, including, but not limited, to the range of penalties that can be imposed, akin to, but broader than, what was included in subsection 9(2) of the *Municipal Conflict of Interest Act* when it was amended in 2018, and to clarify that remedial measures and corrective actions are also permitted.

2. Depoliticize Decision-Making

The premise of the accountability regime in Part V.1 of the *Municipal Act, 2001* is the basic expectation that councils will hold their own house in order. Sadly, this is has not been the case in many instances. Instead of being enforcers, council members have become enablers of bad behaviour because of the politicized nature of the ultimate decision-making at the local level.

The remedy is to depoliticize the system and remove decision-making authority from councils. This government itself recognized this in the strong mayors legislation where 216 municipalities in Ontario have been designated as strong mayor municipalities. In introducing Bill 3 – *Strong Mayors, Building Homes Act*, the former Minister of Municipal Affairs and Housing repeatedly spoke of depoliticizing municipal decision-making to get housing built. I suggest that due consideration should be given to do the same with respect to ensuring local ethical integrity.

The current proposal requiring unanimous council approval for removal of egregiously badly behaving members is wholly unworkable and this Committee has already heard this from multiple sources. I agree that the threshold for removal should be high but it should not be so onerous that it will likely never happen. Once again, the government should look to the amendments that were made to the *Municipal Conflict of Interest Act* just a few years ago where Integrity Commissioner were imbued with the authority to make an application to a judge to determine whether a breach of the statute warranted a penalty of removal or disqualification from office.

3. Consult with Municipal Integrity Commissioners

With respect, and not to criticize the exemplary work of the provincial Integrity Commissioner, the reliance on this official and her office within the local government context is misplaced. The Ontario Integrity Commissioner knows and is the expert with respect to the provincial ethical framework – from the *Members' Integrity Act, 1994* to the *Lobbyists Registration Act, 1998* – but what does the Ontario Integrity Commissioner know about local government, codes of conduct and the *Municipal Conflict of Interest Act*?

The Ministry of Education, in developing the new school board accountability regime that was recently implemented in 2024 in the *Education Act* and its regulations consulted extensively with municipal Integrity Commissioners.

I strongly recommend, before the government starts looking at:

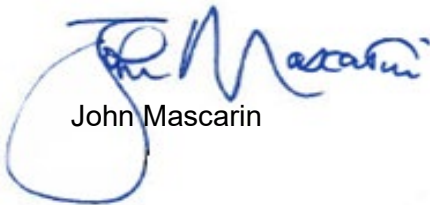
- standardized provincial-wide uniform codes of conduct and complaint protocols,
- at qualifications and training for local Integrity Commissioners, and
- at including an entirely unnecessary secondary investigative review by the Ontario Integrity Commissioner

that local Integrity Commissioners not only be extensively consulted but that they have a role in developing the framework that will hopefully serve to truly strengthen municipal accountability.

I greatly appreciate the opportunity to have presented before the Standing Committee on July 24, 2025 and for your consideration of this written submission on Bill 9.

Yours truly,

AIRD & BERLIS LLP



John Mascarin

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