

Information Report



Service Area	Corporate Services
Date	Friday, April 24, 2020
Subject	2019 Annual Report of the Integrity Commissioner

Executive Summary

Purpose of Report

To provide a summary of the activities carried out by the Integrity Commissioner during 2019 since the date of his last annual report for 2018.

Key Findings

N/A

Financial Implications

N/A

Report

Background

I served Guelph Council as Integrity Commissioner for almost 9 years being first appointed by By-law on November 28, 2011. I was the successful proponent on two Requests for Proposal and my term expires on December 31, 2020.

My duties in Guelph as Integrity Commissioner include the following:

1. To provide education and advice to individual members of Council, Council as a whole, members of City staff and the public on interpretation of the Council Code of Conduct (the "Code") and under the Municipal Conflict of Interest Act.
2. To conduct inquiries under the Municipal Act into whether a member has contravened any applicable provision of the Code, including settling any such complaints; and
3. To investigate, upon request, alleged violations of the Municipal Conflict of Interest Act.

General Activity

Most of my activity during the year was giving advice to members of Council, local boards, staff and the public. I had seven requests for advice from various members of Council, one from a member of a local board, four from members of the public and several more from staff. I am required to keep this advice confidential.

I was requested to participate in a podcast with an organization known as Guelph Politico. I enquired into the reputation of the organization with Mr. O'Brien and he advised me that it was a respected member of the Guelph media. As part of my public education function, I agreed to attend the University of Guelph on May 23, 2019 for the session. It consisted of informed questions and answers about my role in the City and I believe that it was informative for its audience.

Complaints

I received four complaints against members of Council during the year, all of which were dismissed by me, with detailed reasons and communicated to the complainant by confidential e-mail. In some cases I notified the respondent and/or staff of my decision, depending on the circumstances. I had conversations and correspondence with a representative of the Ontario Ombudsman's office regarding a protest to that office about one of my decisions to dismiss. The Ombudsman's office was satisfied with my response. I choose to keep the details of all of these complaints confidential, except one. It was filed by a complainant who requested to be anonymous and I will not identify the respondent member of Council.

The complaint related to social media which has become increasingly used by members of Council across the Province, both in elections and to communicate with their constituents while in office. In my 12 years serving as Integrity Commissioner for many municipalities, I have had several complaints relating to the use of social media. Its use in elections has different issues arising than during a term of Council.

The example in Guelph is a Facebook group maintained by a member of Council after the election, to inform his or her ward of information relating to the City. In other complaints it has been argued that this is a municipal facility maintained at the City's cost and all constituents should have unrestricted access to it. Access includes not only the resident reading all posts on the page but also the ability to personally post their own comments. The cost argument fails because there is no cost to set up a social media facility. Also all of the complaints I have received, as in Guelph, related to a facility set up on a computer owned and paid for by the member.

I came to the conclusion that if a member of Council is required to accept malicious or even personally negative posts on his or her social media page, no such facility would be maintained by any member of Council. In my opinion, that would be an unfortunate loss to the spread of information in a ward.

The complaint in Guelph was that the Councillor blocked several very negative posts by the complainant. Before I dismissed it, I spoke to the complainant and offered to request the Councillor to "mute" the complainant rather than block him or her. This would allow the reading of all posts but not posting by the complainant. The complainant declined to have me pass on the request to the respondent. In these circumstances, I always recommend that "mute" be chosen over "block".

Municipal Integrity Commissioners of Ontario

During the year, I participated in meetings of the Integrity Commissioners of Ontario (MICO) where all of the Commissioners in Ontario discuss items of mutual

interest. The Ontario Ombudsman and the Provincial Municipal Affairs Department are represented in all such meetings.

In closing, I would be remiss if I did not thank all members of Council and staff for their respectful cooperation throughout the year. It has been a distinct pleasure to serve the City of Guelph as its Integrity Commissioner.

Financial Implications

N/A

Consultations

Consultation occurred with the Clerk's Department on all complaints received and in most cases with the respondent Councillor.

Report Author

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This report was approved by:

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