



Integrity and Ethics Office

Annual Report

May 1, 2022, to April 30, 2023

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Integrity Commissioner Report

Terms of Reference

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

- To receive, assess, investigate and adjudicate complaints received about City Council Members pursuant to the *Code of Conduct for Elected Officials Bylaw 26M2018* (the “*Code of Conduct*”);
- To report violations of the *Code of Conduct* to City Council with sanction recommendations and to post the reports on the Integrity and Ethics Office website;
- To assist with in the development of City Council policies and bylaws, and to establish and promote ethical standards for Council Members.
- To provide an annual report to City Council detailing the activities of the office for the preceding year.

Complaints Statistics May 1, 2022 - April 30, 2023

Complaints carried from previous period	10
Complaints received this reporting period	52
Subtotal complaints :	62
Complaints dismissed	54
No jurisdiction - section 74(1)	21
Frivolous or vexatious - section 74(b)	3
Insufficient information - section 66	1
No reasonable grounds - section 76(1)	29
Complaints proven and reported to Council	3
Informally resolved by Ethics Advisor	2
Withdrawn	2
Total complaints concluded:	61
Complaints carried over to next year	1

Complaints Investigations

Number of formal investigations 8

Average number of days to conclusion of complaints 18.2

Nature of Complaints Received

Section 9 Lack of Good Faith/knowledge	4
Section 10 Not upholding best interests of the City	4
Section 11 Non-compliance with law/policy, public confidence	15
Section 12 Communicating when not authorized	3
Section 18 Disclosing private information	1
Section 19 Disrespectful, bullying, harassing, intimidating	22
Section 20 not adhering to Respectful Workplace policy	1
Section 24 FOIPPA compliance	1
Section 25 FOIPPA compliance	1
Section 30 Non-disclosure of meetings	3
Section 38 Non-disclosure of real estate interests	2
Section 40.1 Undue influence	2
Section 44 Directing administrative staff	1

Historical Comparison of Complaints Received

2016-2017	17
2017-2018	38
2018-2019	12
2019-2020	8
2020-2021	115
2021-2022	228
2022-2023	58

Emerging Trends

- The number of complaints dropped significantly from the previous two reporting periods, suggesting that the high number of complaints for the 2021-2023 were anomalies. This year's numbers were close to an average number of the complaints over the other 4 years.
- In past reporting periods, complaints were primarily made pursuant section 19 of the *Code of Conduct*. In this reporting period, the complaints were spread across more sections of the *Code of Conduct*. Although the highest number of complaints still fell under section 19, the drop in these types of complaints is a positive trend for City Council. This may be attributable to the education and information provided by the Ethics Advisor and increased awareness on behalf of Council Members to the risks involved in participating on ever changing social media platforms.

- The number of days from the receipt of a complaint to its conclusion is significantly below the 90-day time frame set out in the *Code of Conduct*.

Number of Attendances before Council Committees and City Council

- Council Training session 1
- Combined Meeting of Council 3
- Executive Committee of Council 2

Office Administration

- The Integrity Commissioner reviewed the Alberta *Freedom of Information and Protection of Privacy Act*, RSA 2000, C F-25 (“*FOIPPA*”), consulted relevant City departments, collected resources and prepared an internal office guideline for the protection of all of the offices’ confidential information and records in accordance with the *Code of Conduct* and *FOIPPA*.
- A Resource Database has been developed by the Integrity Commissioner. It contains relevant case law, academic articles, and commentary related to Codes of Conduct across Canada, with summaries. Resources generated internally by the City and this office are included. The database is continually maintained and updated by the Integrity Commissioner so that the office may access the most current authorities about to *Code of Conduct* matters.

Policy Development

- The Integrity Commissioner played an integral part in the research, analysis and recommendations to Council for updating the *Code of Conduct*.
- The Integrity Commissioner assisted in the development of the interpretation bulletins published or in development, as well as reviewing and making recommendations to the Ethics Advisor on education, memoranda and reports to the Executive Committee and Council.

Ethics Advisor 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 opinions and interpretation bulletins to Council on matters related to Council member conduct.

- To support Council by recommending revisions or additions to Council policies and bylaws where appropriate, and 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.

Confidential Advice

The Ethics Advisor, Emily Laidlaw, provided advice to Members of Council on a privileged and confidential basis and supported their offices in complying with the *Code of Conduct*. On an as needed basis, the Ethics Advisor worked with the Integrity Commissioner and City staff to support Members of Council. This advice formed the bulk of her work.

Informal Resolution and Sanction Compliance

Informal Resolution	2
Training	3

Policy Development

The *Code of Conduct for Elected Official Regulation* AR 200/2017 mandates a review and update of municipal codes of conduct at least every four years, and the *Code of Conduct* mandates a review annually. The Integrity and Ethics Office has reviewed the *Code of Conduct* annually, with amendments adopted by Council in 2020 and 2021. In 2022, the office undertook a comprehensive review of the *Code of Conduct*, and proposed a suite of amendments, which were adopted by Council in February 2023.

The amendments focus on clarifying and improving the complaints process, strengthening the ethical duties to avoid improper use of influence, enabling the Integrity Commissioner to initiate investigations without a complaint, and clarifying the scope of the *Code of Conduct*.

Interpretation Bulletins

The Ethics Advisor prepared one interpretation bulletin, with the support of the Integrity Commissioner, and in consultation with Members of Council, regarding use of social media by Members of Council, published on the website in March 2023.

It is the first interpretation bulletin published by the Integrity and Ethics Office. With the growth and maturity of the office, the Ethics Advisor plans to publish more interpretation bulletins as they provide

guidance to Members of Council, their staff, City staff and the public to improve understanding of the substance and scope of the *Code of Conduct*.

Memoranda and other Guidelines Prepared for Council

Memoranda to Council 3

Education and Reporting

Education sessions to Council 1

Council or City Committee meetings 15

Annual Declarations

Since 2021, Members must execute and submit to the Ethics Advisor an annual declaration that they have read, understand and abide by the *Code of Conduct* (section 62.1). The form of the declaration is in Appendix A of the *Code of Conduct*. Executed copies are kept on file with the City Clerk's office. Compliance is to be confirmed in the annual report. For the years 2021 and 2022, all Members of Council executed the declaration.

Joint Office Administration

Office Administration

During the reporting period, the Integrity and Ethics Office focused on five administrative tasks:

- Supporting Council with policy development, including extensive amendments to the *Code of Conduct*;
- Developing internal office policies and standards in the areas of FOIPPA compliance and privacy, and standardizing communication and complaints processes.
- Being accountable to the public and Council by improving the design of the website. The objective is to strengthen communication with Council and the public to improve understanding of the role of the office, explaining the substance of the *Code of Conduct*, how and when to make a complaint, and the process for investigating and resolving complaints.
- Publishing an interpretation bulletin with others in the development stages.
- Met with City of Calgary departments (and committees) including the City Auditor, Clerk's Office, Legal, the Whistleblower Program and the Respectful Workplace Office, to ensure alignment with the objective of a well-run City.

Future Planning 2023-2024

- Council member training, guidelines, and memoranda.
- An updated, accessible and informative website.
- Development of Interpretation Bulletins.