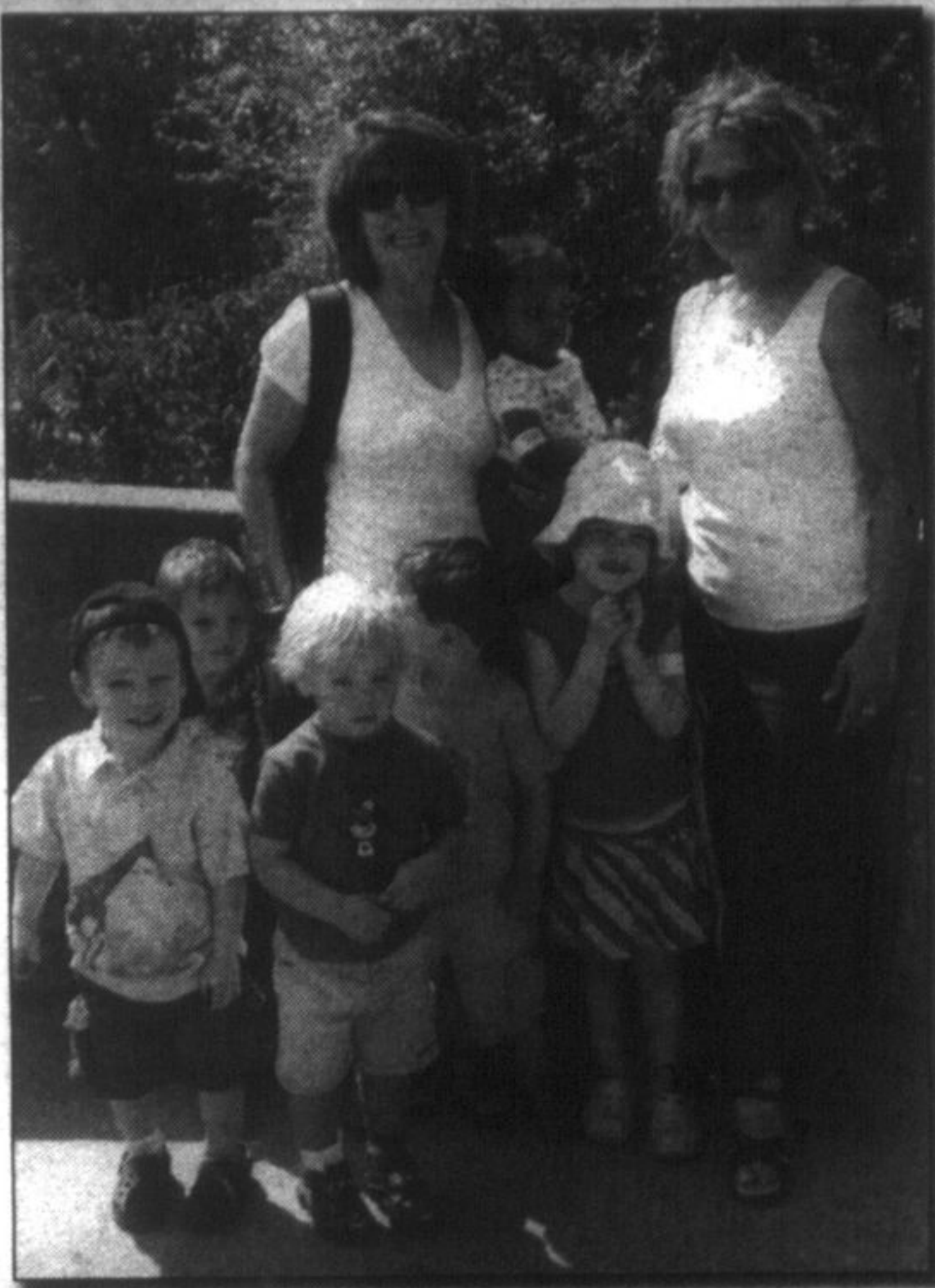


In Our Community



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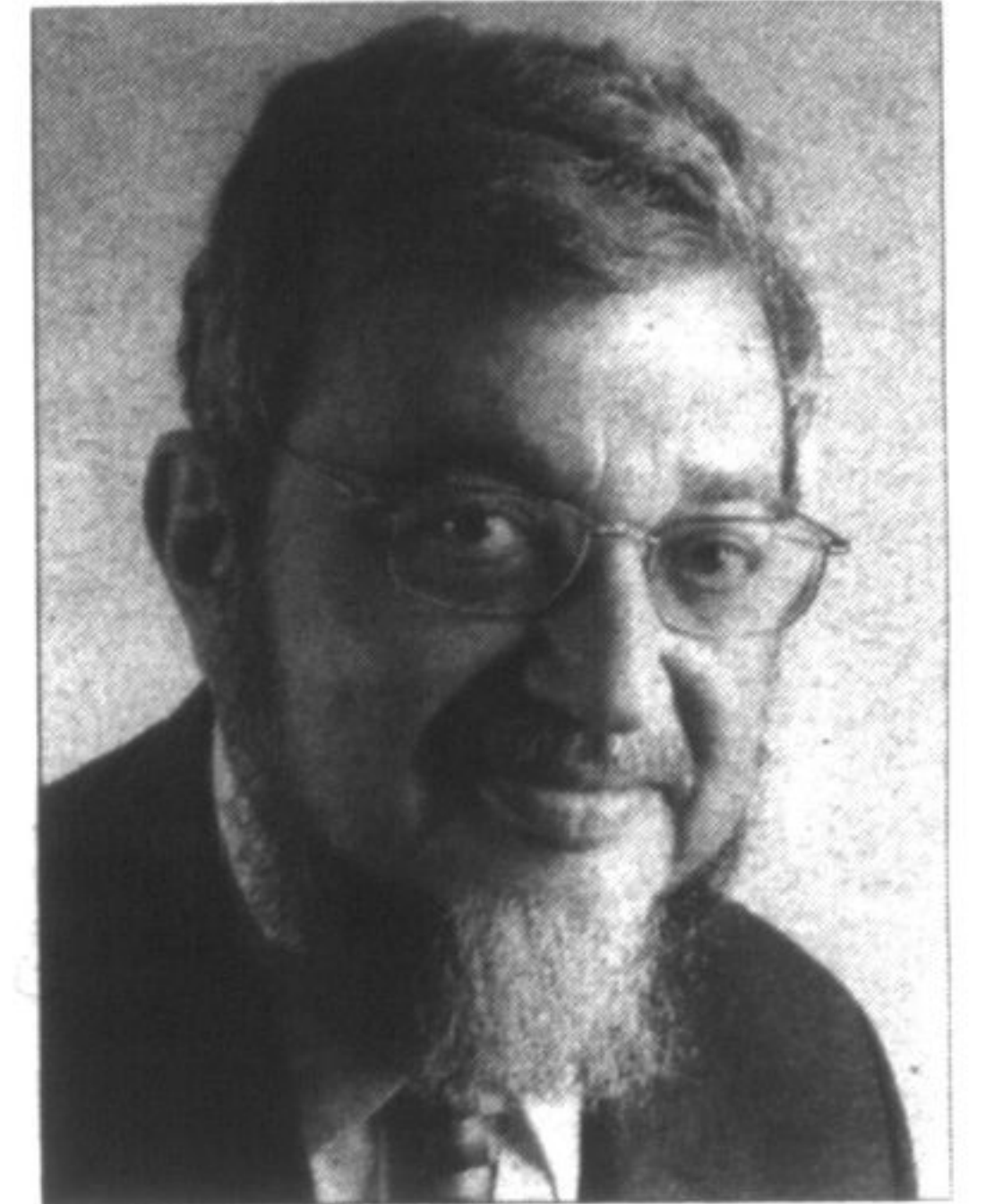
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Firing had nothing to do with report: mayor

BY SEAN PEARCE
spearse@yrmg.com

A war of words is raging in Aurora following the integrity commissioner's dismissal and it appears the fight may be far from over.

Much has been made in recent days of the timing of now-former integrity commissioner David Nitkin's departure — council voted to remove his powers and duties just one day after he submitted a report to the town — but Mayor Phyllis Morris said the decision had nothing to do with the report and everything to do with the inability of the integrity commissioner to follow Aurora's code of conduct.



DAVID NITKIN: Integrity commissioner was fired one day after submitting his report to the town.

Read Debora Kelly's column on this story on Page 6.

"We called the meeting previously, so it's just a coincidence we got (the report) the day before," she said of Mr. Nitkin's firing. "(People) can speculate on things all they like."

Mrs. Morris said it was clear quite quickly Mr. Nitkin was following a different set of rules as requests were made for personal impact statements and for those involved to meet.

"That was problematic for those of us who wished to follow the Municipal Act," she said. "In all fairness, however, (Mr. Nitkin) realized that would be a problem for us."

Regardless, the fact remains such things were not requirements under the town's code of conduct. Mr. Nitkin, Mrs. Morris said, seemed to follow his own code at times.

"He had posted his own process and I truly believe that he believed that we had endorsed his process," she said. "There was no motion of council that endorsed it; it's regrettable."

Similarly, there were apparently early warning signs that processes were not compatible. Whether the flurry of e-mail correspondence from councillors to the commissioner and back constituted the political interference to which Mr. Nitkin refers remains a mystery. In any case, Mrs. Morris said all of the e-mail communiqués became an indication of trouble.

"He made so many communications, all on his e-mail, and that was part of the problem," Mrs. Morris said. "I don't agree there was political interference, but that was his belief."

The ruling from Mr. Nitkin is in and has been sent to the complainants and the councillor at the centre of the complaint. A portion of that ruling has been posted online by Councillor Evelyn Buck and states the code of conduct complaint, as written, was not accepted and an investigation would not take place.

This statement of complaint, as is, is unacceptable and no investigation or inquiry shall take place, the decision reads, noting the complaint is ill-formed, incomplete and inappropriate. The way it was crafted, politicized and communicated, it may be seen to be wholly political. The decision also makes reference to political interference.

What does all of that mean? It really depends on who you ask.

Some councillors are calling this an outright rejection of the complaint, while others are saying not so fast.

In any event, the decision needed to be made public, Ms Buck said, adding she couldn't reveal any further information about the rest of the document. She said she became convinced posting the decision was the right thing to do in light of how the filing of the complaint was made public by some members of council last month.

"I'm not sure if I can (release more information), because it's unknown territory," Ms Buck said. "At this moment, I've revealed the decision, because I felt people had a right to know what that was. It is a confidential document submitted to me by Mr. Nitkin."

Some councillors have already gone on record and classified the report as a vindication for Ms Buck, who said she was satisfied with the findings. The complaint has been dismissed, she said.

"I could look at it (as a vindication)," Ms Buck said. "The complaint was dismissed on the basis of how it was publicized and put together."

However, while Mrs. Morris and other sources confirmed what Ms Buck has published is accurate, it's also incomplete, the mayor said.

"She's selectively posted from the opinion," she said.

The rest of Mr. Nitkin's correspondence indicates his ruling was not to absolve anyone of anything, Mrs. Morris said, adding it dealt primarily with the format in which it was submitted. His ruling, in fact, doesn't even address the content of the complaint, she said.

"If anything, (Mr. Nitkin) encouraged us to resubmit it," Mrs. Morris said of the report.

So, what happens now? The report will be dealt with at the next council meeting and made public from there. A statement from the complainants will be forthcoming.

There will be an opportunity to respond to the report when it comes to council in the fall, Mrs. Morris said, noting the public will have the opportunity to see it.

Mrs. Morris also said the complaint may well be re-worked, re-filed and submitted to the next integrity commissioner appointed by the town as no comments were made as to the alleged contraventions of the code.

Either way, Ms Buck said she isn't concerned and doubts the town will even be able to find a new commissioner, let alone one who will rule against her.