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Integrity Commissioner's Report

DATE: May 18, 2016

TO: The Mayor and Council
Meeting Date: June 8, 2016

FROM: Robert J. Swayze
Integrity Commissioner

SUBJECT: **Annual Report of the Integrity Commissioner**

RECOMMENDATION: That Council receive the annual report of the Integrity Commissioner dated May 15, 2016

REPORT: I was appointed Integrity Commissioner by agreement commencing on July 1, 2012 for a term of 5 years, expiring on June 30, 2017. This report covers the period from July 1, 2014 to June 30, 2015.

The duties assigned to me by the agreement are as follows:

1. Advise confidentially members of Council or Council as a whole on their ethical obligations and responsibilities under the *Council Code of Conduct* and *Complaint Protocol*. (“Code”)
2. Upon receipt of a complaint, to determine whether the allegations made would, if substantiated, constitute a breach of the Code and if so to carry out an investigation.
3. Upon the request of Council, to provide educational sessions regarding the role of the Integrity Commissioner and the

ethical obligations of Council.

4. To report directly to Council on all of my activities.

The members of Mississauga Council continue to stand out among most of the other municipalities in Ontario served by an Integrity Commissioner, including many of my other clients, as having the most cooperative and harmonious relationship with each other and with staff. I have never received a formal complaint in Mississauga from any member of Council or staff.

At the commencement of the period covered by this report, the municipal election was in full swing and the Code required me to stay, until after the inaugural meeting of the new Council, complaints which request an investigation and are received by me from and after August 1.

I received 4 complaints during this period all of which were stayed as required. After the election, one of them was resolved, two of them were against members of Council who were not returned and the other one was dismissed by me.

Accomplishments during the Year

- A recommendation to amend the Code was accepted by Council in changing certain “Rules” to become general principles which, by themselves, cannot form the basis of an investigation. A principle such as diligently serving constituents must be judged by the electorate and not ruled on by the Integrity Commissioner.
- The City web site was expanded by the Clerks Department and IT in respect of information about accountability and transparency. Clear explanations on how to access the codes of Conduct and the Integrity Commissioner. All integrity documents, including my reports, are now posted on the site.
- I conducted an orientation workshop for the new members of Council attended by all and an educational session on the Code of Conduct for all members of Council.

Councillor Gift Information Statements

During the year, all members of Council are required by the Code to file with me quarterly Gift Information Statements which identify any gifts received which are valued at more than \$500. I received Declarations for each quarter from all members of Council that no such gifts were received during the year and three information statements identifying three gifts of more than \$500. I examined those gifts and found two not to create a conflict between a private interest and the public duty of the Councillor and the other I reported to Council as an inappropriate gift related to the Councillor's duties. Reports from all Councillors were filed for each quarter and they have been made part of the public record.

Requests for advice from Members of Council

Regularly throughout the year I spent time advising members of Council. Several of the requests for advice were concerning their support of charitable organizations and my interpretation of Rule 2, which encourages Councillors to support community groups. My overriding concern in this area is where community fund raising is done with lobbyists of the City who might expect favours in return. Many requests related to the election and requested me to distinguish between what activities of a ward office might be regarded as ward business and not campaigning. Several inquiries related to the use of social media during the election and after. Many other subjects were covered including concerns about participating in various activities that may amount to a conflict under the *Municipal Conflict of Interest Act*.

Public Contact

I receive E-mails and telephone calls from members of the public, several each week, which I respond to by providing information on the Code and answer other questions about ethics in municipalities. I try to be helpful and have found the majority of these contacts to be polite and respectful of the process. I do not assist them with filing complaints but if requested, I will send them a copy of one of the Codes which contains a complaint form.

Complaints Requesting an Investigation

During the year under review, I have received 12 complaints requesting an investigation including the 4 which were stayed

during the election and referred to earlier. Of the 8 remaining, I summarily dismissed 5 of them without an investigation. Several of them were based on confusion regarding my powers as Integrity Commissioner and the others were politically motivated.

The balance of three complaints were also dismissed:

- One complaint stemmed from a letter written by Mayor McCallion supporting the Liberal Government during the provincial election. The complainant was annoyed by the Mayor's use of City resources, including her letterhead, for partisan politics at the Province. The letter gave her opinion comparing the benefits that the liberal government had given to municipalities in general, with the harm caused by the former conservative governments. I came to the conclusion that the Mayor was expressing an opinion as Mayor, for the benefit of the City and such activity was part of her official duties. I dismissed the complaint.
- Another complaint was over the disrespectful comments made by one member of Council to a deputation opposing the zoning for a mosque in the City. The Councillor referred me to the website owned by the deputation which had clear racial overtones and I dismissed the complaint.
- The third complaint was a claim that a purely personal party arranged by the husband of a Councillor was paid for by the City. The evidence was that the party was fully paid for by the husband and the complaint was dismissed.

PROFESSIONAL DEVELOPMENT:

Municipal Integrity Commissioners of Ontario ("MICO")

As a founding member of the Municipal Integrity Commissioners of Ontario, I continue to participate in meetings where we identify and discuss broad issues within our mandate. The last meeting of the Association was hosted by the City of Vaughan on April 26, 2016 and in attendance were the newly appointed Ombudsman of Ontario, Paul Dubé and the Ontario Integrity Commissioner, J. David Wake. The Ombudsman delivered a message of support for local integrity officers and encouragement for all municipalities to appointed one. All complaints against councilors received by him will be referred to the local integrity officer and he describes the Ombudsman's office as the office of last resort for complaints relating to municipalities.

CONCLUSION:

This report outlines the activities of the Integrity Commissioner from July 1, 2014 to June 30, 2015.



Robert J. Swayze
Integrity Commissioner

Prepared By: Robert J. Swayze