

Office of the Integrity Commissioner

integrity.commissioner@edmonton.ca

ANNUAL REPORT

OFFICE of the INTEGRITY COMMISSIONER

The City of Edmonton

Council Code of Conduct Bylaw 18483

("Code of Conduct" or "Code")

For the period January 1, 2024 to
December 31, 2024 ("Reporting Period")

INTEGRITY OFFICE

1. On September 5, 2018, Edmonton City Council appointed Jamie Pytel as the City's Integrity Commissioner (IC) and Brent Rathgeber as the Ethics Advisor. These positions form an independent Integrity Office which supports City of Edmonton Council Members with maintaining the high level of integrity that they and the public have come to expect. Together, Jamie and Brent administer the *Council Code of Conduct* (the "Code").
2. The Integrity Commissioner and the Ethics Advisor are not City employees. The Integrity Commissioner was appointed by Council under Bylaw 18567 *Integrity Commissioner Bylaw*, which delegates the duty of receiving Code complaints and carrying out investigations to the Integrity Commissioner. The Integrity Commissioner reports directly to Council and, in addition to investigations, provides proactive advice with respect to the Code and related procedures, including best practices relative to codes of conduct and elected officials.
3. The Ethics Advisor provides legal advice to Councillors regarding the Code and individual ethics. The Ethics Advisor also provides educational programs and materials to Council Members and their staff upon request.
4. This report covers Integrity Office activities for the period January 1, 2024 to December 31, 2024 (the "**Reporting Period**").
5. The budget for the Integrity Office for the Reporting Period was \$150,000.00. Total expenditures for the Reporting Period were \$134,613.28. This expenditure is consistent with previous reporting periods where the yearly expenses were in the \$132,000.00 range.

INTEGRITY COMMISSIONER ACTIVITIES IN THE REPORTING PERIOD

6. In the Reporting Period, the Integrity Commissioner received 42 complaints, 35 of which were investigated. 32 of the investigated complaints related to the same incident. No breaches of the Code were found in 2024.
7. Below is a summary of the investigation activity for 2024 and prior Reporting Periods:

REPORTING PERIOD	COMPLAINTS RECEIVED	COMPLAINTS INVESTIGATED	FINDINGS	SANCTIONS IMPOSED
Sept 2018 to Sept 2019	16	6	None	None
Sept 2019 to Sept 2020	20	12	9 investigations resulted in findings of multiple Code breaches, including conduct that was disrespectful, lacking in decorum and for posting misleading information about Council decisions on social media.	None
Sept 2020 to December 2021	38	6	<p>6 investigations resulting in findings of violations, including:</p> <p>Council Member violated the Code when they used electronic mail addresses for their official Councillor duties and personal election campaign activities and communications (4 complaints).</p> <p>Council Member deliberately retaliated against Code complainants; publicly ridiculed and tried to intimidate Code complainants and published on social media information that was false and misleading about prior Code complaints; the Council Member's social media posts lacked decorum, were disrespectful and misleading (2 complaints).</p>	None

January 2022 to December 2022	33	8	<p>7 investigations arising out of the same social media post. The Council Member was found to have violated the Code when a social media post containing a derogatory term about police officers was re-tweeted by the Council Member.</p> <p>1 investigation was undertaken but after a comprehensive review of the allegations it was dismissed as outside of the IC's jurisdiction. As no findings of a Code breach were made, the outcome of this investigation was not brought to Council.</p>	
January 2023 – December 2023	17	8	<p>Investigative steps were taken regarding 8 complaints, with 7 of those complaints then being dismissed. The remaining investigation (investigation file 2313) continued into 2024 and a report was submitted to the City Clerk on March 19, 2024 containing findings of a breach of the Code of Conduct. As of the date of this Annual Report, file 2313 is the subject of a Judicial Review. The sanction hearing for this file has been delayed pending the outcome of the Judicial Review.</p>	
January 2024-December 2024	42	35	None	None

8. The types of complaints received in the Reporting Period that were dismissed at intake or after some investigation included:

- a. Promoting political interference with respect to Council decisions in another municipality and not acting impartially. The IC found that communications by the Council Members amounted to expressing opinions on matters of public interest, did not involve a decision being made by Edmonton's Council, did not contain misinformation about a decision of Council, and there was nothing in the Code prohibiting a Council Member from commenting on matters before Councils of other municipalities.
- b. The level of responsiveness or service provided by a Council Member to their constituent, which was found to be outside of the Integrity Commissioner's mandate.
- c. Attending political events, which is permitted when not done in the Councillor's official capacity.
- d. Level of attendance at Council Meetings, which is outside of the IC's jurisdiction.
- e. Attending a private event and expressing opinions on matters of public interest.
- f. Allegedly making representations on behalf of the City or Council, which was unsubstantiated.
- g. Alleged breach of conflict-of-interest requirements of the Code, which were unsubstantiated.
- h. Not giving fair and adequate time for a constituent to express their opinions in a drop-in constituent session. The level of interactions and time allotted by Councillors with their constituents is outside of the jurisdiction of the Code and the IC's mandate.
- i. Release of personal information, which was found to be outside of IC's jurisdiction in these circumstances.
- j. Respectfully expressing opinions on matters of public interest, which is allowed by the Code.
- k. Deleting or blocking on social media.
- l. Complaints that had deficient information and were incapable of being investigated.

UPDATING THE COUNCIL CODE OF CONDUCT BYLAW

- 9. The Integrity Commissioner and Ethics Advisor were pleased to participate in Council Code of Conduct Sub-Committee meetings and consult with Administration to contribute to the updated version of the *Council Code of Conduct*, which came into effect on November 13, 2024.
- 10. The updates to the Code reflect the experience of administering the Code since its inception. Key aspects were creating more clarity for Council Members and the general

public on what the Code covers, ensuring the IC would only need to engage on matters that reflect the spirit and intent of the Code, and removing previous areas of confusion. We are grateful for the Code of Conduct Sub-Committee and Administration's thoughtful dedication to this project.

OTHER ACTIVITY

11. In November 2024, the Integrity Commissioner organized and hosted the first of what will be a series of conferences involving Integrity Commissioners and Ethics Advisors of Western Canada. We had a great (virtual) session where information was exchanged about best practices, trends with Codes of Conduct and emerging issues. There is also a desire to continue to develop a body of thinking around how Codes of Conduct can be administered fairly, consistently and cost-effectively. Separately, the IC has been consulting generally on how to make municipal Council Codes of Conduct more effective and accessible in all jurisdictions in Alberta.
12. In December 2024, the IC and Ethics Advisor participated in an information session organized by the City Clerk to prepare Council Members and their staff for the upcoming municipal election. These sessions were to continue in 2025. This proactive information was provided to ensure that Council Members had the necessary information about Code of Conduct requirements related to Elections and Campaigning. We continue to encourage Council Members to ask questions if there are any areas of confusion or concern. An FAQ document is being released to Council in 2025 to address some of the unique issues that may arise during the election year.

ETHICS ADVISOR'S ACTIVITIES IN THE REPORTING PERIOD

13. During the Reporting Period, the Ethics Advisor provided confidential advice to Council Members or their designated representative on 66 separate occasions (including supplemental advice). The advice was provided primarily orally (by telephone) or in writing (by e-mail), depending on the Councillor's preference and timelines. On rare occasions, the advice was given during a face-to-face meeting with the Councillor and at the Councillor's request. This number is approximately the same as prior years; this reflects that as councillors become more experienced and familiar with the Code of Conduct and their other ethical obligations, the requirement for Ethics Advisor consultation is reduced. However, amendments to the *Municipal Government Act* in 2024 resulted in new inquiries and therefore the total number of inquiries is consistent when compared to the most recent and previous years.

14. The Ethics Advisor will deal with the assistants and staffers of the councillors, when said proxy has been authorized by the councillor to make inquiries. This system generally promotes efficiency, given the complexity of councillor schedules.
15. Part L of Code dealing with “Gifts and Benefits” was still the section that generated the most inquiries. Specifically, event attendance continues to confuse councillors and their staffs. Respectful communications and social media posts are accounting for an increasing number of inquiries to the Ethics Advisor.
16. Understanding how event attendance may be a violation of the Code continues to invite questions. Previously, part 1 (g) of Part L of the Code required a gift of admission to, or food and beverages at, an event to be “offered by the entity or a representative or member of the entity, responsible for organizing or presenting the event.” It was previously recommended to Council and accepted that the requirement that the giftor be the sponsor of the event, be deleted from the Code. That was a welcome amendment and has cleared up at least some of the confusion regarding event attendance.
17. The Ethics Advisor continues to believe that event attendance is important, as councillors are ambassadors for the City and attending events allows councillors to interact with constituents and stakeholders in an informal setting.
18. Further, confusion persists regarding the gift registry and when disclosure of a gift is required. Stated succinctly if a gift is “acceptable” and its perceived, actual or estimated value exceeds \$300, the gift must be disclosed in the Councillor’s quarterly disclosure. If a gift cannot be accepted, for whatever reason in Part L of the Code, there is no need to disclose a gift that was not accepted. Most significantly, if a gift is unacceptable, it does not become acceptable merely because its value is <\$300. The requirements of acceptability and value disclosure operate independently of one another.
19. Finally, the Ethics Advisor met with the Council Services Committee on several occasions both virtually and in person. These meetings have been instructive both to the councillors seeking clarification on the Code and to the Ethics Advisor in getting greater understanding of councillors’ ethical concerns and interpretation struggles. Over the years, as Councillors become more familiar with the Code fewer group briefings have been required. However, legislative changes to the *Municipal Government Act* in 2024 have necessitated further advice and briefings.

20. The Ethics Advisor will continue to provide input and advice to councillors subject to the complaint investigative process. The Ethics Advisor assists Councillors who are the subject of a Complaint Investigation. This assistance might include Complaint Review, statement preparation and/or attendance with the Councillor when being interviewed by the Integrity Commissioner. Although interpretation and application of the Code of Conduct primarily lies with the Integrity Commissioner, the Ethics Advisor interprets the Code of Conduct to the extent necessary to keep councillors compliant and out of the investigative process.
21. Further amendments to the Code (including gift and event acceptability) a workable Councillor social media policy and respect in the workplace remain on the Ethics Advisor's agenda and radar.
22. Given the nature of the Solicitor – Client relationship, the Ethics Advisor does not respond to media inquiries and will not interact with members of the public, except to give general information on the Code and the process that is unrelated to any specific councillor or complaint.
23. As always, the Ethics Advisor finds his role challenging and rewarding. It is an honour to contribute to democracy by promoting ethical conduct by elected officials.

CLOSING COMMENTS

We are continually grateful to the Office of the City Clerk and other members of Administration for providing exceptional support and assistance with this program.

Respectfully Submitted

Jamie Pytel
Integrity Commissioner

Brent Rathgeber
Ethics Advisor