



## 2022 Annual Integrity Commissioner Report

|                     |                          |
|---------------------|--------------------------|
| <b>Date</b>         | May 10, 2023             |
| <b>To</b>           | City Council             |
| <b>From</b>         | City Clerk's Office      |
| <b>Service Area</b> | Office of the City Clerk |
| <b>Item No.</b>     | CM23-12                  |

### RECOMMENDATION

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That City Council receive and file this report.

### ISSUE

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*The Code of Ethics Bylaw, Bylaw No.2017-4* provides that the Integrity Commissioner provide an annual report on all substantiated complaints received during the calendar year.

### IMPACTS

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#### Financial Impact

The costs for producing the Annual Report were \$2,486,40.

There are no accessibility, environmental, legal/risk, strategic/policy or other impacts.

### OTHER OPTIONS

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None with respect to this report.

## **COMMUNICATIONS**

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None with respect to this report.

## **DISCUSSION**

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The attached report (Appendix A) outlines the investigations undertaken by the Integrity Commissioner for the period January 1, 2022 – December 31, 2022.

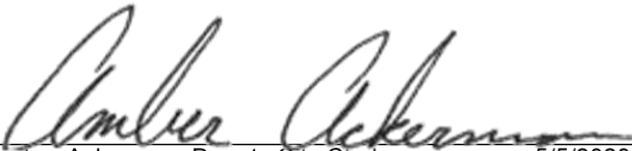
## **DECISION HISTORY**

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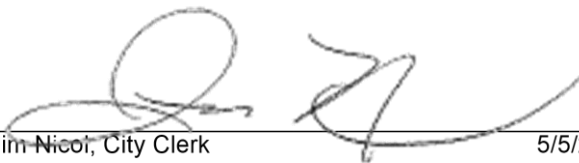
This information is provided to City Council for informational purposes.

Respectfully Submitted,

Respectfully Submitted,

  
Amber Ackerman, Deputy City Clerk

5/5/2023

  
Jim Nicol, City Clerk

5/5/2023

Prepared by: Jim Nicol, City Clerk

## **ATTACHMENTS**

Appendix A: 2022 Integrity Commissioner Annual Report

2022 ANNUAL REPORT

INTEGRITY COMMISSIONER

CITY OF REGINA

*The Code of Ethics Bylaw, 2017*

*January 1, 2022 - December 31, 2022*

Angela Kruk

## I. INTRODUCTION

This annual report covers the period of time from January 1, 2022 to December 31, 2022, summarizing the work undertaken by the Office of the Integrity Commissioner.

## II. MANDATE OF THE INTEGRITY COMMISSIONER

Every municipality in Saskatchewan is required to adopt a code of ethics to be applied to all members of Council.

The City of Regina Code of Ethics Bylaw No 2017-4 (“Code”) requires the City to appoint an Integrity Commissioner to undertake the duties and responsibilities assigned to the office pursuant to the Code.

The duties and responsibilities of the Integrity Commissioner for the City of Regina include:

- a) Provide advance rulings and recommendations to members on questions of compliance with the Code;
- b) Receive, assess and investigate written complaints under the Code;
- c) Report to Executive Committee and Council on violations of the Code;
- d) Recommend sanctions or corrective actions where a violation has been found;
- e) Upon request, provide training and educational sessions to members of Council; and
- f) Report annually to the Executive Committee and Council.

The Code very specifically was intended not to apply to allegations that a member of Council has violated the conflict of interest obligations under *The Cities Act* and the Integrity Commissioner’s jurisdiction therefore does not include investigating allegations related to a conflict of interest by a member of Council.

I was appointed as Integrity Commissioner for the City of Regina beginning January 1, 2022, so this will be the first annual report issued during my four year term.

The purpose of the Code is to outline basic ethical standards and values for members, guiding their behaviour as they are fulfilling their duties and responsibilities as elected officials.

There are seven ethical principles that form the bedrock for the Code:

- 1. Honesty
- 2. Objectivity

3. Respect
4. Transparency & accountability
5. Confidentiality
6. Leadership & the public interest
7. Responsibility

The Code expands upon each of these seven principles to form the ethical basis upon which members are expected to perform, recognizing that:

1. As public officials, the actions of each member have an impact on the lives of residents and property owners in the City of Regina;
2. Members are expected to discharge their duties and responsibilities with a commitment to the highest of ethical standards; and
3. The conduct of elected officials has an impact on the quality of public administration and on the governance, reputation and integrity of the City of Regina.

### III. WORK OF THE INTEGRITY COMMISSIONER

#### 1. Advisory Function

I did not receive any requests from members of Council on questions of compliance with the Code.

#### 2. Education

One educational session was delivered to members of Council in 2022. The presentation was a general overview of a member's obligations under the Code, the complaint process, including some case studies and consideration on the use of civility in politics.

#### 3. Complaints

In 2022, I received a total of 8 formal complaints and 25 inquiries or informal complaints.

Formal complaints are those that are submitted using the form prescribed under the Code and which must comply with section 20 of the Code in terms of the information that must be submitted with them.

Inquiries or informal complaints are essentially inquiries or concerns raised by a person, which do not comply with section 20 of the Code and are not filed using the formal process. Informal

complaints can be submitted as formal complaints at any time, if all of the information described in section 20 is complied with.

a. Inquiries

Of the 25 inquiries received, 23 came from members of the public and two came from members of Council.

15 of the inquiries related to matters that were not about a member of Council, over which I have no jurisdiction. Although the receipt of an inquiry does not require the Integrity Commissioner to conduct an assessment as to whether or not the inquiry will be investigated, as a matter of courtesy, I respond to every inquiry, typically describing the role of the Integrity Commissioner and redirecting them to a more appropriate person to contact, where possible.

The subject matter of these 15 inquiries varied from matters related to the Regina Police Service, matters related to provincial jurisdiction, parking and traffic matters, City facilities, rideshare services, private property and judges.

Of the 10 inquiries that related to conduct of a member of Council, there were four members of Council involved in the various concerns raised. One of the inquiries related to a conflict of interest, which is outside the jurisdiction of the Integrity Commissioner. Five of the inquiries related to the same incident.

Three of the inquiries turned into formal complaints.

b. Formal Complaints/Request for Investigation

All eight formal complaints were handled in accordance with the complaint process described in the Code.

Every formal complaint goes through an initial complaint classification process pursuant to section 21 of the Code. People are sometimes unhappy or disagree with the conduct of members of Council, but not all disagreements or differences of opinion relate to a member's obligations under the Code. The initial review process under section 21 is meant to identify complaints that are not related to ethical obligations under the Code and to redirect those matters more appropriately dealt with elsewhere.

In other words, not all formal complaints will be investigated.

If a complaint is not, on its face, a matter that relates to non-compliance with the Code, then the Integrity Commissioner will not investigate it.

If the complaint is, on its face, a matter related to non-compliance with the Code and no other forum, policy or process more appropriate to deal with it, then the complaint must be investigated by the Integrity Commissioner.

In situations where I decide not to investigate a formal complaint, I will provide brief reasons to the complainant.

Under the current process described in the Code, formal complaints that are not investigated, are not disclosed to the member of Council who was the subject of the complaint, but may be anonymized and included in an annual report.

Of the eight formal complaints received, seven were from members of the public and one was from another member of Council. The eight formal complaints were from eight different people. Three of the complaints were investigated, two were withdrawn by the complainants and three of them were dismissed at the initial complaint classification stage.

The investigation process in the Code requires the Integrity Commissioner to issue a written report for all investigations that are concluded. The recipient of the written report will differ, depending on the conclusion of the investigation. Investigation reports that result in a finding of noncompliance with the Code, will be provided to the member of Council, complainant, Executive Committee, Council and are released publicly. Investigation reports that result in a finding that there has been no violation of the Code are provided to the member of Council and the complainant only and are not released publicly.

Two of the investigations from formal complaints received in 2022 were not complete by the end of the reporting period and therefore will be reported in the 2023 annual report.

The three complaints dismissed at the initial complaint classification stage, were all related to the same incident, they were all dismissed for lack of jurisdiction, as the conduct complained of occurred at a meeting of Council.

2022 was the first year since the inception of the Code in 2017, that a member of Council was found to be in contravention of the Code.

Complaint REG 22-01 contained many different allegations involving several different incidents. Some of these allegations were investigated and some were not. Two written reports were issued upon completion of the investigation. The first related to the rationale for the complaints that were not investigated and the allegations that were investigated and found to be unsubstantiated. This report was only provided to the Complainant and the Respondent member of Council. The second report related to the complaints that were investigated and found to be a violation of the Code. This second report was provided to Executive Committee, Council and was released publicly. It included a recommendation on sanctions against the member of Council to include training or education on how to communicate effectively in a respectful and courteous manner. Council did not accept my recommendation on sanctions and chose not to impose any sanctions on the member of Council.

## IV. RECOMMENDATIONS

### 1. Conduct at Council and Committee Meetings

In 2022 I received three formal complaints that related to conduct of a member of Council at a meeting of Council. All three of these complaints were not investigated because it is my view that the Integrity Commissioner lacks jurisdiction over member conduct at Council and Committee meetings.

Section 55.1(1) of *The Cities Act* requires a municipal Council to establish by way of bylaw, procedures to be followed in conducting business at Council meetings, including rules for the conduct of members of Council. This gives Council statutory authority over conduct at Council and Committee meetings.

The City of Regina Procedure Bylaw 9004 was developed for this purpose and governs conduct at Council and Committee meetings. The Procedure Bylaw provides authority to the Mayor/Deputy Mayor/presiding member to preserve order, maintain decorum and enforce the rules of Council at all Council and Committee meetings.

While the behaviour of members of Council at Council and Committee meetings is regulated by the Code, such is within the statutory responsibility of Council (acting primarily through the Mayor/Deputy Mayor or other chair). The chair of the meeting requires autonomy to preside over the order and decorum of the members at the meeting. If the Integrity Commissioner were to investigate a complaint related to the conduct of a member at a Council or Committee meeting, the investigation results have the potential to interfere with that autonomy and the statutory authority given to Council.

Absent specific authority from Council in the Code of Ethics Bylaw or a resolution of Council authorizing the Integrity Commissioner to become involved, the conduct and behaviour of members at Council and Committee meetings is part of the statutory rights



and privileges of Council and as such, in my view is beyond the jurisdiction of the Integrity Commissioner.

I recognize that the Procedure Bylaw does not provide an avenue for addressing a complaint related to a member's conduct after the meeting has concluded, but it is up to Council to determine if that should be addressed by amendment to the Procedure Bylaw or alternatively, by amendment to the Code of Ethics Bylaw to provide explicit jurisdiction to the Integrity Commissioner.

As a result of the above, absent specific authority from Council, it is my opinion that it is outside the jurisdiction of the Integrity Commissioner to investigate complaints related to the conduct of a member of Council during a Council or Committee meeting.

I would encourage Council to amend the Code to authorize the Integrity Commissioner to review and investigate complaints related to conduct of members at Council and Committee meetings for two main reasons.

Firstly, misconduct at Council or Committee meetings may not always be immediately apparent to the chair of the meeting. There is currently no mechanism in the Procedures Bylaw to deal with the conduct of a member of Council after the meeting has concluded.

Secondly, accountability of members for conduct at Council meetings should not stop when the meeting ends. Even in situations where misconduct is apparent at a meeting and dealt with by the chair or another member stopping the misconduct, accountability means the member should be held responsible for the conduct under the Code. Additionally, there may be times where the issue can be more satisfactorily dealt with after the event by the Integrity Commissioner than immediately by the chair of the meeting.

## 2. Complaint Process

The Complaint process under the Code currently does not include a requirement for the Integrity Commissioner to provide a copy of a complaint to the respondent member of Council unless the complaint is being investigated.

I recommend that Council amend the Code to authorize the Integrity Commissioner to provide an anonymized copy of the complaint to the respondent member of Council when a complaint is dismissed at the intake stage, for two reasons.

Firstly, members should be made aware when a person has taken the time to submit a complaint about that member, even if a full investigation is not being undertaken. There is still a learning opportunity for members and possibly an opportunity to correct behaviour to prevent future complaints, even when no investigation is conducted.

Secondly, it could be useful for members to see how the Integrity Commissioner is interpreting and applying the intake process and the initial complaint classification process in the Code.

### 3. Code Modernization

The current version of the Code has been in place since 2017, without amendment. The Code is considered a first-generation Code of Ethics for members of Council. Many other municipalities have since modernized their Code of Ethics for Council and it is recommended that Council do the same to keep up with the ethical obligations expected of elected officials. It would be prudent to spend some time to research the evolution of the Code of Ethics at other municipalities to determine the right approach for the City of Regina.

## V. CLOSING REMARKS

Members are held to the highest of ethical standards because the quality of public administration and governance depends on the conduct of elected officials. Ethics, integrity and trust are about more than just honesty and avoiding impropriety. The Code also demands that members act with respect, demonstrate leadership, inspire trust and confidence and recognize that their actions have an impact on others.

Members must be thoughtful about their conduct; diligently working towards solutions important to citizens, but also being conscientious about the impact their conduct has on others and on the public's trust in local government. Each member of Council is a steward of the public's trust and that stewardship should not be taken lightly.

Members can passionately support issues important to their constituents, but should not let their passion override their obligation to be respectful and courteous to others. The Code demands no less.

I look forward to continuing to work with the great people of the City of Regina.

All of which is respectfully submitted.

*Angela Kruk*

Integrity Commissioner  
February 28, 2023