

Office of the Integrity Commissioner

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INVESTIGATION REPORT 2001 to 2010

BY JAMIE PYTEL

INTEGRITY COMMISSIONER for

THE CITY OF EDMONTON

Report Date: July 19, 2020

To: City Council for The City of Edmonton

Re: *Council Code of Conduct Bylaw 18483*
Complaints 2001 to 2010

Respondent: Councillor Mike Nickel

Dates of Complaints: April 19, 20 and 21 and May 20, 2020

TABLE OF CONTENTS

SUMMARY.....	3
BACKGROUND.....	10
SUMMARY OF COMPLAINTS.....	10
CODE OF CONDUCT – APPLICABLE SECTIONS AND INTERPRETATION	11
PROCESS and JURISDICTIONAL ISSUES	13
THE LEGAL and CODE OF CONDUCT BACKDROP	15
SUMMARY OF RESPONDENT’S SUBMISSIONS	20
APRIL 17 POST.....	21
April 18 POST.....	24
MAY 20 POST	30
DELETING AND BLOCKING ON SOCIAL MEDIA.....	31
FINDINGS.....	34
RECOMMENDATIONS	35
APPENDIX A – APRIL 17 POST	35
APPENDIX B – APRIL 18 POST.....	38
APPENDIX C – MAY 20 POST	40

SUMMARY

This report addresses complaints 2001 to 2010 inclusive (the “Complaints”) against City of Edmonton Councillor Mike Nickel (the “Respondent”) under City of Edmonton *Bylaw 18483 Council Code of Conduct* (the “Code of Conduct” or “Code”). I have also prepared individual reports for each Complaint, which reports follow this report.

The Complaints arose out of Social Media Posts and activity by the Respondent from April 17 to May 20, 2020, including Social Media Posts on April 17, 2020 (**Appendix A**), April 18, 2020 (**Appendix B**) and May 20, 2020 (**Appendix C**).

This investigation is centred around the right to freedom of expression and how it interacts with the *Code of Conduct*. The Respondent asserts that throughout the Social Media Posts he was simply asserting his freedom of expression rights and he should not be censored or censured for doing this.

It is not my role to interfere with political debate and commentary. It is not my role to decide whether views expressed by Members of Council are meritorious or properly held. However, I am of the view that the right to freedom of expression has limits. In this case, the limits have been self-imposed by Council with the issuance of the *Code of Conduct*. The *Code* allows fair comment and Members of Council to hold a position on an issue. This is balanced with *Code* requirements, such as, to accurately represent Council’s decisions, be respectful and act with decorum.

The parts of the Respondent’s Social Media Posts that are mere political commentary and expressing an opinion do not offend the *Code*. Interfering with this would be a very serious threat to the democratic process and to freedom of expression. Those opinions can be expressed strongly, with vigour, passion and obvious exaggeration. However, here I have found the manner of the communication at times was disrespectful, lacked decorum, contained personal attacks and misleading information, all of which is contrary to the *Code*.

The Code requires Members of Council to accurately represent the decisions of Council. In the Social Media Posts, the Respondent suggests that Members of Council are responsible for the installation of more bike lanes in Edmonton. This is misleading. In fact, the decision was made by City Administration (not Council) under a State of Local Emergency to temporarily expand spaces for multimodal use (not just for cycling) for physical distancing during the COVID-19 pandemic.

The publishing on social media of misleading information by a Member of Council about bike lanes can come across as potentially minor and even trivial. However, the introduction of bike lanes is an issue of public interest and debate in Edmonton, as confirmed by the Respondent who says it is of concern for many of his constituents. In my view, it is acceptable for the Respondent to strongly express his views and carry out his duties to his constituents, but his communications must be based on accurate and not misleading information about the decisions of Council. Misleading information quickly becomes fact for anyone who has seen it, the impact of which is not easily reversed or undone. It is particularly concerning when it is on social media, given the power and impact of that medium.

I also found the manner in which the Respondent communicated in the April 17 and April 18 posts to be disrespectful and lacking in decorum. Again, the Respondent is entitled to express his views, but the *Code of Conduct* puts limits on how they are expressed. Here, I found that the Respondent chose a manner of communicating that was at times derisive, demeaning and a personal attack. In my view, to give meaning to the *Code*, this manner of communicating about Members of Council should not be condoned by Council.

Some of the Complainants allege that the Respondent was disrespectful when he deleted comments on his social media pages that disagreed with the April 17 and April 18 posts, and blocked some commentators from making comments. I did not delve into an extensive review of the Respondent’s and the commentators’ social media activity. The Respondent provided me with the guidelines he uses for deleting or blocking, which were not unreasonable. I am of the view that on Members of Council social media pages they should sparingly delete comments and block commentators, and not simply if someone respectfully expresses a differing opinion. However, there is nothing currently in the law or the *Code* that prohibits Members of Council from deleting comments or blocking. Council may choose to pass a social media policy to address these scenarios. In the interim, Members of Council are left to use their judgement. I can imagine situations where blocking is done in a way that violates the *Code* (i.e. in violation of protected grounds under Human Rights legislation), but I did not find that was the case here.

COMPLAINT	ALLEGATIONS	FINDINGS	CODE VIOLATIONS
2001	The April 18 post was disrespectful of a Member of Council and contained misinformation. The Complainant’s posts about the April 18 post were deleted and the Complainant was blocked on Respondent’s social media page.	The April 18 post was disrespectful, lacked decorum, contained misleading information, and did not accurately reflect the facts of Council’s decisions. Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i> .	Part B, Section 1 d) Part E, Section 1 Part B, Sections 1 a) and 1 e) Part E, Section 1
2002	The April 18 post was disrespectful of a Member of Council and was conduct unbecoming of an elected official. The Respondent removed any negative commentary from his social media site regarding the April 18 post.	The April 18 post was disrespectful and lacked decorum. Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i> .	Part B, Section 1 d) Part E, Section 1

2003	In the April 18 post, the Respondent mocked a Councillor, was rude, unprofessional and harassing in nature.	The April 18 post was disrespectful and lacked decorum. This was not harassment under the <i>Code</i> .	Part B, Section 1 d) Part E, Section 1
2004	In the April 18 post, the Respondent mocked a Councillor, spread misinformation in an unprofessional and immature manner that is inappropriate for a City Councillor. The cartoon suggests taxpayer money was being thrown on a fire for bike lanes, when the City widened paths to encourage social distancing in high density areas and to create more space for pedestrians to walk safely during the pandemic. The Respondent spread misinformation about a Councillor being dedicated to creating bike lanes during the pandemic, which suggested added infrastructure like dedicated grade separation when the Councillor was actually referring to pedestrian paths for safety during a pandemic in order to flatten the curve and prevent the spread of COVID-19. (The Complainant includes the April 17 post in this complaint in which the Respondent attributes more bike and walk lanes to Mayor Iveson and some of the Councillors.) The Respondent blocked many comments and accounts if there was any pushback, if individuals were defending the Councillor or if there was a difference of opinion.	The April 18 post was disrespectful, lacked decorum and contained misleading information, and did not accurately reflect the facts of Council's decisions. Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i> .	Part B, Section 1 d) Part E, Section 1 Part B, Sections 1 a) and 1 e) Part E, Section 1
2005	The April 18 post contained a derisive caricature of a	The April 18 post was disrespectful, lacked	Part B, Section 1 d) Part E, Section 1

	Councillor, misrepresented information (i.e. no new bike lanes are being built); and employed divisive and harassing tactics. This was conduct unbecoming of a City Councillor.	decorum, contained misleading information and did not accurately reflect the facts of Council's decisions. This was not harassment under the <i>Code</i> .	Part B, Sections 1 a) and 1 e) Part E, Section 1
2006	April 18 post specifically targeted and was disrespectful to of a Councillor, lacked decorum, contained false information that the Councillor was advocating for increased spending on temporary bike lanes; failed to say that this was a public health measure; failed to properly represent Council's decisions. Respondent deleted multiple comments from citizens on social media, seemingly keeping only the ones that agreed with his post.	The April 18 post was disrespectful, lacked decorum and contained misleading information and did not accurately reflect the facts of Council's decisions. Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i> .	Part B, Section 1 d) Part E, Section 1 Part B, Sections 1 a) and 1 e) Part E, Section 1
2007	In the April 17 post, the Respondent was disrespectful and misrepresented facts about City of Edmonton spending and Council discussions regarding City expenditures. This irreversibly harms the trust the community can place in Council. A difference of opinion was not respected. The Respondent misrepresents the facts when he makes statements such as there is "NO approach on how to deal with hundreds of business who will be unable to rehire workers or be able to pay their property taxes". The Respondent was disrespectful when he actively blocked private citizens from his social media pages.	While some of the comments are fair comment and not a violation of the Code, other aspects of the April 17 post were disrespectful of Council and lacked decorum. The Respondent did not accurately reflect the facts of Council's decisions and was misleading when he attributed to Council the installation of bike lanes or temporary bike lanes during a pandemic. Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i> .	Part B, Section 1 d), Part E, Section 1 Part B, Section 1 a) Part B, Section 1 e)
2008	April 17 post contains inaccurate information about	While some of the comments are fair	Part B, Section 1 d), Part E, Section 1

	<p>Council and Administration’s activities. Statements such as there are no plans and have taken no action – except for demarcating temporary activity spaces - are false. The Respondent removed respectful but unfavorable comments from his social media page, and banned those making them, particularly with respect to the April 17 post.</p>	<p>comment and not a violation of the Code, the April 17 post was disrespectful of Council, lacked decorum, did not accurately reflect the facts of Council’s decisions and was misleading when he attributed the installation of bike lanes or temporary bike lanes during a pandemic to Council. Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i>.</p>	<p>Part B, Section 1 a) Part B, Section 1 e)</p>
2009	<p>The Respondent blocked the Complainant on Twitter for disagreeing with him with respect to comments about temporary active transport lanes.</p>	<p>Deleting or blocking on social media should be done thoughtfully and sparingly, but in these circumstances is not a breach of the <i>Code of Conduct</i>.</p>	
2010	<p>The cartoon image in the April 18 post was defamatory and not respectful communication. The May 20 post was disrespectful and contained misinformation about the decisions of Council.</p>	<p>The cartoon image in the April 18 post was disrespectful, lacked decorum and was misleading. While some of the comments are fair comment and not a violation of the Code, the May 20 post was misleading regarding the decisions of Council.</p>	<p>Part B, Sections 1 a) and 1 e)</p>

Findings

1. While some of the views expressed in the **April 17 post** are fair comment, on balance, I find that the Respondent violated the *Code of Conduct* as follows:
 - (a) The manner of communicating was disrespectful of Council in violation of Part B Section 1d) of the *Code*;
 - (b) The Respondent's conduct lacked decorum, in violation of Part E Section 1 of the *Code*;
 - (c) The Respondent did not accurately reflect the facts of Council's decisions when he attributed the installation of "bike lanes" or "temporary bike lanes" during a pandemic to Council in violation of Part B, Section 1a) of the *Code*; and
 - (d) The Respondent was misleading, when he attributed the installation of "bike lanes" or "temporary bike lanes" during a pandemic to Council in violation of Part B, Section 1e) of the *Code*.

2. On balance, I find that the comments and cartoon image posted by the Respondent in the **April 18 post** violated the *Code of Conduct* as follows:
 - (a) The personal attack on Councillor Knack and the manner of communicating was disrespectful, in violation of Part B, section 1 d) of the *Code of Conduct* that says Councillors must ensure that all communications issued by Councillors, including on social media, are respectful.

 - (b) The personal attack on another Councillor and the manner of communicating lacked decorum, in violation of Part E, section 1 of the *Code of Conduct* that requires Councillors to act with decorum at all times.

 - (c) Communicating misleading information that left the impression that Councillor Knack approved the installation of bike lanes during a pandemic, when the decision was to temporarily use public space to expand spaces for multimodal use for physical distancing during the COVID-19 pandemic. This was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the *Code of Conduct* that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter.

3. On balance, I find that the comments and image posted by the Respondent in the May 20 post violated the *Code of Conduct* as follows:
 - (a) Communicating misleading information that left the impression that Mayor Iveson was responsible for approving the addition of dozens of emergency bike lanes was misleading, when this was a decision to temporarily use public space to expand spaces for multimodal use for physical distancing during the COVID-19 pandemic and was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the *Code of Conduct* that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter.

Recommendations

I recommend that Council:

1. Accept this report.
2. Direct that Mayor Iveson on behalf of Council issue a letter of reprimand addressed to the Respondent with respect to *Code of Conduct* violations found in this report.
3. Consider implementing a social media policy.

BACKGROUND

This report addresses complaints 2001 to 2010 inclusive (the “Complaints”) against City of Edmonton Councillor Mike Nickel (the “Respondent”) under City of Edmonton *Bylaw 18483 Council Code of Conduct* (the “Code of Conduct” or “Code”).

The Complaints arose out of social media posts and activity by the Respondent from April 17 to May 20, 2020, including:

- (1) April 17, 2020 social media post by the Respondent about Mayor Iveson and some unnamed City of Edmonton Councillors [the “April 17 post” – **Appendix A**].
- (2) April 18, 2020 social media post by the Respondent that included comments about City of Edmonton Councillor Andrew Knack and a cartoon image with stop animation of Councillor Knack throwing money into a fire, with the captions “more bike lanes” and “property tax increases” [the “April 18 post”- **Appendix B**].
- (3) May 20, 2020 social media post and image by the Respondent regarding Mayor Iveson [the “May 20 post” –**Appendix C**].

Sometimes these posts will be collectively referred to as the “Social Media Posts” in this report.

SUMMARY OF COMPLAINTS

Generally, the Complainants allege that the Respondent violated the *Code of Conduct* by:

- (1) In the April 17 post, communicating misinformation or misleading information, disrespecting decisions made by Council, being disrespectful and lacking in decorum;
- (2) In the April 18 post, communicating misinformation or misleading information, being harassing, disrespectful and lacking in decorum;
- (3) In the May 20 post, being disrespectful of Council and not accurately representing decisions of Council; and
- (4) Being disrespectful when he deleted and/or blocked social media commentators from his social media pages when the commentators:
 - (a) posted contrary views to the April 18 post; and/or
 - (b) encouraged others to make a *Code of Conduct* complaint against the Respondent with respect to the April 18 post.

CODE OF CONDUCT – APPLICABLE SECTIONS AND INTERPRETATION

The applicable sections of the *Code of Conduct* say:

Part A: Representing the Municipality, section 1 d):

While carrying out their duties, Councillors must accurately represent and respect decisions made by Council while preserving the value of fair comment and differences of opinion.

Part A: Representing the Municipality, section 1 e):

While carrying out their duties, Councillors must communicate respectfully with members of the public, Councillors, City employees, and Councillor’s employees.

Part B: Communications, section 1 a):

Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will ensure their communications accurately reflect the facts of Council’s decisions.

Part B: Communications, section 1 c):

Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will ensure that all communications are accurate and not issue any communication that the Councillor knows, or ought to have known, to be false.

Part B: Communications, section 1 d):

Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will ensure that all communications issued by, or on behalf of, the Councillor, including social media, are respectful and do not discriminate, harass, or demonstrate disrespect toward any person.

Part B: Communications, section 1 e):

Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will not issue any communications that mislead the public about any matter.

Part E: Respectful Interactions, section 1:

Councillors will conduct themselves with decorum at all times, including while attending meetings, interacting with City employees and Councillor’s employees, and engaging with the public.

Part E: Respectful Interactions, section 3:

Councillors must not use any harassing or disrespectful language about Council, a Councillor or the public.

Some of the Complainants allege harassment by the Respondent in the April 18 post. As the *Code* does not define harassment, I use as guidance the following definition of harassment from the Province of Alberta's *Occupational Health and Safety Act*:

“harassment” means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation...

I also reference the City of Edmonton's *Respectful Workplace Policy* for their employees, which says:

“harassment” (also described as bullying) is conduct including comments, actions and/or gestures that a reasonable person would find unwelcome, cannot be objectively justified as reasonable conduct, would likely create a hostile or intimidating work environment, is one-time or repeated; and

- is demeaning, offensive, intimidating, threatening, abusive,
- is an action by a person that the person knows or should reasonably know will or would cause humiliation to another individual, or
- adversely or negatively impacts that individual.

Generally, *Mirriam-Webster.com* defines harassment as:

(1) to annoy persistently;

(2) to create an unpleasant or hostile situation especially by uninvited and unwelcome verbal or physical conduct.

Oxford English Dictionary (oxfordlearnersdictionaries.com) defines the harassment as:

The act of annoying or worrying somebody by putting pressure on them or saying or doing unpleasant things to them.

Complainants 2004 and 2006 allege that the Respondent failed to act with “decorum” in the April 18 post. Complainants 2001 and 2005 use the word “unbecoming” to describe the Respondent's conduct. The *Code* does not use the word “unbecoming” but does say: “Councillors will act with decorum at all times”. There is no definition of decorum. I suggest that Members of Council would generally have an understanding of what this means short of a definition within the *Code*. In any event:

Oxford English Dictionary (oed.com) defines decorum as:

That which is proper, suitable, seemly, befitting, becoming; fitness, propriety, congruity.

Mirriam-Webster.com defines decorum as:

Correct or proper behaviour that shows respect and good manners.

PROCESS and JURISDICTIONAL ISSUES

All of the Complaints were in writing, were within the time limits set out in the *Code*, and included the sections of the *Code* the Complainants felt were violated.

As part of the public interest function of my role, at times I may need to identify which sections of the *Code* I feel are applicable based on the information presented. This applies whether a complainant or respondent raises certain information or sections of the *Code*. I can also make a finding with respect to a section of the *Code* even if a complainant, or respondent in his or her defence, does not identify the correct sections of the *Code*. However, the allegations and information presented must relate to a section of the *Code*.

I have included in this report those sections of the *Code* that I found potentially apply to the issues raised in the Complaints. I have not included those sections that were identified by some of the Complainants that I did not find to be relevant. For instance, some Complainants said all of section E of the *Code* applies. In my view, only the sections identified in this report apply.

During the investigation, when I had questions or needed more detail about the Complaints, I contacted the Complainants via email using the contact information provided by them. All information they provided was considered for this investigation. I determined that there were no Complainants I needed to personally interview or have swear a statutory declaration.

I provided the Respondent with all of the information and allegations provided to me by the Complainants. I interviewed the Respondent and he provided his written statement in response to the Complaints. The content of the Respondent's statement is contained within this report under the applicable headings. I also provided the Respondent with the sections of the *Code* I felt were relevant to this investigation and a list of the issues I felt were raised in this investigation. I invited the Respondent to raise any concerns around process or arguments at any time during this process. I reviewed and considered all of the information provided to me by the Respondent.

I did not find it to be in the public interest to identify the Complainants by name in this report. However, the Respondent was given the written Complaints, including names of the Complainants (except their contact information), in case the identity of the Complainants raised any issues or defences for the Respondent. Note that although the content of the Social Media Posts are about some Members of Council, none of the Complainants are Members of Council.

I considered whether the Social Media Posts were done as part of the Respondent's role as a City of Edmonton Councillor, or were purely personal. Complainant 2001 says that on April 20, 2020 (after the April 18 post), the Respondent changed his Facebook page name from "Councillor Mike Nickel" to "Mike Nickel". Complainant 2001 alleges that this is:

...an attempt to say that he [the Respondent] was speaking as an individual, and not as a councillor, in order to avoid taking responsibility for breaking the code of conduct.

Although,...he posted the original disrespectful communication on the page while it was called "Councillor Mike Nickel". I believe this is a thinly veiled attempt to find a loophole in the code of conduct, which is not in the spirit of the bylaw.

Complainant 2004 says:

Councillor Nickel has switched all of his social media platforms from MikeNickelClr to MikeNickelYEG as a way to avoid scrutiny for his behaviour as a councillor. As a result, he can express the derogatory things he has said as personal opinion rather than the opinion of a member of council when they are one of the same.

The Respondent says:

My social media accounts are my own property. The costs associated with them I pay out of my own pocket....I changed the name on my Facebook page because I do not want there to be any confusion that this is my political opinion. I changed it to say Mike Nickel, not Councillor Mike Nickel. I wanted it to be crystal clear that the opinions expressed are my personal opinions. Even though I am Councillor Nickel, Mike Nickel has rights to express his opinion. I believe using my title as Councillor is no different than a doctor using a "Dr." prefix in their personal life. Members of Council express their personal opinion on their personal pages frequently. All Councillors post blogs, use social media etc. as an unofficial method to communicate with the public. Any official platforms to engage with constituents are owned by the City. The April 18 post was on a privately operated platform where I communicate with the public regarding activities both related and unrelated to Council.

In my view, whether the Respondent pays for his social media accounts himself is irrelevant. What matters is the content of those communications. Whether he communicates his views on social media or uses some other medium, I find that the *Code* applies if those communications are about Council, his role as a Councillor, Members of Council, or the business of the City.

Fellow Integrity Commissioner Melinda Munro for the County of Brant in Ontario likened these situations to the employment law cases in which employees can be terminated for their outside of Council chambers social media activity. I agree with her analogy, as set out in *Bartscher v. Cardy*, 2018 ONMIC 28:

While [the Code of Conduct] refers to 'official duties', it cannot be the case that the Council intended that its members would be free to behave in an outrageous manner outside the Council chambers such as to undermine public confidence in the office...the law of employment has long established that 'off-duty' conduct can be cause for discipline and dismissal where it is done in such a way as to damage the reputation or work environment of the employer....It can reasonably be suggested that once elected as a public official, all public activities are 'official duties' for the purpose of behaving in a manner consistent with the Code.

It is also worth noting that Part E section 1 of the *Code* says: "Councillors will act with decorum at all times...while engaging with the public." This requirement is not limited to conduct in Council or Committee meetings or at official Council functions. I also note that some of the sections of the Code (i.e. Part A, Sections 1d and 1e) when referring to Members of Council's duties include the phrase "while carrying out their official duties". Part B, Section 1d which deals with respectful communications while on social media does not include this phrase.

In this case, the Social Media Posts were clearly posted about Council, decisions allegedly made by other Members of Council and about City of Edmonton business. Given the subject matter of the Social Media

Posts and the fact that the Respondent says he was advocating on behalf of some of his constituents, I find that the *Code* applies.

The Respondent says he would react differently to this investigation if Councillor Knack (who is the subject of the Respondent's comments in the April 18 post) had made a complaint. However, the *Code* says:

If any person believes that a Councillor has contravened this code of conduct, that person may make a written complaint to the Integrity Commissioner.

In my view, it is perfectly acceptable for members of the public to question the conduct of Members of Council. The *Code* provides a way for them to do this. Based on the language of the *Code*, it is not a requirement that the alleged "victim" be the complainant.

The impugned conduct also needs to be sufficiently egregious to warrant investigation, and not a minor or trivial issue. Here, I decided to investigate, in part, because the language and images depicted in the Social Media Posts came across, at first blush, as potential breaches of the *Code*. However, more investigation, thought and analysis were needed to determine if, in context, the Social Media Posts violate the *Code*.

Some Complainants also allege a *Code* breach when their comments were deleted or they were blocked from the Respondent's social media page. Without some investigation and analysis, it was not clear if these allegations would be found to be a breach of the *Code*. While I did not undergo a complete review of social media activity by the Respondent and the Complainants with respect to these allegations, I did consider whether deleting or blocking on social media is a potential breach of the *Code*.

At least one Complainant alleges defamation by the Respondent. I have previously commented on issues of defamation and specifically requested that defamation be removed from the *Code*, which it was well before these Complaints. In my view, matters of defamation are more properly dealt with in a court of law and not determined by an Integrity Commissioner. Accordingly, whether the Social Media Posts were defamatory is not considered in this investigation.

With the consent of the Respondent, I prepared this overall report and commentary on the various overlapping issues in the Complaints. In addition, a report was issued for each Complaint and given to the Respondent and the individual Complainants.

While typically I would not issue a report to Council unless there were findings of a Code breach, here there were mixed findings and the issues overlapped. Therefore, aspects of the Complaints that are both dismissed and accepted are found in this report.

THE LEGAL and CODE OF CONDUCT BACKDROP

This investigation is centred around the right to freedom of expression and how it interacts with the *Code of Conduct*. The Respondent asserts that throughout the Social Media Posts he was simply asserting his freedom of expression rights and he should not be censored or censured for doing this.

The role of a Municipal Councillors is complex and includes being both a politician and a legislator. This is sometimes referred to as a “hybrid function”. As stated in *Geatrix v. Williams*¹:

The Courts have confirmed that municipal councillors have hybrid political and legislative functions². That they are representatives of the communities that elect them,³ and that members of the public have the right to address their municipal representatives on issues of concern⁴...

It is part of the role of a Council Member to communicate with members of the public about municipal issues. This includes both initiating communication and responding to communication initiated by members of the public. In doing so, a Council Member is not limited to explaining and defending what the municipality is already doing. As part of the political process, a Council Member is entitled to form views, to hold views, to express views and, once in office, to give effect to those views.⁵ Some of those views may involve a change in law or a change in direction. **Provided that a Council Member proceeds lawfully and in a manner consistent with the *Municipal Act*, the Code and other legislation and by-laws**, nothing prevents a Council Member from taking, defending and seeking to implement a position that advocates change. Indeed, the Courts have clearly stated that as an elected representative of the public a municipal councillor is entitled to take “an open leadership role” on an issue.⁶ **[emphasis added]**

As well, as stated in *Jeffrey v. Sprovieri*⁷:

Political commentary must comply with the Code, but otherwise an Integrity Commissioner has no jurisdiction over it. As Integrity Commissioner Cameron noted in the 2012 case:

I cannot and will not be a referee for free speech in a political arena provided it stays within the bounds of...the Code.

Subsequently, Mr. Randy Pepper, the delegate of Integrity Commissioner Cameron, expanded on the same principle in Investigation Report No. BIC-33-1112:

Freedom of expression is a fundamental right in Canada so the Code must be interpreted in a manner consistent with this fundamental right. Based on the law set out below, I cannot find that the Code should be interpreted to appoint the Integrity Commissioner as a speech referee in the political arena.

As the Supreme Court of Canada noted in the *Committee for the Commonwealth of Canada v. Canada*, [1991] 1 S.C.R. 139:

¹ By Integrity Commissioner Guy Giorno for the Town of Orangeville in Ontario, 2018 ONMIC 6 at para 132.

² *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, [1990] 3 S.C.R. 1179 at 1196.

³ *Re Cadillac Development Corp. Ltd. and City of Toronto* (1973), 1 O.R. (2d) 20 at 43, cited with approval by *Old St. Boniface Residents Assn. Inc.* note 13, at 1193.

⁴ *Re McGill and City of Brantford* (1980), 111 D.L.R. (3d) 405 (Ont. Dist. Ct.) at 411, cited with approval by *Old St. Boniface Residents Assn. Inc.*, note 13, at 1193-4.

⁵ *Re Cadillac Development Corp. Ltd. and City of Toronto* (1973), 1 O.R. (2d) 20.

⁶ *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, (1989), 58 Man. R. (2d) 255 (C.A.) at 264, affirmed [1990] 3 S.C.R. 1170.

⁷ 2018 ONMIC 21, Guy Giorno, as Integrity Commissioner for the City of Brampton, at para 86.

Freedom of expression, like freedom of religion, serves to anchor the very essence of our democratic political and societal structure...Hence, the justification for the widest freedom of political speech stems not only from some abstract search for truth, but also from the tangible goal of preserving democracy...I find that the Integrity Commissioner has a very limited role in relation to the “freewheeling debate on matters of public interest...

Some of the Complainants allege that the Respondent has included misleading or misinformation in the April 17 and April 18 posts. The *Code of Conduct* provides that while preserving the value of fair comment and differences of opinion, Councillors must ensure their communications accurately reflect the facts of Council’s decisions, that all communications are accurate and not issue any communications that mislead the public about any matter.

On this issue, the Ontario Supreme Court stated in *Buck v. Morris et al.*, 2015 ONSC 5632, at paragraphs 189-193:

There can be no doubt that politics, whether it be federal, provincial or municipal, is not for the faint of heart. Some might say a thick skin is a prerequisite for any politician.

A thick skin, however, does not mean that a politician is fair game for those intent on damaging their reputation with false, malicious, and defamatory statements. Freedom of speech, whether in the political forum or not, does not extend to statements that are untrue and have as their sole purpose an intent to damage someone else’s reputation.

The right to freedom of speech in our society is not an absolute right. While freedom of speech is a cherished right in a free and democratic society, there are reasonable limitations. The Town of Aurora, like many other towns and cities in the Province of Ontario, has a Code of Conduct that purports to codify parameters of reasonable conduct for elected Town officials...

The plaintiff clearly has a perception that she has an unfettered right to freedom of expression and freedom of speech. That freedom, however, is circumscribed by the Code.

The Supreme Court of Canada in *Prud’homme v. Prud’homme*, 2002 SCC 85, stated at paras 42-45:

...while elected municipal officials must be quite free to discuss matters of public interest, they must act as would the reasonable person. The reasonableness of their conduct will often be demonstrated by their good faith and the prior checking they did to satisfy themselves as to the truth of their allegations. These are guidelines for exercising the right to comment, which has been repeatedly reaffirmed by the courts.

I am of the view that it is not the role of the Integrity Commissioner to censor or interfere with political debate and commentary. It is not my role to decide whether views expressed by Members of Council are meritorious or properly held.

It is also not my role to interpret whether the *Code* is contrary to the freedom of expression rights found in the *Canadian Charter of Rights*, which is an issue for the courts to decide. However, I am of the view that the right to freedom of expression found in the *Charter* has limits. In this case, the limits have been self-imposed by City Council with the issuance of the *Code of Conduct*. The *Code* allows fair comment

and Members of Council to hold a position on an issue. This is balanced with *Code* requirements, such as, to accurately represent Council's activities, be respectful and act with decorum.

No code of conduct can list all of the possible ways individuals can disrespect one another. Some codes provide non-exhaustive lists of what is considered disrespectful conduct to give those who are governed by the code a sense of what is contrary to the code. However, it is left to those who are governed by those codes to use their judgement. When a complaint is made, those who administer the code and investigate alleged breaches (in this case, me as the Integrity Commissioner), must determine if the impugned conduct is disrespectful. As part of that review, consideration is given to the context and facts around the impugned conduct.

The *Code of Conduct* requires Members of Council to respect the decisions made by Council while preserving the value of fair comment and differences of opinion. Some Integrity Commissioners in Canada have commented on this requirement. For instance, Bruce Elman, Integrity Commissioner for the City of Windsor says⁸:

City or Municipal Councils occupy a unique role in our society. They are, at one time, both deliberative legislative bodies for the geographical entity known as their city, town, county, or municipal district, and at the same time, they are, effectively, a corporate board of directors for the commercial entity known as the Municipal Corporation of (in this case) the City of Windsor....

In other words, in the lead up to a specific decision, Council is a deliberative governmental body wherein almost unfettered freedom of speech reigns but once that decision is made, Council becomes a corporate board and, as with vast majority of corporate boards, public dissent is discouraged or even prohibited. The reason is rational and sensible: Decisions made by Council become the official policy of the City of Windsor. When Members of Council speak out or engage in conduct indicating opposition to official City policy outside the deliberative confines of the legislative process, their comments or conduct can diminish the integrity of Council decisions in the public eye, damage public confidence in Council itself, or even undermine the City's reputation, domestically or internationally. One can only imagine how [the Councillor's statement] – perhaps taken as hyperbole here in Windsor – might be viewed in California or Calgary or Copenhagen or Cairo.

It should be noted that Councillors have plenty of opportunities prior to a decision being made by Council to express their views on the merits of a proposal and they can provide as much context as they wish and use as much hyperbole as they believe is necessary. If a Councillor has particular concerns regarding an item on the Council Agenda, the Councillor can call a press conference to express those concerns. Councillors can post their concerns on their webpages or on social media to express those concerns. Councillors can go to community groups or BIAs to rally support for their position. The Councillor can even encourage citizens to become delegates to Council when the matter is debated. Finally, Councillors may express all of their concerns during the debate on the matter when it comes before Council.

⁸ Re Complaint brought pursuant to the Code of Conduct of the City of Windsor against Councillor Rino Berolin, Integrity Commissioner Bruce Elman's report dated April 20, 2018.

Even then, after the decision is made, Councillors are free to explain why they voted as they did during the Council deliberations. They should, however, acknowledge the legitimacy of Council's decision as resulting from the deliberative and democratic processes of Council. **They should not be disrespectful and their comments should not be disparaging or inaccurate.** [emphasis added]

At the centre of this investigation are decisions made by Council during the COVID-19 pandemic and historically with respect to the construction of bike lanes in the City of Edmonton. A review of the history reveals:

- The construction of bike lanes was a decision made by Council going back to 2009 when the Council of the day carried a motion to approve the policy that: “The City of Edmonton strives to be pedestrian and bicycle friendly”.
- On June 11, 2014 Council passed a motion that “enhanced public engagement strategies” outlined in a report by Transportation Services that included a bicycle infrastructure plan be approved. The Respondent voted in favour of this motion.
- During Council Meetings in November and December 2014, Council passed the 2015-2018 Capital Budget, including a motion for a \$8.8 Million bikeway for the 102 Avenue area. The Respondent voted in favour of this motion.
- In 2016, the Respondent voted in favour of a motion for capital funding of \$7.5 Million and an annual operating cost of \$625,000 for physically separated bike lane infrastructure.
- With respect to the 2019-2022 Capital Budget discussed at the November and December 2018 Council meetings, the Respondent voted against a motion seeking increased funding of \$2.17 Million for bike infrastructure expenditures, but the motion was passed. The Respondent also voted against a motion on the \$5.7 Billion Capital and Operating Budget that included design and construction of a minimum grade bike grid in various areas in Edmonton, but the motion was passed.
- In response to this investigation, the Respondent referred me to the March 26, 2020 Emergency Advisory Committee of Council. A review of that meeting revealed that Councillor Knack brought forward concerns from some of his constituents that they were struggling with physical distancing outdoors during the pandemic. City Administration said that they would review options in this regard. It was clear at this meeting that this was delegated to City Administration. No Council motions were passed in this regard.
- City Administration made expanded spaces available on some City of Edmonton roads and paths during the COVID-19 pandemic starting in April 2020. This was done to facilitate physical distancing during the pandemic. These were multimodal spaces for active transportation for:
 - Biking
 - Running

- Walking
- Rollerblading
- Wheelchair use
- Etc.

The decision to do this was made by Administration under the State of Local Emergency, but Administration normally has the authority to make these sorts of decisions. Regular updates were given to Council about these measures and Councillors could raise any concerns they had with them.

SUMMARY OF RESPONDENT'S SUBMISSIONS

The Respondent provided some submissions regarding this investigation all of which were reviewed and considered by me. The following is a summary of the Respondent's submissions that were relevant to the issues⁹:

- By passing the *Code of Conduct*, Council did not agree to contract out of the *Canadian Charter of Rights and Freedoms*;
- Terms used in the *Code of Conduct*, like "disrespectful" have no objective criteria against which words can be measured;
- As "respectfully" is not defined in the *Code of Conduct*, the Integrity Commissioner is discouraged from inserting her own "personal subjective standards into that void";
- Members of Council should not be punished for acts that were never intended to cause harm;
- If victimless speech is to be censored there will be a chilling effect on free expression;
- Non-defamatory speech that may be offensive but falls short of inciting hatred to an identifiable group is constitutionally protected;
- There is no objective standard that exists regarding social media posts that could result in the posts being deemed offensive or disrespectful, especially by norms established in the political arena;
- The Respondent does not attack another Councillor, he simply questions Council and certain Members of Council spending priorities. He merely questions and sometimes attacks another Councillor's spending priorities for the City of Edmonton;
- There is no personal attack. There is no disrespect. There is only a fundamental difference on an important fiscal matter. Far from disrespecting an adversary, the Respondent respects a fellow Councillor by essentially challenging him to a social media debate and giving him an opportunity to defend his position;
- The cartoon image of Councillor Knack is not offensive. It does not portray the Councillor in an unflattering light or distort his appearance in any negative way. It is simply a visual depiction to graphically demonstrate the thesis that Council's spending priorities are askew;
- There is no need to censure social media. The internet is self-policing. When someone posts something offensive, they are immediately 'outed' and/or castigated for their viewpoints;
- Members of Council should be allowed to participate unfettered in political debate regarding difficult fiscal choices. The Respondent should not be censured for doing his job – attempting to

⁹ The Respondent can also make further written submissions to Council before the Council meeting to consider this report and will have time at the meeting to make oral submissions.

convince Members of Council and those who “follow” and support those Members, that the City of Edmonton needs to reprioritize its spending.

APRIL 17 POST

The April 17 post includes, in part, the following statements by the Respondent:

“More bike lanes during a pandemic!?! I wish this was a joke, but it isn’t.

There is NO leadership on how we rebuild Edmonton after this crisis.

There is NO considering for the tens of thousands of Edmontonians who will slip into poverty.

There is NO approach on how to deal with hundreds of businesses who will be unable to rehire workers or be able to pay their property taxes.

Our mayor and some on Edmonton city council have completely lost grip on what is important right now....

You think we would be taking things seriously right now and use vital city resources and the power of our office properly.

Instead I go to a recent council meeting where we discuss closing down roads and opening up temporary bike lanes and walking lanes on the roads.

With pylons! That will do the trick, right?

I taught my kids their entire life not to walk on the streets.

Right now people are fatigued and stressed. We don’t need to be experimenting with our roadways.”

Complainants 2007 and 2008 allege that the April 17 post violates the *Code of Conduct*.¹⁰ They say:

- Councillor Nickel misrepresented facts about City of Edmonton spending and council discussions regarding city expenditures. This irreversibly harms the trust the community can place in council, ultimately undermining efforts to help Edmontonians. In Councillor Nickel's post, he says: "There is NO considering for the tens of thousands of Edmontonians who will slip into poverty", despite the City of Edmonton providing a media update two days prior on the City's request to prevent a deficit and their lobbying the provincial government for immediate work on infrastructure jobs. Further, Councillor Nickel says: "There is NO approach on how to deal with hundreds of businesses who will be unable to rehire workers or be able to pay their property taxes", despite Mayor Iveson's April 9th announcement regarding his support and lobbying for the Small Business Revitalization Enhancement Program, and his lobbying for property tax deferral on March 24th.¹¹ [Complainant 2007]

¹⁰ Complainant 2004 also includes the April 17 post in her complaint, but the details of her concerns are about the April 18 post.

¹¹ Complainant 2007 provided a link to Mayor Iveson’s post in this regard.

- The [April 17] post contains inaccurate information about Council and Administration’s current activities. Councillor Nickel's posts suggest that City Administration and Council have no plans and have taken no action - aside from demarcating the temporary activity spaces - with regards to health, safety, and financial security of Edmontonians during this crisis. This is provably false even after a cursory glance over Council meeting minutes over the last two months which include discussions and votes on property tax deferrals, utility bill deferrals, eliminating transit fares, budget amendments, etc. This is on top of other actions that included temporary layoffs and service reductions at the City of Edmonton to curb spending. [Complainant 2008]

Complainant 2004 alleges about the April 17 and April 18 post that the Respondent is spreading misinformation about the construction of bike lanes and not acting in a way that is appropriate for a City Councillor.

With respect to the April 17 post, the Respondent says:

- I shared on social media the message on April 17, 2020. This post reflects how strongly I feel about the issues. Saying the Mayor and Councillors have checked out on reality is a fair comment by me and is shared by many members of the public at large. I have not apologized for posting this message and I will not apologize. This is me exercising my freedom of personal expression.

Discussion and Analysis

The April 17 post appears to contain political statements about Council, including these statements:

There is NO leadership on how we rebuild Edmonton after this crisis.

There is NO considering for the tens of thousands of Edmontonians who will slip into poverty.

There is NO approach on how to deal with hundreds of businesses who will be unable to rehire workers or be able to pay their property taxes.

In my view, the very language used, such as: “NO approach’ and “NO leadership”, are statements of opinion and political commentary. It is obvious from reading the April 17 post that the Respondent disagrees with the decisions of Council to the point of saying there is no approach. The question is whether this is fair comment on a political issue or whether the Respondent is misrepresenting the facts and not respecting decisions of Council.

It is doubtful that anyone reading these statements would take them literally, but would see them as statements of opinion. A cursory review will find support for an alternative view. I expect that most people reading this post would not read it literally and would likely be aware of steps taken by Council that support an alternate view than the one expressed by the Respondent. I find that these statements are less about disrespecting decisions of Council and more about challenging Council’s overall approach and strategy.

However, I do find that these statements push the limits on Part A, 1d and Part B 1a of the *Code* that require Members of Council to accurately respect and represent decisions made by Council and ensure their communications accurately reflect the facts of Council’s decisions. While troubled by how the Respondent pushes the limits on the *Code*, I err on the side of freedom of expression with respect to these statements. The comments were made by the Respondent using his political judgement and it is

for the electorate, not me, to judge. I find that these comments are protected by the fair comment provisions in the *Code*.

In the April 17 post the Respondent includes a photograph of pilons on the road with the words “Closing down roads. Adding temporary bike & walk lanes. During a pandemic! Have the mayor & some councillors completely checked out on reality?” This is a misleading statement. In fact, the decision was to allow for multimodal use (not just for cycling) to accommodate physical distancing during the COVID-19 pandemic. This was a decision of City Administration, not Council. The Respondent attributes this decision to Council when it was not a Council decision. This comes across as stretching the facts around the issue of bike lanes to suit the Respondent’s political agenda. It is well understood that the installation of bike lanes on Edmonton streets is a matter of public interest and some disagreement.

To rely on the fair comment protection, the Respondent must ensure the truth of his statements before expressing his opinion. Some may say that this post just reflects Mayor Iveson’s and some Councillors’ historical and current support of bike lanes and is not a stretch. But the context matters. These are decisions made by City Administration (not Council) to temporarily expand spaces for a multitude of outdoor uses to accommodate physical distancing during the pandemic. While I accept that Administration is accountable to Council and some on Council expressed support for the measure to expand space for physical distancing outdoors, this was done by the Administration during a pandemic. The Respondent goes too far in either attributing this to Council and creating the impression that the construction of more bike lanes has been approved by Council. This is not mere hyperbole. It is misleading and does not accurately reflect the decisions of Council.

The choice of language and manner of communicating used in the April 17 post (which I have underlined) I find to be disrespectful. For instance, when the Respondent says:

“More bike lanes during a pandemic!?! I wish this was a joke but it isn’t...

Our mayor and some on Edmonton city council have completely lost grip on what is important right now...

You think we would be taking things seriously right now and use vital city resources and the power of our office properly...

And over an image of the temporary road expansions:

“have the mayor & some councillors completely checked out on reality?”

I find that this derogatory and derisive manner of communication is disrespectful of Council and lacks decorum. The Respondent is free to express his opinions, but how he does this must be in compliance with the *Code*.

Findings – April 17 Post

On balance, I find that while some of the views expressed in the April 17 post are fair comment, the Respondent violated the *Code of Conduct* as follows:

- (1) The manner of communicating was disrespectful of Council in violation of Part B Section 1d) of the *Code*;
- (2) The Respondent's conduct lacked decorum, in violation of Part E Section 1 of the *Code*;
- (3) The Respondent did not accurately reflect the facts of Council's decisions when he attributed the installation of "bike lanes" or "temporary bike lanes" during a pandemic to Council in violation of Part B, Section 1a) of the *Code*; and
- (4) The Respondent was misleading, when he attributed the installation of "bike lanes" or "temporary bike lanes" during a pandemic to Council in violation of Part B, Section 1e) of the *Code*.

April 18 POST

Complainants 2001, 2002, 2003, 2004, 2005, 2006 and 2010 submitted complaints about the April 18 post. Complainant 2010 also complained about the May 20 post.

The allegations about the April 18 include:

- The Respondent posted unprofessional and unaccepting imagery of a fellow councillor. The April 18 post promotes misinformation. Claiming that the City of Edmonton spent lots of money on bike lanes during the pandemic is incorrect....Councillor Nickel has publicly communicated in a disrespectful way; [Complainant 2001]
- Councillor Nickel has taken to social media to attack fellow councillors. He has failed to communicate respectfully. He has failed to ensure that all communications issued by, or on behalf of, the Councillor, including social media, are respectful and do not harass or demonstrate disrespect toward any person. [This Complainant asks that steps be taken to "rectify this behaviour and place appropriate sanctions on Councillor Nickel, until such time as he can conduct himself in a manner becoming of a public elected official". [Complainant 2002]
- Councillor Nickel published a post on Facebook that mocked Councillor Andrew Knack. The post was incredibly rude, unprofessional, and harassing in nature. This behaviour should not be tolerated. [Complainant 2003]
- Councillor Nickel published a post on Facebook that mocked Councillor Andrew Knack, spreading misinformation in an unprofessional and immature manner that is inappropriate for a city councillor. The post consisted of a cartoon throwing money into a fire with Councillor Knack's face on it, expressing that the money being thrown was taxpayer money and said that that money was being specifically allocated towards bike lanes. With COVID-19 the City of Edmonton has widened paths to encourage social distancing in areas of high density. First, that is not the same as creating more bike lanes with dedicated grade separation, this is simply creating more space for pedestrians to walk safely during this pandemic. The "argument" he brought to light was only to bring down Councillor Knack. With regards to spreading misinformation, Councillor Nickel said that Councillor Knack specifically was dedicated to creating bike lanes during this pandemic. Bike lanes suggests added infrastructure like

dedicated grade separation which is not the case as the "bike lanes" Councillor Nickel is referring to is in fact paths for pedestrians to walk safely during this time in order to flatten the curve and prevent the spread of COVID-19. [Complainant 2004]

- Councillor Nickel posted a derisive caricature of Councillor Andrew Knack in the form of an online video clip. In the video clip, Councillor Knack is shown as a caricatured figure who fans dollar bills, labelled "Property Tax Increases", into a fire, labelled "More Bike Lanes." Not only is this bullying and disrespectful behaviour, but Councillor Nickel also actively misrepresents information in this post (no new bike lanes are being built)...This behaviour is absolutely unbecoming of a City Councillor, and I would hope that the relevant bodies will decide on appropriate sanctions to prevent Councillor Nickel from further using his divisive, harassing tactics. [Complainant 2005]
- Councillor Nickel made a lengthy post that specifically targeted Councillor Knack, falsely claiming Knack was advocating for increased "frivolous spending on temporary bike lanes". Overall, the post failed to share the facts in relation to the use of car lanes for pedestrian traffic, a public health measure that was not enacted purely to encourage active transport. The post also failed to properly represent the decisions made by Council on this matter. Most concerning, Nickel attached an image that was a caricature of Andrew Knack burning money. This image was very disrespectful and demonstrated a Councillor not acting with the decorum expected of them. [Complainant 2006]
- Councillor Nickel posted a defamatory image of Councillor Knack on Facebook. This is not respectful communication with members of the public, councillors, city employees, and councillors employees. The post included a cartoon style image of an individual burning dollar bills, with a photo of Councillor Knack's face superimposed over top. [Complainant 2010]

With respect to the April 18 post, the Respondent says:

- This post was in response to Councillor Knack making a comment on Twitter regarding my April 17, 2020 social media post(s). This post did not name any Councillors and contained a description of an idea suggested by Councillor Knack at the March 26, 2020 Emergency Advisory Committee meeting, then enacted by the Administration without consultation of Council, with a picture of one site. The post also brought forward my opinion of actions that we should be taking to minimize the negative impacts of COVID. In Councillor Knack's April 17, 2020 post, he made implications that I sit in Council meetings, vote no to everything, and do not offer solutions. I believed this to be an inaccurate interpretation of my work and responded with a comparable interpretation of his work.
- The cartoon image of Councillor Knack in my April 18, 2020 post had some stop animation showing Councillor Knack throwing money into a fire. Councillor Knack has since released a blog breaking down his disagreement with my April 17 and 18, 2020 posts, then stated in a radio interview on April 21, 2020 that he did not find the post offensive.
- Mayor Iveson sent me a text message April 19, 2020, asking me to take down the April 18, 2020 post. As a professional courtesy to Councillor Knack, I asked my social media staff to remove it.

The April 18, 2020 post has been taken down on all sources, while the April 17, 2020 post remains active. In hindsight, I wish I would not have taken it down.

- I do not think the April 18, 2020 post is disrespectful. I am expressing my opinion, as other Councillors do. It was in response to Councillor Knack's expression of his opinion. To me, this is just another form of expression about this type of behavior on Council. It was about Councillor Knack because Councillor Knack initiated the situation. In the public square, sitting Councillors retain freedom of expression.
- It strikes me as political bigotry. They don't have to like my opinion. Before any complaints came in, [Complainant 2001 and another member of the public] put out a call to action to file a complaint against me....On the April 18, 2020 post, someone made a comment that shared a link to a cycling special interest group calling for more people to file complaints against me. I deleted my post and I cannot find the cycling group post. Since the complaints have been filed, someone made a parody account of me that is similar to the cartoon I made of Councillor Knack. This account has followers that include the Mayor, sitting Councillors, Council staff, and City staff. Due to the anonymous nature of Twitter, I do not know how many of these followers are those that filed complaints against me. While I do not intend to silence the right to freedom of expression of others, I do find it ironic that they are not only not offended by this, but effectively endorsing it. Their application of offensive standards is inconsistent.
- The issues around bike lanes go back for years. I have always questioned whether this is a wise financial decision. However, they have always been part of larger infrastructure budgets which I have supported. If they were presented as individual items, my support would be based on the merits of the individual project. It is my political opinion that bike lanes are inappropriate, based on the fact that the Downtown Bike Network failed to meet 3 out of 4 of the targets they set for themselves, as shown in a report to Council/Committee. I have always been an advocate of value for taxes, and I do not see an equitable value proposition for bike lanes.
- The cartoon is about spending money wisely. I have many constituents who are vehemently opposed to spending money on bike lanes. And for those who were on the fence before the pandemic, they are definitely against now when we've spent money on bike lanes, but can't cut the lawns.
- The City opened more "emergency bike lanes" recently. I have not seen evidence they are being used as intended, therefore I believe the City is wasting resources. Most of Council has endorsed this project on numerous occasions. The April 18, 2020 post was intended to outline the spending priorities of some of my colleagues on Council.
- If the complainant says I have accused Councillor Knack of approving bike lanes during a pandemic that is their interpretation. They have to practice their own due diligence, too. There has to be a reasonable limit on what I need to respond. I cannot manage everyone's possible interpretations.
- I deny that the April 17, 2020 [sic April 18, 2020] post contained misinformation about the implementation of bike lanes during a pandemic.

- I'm a politician. Councillor Knack is a politician. I exercised my freedom of expression and opinion. I understand there are limits to freedom of expression. The April 18, 2020 post is not derogatory, hateful or disrespectful. It's not a personal attack, it was a response to a post from Councillor Knack. I challenge other politicians on what they have done. This is just a different way of challenging them.
- The decision to install bike lanes during the pandemic was made by the Covid-19 Task Team who decided to expand the network. It was not the decision of Council. But, at every turn, Councillor Knack has been an advocate of bike lanes through the budget process, including Councillor Knack making the suggestion for this action at the March 26, 2020 Emergency Advisory Committee. The April 18, 2020 post is my interpretation. It's a metaphor for the spending habits by Council and in particular Councillor Knack. It's not just about pylons. It's a grander theme of what's being spent.
- I consider the April 18, 2020 post to be relatively tame. Complainants get to speak on their agenda. Anyone who speaks against their agenda is accused of unfair comment. It's like they want to shout you down. There is a political bigotry that exists where you cannot seem to have a legitimate discussion or comment without someone being offended. They have the right to be offended, but not the right to censor me.
- The Code of Conduct cannot be used to inhibit my individual freedoms. The cartoon of Councillor Knack was just another form of expression.
- I have never apologized for the April 18, 2020 post and I'm not going to apologize. There is a principle here with what is a fair and open expression of personal opinion. I do not think I have violated the Code of Conduct.

Discussion and Analysis

The Respondent says his April 18 post was in response to prior negative comments by Councillor Knack. However, the Respondent did not provide any evidence of this and did not identify what post he was referring to, despite being told that if he wants me to consider this argument he must provide the information necessary to support the argument. The Respondent has also not made his own complaint (or counter-complaint). Simply saying the April 18 post was a response to a post by Councillor Knack is not an answer.

The Respondent also refers to other alleged activity on social media involving Mayor Iveson and other Councillors, but provides nothing to support these suggestions. I have not been given anything to conclude that the Respondent's allegations of other Members of Council's conduct should be taken as mitigating factors when determining the outcome of this investigation.

I find the following comments in the April 18 post (which I have underlined) concerning:

Right now, every resident in Edmonton is watching their spending carefully.

Andrew Knack, why can't you?

Every dollar we spend wisely might mean another worker getting their job back at the City of Edmonton very soon. Does that mean anything to you?

I get it, you have no idea what to do in this situation so you are reverting to what you know.

I'm sure when you suggest more tax increases shortly it will be no big deal...

Your most recent flavour of the week is more bike lanes.

At some point, we will need every dollar at our disposal to bring this city back to life. To re-hire those people I mentioned above.

I hope you haven't forgotten about them already.

My solution to the current problem is to be very careful with spending right now. We should only spend what we absolutely must.

Somehow this isn't a solution for you. I get it. It's not flashy. It's not exciting.

Well I'm sorry saving money and spending wisely isn't your current priority.

I find the manner of communicating in these comments is disrespectful. The comments come across as demeaning, derisive, and personal. Complainants 2003 and 2004 refer to the comments as mocking Councillor Knack. I agree with that description. Despite the Respondent saying this is not a personal attack, I find there is no doubt it is a personal attack publicly directed at Councillor Knack. Here, the Respondent says, in part, that he is fulfilling his duty to his constituents when he speaks on issues such as bike lanes. I completely agree that part of his role as Councillor is to raise issues on behalf of his constituents. However, this does not extend to making personal attacks on another Councillor with whom he has a difference of opinion.

The Respondent says that it is a stretch for anyone to say that the comments and image in the April 18 post are suggesting that Councillor Knack approved the construction of bike lanes during a pandemic. He says this post is a metaphor for wasteful spending. In my view, if the Respondent is going to make a metaphor on social media, it ought to be obvious that it is a metaphor. Clearly, it was seen as misleading by some of the Complainants. It was not clearly about Councillor Knack's decisions regarding spending, but was about the current installation of what the Respondent referred to as Councillor Knack's "most recent flavour of the week more bike lanes".

The issue of bike lanes and the specific temperature of the electorate for spending money during a pandemic makes this all the more of a hot button issue. This therefore requires the Respondent to not be reckless in how he presents the information. In fact, as discussed above, the recent introduction of temporary spaces for physical distancing was for a multiple of purposes (not just cycling) during the COVID-19 pandemic. This was a decision made by the City Administration and not by Council. In the April 18 post the Respondent suggests that Councillor Knack is responsible for this decision which, by the Respondent's own admission, is not true as he reports that Administration made this decision without Council approval.

I agree with the Respondent that he cannot be responsible for every interpretation that might be made by others of his communications. I also fully support and will not interfere with Members of Council expressing their views on matters of public interest and engaging in vigorous political debate. This gives

the electorate an opportunity to hear the elected official's views and decide for themselves if they support those views. However, those communications must, objectively, not be misleading. I find, on balance, that the comments and image in the April 18 post are misleading as they leave the impression that Councillor Knack was responsible for approving more bike lanes during a pandemic, which he was not.

With respect to the cartoon image of Councillor Knack in the April 18 post, the Respondent argues that this image is not disrespectful and not offensive. He argues that this is simply another form of expression. However, I see the Councillor's oversized head superimposed on a smaller body, as he broadly smiles while burning (presumably) taxpayers' money as a derisive, demeaning, personal attack, and not fair comment as between politicians on a political issue.

The cartoon image of the Councillor throwing money for "bike lanes" on a fire was capable of being viewed by many people. It reasonably left the impression that during a time of pandemic, when many were suffering financially, the Councillor was willing to burn money on the construction of bike lanes. The cartoon image does not say temporary bike lanes. I suggest that social media users often engage on social media by scrolling and seeing images without necessarily reading the accompanying commentary. Therefore, the cartoon image was likely to also have been viewed in isolation by some viewers while they scrolled the feed. Complainant 2010 only provides the cartoon image from the April 18 post and not the accompanying commentary. I find that the cartoon image of the Councillor burning money on "bike lanes" was misleading.

Some of the Complainants allege that the Respondent's comments in the April 18 post are harassing. When we think of the Councillor's hybrid role as a legislator and as a politician, we cannot ignore the fact that they function in a type of work environment and not just the political environment. For years, that environment was not protected. Elected officials were typically not subject to any form of a code of conduct, especially at the municipal level where there is no political party to help keep their conduct in check. The Government of Alberta then introduced amendments to the *Municipal Government Act* to require councils to have codes of conduct, and Council passed Bylaw 18483 bringing into force the *Code of Conduct*. The *Code* says that Members of Council must not use any harassing language about another Councillor and must ensure their communications do not harass any person.

Typically, when harassment is alleged, an individual is harmed by a pattern of harassing behaviour. Harassment can create a hostile and sometimes intimidating environment. Harassment is discouraged as organizations want to protect their environment from this sort of conduct, not only as against individuals, but for the collective. Others who witness this sort of conduct may be less inclined to disagree with the alleged harasser in the future, for fear of experiencing the same harassing conduct. It can shut down people from freely expressing their opinion, which has a negative impact on the democratic process. When someone witnesses others being harassed, it diminishes the environment within which Members of Council function.

In my view, the *Code of Conduct* can be viewed in the context of providing a safe environment for Members of Council to fulfill their hybrid role. Just as an employee in an organization must feel protected from harassment when they come to work each day, while elected officials must absolutely have a thicker skin for their role, they are still entitled to carry out their role somewhat free from harassment. Council can look at conduct towards others and how they expect their members to behave, and can consider how this behaviour impacts the office and the environment.

The spreading of false information about someone is a form of harassment. It forces the person who is misspoken about to have to dispel the misinformation or risk leaving it unaddressed. It is nearly impossible to erase misinformation once it is published and the impression will be left hanging over that person's head, even if retracted by the person who originally communicated it. Therefore, it is important that Members of Council are careful to publish, especially on social media, accurate information. The *Code of Conduct* requires this.

The above-referenced definitions say harassment is an incident or incidents of objectionable or unwelcome conduct, that the person knows or ought reasonably to know would cause offence or humiliation, and creates a hostile or negative situation. In this instance, no Member of Council has come forward to say they were offended by the April 18 post, and it would be inappropriate for me to elicit those reactions. In some circumstances of this kind I may still find harassment, but, here I do not find, on balance, that the circumstances warrant such a finding. While I am concerned about the dissemination of misleading information and the manner of communicating of the April 18 post, I do not find there to be harassment.

Findings – April 18 Post

On balance, I find that the comments and cartoon image posted by the Respondent in the April 18 post violated the *Code of Conduct* as follows:

- (1) The personal attack on Councillor Knack and the manner of communicating was disrespectful, in violation of Part B, section 1 d) of the *Code of Conduct* that says Councillors must ensure that all communications issued by Councillors, including on social media, are respectful.
- (2) The personal attack on another Councillor and the manner of communicating lacked decorum, in violation of Part E, section 1 of the *Code of Conduct* that requires Councillors to act with decorum at all times.
- (3) Communicating misleading information that left the impression that Councillor Knack approved the installation of bike lanes during a pandemic, when the decision was to temporarily use public space to expand spaces for multimodal use for physical distancing during the COVID-19 pandemic. This was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the *Code of Conduct* that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter.

MAY 20 POST

With respect to the May 20 post, Complainant 2010 says:

- [The May 20 post contains] two screen shots of an image depicting Kermit the Frog and text describing free transit and spending on bike lanes. The second image shows how Councillor Nickel has tagged Don Iveson as being in the photo, i.e. Don Iveson is Kermit the Frog. The text

in the image represents that Don Iveson has decided to make transit free independent of COVID-19 health concerns, and that he is somehow scheming to expand bike lanes, and "add a gondola". The decisions are made jointly by council and councillor Nickel has an opportunity to participate in those decisions. Representing these decisions as pet projects by Don Iveson alone does not accurately represent the role or function of council. I do not believe Mike Nickel should spend his time, or time of his assistants or staff, creating disrespectful images such as the attached.

The Respondent did not provide specific responses to the allegations raised about the May 20, 2020 post. I will assume that his submissions asserting freedom of expression are also his response to this post.

In the May 20 post, the Respondent suggests that Mayor Iveson is responsible for the decision to "add dozens of emergency bike lanes". This is misleading as this was a decision to temporarily use public space to expand spaces for multimodal use (not just for cycling) for physical distancing during the COVID-19 pandemic and was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the Code of Conduct that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter. While I have some concerns and acknowledge the Complainant's allegation that the image in the post is disrespectful, I make no findings of a breach in terms of the Respondent's manner of communicating in this post.

Findings – May 20 post

On balance, I find that the comments and image posted by the Respondent in the May 20 post violated the *Code of Conduct* as follows:

- (1) Communicating misleading information that left the impression that Mayor Iveson was responsible for approving the addition of dozens of emergency bike lanes was misleading, when this was a decision to temporarily use public space to expand spaces for multimodal use for physical distancing during the COVID-19 pandemic and was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the Code of Conduct that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter.

DELETING AND BLOCKING ON SOCIAL MEDIA

Several of the Complainants complain about having their comments on the Respondent's social media pages deleted or they were blocked from commenting (or both). This arose specifically with respect to reactions to the April 18 post. Some merely witnessed the Respondent deleting or blocking other commentators. Some of the Complainants allege that deleting contrary views or blocking someone from making comments is disrespectful and therefore a violation of the *Code of Conduct*. Complainant

2001 produced the commentary that was deleted and then blocked. Complainant 2001 suggested that the Respondent is in the habit of deleting or blocking those who disagree with him. Other Complainants allege they have been blocked or seen others blocked.

For the reasons explained below, I did not seek out and do an exhaustive review of the social media activity by the Respondent or the Complainants. Of the information I had, there was no obvious breach of the *Code* based on the analysis that follows.

The Respondent says his unwritten social media policy is to use a common-sense approach based on the following principles:

- Mike Nickel's social media pages are the property of Mike Nickel.
- We reserve the right to remove anyone acting inappropriately, degrading, or offensive from our social media pages.
- We do not tolerate bots or anonymous accounts from interacting with our page.
- Individuals using "fake names" or "pseudonyms" while interacting with our pages will be removed and/or blocked.
- Anyone spamming or mass copying / pasting underneath comments in an attempt to intimidate or skew engagement in the conversation will be removed.

The Respondent says:

- I allow contrary views on my social media pages as long as they are not abusive, profane or inappropriate activity such as spamming, taking over the site with too many posts that are copied and pasted, etc. I tell my staff to block or delete posts if the language in them is abusive, uses profanity or they are spamming to take over the conversation. There are limits. When it becomes abusive, then the limits kick in. As a principle, I don't involve myself and don't want to be talking about personalities. Complainant 2001...was deleted and blocked because she made a comment, then copied and pasted it as a reply to several other comments, and stopped when my staff blocked her. She is entitled to her opinion, but I am familiar with the tactic she used, that sends a notification to each person replied to, as an effort to get more people to see the comment. My staff made a judgement call on my behalf, based on the principles I have given them. I fully support my staff in this decision.

Discussion and Analysis

The understanding of the intersection of municipal codes of conduct and the use of social media is somewhat in its infancy. Many municipal councils are looking at bringing in social media policies to govern these issues. While Council has not specifically enacted a social media policy, Edmonton's City Council chose to explicitly include in the *Code of Conduct* the requirement that their communications on social media must be respectful. Many codes are not this explicit.

However, the *Code of Conduct* does not require Members of Council to engage the public on social media or to participate in debate with members of the public. In my view, when Councillors use social media platforms as a method to communicate to the public on issues of public interest, they need to tread carefully when limiting participation by the public. These platforms are used by the public to raise

their concerns. It is part of the Council member's role to initiate communications and respond to communications by the public.

The role of municipal councillors is somewhat different from other politicians who may find themselves subject to their own political party's policies on social media use. Many such parties have brought into effect policies that permit members to block or delete commentators if, for instance, they use threatening or discriminatory language, or troll the politician's site. Blocking happens at all political levels in Canada, although some commentators see it as an affront to democracy and possibly off-side the elected official's obligations to their constituents. The preponderance of commentary on this issue is politicians' public accounts should remain public, unless blocking is necessary and justified.¹²

To my knowledge, the Canadian Courts have not ruled on whether elected officials can block members of the public, in particular, their constituents. In the United States, some courts have ruled that politicians who block constituents are violating the First Amendment of the U.S. Constitution which protects freedom of speech. The Southern District Court of New York found that President Trump should not be permitted to block people on his Twitter account as Twitter is a "public forum" under the First Amendment.¹³ However, the freedom of expression protections under the *Canadian Charter of Rights* are different from the U.S. First Amendment, and the Canadian courts have not ruled on how our *Charter* will respond to such actions by politicians.

This is an important issue, as social media platforms are used extensively not only by politicians, but also by constituents for a number of reasons, including knowing their politicians' views on particular topics, to express their own views and to get updates on what is happening within their municipality. By blocking someone, an elected official is singling out that person who is no longer being allowed, as others are, to weigh in on the issues. That person is also prevented from immediately and easily seeing posts by that elected official. The member of the public can search for this information, but it is not readily available when they are blocked.

Many elected officials argue that constituents can still contact them after they are blocked through other means such as email. This helps the elected official verify the author of the communication and engage in more private discussions. The Respondent also says that he is just blocking people from this form of communication, not all communication.

I am of the view that it is entirely reasonable for elected officials to place some parameters on acceptable conduct on their social media pages. This is particularly so if the page is being hijacked by people trolling, spamming, using bots, using discriminatory or harassing language, etc.

Whether the Respondent violated the *Code* when he deleted and blocked some of the Complainants is not an issue that is clearly covered by the *Code*. In this circumstance, the Respondent says some members of the public were blocked because of their behaviour which was contrary to the guidelines he

¹² For instance, the former Integrity Commissioner for the City of Toronto, Val Jepsen, in her 2016 *Annual Report* commented that "...social media is a way to communicate with constituents and blocking them could be seen as a refusal of service". See also "Can a politician block you on Twitter?" by Cara Zwibel of the Canadian Civil Liberties Association, June 7, 2019, ccla.org, who says online spaces have become the public square and unless being subjected to repeated harassment, blocking by elected officials is "terrible for democracy".

¹³ See: National Observer, July 4, 2019, by Emma McIntosh and Fatima Syed.

put in place. The only blocked commentary that was provided was that of Complainant 2001, who comments in her complaint that it is the Respondent's right to delete comments.

I suggest that blocking would be a breach of the *Code*, for instance, if it was proven, on a balance of probabilities, that a Member of Council was deleting or blocking someone based on grounds that are protected by Human Rights legislation. But that is not the case here.

The Respondent has some guidelines with respect to the behaviour he will tolerate on his social media pages. Such guidelines always require an element of judgment and it is not for me to question that judgement. However, in my view, to encourage democratic debate on a site that is meant to serve the public, I suggest that blocking should be done sparingly, with other methods such as muting being considered only when justified. Comments, if said respectfully, should not be deleted or blocked even if they express a contrary view. But, this is currently within the Member of Council's discretion. There are no specific rules in the *Code of Conduct* or Council policies that apply to this issue.

Findings – Deleting and Blocking Social Media

I find on balance that the *Code of Conduct* was not violated when the Respondent blocked Complainant 2001 and others from his social media pages. While I think this sort of blocking should be done sparingly and based on justifiable and defensible guidelines, there is nothing currently in the *Code* that prevents this. There is no legal guidance on this issue. Council may choose to pass a social media policy to address this situation. In the interim, this is left to Members of Council to use their judgment.

FINDINGS

On balance I find:

1. In the **April 17 post**, the Respondent violated the *Code of Conduct* as follows:
 - (a) The manner of communicating was disrespectful of Council in violation of Part B Section 1d);
 - (b) The conduct lacked decorum, in violation of Part E Section 1 of the *Code*;
 - (c) The Respondent did not accurately reflect the facts of Council's decisions when he attributed the installation of "bike lanes" or "temporary bike lanes" during a pandemic to Council in violation of Part B, Section 1a) of the *Code*; and
 - (d) The Respondent was misleading, when he attributed the installation of "bike lanes" or "temporary bike lanes" during a pandemic to Council in violation of Part B, Section 1e) of the *Code*.
2. The comments and cartoon image posted by the Respondent in the **April 18 post** violated the *Code of Conduct* as follows:
 - (a) The personal attack on another Councillor and the manner of communicating was disrespectful, in violation of Part B, section 1 (d) of the *Code of Conduct* that says Councillors must ensure that all communications issued by Councillors, including on social media, are respectful.

- (b) The personal attack on another Councillor and the manner of communicating lacked decorum, in violation of Part E, section 1 of the *Code of Conduct* that requires Councillors to act with decorum.
 - (c) Communicating misleading information that left the impression that Councillor Knack approved the installation of bike lanes during a pandemic, when the decision was to temporarily use public space to expand spaces for multimodal use for physical distancing during the COVID-19 pandemic and was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the *Code of Conduct* that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter.
3. The comments and image posted by the Respondent in the **May 20 post** violated the *Code of Conduct* as follows:
- (a) Communicating misleading information that left the impression that Mayor Iveson was responsible for approving the addition of dozens of emergency bike lanes was misleading, when the decision was to temporarily use public space to expand spaces for multimodal use for physical distancing during the COVID-19 pandemic and was a decision made by City Administration, not by Council. This violates Part B, sections 1 a) and e) of the *Code of Conduct* that say Councillors must ensure that their communications accurately reflect the facts of Council's decisions and do not mislead the public about any matter.

RECOMMENDATIONS

Section 153 (e.1) of the *Municipal Government Act* requires Councillors to adhere to the *Code of Conduct*. I have found that the Respondent did not adhere to the *Code*.

I recommend that Council:

1. Accept this report.
2. Direct that Mayor Iveson on behalf of Council issue a letter of reprimand addressed to the Respondent with respect to *Code of Conduct* violations found in this report
3. Consider implementing a social media policy.

APPENDIX A – APRIL 17 POST



Mike Nickel

April 17 at 2:58 PM · 🌐



😞 I'm fed up. Enough is enough.

More bike lanes during a pandemic?! I wish this was a joke but it isn't..

✘ There is NO leadership on how we rebuild Edmonton after this crisis.

✘ There is NO consideration for the tens of thousands of Edmontonians who will slip into poverty.

✘ There is NO approach on how to deal with hundreds of businesses who will be unable to rehire workers or be able to pay their property taxes.

Our mayor and some on Edmonton city council have completely lost grip on what is important right now.

Our neighbours at the City of Vancouver are on the brink of bankruptcy.

People are fighting for their careers, their life's work, and their families.

They are fighting for everything that makes them whole.

Some are even fighting this infection in hospitals. My thoughts are on them as well.

People are relying on us right now to make decisions that will minimize the damage of this virus.

You think we would be taking things seriously right now and use vital city resources and the power of our office properly.

Instead I go to a recent council meeting where we discuss closing down roads and opening up temporary bike lanes and walking lanes on the roads.

With pylons! That will do the trick, right? 👍

I taught my kids their entire life not to walk on the streets.

Right now people are fatigued and stressed. We don't need to be experimenting with our roadways.

Also if there are emergencies, don't we want our roads open for emergency vehicles?

Democracy WILL continue during this pandemic.

Please don't remain silent. Speak up.



**Closing down roads.
Adding temporary bike & walk lanes.
During a pandemic!**

**Have the mayor & some councillors
completely checked out on reality?**

**ENOUGH
IS
ENOUGH !**

APPENDIX B – APRIL 18 POST



Councillor Mike Nickel

19 hrs · 🌐



Right now, every resident in Edmonton is watching their spending carefully.

Andrew Knack, why can't you? 🙄

Every dollar we spend wisely might mean another worker getting their job back at the City of Edmonton very soon. Does that mean anything to you?

I get it, you have no idea what to do in this situation so you are reverting to what you know.

I'm sure when you suggest more tax increases shortly it will be no big deal...

Your most recent flavour of the week is more bike lanes.

At some point, we will need every dollar at our disposal to bring this city back to life. To re-hire those people I mentioned above.

I hope you haven't forgotten about them already.

My solution to the current problem is to be very careful with spending right now. We should only spend what we absolutely must.

Somehow this isn't a solution for you. I get it, it's not flashy. It's not exciting.

Well I'm sorry saving money and spending wisely isn't your current priority.

With the reduced traffic on the roads there is now a great opportunity for cyclists to enjoy the roadways.

I truly mean it. To everyone in this city enjoy the outdoors and get some fresh air.

Edmonton is one of the least dense of all the major cities on the planet. There are so many places to walk and be outside and have a 2 metre buffer.

Spending money frivolously on temporary bike lanes and orange pylons won't cut it.

I'm really sorry, but this is the fundamental difference between us I guess...

C'mon Andrew, now is your time to show some fiscal restraint.

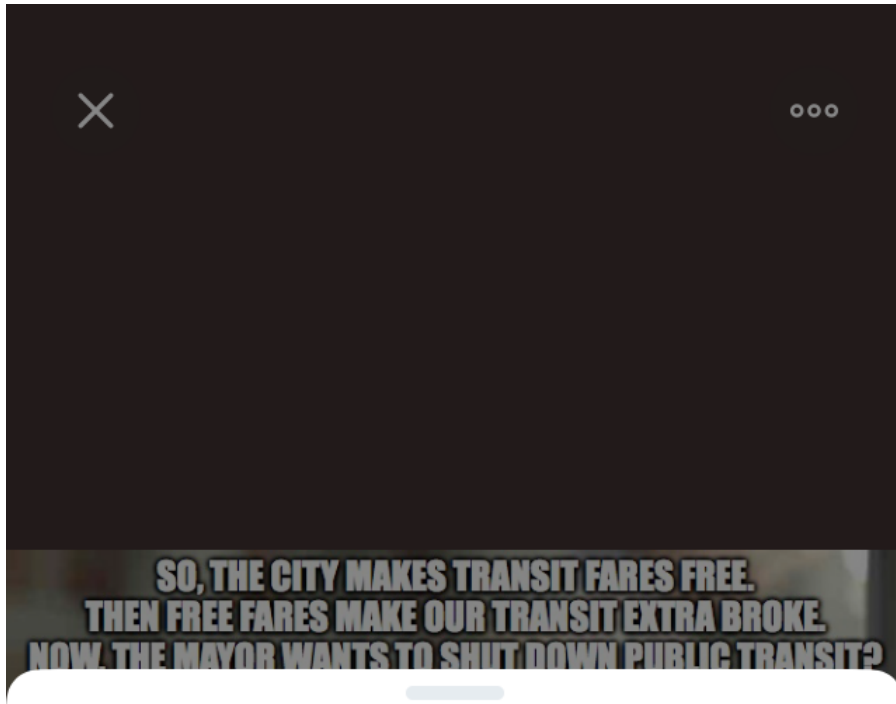


Property Tax
Increases

More Bike Lanes

119 55 comments 51 shares

Like Comment Share




In this photo



Don Iveson 

@doniveson

Following

Mayor of #Edmonton, . City building for the next generation in the heart of #Treaty6 territory. #YEGcc #YEGmetro #CDNmuni

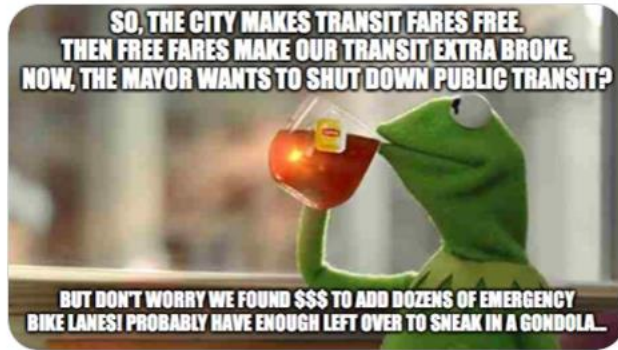
♥ Twin Parks Community liked



Mike Nickel @ClrMikeNickel · 3h ✓

What a strange day in Edmonton...

#yeg #yegcc



Don Iveson