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Tape-gate report under wraps at council

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The city is debating when to publicly release the first report from its arm's-length integrity commissioner.

The report, which details the watchdog's ruling on the conduct of Councillor Brad Clark, was circulated as a confidential document on agendas at City Hall this week. It will be debated Tuesday.

The Municipal Act states integrity commissioner reports "shall" be "made available to the public." Other cities, like Toronto and Vaughan, make watchdog findings available on meeting agendas.

But a spokesperson for Hamilton's city manager said staff are still considering when the report should be made public.

"It is the intention of staff to provide the report at the next meeting of council," said Mike Kirkopoulos, senior policy and corporate communications co-ordinator.

Hamilton's interim integrity commissioner, George Rust- D'Eye, has completed his probe into whether Clark broke council's code of conduct during the so-called 'Tape-gate' scandal.

Clark has admitted he circulated a tape of Mayor Fred Eisenberger having an off-the-record conversation with a reporter. He is the first councillor to be investigated under the new integrity commissioner bylaw.

The investigation was delayed for several months while police tried to determine if the tape was stolen from the mayor's office. Police ruled there wasn't enough evidence to lay charges.

Rust D'Eye ruled last fall that Eisenberger violated the old conduct protocol by discussing confidential information, but recommended no disciplinary action be taken.

His findings related to Clark are identified as confidential in next week's agenda. Confidential items are discussed behind closed doors unless council decides otherwise.

The city's bylaw states once an integrity report has been filed with the clerk, it shall be placed on the next available council agenda "as an information item."

Vaughan's integrity commissioner, Suzanne Craig, said based on her understanding of the Municipal Act, any reports from her office must be made public on an agenda once they are filed with the clerk.

"The reports are intended to be made public," she said.

In Toronto the commissioner's findings are routinely included as public reports in agendas. For example, an agenda for a meeting in Toronto yesterday included a report on an alleged leak of confidential information.

It was made public on the city's website before the meeting.

"What works in the City of Toronto should work for the City of Hamilton," said Joanna Chapman, who sits on the subcommittee that formulated Hamilton's integrity commissioner bylaw.

At the provincial level, integrity commissioner Lynn Morrison said her reports are available to the public once they have been tabled by the Speaker of the house. If the government is not sitting, the reports are posted online immediately, she said.

"We are independent from government. We are arm's-length."

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