

## **Integrity and Ethics Office Annual Report**

### **Integrity Commissioner and Ethics Advisor's Recommendation:**

That Council:

1. Receive the Annual Report of the Ethics Advisor and Integrity Commissioner for the Corporate Record.

### **HIGHLIGHTS**

- The Terms of Reference for the Ethics Advisor and the Integrity Commissioner approved by Council in July 2016 require the submission of an Annual Report to Council (M2016-0566).
- This report covers the period from May 1, 2021, to April 30, 2022, and summarizes the activities of the Integrity Commissioner and Ethics Advisor for City Council and Calgarians for the past year.
- This report details:
  - The transition to a new Integrity Commissioner
  - The complaints statistics and outcomes for the year
  - Trends in the number and nature of complaints
  - The Ethics Advisor's work to enhance the compliance of Members of Council with the *Code of Conduct for Elected Officials Bylaw 26M2018* ("*Code of Conduct*") and the *Municipal Government Act*, RSA C M-26 ("MGA"), as well as applicable policies and procedures.
- The joint administrative work of the Ethics Advisor and Integrity Commissioner to improve the transparency, accountability, policy and procedure under the Code of Conduct.
- The report reflects the Office's Strategic Alignment to Council's Citizen Priorities: A well-run city.

## **THE INTEGRITY COMMISSIONER'S REPORT**

### **Terms of Reference**

Pursuant to the Terms of Reference, the Integrity Commissioner has the following responsibilities:

To receive, assess, investigate, adjudicate complaints regarding Council Members under the *Code of Conduct*.

To report any violations of the *Code of Conduct* to City Council with sanction recommendations, and to post the reports on the Integrity and Ethics Office webpage.

To assist the Ethics Advisor in recommending revisions or additions to Council policies and bylaws where appropriate to establish and promote ethical conduct standards for Council Members.

**Integrity and Ethics Office Report to  
Combined Meeting of Council  
2022 October 4**

**ISC: UNRESTRICTED  
C2022-0849  
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## **Integrity and Ethics Office Annual Report**

To provide an Annual Report to City Council detailing the activities of the Office for the preceding year.

### **Transitional**

Meryl Whittaker was the Integrity Commissioner from May 1, 2021, to and including November 30, 2021. This report was prepared by Ellen-Anne O'Donnell who was appointed to the Integrity Commissioner position on February 15, 2022.

### **Complaints Report**

#### **May 1, 2021 - November 30, 2021 (Meryl Whittaker)**

<b>Total number of complaints received</b>	<b>79</b>
Complaints assessed and dismissed	67
Complaints not concluded	12
Code of Conduct violations reported to Council	0

#### **December 1, 2021 - February 14, 2022 (During vacancy)**

The Integrity Commissioner position was vacant during this time, and complainants were advised they would be contacted when the new Integrity Commissioner was appointed.

<b>Total number of complaints received</b>	<b>13</b>
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#### **February 15, 2022 - April 30, 2022 (Ellen-Anne O'Donnell)**

<b>Total number of complaints received</b>	<b>136<sup>1</sup></b>
Complaints carried over	25
Complaints dismissed	129
Complaints withdrawn	2
Complaints not concluded	104 <sup>2</sup>
Code of Conduct Reports to Council	0

#### **May 1, 2021 - April 30, 2022**

<b>Total number of complaints received</b>	<b>228</b>
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<sup>1</sup> Of these, 98 were in relation to one Councillor regarding the same matter. These were investigated as one complaint.

<sup>2</sup> Excluding the complaint in footnote 1, 6 complaints were not concluded.

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### **Observed Trends**

#### **1. Increase in the number of complaints**

There has been a significant increase in the number of complaints.

Contributing factors may include the October 2021 election, Council Members' increased use of social media, the appointment of a new Integrity Commissioner, and increased public awareness of the Integrity and Ethics Office mandate.

Here is a yearly comparison:

2016-2017	17 complaints
2017-2018	38 complaints
2018-2019	12 complaints
2019-2020	8 complaints
2020-2021	115 complaints
2021-2022	228 complaints

#### **2. Nature of Complaints received**

An estimated 128 complaints were made under section 19 of the *Code of Conduct*, and for the most part, involved social media posts, mostly on Twitter and Facebook, and other forms of public statements. These complaints alleged disrespectful, abusive, bullying, personal attacks and/or intimidating behavior. One significant matter, involving 98 complaints against one Councillor on the same subject matter, fell into this category. Pursuant to section 20 of the *Code of Conduct*, there were several *Respectful Workplace Policy* complaints, which overlapped with the section 19 complaints.

October 2021 municipal election-related complaints (9) were not within the Integrity Commissioner's authority to investigate and were referred to *Elections Calgary*.

One complaint was referred to the City Auditor's Office as it was under their jurisdiction.

Anonymous complaints (62) that did not meet the requirements of section 66 of the *Code of Conduct* were dismissed.

### **Investigations Report**

Nine complaints met the requirements for further investigation, as there were reasonable grounds to believe a violation of the *Code of Conduct* had occurred. Of those, 6 were dismissed following investigations, and 3 investigations, including the 98 complaints on the same subject matter, were ongoing at the end of the reporting period on April 30, 2022.

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### **Administration Report**

The Integrity Commissioner developed a Guideline for Members of Council so that complainants and Councillors have equal access to the Integrity Commissioner through the on-line form and email only. This ensures fairness for all parties in the process.

The Integrity Commissioner streamlined office procedures, resources and forms to improve the efficiency of the Office and worked with the Ethics Advisor to improve the Office's transparency, communication, analysis and advice on policy and procedure.

The Integrity Commissioner reviewed the Alberta *Freedom of Information and Protection of Privacy Act*, RSA 2000, C F-25 and consulted relevant City departments, collected resources and is preparing an updated Guideline for the protection of all of the Offices' confidential information and records in accordance with the Act.

### **ETHICS ADVISOR'S REPORT**

#### **Terms of Reference**

Pursuant to the Terms of Reference the Ethics Advisor has the following responsibilities:

- To provide confidential advice to Members of Council on their personal conduct;
- To provide General Opinions and Interpretation Bulletins to Council on matters related to Council member conduct and application to Council member conduct of legislation, Council By-Laws or Council Policy;
- To support Council by recommending revisions or additions to Council policies and by-laws where appropriate to establish and promote ethical conduct standards for Members of Council.
- To educate Council and Calgarians about the ethical duties of Council members, maintain a website and provide an Annual Report to City Council detailing the activities of the Office for the preceding year.

#### **Report**

The Ethics Advisor, Emily Laidlaw, provided advice to Members of Council on a confidential basis and supported their offices in complying with the Code of Conduct Bylaw. As needed, the Ethics Advisor worked with the Integrity Commissioner and City staff to support Members of Council.

In addition, during the reporting period the Ethics Advisor undertook four primary types of work.

First, the Ethics Advisor chaired the Expense Policy Working Group, which supported Council in its reform of its expense policies. The Expense Bylaw was adopted by Council in May 2021.

Second, the Ethics Advisor investigated and recommended amendments to the *Code of Conduct Bylaw*. The Ethics Advisor undertook this work at the direction of Council to address protection of complainants and in response to the PwC report (C2020-0877). The amendments were adopted by Council in May 2021.

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Third, the Ethics Advisor provided support concerning election-related matters. Until October 2021, support primarily involved confidential advice to Members of Council and support to their offices concerning compliance with the election rules in the Code of Conduct Bylaw. The Ethics Advisor conducted two education sessions in May 2021. After the election, the Ethics Advisor provided onboarding support to Members of Council and their offices, including three education sessions.

Fourth, the Ethics Advisor prepared two memoranda for Members of Council to provide guidance on interpreting the Code of Conduct Bylaw on the topics of bias and confidentiality.

Where appropriate, and with the consent of named Members of Council, the Ethics Advisor collaborated with the Integrity Commissioner concerning some complaints, including recommending immediate remedial measures, and providing mediation and educational information to Members of Council.

A number of complaints were referred by the Integrity Commissioner to the Ethics Advisor for mediation and were resolved.

### **JOINT REPORT**

The Integrity Commissioner and the Ethics Advisor have undertaken a review to improve the functioning of the Integrity and Ethics Office to better support Members of Council and the public. The review is ongoing and includes improving the Office's website, streamlining the complaints process, improving internal procedures, education and training, and developing Interpretation Bulletins to assist Council Members and Calgarians in understanding the Code of Conduct.

The Office is currently drafting an Interpretation Bulletin on how Council's *Code of Conduct Bylaw* applies to social media use. The work began during the reporting period and was requested by Council at the July 5, 2022, Combined Meeting of Council with respect to Report C2022-0851.

In April 2022, the Office was consulted by Intergovernmental Affairs regarding a provincial review of the Code of Conduct provisions of the MGA. The process is ongoing.

The Office began an in-depth review of the *Code of Conduct Bylaw* in the first half of 2022, as required by the *Code of Conduct for Elected Official Regulation*, AR 200/2017, section 7. The review is ongoing and will culminate in a report to City Council with suggested improvements to the *Code of Conduct Bylaw*.

### **STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)**

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken