

2022 ANNUAL REPORT

INTEGRITY COMMISSIONER

CITY OF SASKATOON

*The Code of Ethical Conduct for Members of City
Council Bylaw, 2019*

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 for the City of Saskatoon.

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 Saskatoon Code of Ethical Conduct for Members of Council, 2019 Bylaw No 9537(“Code”) was amended in December of 2022, but for the vast majority of the reporting period covered by this Annual Report, the prior version of the Code was used in the work undertaken by the Integrity Commissioner’s Office. All matters undertaken by the Office of the Integrity Commissioner in 2022 were pursuant to the version of the Code in existence prior to December 22, 2022 and all references to sections of the Code in this report will be made to such.

The 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 Saskatoon 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 Governance & Priorities Committee and Council on violations of the Code;
- d) Recommend sanctions or corrective actions where a violation has been found;
- e) Provide written content to Council members or for the City website, explaining the role of Integrity Commissioner or obligations under the Code;
- f) Upon request, provide training and educational sessions to members of Council;
- g) Provide advice and recommendations to Council on amendments to the Code;
- h) Publish an annual report on the work of the Integrity Commissioner;

Although the Code was amended on December 19, 2022 to apply to allegations that a member of Council has violated the conflict of interest obligations under *The Cities Act*, the Integrity Commissioner’s jurisdiction did not change. The Integrity Commissioner’s jurisdiction does not

include investigating allegations related to a conflict of interest by a member of Council, prior to or after the December 19, 2022 amendments to the Code.

I was appointed as Integrity Commissioner for the City of Saskatoon 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 the duties of their office, recognizing that:

1. As public officials, the actions of each member of Council have an impact on the lives of residents and property owners in the City of Saskatoon;
2. Establishing a Code of Ethical Conduct for members of Council reflects the City's corporate values of courage, integrity, respect, safety and trust and the principles of transparency and accountability;
3. Members are expected to discharge their duties and responsibilities with a commitment to the highest of ethical standards;
4. 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 Saskatoon; and
5. Ethics and integrity are at the core of public confidence in government and the political process, and members of Council are expected to perform their duties of public office and arrange their private affairs in a manner that promotes public confidence, avoids conflicts of interest, and avoids the improper use or the appearance of improper use of influence of their office.

III. WORK OF THE INTEGRITY COMMISSIONER

1. Advisory Function

If requested, the Integrity Commissioner may provide members of Council with oral or written advance rulings and recommendations, specific or general advice on questions of compliance with the Code, except on questions related to conflicts of interest arising under sections 114 - 119 of *The Cities Act*.

I received one request for an advance ruling from a member of Council that related to the gift and benefit section of the Code, specifically related to the exemption for tickets to events.

I received three requests for advice from members of Council on questions of compliance with the Code. One of these matters was related to a question of compliance with the gift and benefit section of the Code (tickets to events), one of them related to a conflict of interest and one of them related to conduct at Council and Committee meetings. One of these requests was for the benefit of the member making the request and the other two related to other members of Council.

2. Education

I did not perform any education activities for Council in 2022.

3. Code Amendments

In 2022, at the request of the Saskatoon Municipal Review Commission, I provided input into the review and potential amendment of the Code.

At the request of the City Solicitor's Office, I provided comments on proposed amendments to section 38(h) of the Code, which relates to the exemptions for tickets to events in the gift and benefit section of the Code.

4. Complaints

I received no formal complaints in 2022. I received four inquiries or informal complaints.

Formal complaints are those that are submitted using the form prescribed under the Code and which must comply with section 87 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 87 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 87 is complied with.

a. Inquiries

Of the four inquiries received in 2022, three came from members of the public and one came from an employee of the City.

Two of the inquiries related to matters that were not about a member of Council, over which I have no jurisdiction. One of them related to a parking issue and one of them related to police services.

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.

Of the two inquiries that related to conduct of a member of Council, both were about the same member of Council, but involved unrelated incidents.

None of the inquiries turned into formal complaints.

b. Formal Complaints/Request for Investigation

As stated above, no formal complaints were received, but I will take this opportunity to briefly summarize the complaint process described in the Code.

Every formal complaint goes through an initial complaint classification process pursuant to section 88 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 88 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 there is not another 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.

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 non-compliance with the Code, will be provided to the member of Council, complainant, Governance and Priorities 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.

IV. RECOMMENDATIONS

1. 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 Saskatoon Procedure and Committees Bylaw, 2014 Bylaw 9170 (“Procedure Bylaw”) 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 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 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 Procedure 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.

V. CLOSING REMARKS

The Code describes the City's corporate values to include courage, integrity, respect, safety and trust and that the City also values the principles of accountability and transparency. Describing corporate values and living them are two very different matters.

Members of Council are held to a very high ethical standard. Those members who take this high ethical standard to heart, will typically never have to endure a Code of Ethics investigation. Those that do not, will inevitably find themselves on the receiving end of a complaint at some point. A dedication to the high ethical obligations demanded from members in the Code requires continued vigilance throughout a member's entire term on Council. I encourage all members of Council to continue to be vigilant and steadfast in their dedication to the highest of ethical standards.

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

All of which is respectfully submitted.

Angela Kruck

Integrity Commissioner
February 28, 2023