

2024 ANNUAL REPORT

INTEGRITY COMMISSIONER

CITY OF SASKATOON

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

January 1, 2024 - December 31, 2024

Angela Kruk

I. INTRODUCTION

This annual report covers the period of time from January 1, 2024 to December 31, 2024, 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 guide the conduct of members of Council.

The City of Saskatoon Code of Ethical Conduct for Members of Council, 2019 Bylaw No 9537 (“Code”) was amended by Council in July of 2024 to include within the jurisdiction of the Code and Integrity Commissioner, harassment investigations related to members of Council. Prior to this amendment, allegations of harassment against a member of Council were governed by the City of Saskatoon Anti-Harassment Policy and Investigate Procedures for Members of City Council and Senior Administration. The Code was amended to permit the Integrity Commissioner to conduct investigations into allegations of harassment against members of Council. These amendments to the Code include the addition of an obligation on each member of Council to report to the Integrity Commissioner, any concerns about another member of Council harassing someone else.

The Code requires Council 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, including complaints related to a conflict of interest by a member of Council;
- 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;

In 2023, the Code was revised to include within the Integrity Commissioner's jurisdiction, investigations related to a member's conflict of interest.

I was appointed as Integrity Commissioner for the City of Saskatoon beginning January 1, 2022, for a 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 did not receive any requests for advice from members of Council on questions of compliance with the Code.

2. Education

I provided an educational training session to all of Council after the 2024 general election, covering the topics of : i) 7 Ethical Principles; ii) Conflict of Interest; iii) Integrity Commissioner Role; iv) Complaint Process; v) Case Studies; and vi) Civility.

3. Complaints

I received 14 formal complaints in 2024 and five 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 five inquiries received in 2024, all came from members of the public.

Two of the inquiries related to conduct of a member of Council during the election period. One of the inquiries was related to a matter that was not about a member of Council, over which I have no jurisdiction; one of them related to general unhappiness with decisions of Council.

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.

None of the inquiries turned into a formal complaint.

b. Formal Complaints/Request for Investigation

Of the 14 formal complaints received by my office in 2024, three of them were investigated.

One of the 14 complaints was submitted by a member of Council, with the remaining 13 being submitted by members of the public.

Of the three complaints that were investigated, no violations of the Code were found.

One of the formal complaints was withdrawn by the Complainant prior to the investigation stage because the Complainant wanted to remain anonymous, which is not permitted under the Code; one of the complaints related to conduct not regulated by the Code; two of the complaints were forwarded to another complaint process that was more appropriate for the conduct.

Four of the complaints were submitted after August 1, 2024 during an election year and were therefore deferred until after the first meeting of Council following the election, as required by section 86(4) of the Code. The member of Council against whom these complaints were submitted was not re-elected and as a result, there was no jurisdiction to conduct an investigation against someone who was no longer a member of Council.

Six of the complaints were submitted by the same complainant against one member of Council. Of these six complaints, an investigation was started for two of them, resulting in a conclusion that all six complaints were vexatious in nature and submitted in bad faith, with a dishonest motive. I did not find sufficient merit in any of the six complaints to justify or override the dishonest motive in filing the six complaints against the member

of Council and as a result, all six of the complaints were dismissed and the two investigations that had begun, were terminated.

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.

Formal complaints that are not investigated, are generally not disclosed to the member of Council who was the subject of the complaint. However, the Integrity Commissioner may disclose a summary of the complaint to the member of Council for educational or informational purposes, provided confidential information is protected.

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, but are not released publicly.

2023 Investigation Report Issued March 6, 2024

On December 11, 2023, I received a complaint that Councillor Kirton (as he then was) violated section 10 of the Code. An investigation report was issued March 6, 2024, after

my 2023 annual report was released and is therefore being reported on in the 2024 annual report.

The complaint related to a telephone conversation between the member of Council and the complainant. The investigation found that Councillor Kirton raised his voice, interrupted and talked over the complainant. The member of Council prioritized his own opinion over listening to the Complainant, which had the effect of devaluing the opinion of the complainant. This conduct did not maintain dignity, understanding and respect; it was not courteous, did not respect the complainant's right to express his opinion about a decision of Council and did not recognize the importance members of the public play in local decision-making. The member's conduct was found to be in violation of sections 10(1), 10(3)(a), (b) and (c) (Respect) of the Code.

My investigation report was presented to Council on June 26, 2024, where Council decided not to impose any sanctions on Councillor Kirton, consistent with the recommendation in my report.

c. Historical Summary

Following is a snapshot of the complaints handled by my office over the last three years:

Reporting Period	Informal Complaints Received	Formal Complaints Received	Investigations	Result	Sanctions
2022	4	0	0	--	--
2023	6	3	1	1 violation	none
2024	5	14	3	0 violations	---

d. General Observations from 2024

2024 saw a significant rise in the number of formal complaints in comparison to previous years. However, the number of investigations conducted did not increase to the same degree. This tells me that sometimes people can be very unhappy with the conduct of a member of Council, but the conduct complained of is not always something that is regulated by the Code.

2024 was also the first year that I had the opportunity to conclude that a complaint was vexatious and submitted in bad faith. I have had members of Council express concerns in the past, that the Code is being used as a weapon against them, rather than as a guide for ethical behaviour. After having been through the analysis related to vexatious complaints,

I am confident that the Code is developed with mechanisms to prevent such a weaponization.

In 2024 I had two opportunities to meet virtually with Integrity Commissioners from Manitoba, Alberta and British Columbia. This was the first time that western Canadian Integrity Commissioners have gotten together to discuss issues related to ethics in municipal government. It was an invaluable opportunity and my take away was that although there are many different variations to the content in the Code of Ethics Bylaw for municipalities throughout these provinces, the issues that Integrity Commissioners are facing have a lot of commonalities. All of the participating Integrity Commissioners agreed that these meetings were incredibly valuable and there is a commitment to continue them in the future.

2024 also saw a general election in Saskatchewan, resulting in several new members of Council and a refreshed commitment to embrace the ethical principles under the Code.

IV. RECOMMENDATIONS

I have recommended to City Administration that all Integrity Commissioner Annual Reports and public investigation reports be posted on the City of Saskatoon website to be more accessible to members of the public and Council as a tool for transparency and learning. This is a common practice in many other provinces.

V. CLOSING REMARKS

The work of a City Councillor is not always going to please everyone. There will inevitably be people who disagree and sometimes very passionately so. One way to avoid a violation of the Code, is to disagree respectfully and to have respect for the right of someone to hold an opinion different than your own.

I am encouraged by the early commitment to ethics by the new members of Council and the desire to work together as a team. This perspective will go a long way to having respectful debate and keeping the focus on making decisions that are in the best interest of the people of Saskatoon.

All of which is respectfully submitted.

Angela Kruk

Integrity Commissioner
March 4, 2025