

**Office of the Integrity Commissioner Annual Report  
2015**

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## **A. Commissioner's Remarks**

This is the Annual Report for the Office of the Integrity Commissioner 2015, which covers the period from January 1, 2015 to December 31, 2015. It has been my practice to submit the Annual Report at a June or September Council meeting following the calendar year, which usually allows me the time necessary to review and collate the information in relation to the activities of my Office. In addition, in this Report, I am providing an update on the first six months of 2016. 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.

The period covered by this Annual Report is significant insofar as it relates to a period in which several new Members of Council were elected to Office. I note as a positive in my reporting that all Members of Council who attended the November 2014 one-on-one meetings with me to receive an overview of the rules of the Code of Conduct, have all taken full advantage of my Office as a resource in vetting scenarios that may trigger Code rules *prior* to making a decision or carrying out an activity.

In particular, my mandate as Integrity Commissioner in the period covered by this Annual Report has been more about 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, than about conducting inquiries into requests made by a member of the public, Council, or a Member of

In my last Annual Report, I listed as significant, the number of inquiries that came into this office that were not governed by the Code rules. Those inquiries were in relation to requests for my review of Council matters in relation to operations of the City and enforcement of City policies. Throughout 2015, upon request of the Chief Administrative Officer. I have been asked to assist her staff in the review of particular policies, insofar as some of these policies intersect with the application of rules under the Code that govern the actions and behavior of Members of Council. It is my position that the work of Ms. Ladd and her staff, in particular work that I have collaborated on with the City Clerk, has gone a long way to provide a significant measure of clarity on the process to be followed by the public in relation to decisions of Council and decisions, policies or omissions of the City and its administration, including enforcement decisions do not fall within the statutory authority of the Integrity Commissioner.

## **B.1 Activities of the Office of the Integrity Commissioner: January 1, 2015 – December 31, 2015**

### Informal and Formal Complaints:

There were 4 Formal complaints filed with my Office and 4 Informal complaints brought to my Office in 2015. All 4 of the Formal complaints were disposed of following preliminary investigations in which each matter raised in the complaints was on its face, not a matter for which the Code of Conduct is in place to review.

As was the case with one formal complaint in 2014, one formal complaint in 2015 was in relation to allegations by a member of the public that a Member of Council had not adequately responded to their requests for information or assistance. I stated at the conclusion of this

matter that the objective of a Code of Conduct complaint investigation is to discover facts upon which to make a decision on whether a Member has contravened the **Code of Conduct rules**. The purpose-driven function of the Complaint Protocol allows the Integrity Commissioner the discretion to decide not to commence an investigation or discontinue an investigation where it becomes apparent that there are insufficient grounds to continue. In summary, I concluded that the perception by a member of the public of the success or lack thereof of Barrie City Council fulfilling its role of a steward of the City resources and Council's ability to responsibly oversee management of the public purse, while a matter of serious debate and relevance, is not a matter within the jurisdiction of the Integrity Commissioner to review.

My responses to the questions raised by the public in queries received by email correspondence and telephone calls, directed individuals to City complaint processes. It has been my experience to review matters that began as acrimonious but became subject of constructive dialog. Serious concerns of the public are often communicated to Members of Council in such a way that not only points blame at a particular elected official but also demands from the elected official an immediate remedy. Again, as in the past, my activities attempted to clarify the role of Council versus the role of an individual Member of Council in Council decisions. I pointed out that a decision of Council that took place after motions were put forward by one or more Members of Council, was a decision of Council and not of the individual elected official. While I have no authority to review or comment on the substance of inquiries that refer to Council decisions or City policies, individual requests for my participation in a facilitated discussion did result in the resident having a better understanding of the process to be followed to raise a grievance in relation to a Council decision.

## **B.2 Activities of the Office of the Integrity Commissioner: January 1, 2016 – June 30, 2016**

Of note, I received 2 informal complaints that raised the issue of whether or not certain candidate campaign donations created a situation that would make an elected official in contravention of the Code. I stated in these two informal complaints that if a Member of Council seeks to secure a benefit or unfair advantage of any kind for an individual or organization, in return for that individual's donation to or support for their election campaign, it would constitute a clearly improper use of influence, contrary to the Code, and likely would also be seen as evidence of corruption (the enforcement of which is outside of the investigative jurisdiction of the Integrity Commissioner).

Given that the matter was of general importance to all Members of Council, I provide Council with a Memorandum to clarify the Code rules. My comments set out that generally speaking, in order for the Code of Conduct rule 14 to be triggered and for there to be an improper use of influence, the following must be present:

1. The Member of Council must know the author of the campaign donation, and;
2. The Member of Council must also know that the author made a campaign donation, and;
3. The Member must have made a promise, or it would have been reasonable to believe that he/she made a promise to grant a future unfair advantage or provide a benefit, in return for the donor's support for their election campaign.

**Complaints and Advice under the Code: January 1, 2015 – December 31, 2015**

	January – December 2015
Formal Complaints Received:	<b>4</b>
Informal Complaints Received:	<b>4</b>
<b>Total:</b>	<b>8</b>
<b>Inquiries on the application of the Code</b>	
From the public:	<b>15</b>
From City staff:	<b>0</b>
<b>Total</b>	
Informal opinions received by Members of Council:	<b>5</b>
Formal opinions received by Members of Council:	<b>6</b>

**Complaints and Advice under the Code: January 1, 2016 – June 30, 2016**

	January – June 2016
Formal Complaints Received:	<b>1</b>
Informal Complaints Received:	<b>4</b>
<b>Total:</b>	<b>5</b>
<b>Inquiries on the application of the Code</b>	
From the public:	<b>8</b>
From City staff:	<b>2</b>
<b>Total</b>	
Informal opinions received by Members of Council:	<b>3</b>
Formal opinions received by Members of Council:	<b>3</b>

**C .Education and Outreach:**

I worked with members of the Administration, in particular with the City Clerk/Director of Legislative and Court Services to develop key accountability policies. During 2015, I was requested to provide input on the following:

Use of Corporate Resources for Election Purposes

Best Practices in Responding to the Public

Prohibition on the Disclosure of Confidential Information received by virtue of elected office.

**D. Statement of Expenditures**

January 1 - December 31, 2015	
	\$ 3,245.92 – Fee for Integrity Commissioner Services (including annual retainer, mileage disbursements)

**Respectfully submitted by:**

**Suzanne Craig  
Integrity Commissioner**