

ANNUAL REPORT

Sept 2020 to Dec 2021

February 22, 2021

Council Meeting Presentation

Jamie Pytel
Integrity Commissioner

Brent Rathgeber, QC
Ethics Advisor

Councillor Code of Conduct

- Into our 4th year with the Code
- Number of complaints and investigations so far:

Year	Complaints Received	Complaints Investigated
1	16	6
2	20	12
3	38	6

- All complaints made by general public, except 2 made by Council members
- So far in 2022, 9 complaints received

Types of Complaints Investigated / breaches found

- Conduct lacking in decorum and respect on social media
- Misleading the public on Council decisions
- Singling out and ridiculing another Councillor on social media based on misinformation
- Use of Council electronic mailing list for campaign purposes
- Intentionally retaliating against Code complainants and ridiculing those who bring forward complaints
- Posting on social media false and misleading information about prior Code complaints

Types of Complaints Dismissed / Not investigated

- Outside of jurisdiction
- Deficient complaints
- Resolved informally
- Suspended during 90 days leading up to municipal election
- Complaints can be dismissed that are frivolous, vexatious or made in bad faith

Investigation Process

- Findings made on a balance of probabilities
- Follow principles of procedural fairness and natural justice
- Investigations completed within 90 days of being accepted
- Committed to fair process while treating all participants with respect and dignity

Memoranda and Interpretations Issued by IC

- Regarding hiring family members as staff
- Encouraging a budget for professional development, but discouraging funding professional degrees out of Ward budget
- Possible social media guidelines for Council Members
- Conduct at meetings should be managed by Chair and within Procedures Bylaw
- Individuals and organizations can make a complaint
- Guidelines around keeping campaigning separate from Councillor duties

Current and forward looking work

- Code is better than most, but IC had identified some areas for improvement
- Feedback received from current and former Council Members
- Feedback received from the general public
- Review of activities and learnings in other jurisdictions
- Recommendations coming forward soon to a fulsome meeting with Council

IC areas of focus – Code updates

- Code meets legal requirements, but could use refinement in practice
- Looking for feedback by Council

- Areas of IC focus:
 - Informal, facilitated and mediated resolution of issues
 - Restorative approach when possible
 - Responsiveness to Council and the public's feedback

Process Updates

- Council hearing process owned by Council – advised by City Solicitor's Office
- IC provides input into hearing process, where appropriate, to City Solicitor's Office. Current topics being considered include:
 - Structure of Code of Conduct sanction process
 - Privacy considerations in Code process – balanced with transparency
 - Possible creation of a quasi-judicial Council Committee to deal with sanction decisions
 - Methods for informal resolution and mediation

General Public Feedback

- Examples of feedback that will come forward for Council's consideration:
 - Disagreement with 90-day suspension of investigations before municipal election
 - Concerns that Council Members endorsed candidates in municipal election

Ethics Advisor, Brent Rathgeber

- Confidential meetings with Council Members and staff to explain and interpret the Code
- Provided advice 65 times in latest reporting period
- Assisted Council Member under investigation with statement preparation and attended interviews
- Advice sought less than usual due to pandemic / fewer invitations to events
- Most questions are about gifts and benefits, but also communications on social media
- Updated Code to make it possible to accept gifts from those who are not sponsors of events, within limits of the Code

Topics and Interpretations by Ethics Advisor

- Pre-election and campaign advice
- Council orientation to new Council
- Continued work on establishment of Lobbyist Registry for Council
- Considering updates to Code, including gift and event acceptability
- Code working well, but some fine tuning may be required