

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 39, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

39 ANNUAL REPORT OF THE OFFICE OF THE INTEGRITY COMMISSIONER

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Integrity Commissioner, dated June 17, 2014, be approved; and**
- 2) That the Integrity Commissioner report to Council in the Fall of 2014 with recommendations for addressing the issues raised in her report.**

Recommendation

The Integrity Commissioner recommends:

1. That the Annual Report be received for information.

Economic Impact

There is no economic impact to the report

Communications Plan

Members of Council have received copies of the attached report. In addition, the report has been placed on the public agenda of the Committee of the Whole meeting scheduled for June 17, 2014 and this staff report has been posted on the City of Vaughan's public website.

Purpose

To report to City Council on the activities of the Integrity Commissioner's Office for the period January 1, 2013 – December 31, 2013.

Background - Analysis and Options

As part of the duties of the Integrity Commissioner and to ensure transparency, an annual report shall be submitted to City Council to outline the annual activities of the office.

Relationship to Vaughan Vision 2020/Strategic Plan

This report promotes Service Excellence through the public reporting of activities of the independent ethics officer in relation to accountability and transparency in municipal government.

Regional Implications

There are no Regional implications to the recommendations contained in this report.

Conclusion

This report outlines the activities of the office of the Integrity Commissioner and concludes any recommendations for this term of Council.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

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The Integrity Commissioner will continue to have oversight for the application and enforcement of the Code rules however, will not receive or investigate any complaints after June 30, 2014 pursuant to the Code protocol as it is an election year.

Attachments

Appendix A - Integrity Commissioner Annual Report

Office Expenditures

Report prepared by:

Suzanne Craig, Integrity Commissioner

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

COMMITTEE OF THE WHOLE JUNE 17, 2014

ANNUAL REPORT OF THE OFFICE OF THE INTEGRITY COMMISSIONER

Recommendation

The Integrity Commissioner recommends:

1. That the Annual Report be received for information.

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There is no economic impact to the report

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Appendix A - Integrity Commissioner Annual Report

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Report prepared by:

Suzanne Craig, Integrity Commissioner

Respectfully submitted,

Suzanne Craig, Integrity Commissioner



**Office of the Integrity Commissioner's Annual Report
January 2013 – December 2013**

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Commissioner's Remarks

This is the final Annual Report submitted to City Council for the 2010-14 Council term. It covers the period from January 1, 2013 to December 31, 2013.

Since the Code of Ethical Conduct for Members of Vaughan City Council (the “Vaughan Code”) came into force on November 2, 2009, the municipal landscape in Ontario has seen the advent of several ethical issues, the rise of social media as a tool for elected officials to communicate with the public and the proliferation of accountability officers who independently act and report to municipal Councils throughout Ontario. The Vaughan Code remains a benchmark document against which several new municipal Codes have been modelled and Vaughan City Council, under the leadership of Mayor Maurizio Bevilacqua, has demonstrated commitment to providing stable, transparent and accountable governance, focused on ethical decision making in City building and transformation.

As Vaughan's Integrity Commissioner, I have had the opportunity to observe how the rules of the Vaughan Code are applied to specific situations that individual Members of Council face in the exercise of their official duties. Of note, a significant number of the questions that I received, from both Members of Council and the public were in relation to Council Members' activities in community events, whether in the form of participating in fundraising events or community group events regarding a specific local issue. Fundraising plays an integral part in the City's support to groups in the community and responding to local issues is what municipal elected office is about. However, the perception of conflicts, real or apparent, influences public confidence in how elected officials discharge their elected duties of office.

Since its inception in 2009, this Office has received complaints and inquires that relate to a vast array of areas that go beyond the mandate of the Office. Inquiries to the Office include matters relating to the Vaughan Code, the Employee Code of Conduct, Labour Relations matters, public complaints regarding staff actions and/or departmental decisions and staff complaints regarding staff and process. Given the statutory limitations imposed on the Integrity Commissioner by virtue of the *Municipal Act* and the City by-law that created the Office, there is currently no mechanism through which I can review such issues or disclose information about these issues to the administration or Council. This has been a concern for me, in light of the fact that many of the inquiries received by this Office, pointed to clusters of similar complaints regarding a small number of City departments and/or issues.

However, on Tuesday, April 15, 2014, the City of Vaughan launched the Anonymous Reporting System, which allows staff to report, anonymously if desired, issues that could represent harm to the City. This may include but is not limited to employee code of conduct violations, suspected fraud or misappropriation, privacy issues and contractor/vendor relationships. The City's Internal Audit department will be responsible for coordinating intake from the third party provider and will direct issues to the departments responsible for following up and responding. Confidentiality will be

maintained and follow-up and responding will be handled by using a unique identifier. This has been a significant innovation at the City and of relevance to my Office insofar as several of the queries for which I have no authority to comment or review, now can potentially be addressed anonymously through an independent third party.

Activities of the Office of the Integrity Commissioner: January 1, 2013 – December 31, 2013

The Office received 12 informal complaints under the Vaughan Code rules. There were no formal complaints filed against any Members of Council under the Code in 2013. It is significant to note that several Members of Council pro-actively sought out my opinion on ethical questions and direction in relation to actions that may intersect with Vaughan Code rules. In common with several municipal Integrity Commissioners, I have observed that the advice, education and outreach function of the office, continues to serve as a valuable resource for all stakeholders. The Vaughan Code states as its purpose, “to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members’ accountability for managing City resources allocated to them.” Given the broad stated purpose of the Vaughan Code and that it is to be given broad, liberal interpretation, one of the key roles of this Office continues to be facilitating frank and open discussions in relation to each factual situation, with a view to empowering Members to understand their ethical responsibilities and address ethical questions before they rise to the level of a formal complaint.

In 2013, I received 27 inquiries from the public, 20 inquiries from City staff and 40 inquiries from Members of Council, in relation to the Vaughan Code. The number of inquiries from the public in relation to the Code decreased significantly, while the numbers received from City staff and Members of Council, decreased marginally. This Office received 147 inquiries that were non-Code related and rejected as beyond the jurisdiction of the Integrity Commissioner, which is down from 171 for the same period in 2012.

TABLE 1
Office of the Integrity Commissioner Code Activities
Code Complaints and Inquiries

	2012	2013
Formal complaints	0	0
Informal complaints	4	12
Inquiries on Code application		
From the public	78	27
From City staff	27	20
From Members of Council	56	40
Total Code-related	165	99

TABLE 2
Members of Council
Code Advice Requested

	2012	2013
Informal opinions to Members	44	32
Formal opinions to Members	12	8
Total	56	40

TABLE 3
Office of the Integrity Commissioner non-Code inquiries
Rejected as Beyond Jurisdiction of the Integrity Commissioner

	2012	2013
Relating to staff actions	77	29
Relating City process/decisions	94	89
Total	171	147

Issues for future Council consideration:

Social Media and Confidentiality:

This has been an interesting year in relation to Council Member communication to the public through the use of social media. Elected officials at all levels of government are using social media tools such as Twitter, Facebook and YouTube, to communicate to and engage with residents. This new technology represents an innovative way for Members to work and interact with the public. However, the use of technology with social media can blur the line between *private* and *public*. The use of social media may increase the risk of a Member sharing of information contrary to Rule 3 of the Code, which includes avoiding disclosure of the content or substance of deliberations of an in-camera meeting and personal information of an identifiable individual in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

In addition to the issues that an increased use of social media may pose, several queries have come to my attention in relation to allegations of inappropriate disclosure of confidential information. While water cooler conversation may often be the customary way for information to be disseminated in a large organization, rules of confidentiality in the Code and relevant legislation are in force to protect the privacy of individuals, solicitor-client privilege, labour and employee negotiations and pending land acquisitions and contracts of the City. In short, the rule of confidentiality has been included in the Vaughan Code as an external commitment by Council that each individual Member will be bound by the legal requirements and spirit of this important obligation. In the future, Council should seriously and carefully consider ways to strengthen the effectiveness of Rule 3.

Member-Organized or Member-Sponsored Community Events

Rule 2.3 of the Vaughan Code permits Members to lend their support to and encourage, community donations to registered charitable and Not for Profit groups. The Vaughan Code recognizes the important work of Members of Council in supporting charitable causes and the need for transparency in Members' involvement. It is for this reason that Members should not solicit funds on the behalf of local charities as this may be perceived as giving those who donate an expectation of preferential treatment. Further, Members of Council who support community events should not at all be involved in the financial dealings of the event.

It is important to remember that the Vaughan Code is a document passed into by-law, for which Members of Council collectively agree to shared standards for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members operate. The Vaughan Code rules are not set by the Integrity Commissioner, but rather they are agreed upon by the Members of Council collectively and are objectively applied by the independent ethics officer. Over the past year, while I have provided my best advice to Members of Council regarding the parameters within which they must remain to ensure acceptable participation in

community events, there appears to be a lack of consensus on what the parameters of this rule should be. In the future, Council should seriously and carefully consider the purpose for the inclusion in the Vaughan Code of Rule 2.3 and whether the parameters should be changed.

Closing Remarks

It has been my unique experience to have served as Integrity Commissioner for the City of Vaughan and other municipal governments in Ontario. Certainly, there is always room for improvement when discussing ethics and accountability. However, looking out at the municipal landscape, I can report that, overall, the Members of Vaughan City Council have actively sought advice on how best to comply with the rules of the Vaughan Code. Where there have been informal complaints, the Members involved have promptly responded to my requests for information and acted swiftly in accordance with my recommendations for remedial action.

Over the last year, there have been significant changes in the administration. While I have no authority in relation to the staff or employees of the City of Vaughan, the effectiveness of this Office hinges upon a respectful interaction with the senior administrative officials. I would like to acknowledge the professional support afforded my Office by the Interim City Manager, Ms. Barbara Cribbett and the City Solicitor, Ms. MaryLee Farrugia.

In conclusion, section 11 of the Code of Conduct Protocol states that no review or investigation of a complaint will be referred to or received by the Integrity Commissioner after June 30th in an election year. However, during the time leading up to the municipal elections, I will continue to have oversight for the application and enforcement of the Code rules, as well as continuing to provide advice and comments to Members of Council, City staff and members of the public, to ensure that the letter and the spirit of the Vaughan Code are upheld.

Respectfully submitted,

Suzanne Craig
Integrity Commissioner

Appendix A

Statement of Expenditures

2013	
Salaries and Benefits	102,932
Membership/Fees	0
Meals	0
Training and Development	0
Seminars and Workshops	0
Office Supplies	0
Computer Supplies	0
Computer Hardware	36
Copier-Fax Supplies	0
Copier/Fax Lease	2,853
CellularHardware Equipment	61
Long Distance/Conferencing	0
Printing(internal)	0
Professional Fees	0
Cellular Line Changes	653
General Line Charges	21
Sundry Expenses	0
Office Lease	20,588
 Total Operating Cost of Office	 127,144