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THE CORPORATION OF THE CITY OF BARRIE
OFFICE OF THE INTEGRITY COMMISSIONER

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August 20, 2015

The Honourable Mayor Jeff Lehman and Members of Council

It is my honour to present the Annual Report of the Office of the Integrity Commissioner for the period March 15, 2014, to December 31, 2014.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Suzanne Craig', is written over a faint, larger version of the same signature.

Suzanne Craig
Integrity Commissioner

**Office of the Integrity Commissioner Annual Report
2014**

Commissioner's Remarks	2
Activities of the Office of the Integrity Commissioner: March 14, 2014 – December 31, 2014	3
Complaints under the Code of Conduct	5
Statement of Expenditures	5

A. Commissioner's Remarks

This is the Annual Report for the Office of the Integrity Commissioner 2014, which covers the period from March 14, 2014 to December 31, 2014. The Code of Conduct (the "Code") was approved by City Council and came into force on December 1, 2010. As the Accountability Officer tasked with the application of the rules of ethical decision-making for Members of Council contained within the Code, my duties also extend to providing comments on City policies that intersect with the Code provisions. In the fulfilment of these duties, I have received and responded to queries from the public, City staff and Members of Council.

In particular, the mandate of the Integrity Commissioner is to ensure that the Code is objectively applied. This may entail:

- conducting inquiries into requests made by a member of the public, Council, or a Member of Council, into whether a Member of Council has contravened any applicable rule of the Code;
- rendering a decision on whether a Member of Council has contravened Council's Code and report any violation with any recommendation for sanction, to a public meeting of Council and to the general public through the City's website;
- providing written and oral advice to individual Members of Council about their own situation to determine if the matter is governed by rules of the Code and, therefore, within the jurisdiction of the Integrity Commissioner to investigate;
- providing Council as a Whole with specific and general opinions and advice on the City's policies and protocols regulating the conduct of Members of Council in relation to the Code rules;
- submitting an annual report on the work of the Office of the Integrity Commissioner, including, in general terms, the number of complaints received and disposed of; and providing general advice to Members of Council and City staff on issues of ethics and integrity contained in City policies, protocols and office procedures that may intersect with the principles contained in the rules of the Code.

Several of the inquiries that came into this office were not governed by the Code rules. These inquiries were in relation to requests for my review of Council matters in relation to operations of the City and enforcement of City policies. My mandate as Integrity Commissioner with the City of Barrie **is limited to the application of the rules of the Code in relation to actions and behaviour of individual Members of Council.** Decisions of Council and decisions, policies or omissions of the City and/or its administration, including enforcement decisions do not fall within the statutory authority of the Integrity Commissioner.

In accordance with section 28.4 of the Code, the Integrity Commissioner shall not make any Report to General Committee or any other person after the regularly scheduled General Committee meeting in any year in which a regular municipal election is to be held. As a result, I did not receive any complaints after the last Committee meeting of 2014, prior to the 2014 Ontario municipal elections.

B. Activities of the Office of the Integrity Commissioner: March 14, 2014 – December 31, 2014

Formal and Informal Complaints:

There were 2 Formal complaints filed with my Office. 1 formal complaint was dismissed without investigation as, on its face, it was a matter with respect to non-compliance with the *Municipal Conflict of Interest Act*. Several informal complaints were filed regarding the same issue subject of the formal complaint. In addition, I received 10 informal complaints that were not related to the formal complaint. 8 of these informal complaints were not within my jurisdiction to review and 2 of which were regarding a matter that, on its face, was with respect to non-compliance with the Code. Both Code related informal complaints were resolved.

In relation to the one formal complaint received by my Office, section 5.12(d) of the Code was triggered. This section of the Code relates to personal interests that are not only of a pecuniary nature for Members of Council. The core issue brought out by the formal complaint was that municipal elected officials may not act in a manner that would cause a reasonable person to think that she/he would show favour towards someone or that she/he can be improperly influenced. In short, section 5.12(d) of the Code requires a Member of Barrie Council to consider whether their relationships and affiliations could prevent him or her from acting fairly and objectively when performing their duties for the City.

Generally, questions from the public and informal complaints were in relation to allegations that some Members of Council had not responded or had not adequately responded to residents' requests for information or assistance. My responses to the questions raised, for the most part, attempted to clarify the distinction between a) a decision of Council that takes place after motions are put forward by one or more Member of Council, and b) potential breaches of the Code. In the former situations, a motion that is successfully voted on and passed, may not be supported by all residents, however, once passed, becomes a resolution of Council. While my Office does not have jurisdiction to review the City's compliance with procedural rules, I have monitored Committee and Council meetings and it appears that the existing rules of the City's Procedural by-law and meeting management policies, have been followed.

Complaints that I received against Members in relation to public requests for information, claimed that Councillors had an obligation under the Code to respond to every query from the public. I identified that often Members of Council either forwarded the residents' queries to the appropriate staff for action or directed the requester to the department of the City most suited to address their issue. Of relevance in responding to these types of queries, is section 19 of the Code, which is entitled Conduct Respecting Staff. In particular, section 19.10 states that:

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Code of Conduct and include dealing with constituents and the general public, participating as Committee members, participating as Chairs of Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with the Council.

When a Member of Council is elected, she or he ceases to represent a particular group or matter of interest and becomes one part of the governing body recognized by the Municipal Act, as the decision-maker of the municipality.

What this means is that while a Member of Council can respond to individual constituents concerns, he or she must carry out their duties in such a way as to recognize and respect the roles of City staff and affirm that only Council as a whole has the authority to direct staff members. To be clear, Members of Council most clearly demonstrate conscientious service to the public by following the ethical rules embodied in the Council Code of Conduct. The Code mandates Members of Council to respect the roles of staff in the administration of the business affairs of the City and avoid attempting to influence staff to circumvent normal processes in a matter. Questions from the public that relate to the operational, transactional, procedural or administrative decisions of the City should be directed to the appropriate senior staff official of the City for response. In addition, where a question from the public is not operational, transactional, procedural or administrative in nature, an individual Member of Council should not request staff to undertake extensive work or prepare lengthy reports or answers even if it is felt that the matter has broad relevance to the business of the City. Only the CAO or Council as a whole has the capacity to direct staff members to carry out specific tasks or functions.

Education and Outreach:

In June 2014, I attended an information session with senior staff of the City to discuss areas of policy intersection between City administrative rules and Council Code of Conduct rules. In November 2014, following the Municipal Election, I conducted a Councillor Code of Conduct Information Session for Members of Council. Members of Council both new and returning, participated energetically, listened attentively and asked thoughtful questions during the information session. In addition, all Members of Council attended one-on-one follow up meetings with me to discuss, in further detail, the substance of their obligations under the Code of Conduct. Based on the information requests and calls I have received from Members of Council, it appears that elected officials understand the rules of the Code and their obligations that flow from Code compliance. Members should be mindful that City staff are required to adhere to City policies, including the Employee Code of Conduct which prohibits the receipt of a gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of employment. While tokens of appreciation of nominal value from time to time would not trigger City rules, Members should carefully consider their actions in relation to staff's obligations.

C. Complaints under the Code of Conduct

	March – December 2014
Formal Complaints Received:	2 (1)
Informal Complaints Received:	10 +
Total:	12 + (2)
Inquiries on the application of the Code	
From the public:	11
From City staff:	5
Total	16
Members of Council or Committee: Opinions on the application of the Code	
Informal opinions received by Members of Council:	8
Formal opinions received by Members of Council:	3

- (1) 2 Formal Complaints were received. 1 Formal complaint dismissed due to lack of jurisdiction.
 (2) Several informal complaints all in relation to the same matter subject of the formal complaint.
 Eight informal complaints in relation to matters deemed not within the jurisdiction of the Integrity Commissioner's Office. Two informal complaints in relation to Code complaints were resolved.

D. Statement of Expenditures

March - December 2014	
	\$ 6,420.12 – Fee for Integrity Commissioner Services (including annual retainer, mileage disbursements)

Respectfully submitted by:



Suzanne Craig
Integrity Commissioner