

# The Hamilton Spectator

## City is slower than the seven-year itch

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Sometimes city council reminds me of a general who knows how to win a victory but not how to take advantage of it.

Council as a body, and Mayor Fred Eisenberger specifically, scored a major public relations win when they unanimously agreed to hire an integrity commissioner to police their own conduct.

But here we are more than a year later and the position has still not been filled.

Between the mixing bowl and the oven, the dish somehow got dropped.

And, once again, the folks at city hall are left looking like ants at a valium picnic.

The problem is pretty straightforward.

For some reason, when council approved the integrity commissioner bylaw in June 2008, it decided to limit the appointment to hiring a former judge who has retired from office.

If memory serves, the idea originated with Eisenberger who casually tossed it out as a for instance.

The suggestion was neither challenged nor debated, just adopted.

Consequently, the candidate search was ridiculously restricted from the beginning.

Not surprisingly, they weren't exactly inundated with contenders.

Only three applicants were interviewed and now, a full year later, a new posting is going up to broaden the field.

This time, they're looking for a lawyer, but they're not closing the door to academics or other experts who have a wide knowledge of municipal law and conflict-of-interest issues.

A detailed job posting for the part-time position is expected to go out next week; the reloaded search is expected to continue until late August; the job is expected to be filled by late fall or early winter.

Meanwhile, a couple of matters are in play.

Last year, the city appointed George Rust-D'Eye, a Toronto lawyer and municipal law expert, as a temporary integrity commissioner to investigate

whether Councillor Brad Clark violated council's code of conduct by circulating a tape of Eisenberger having an off-the-record conversation with me.

Rust-D'Eye was also hired to probe a possible conduct violation by the mayor.

Last December, he concluded Eisenberger had in fact broken the code by sharing confidential information during the aforementioned talk, but, because it was done to correct misinformation, council refrained from censuring the mayor.

Rust-D'Eye is expected to deliver his verdict on Clark next month.

By retaining Rust-D'Eye, council covered off two high-profile cases involving, ironically enough, the two members of council who were most vocal about the need to hire an ethics watchdog.

But, in the absence of a permanent integrity commissioner, members of the general public are left wondering where to turn.

That became painfully clear the other week when a constituent of Councillor Bernie Morelli asked me who he should take his concerns to.

The constituent was convinced Morelli had used his political position to influence the outcome of a property dispute.

Morelli denied the allegation and city staff supported his account of what had transpired.

But, without an independent investigator in place, the shadow of these kind of suspicions remain, frustratingly for citizens, unfairly for elected officials.

For council to have established the office of an integrity commissioner without actually hiring one has been about as helpful as erecting green stop signs at an intersection.

Andrew Dreschel's commentary appears Monday, Wednesday and Friday.

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