



Integrity and Ethics Office

Annual Report

May 1, 2023, to April 30, 2024

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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, 2023 - April 30, 2024

Complaints carried forward from 2023	1
Complaints received this reporting period	51

Total complaints in the year **52**

Disposition of Complaints

Complaints proven and reported to Council	1
Complaints withdrawn	1
Complaints carried to next year	2
Complaints dismissed	48

Reasons for Dismissals:

No jurisdiction - section 74(1) (with appropriate referrals made)	4
Frivolous or vexatious - section 74(b)	12
Insufficient information - section 66	3
No reasonable grounds - section 76(1)	28
Out of time	1

Total complaints concluded in the year **50**

Complaints Investigations

Number of formal investigations 2

Average number of days to conclusion of complaints **14.2**

Nature of Complaints Received

Section 9 Lack of Good Faith/knowledge	1
Section 10 conduct against best interests of the City	16
Section 10.1 Racism	1
Section 11 Non-compliance with law/policy, public confidence	4
Section 14 Failure to communicate truthfully	2
Section 16 non-compliance with Procedure Bylaw	2
Section 19 Disrespectful, bullying, harassing, intimidating	28
Section 20 not adhering to Respectful Workplace policy	2
Section 26 failure to disclose property	7
Section 30(1) Failure to disclose meeting	1
Section 40 Use influence only for official duties	1
Section 40.1(1) Undue influence	3
Section 40.1(2) Undue influence of staff	2
Section 48 Misuse of City funds	1

Historical Comparison of Complaints Received

2020-2021	115
2021-2022	228
2022-2023	58
2023-2024	51

Emerging Trends & Developments

- The number of complaints is trending downward.
- Complaints alleging disrespectful interactions, pursuant to section 19 of the *Code of Conduct* are the most common type of complaint.
- Complaints alleging Members of Council acted contrary to the best interests of the City have increased. A number of these were disagreements with how Council Members voted, which does not, on its own, constitute misconduct, because Members are required to vote under the *Municipal Government Act*. How a Council Member votes is their decision, based on a multitude of factors.

- 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*.
- The Alberta Ombudsman reviewed our complaint process and procedures in 2023 in the context of an old complaint about a former Integrity Commissioner. The current Integrity Commissioner responded to all inquiries. The Ombudsman determined that the Commissioner's decision was administratively fair; that they acted within their legislative authority, participatory rights were honored, and that they provided adequate reasons, and a reasonable outcome was reached.

Number of Attendances before Council Committees and City Council

- | | |
|----------------------------------|---|
| ○ Council Training session | 0 |
| ○ Council Meeting | 2 |
| ○ Executive Committee of Council | 0 |

Office Administration

- The Office continues to strive to keep up to date with all relevant legal developments.
- The Integrity Commissioner played a role in amendments fine-tuning the *Code of Conduct*.
- The Integrity Commissioner assisted in the development of the interpretation bulletins published or in development.
- The Integrity Commissioner was consulted and made 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	0
Training	1

Policy Development

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, 2021 and 2023.

During this reporting period, the Integrity and Ethics Office introduced two sets of amendments. In 2023, Council adopted *Code of Conduct* amendments to mandate anti-racism training. These amendments were prepared in close collaboration with the City's Anti-Racism Program to respond to Council's direction to explore updates to Council's bylaws to include anti-racism training. In 2024, Council adopted *Code of Conduct* amendments to clarify the rules for remote participation at Council and Council Committee meetings.

Interpretation Bulletins

The Ethics Advisor prepared one interpretation bulletin, with the support of the Integrity Commissioner, and in consultation with Members of Council, regarding conflicts of Interest.

It is the second 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	0
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Education and Reporting

Education sessions to Council	1
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Council or City Committee meetings

7

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 2023, 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 amendments to the *Code of Conduct*;
- Re-designing the Integrity and Ethics Website 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.
- Developing and maintaining internal office policies and standards.
- Publishing the Interpretation Bulletin on Conflicts of Interest, with others in the development stages.
- Meeting with City of Calgary departments (and committees) including the City Auditor, Clerk's Office, the Legal Department, the Whistleblower Program, the Anti-Racism Committee, Intergovernmental Affairs, and the Ward Boundary Commission, to ensure alignment with the objective of a well-run City.

FOIPPA

During the reporting period, the Office received multiple FOIPP requests, for the Integrity Commissioner and the Ethics Advisor, which was a new development.

Pursuant to section 4(1)B of the *Freedom of Information and Protection of Privacy Act*, (the "Act") the Integrity Commissioner's records were protected from disclosure due to the quasi-judicial nature of her role. Complaint information cannot be and was not divulged.

Pursuant to section 27(1) of the *Act*, all legal advice, and related records created by the Ethics Advisor, were exempt from production due to solicitor client privilege.

Future Planning 2024-2025

- Election-focused training.
- Council Member training, guidelines, and memoranda.
- Ongoing updates to the website to ensure access to information and resources.
- Development of interpretation bulletins.
- Collaboration with City committees and departments as needed.