

2023 Annual Report of the Integrity Commissioner

Karen E. Shepherd
Integrity Commissioner

November 2023

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Message from the Commissioner

The beginning of the 2022-2026 Term of Council marked the start of the 2023 reporting cycle. At the outset, I had the pleasure of participating in the orientation of incoming Members of Council and their staff.

Next, I had the opportunity to meet with Members of Council as part of my annual check-in. These meetings provide an opportunity to discuss my priorities for the coming year, potential conflicts of interest and Members' responsibilities under the Code of Conduct (e.g., disclosure of gifts and tickets). I look forward to continuing these conversations with Members over the course of the Term of Council.



My priority this year was education. To that end, I held a series of information sessions on my roles and various mandates, issued several publications (e.g., IntegriTalk), conducted a comprehensive review of advisory opinions and interpretation bulletins to ensure they reflected changes to the codes and bylaws, and commenced work on creating a series of modules on the different aspects of the Lobbying Bylaw.

That said, a significant portion of my time this past year involved an investigation into the conduct of members of a local board. Local board members largely serve in a volunteer capacity and their contribution to the democratic process is vital. However, local boards serve a public function and with that comes an obligation to uphold a higher standard of accountability and transparency.

This was the first investigation under the Code of Conduct for Members of Local Boards since it was enacted in March 2019. Though I ultimately found contraventions of the Code of Conduct, my hope is that the report serves as an educational tool for all 19 Business Improvement Areas (BIAs). In the coming year, I intend to develop a variety of resources to support local board members in their roles.

My annual report is intended to provide insight on the application of the codes of conduct, the *Municipal Conflict of Interest Act*, the Lobbyist Registry By-law, and the open meeting rules. This year, as part of my focus on education, I made modifications to the format of my annual report to make the information more accessible and user-friendly by using more visual communication tools.

Finally, I am encouraged by the high level of engagement from Members of Council, City staff and the public. Given their interest, the workload of the Office has continued to

increase and response times are sometimes longer than anticipated. I am committed to improving the service my Office provides to all stakeholder groups and will explore enhancements to processes, resources and tools in the coming year.

In closing, I would like to take this opportunity to thank the dedicated and professional staff from the Clerk's Office who continue to support my work as the City's Integrity Commissioner, Lobbyist Registrar and Meetings Investigator.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KES', with a long horizontal stroke extending to the right.

Karen E. Shepherd
Integrity Commissioner, City of Ottawa

Year in review

1

Investigation

353

Enquiries

47

Meetings with Members

189

New lobbyists

11

Presentations

18

Complaints

772

Lobbying activities

8

New publications

Mandate

As the City’s “three-in-one” Commissioner, my mandate includes:

Integrity Commissioner

- Providing advice to Members of Council and members of local boards on their respective codes of conduct and their obligations under the *Municipal Conflict of Interest Act* (MCIA)
- Resolving complaints related to a potential breach of a code of conduct or the MCIA, either through informal resolution or formal investigation
- Offering education and training to Members of Council, members of local boards, the City administration and the public about matters within my jurisdiction

Lobbyist Registrar

- Administering the Lobbyist Registry
- Ensuring compliance with the Lobbyist Registry By-law and Lobbyists' Code of Conduct, investigating complaints and imposing sanctions as necessary
- Offering education and training to lobbyists, City staff, and Members of Council on their obligations under the Lobbyist Registry By-law

Meetings Investigator

- Receiving requests for investigation of closed meetings to the public of City Council, a local board or committee and investigating as required

Integrity Commissioner

As Integrity Commissioner for the City of Ottawa, I oversee three codes of conduct:

- Code of Conduct for Members of Council
- Code of Conduct for Members of Local Boards; and
- Code of Conduct for Citizen Members of the Built Heritage Committee.

I am also responsible for the application of the *Municipal Conflict of Interest Act* (MCIA).

In all areas within my authority, I have a responsibility to provide guidance to members of Council and local boards. I also provide education to City Council, local boards, City staff and the public.

2023 IN BRIEF

Advice

As part of my advisory function, I strive to emphasize the benefits of transparency and disclosure, whether it be of lobbying activity, gifts received by Members or conflicts of interest (both real and potential). Disclosure of such activities goes a long way to building public trust in municipal government.

I am available to Members of Council and members of local boards for advice and guidance respecting their obligations under their respective code of conduct, the *Municipal Conflict of Interest Act* and other policies governing ethical behaviour such as the Community, Fundraising and Special Events Policy.

“[Codes of conduct] all say the same things. We can all read them and understand them. What's hard about conflicts of interest is to do the right thing in the hard moment when nobody is looking, and making sure that you have the culture and the personal fortitude to say no when somebody is asking you to do something that you shouldn't.

And that takes practice, and it requires advice and guidance.”

Valerie Jepson, Collingwood Judicial Inquiry

Codes of Conduct

Acceptance of gifts

I received several questions from Members about the acceptance of gifts. As recognized in the Code of Conduct, it is not uncommon for Members of Council to be offered gifts or hospitality as part of the social protocol.

The acceptance of a gift is problematic when it can be considered an attempt to influence a decision or gain advantage, especially when the gift is offered by those attempting to influence decisions or outcomes at the City. For this reason, the acceptance of a gift is prohibited when it is offered by an individual or organization associated with active lobbying file(s).

When faced with an offer of a gift or hospitality, I encourage Members to consider the following questions:

- Who is offering this gift or hospitality and why?
- Is the gift or hospitality connected to the Member's responsibilities of office and would they be accepting it as part of their duties?
- Could this gift or hospitality be reasonably perceived as an effort to influence the Member's actions or decisions, now or in the future?
- What is the value of this gift and is it appropriate to accept a gift of this value?

If a Member accepts a gift that is not directly linked to their public duties (e.g. tickets to a local sporting event, artwork from a local artist, etc.) which is valued at more than \$100, the gift must be disclosed in the Gifts Registry. The reason for this requirement is that Members are held to a higher ethical standard and being transparent about the gift(s) they receive as elected officials contributes to the confidence that citizens can have in decisions being taken by their local government.

Finally, though it may be awkward and uncomfortable to decline a gift, there may be instances when a Member should do just that. Members should not feel obligated to accept a gift, particularly if they feel it places them at odds with their obligations under the Code of Conduct. In these instances, it is recommended to acknowledge the gesture and then decline or return the gift. In cases where Members are unsure of whether to accept a gift, I encourage them to contact me. I was pleased to provide guidance to several Members who sought advice during this reporting period.

A resident offered a Member a piece of artwork created by a local artist. The artwork did not meet the criteria for the City's Public Art Program and/or City Archives.

Acceptance of the gift was permitted under the Code of Conduct but the gift did not fall within the listed exemptions. For this reason, if the value of the artwork exceeded the \$100 monetary threshold for gifts, the artwork required disclosure in the Gifts Registry.

Letters of support

Several Members sought advice about providing a letter of support, reference or recommendation in response to requests from individuals, organizations, and local businesses.

Generally, writing a letter of support, reference or recommendation is not a contravention of the Code of Conduct. However, Members must exercise caution when using their office or status as an elected official to influence a decision. It is also important to avoid preferential treatment which may occur through the inappropriate use of personal connections.

Members are not obliged to provide letters of support and are cautioned to only do so if they have sufficient knowledge of the requester and are comfortable lending their name in support.

A Member knew several individuals who would have made qualified candidates for a senior City staff position and asked if it would be appropriate to share those suggestions with the relevant General Manager.

Members of Council are advised to exercise caution when acting as a reference and must avoid using their position to improperly influence a decision of another person. This is especially important when it comes to employment and staffing decisions at the City of Ottawa.

In this case, it would be inappropriate for the Member to proactively recommend candidates for a senior City staff position, particularly if the Member had no previous employment relationship with the individual(s).

Sponsorships and donations (from a Member's office)

Generally speaking, sponsorships and donations made from a Member's Constituency Services budget fall under the [Council Expense Policy](#) which is administered by the City Clerk's Office. However, a few Members of Council asked about any Code of Conduct considerations they should be aware of when issuing sponsorships and donations to groups and organizations within their communities.

I advised Members to support a diverse range of groups and organizations within their communities and ensure they do not have a personal connection with these organizations (e.g., member of a board of directors). I also suggested that Members may want to consider donating to different organizations each year to avoid any perception of favouritism or preferential treatment.

Under the Council Expense Policy, sponsorships/donations are limited to 3.5% of a Member's annual Constituency Services Budget and must be disclosed as part of the monthly public disclosure of office expenses.

A Member expressed a desire to donate to several local organizations in the Ward through their Constituency Services Budget.

In addition to the requirements set out in the Council Expense Policy respecting donations and sponsorships, the Member was advised to refrain from making donations to organizations they have a personal connection with and to support a variety of organizations and groups within the community.

Sponsorships and donations (to a Member's office)

The [Community, Fundraising and Special Events Policy](#) (CFSEP) provides guidance to Members of Council with respect to soliciting and accepting donations and sponsorships for Member-organized community events and other benevolent activities.

In several instances, I advised Members of Council to partner with a third party to manage the financial aspects of a Member-organized event. This guidance has been issued to address situations where the Member has been offered or wishes to seek sponsorships from companies with active lobbying files.

Engaging a third party who is responsible for the solicitation and acceptance of sponsorships puts distance between the Member and the financial transactions and decisions. However, the CFSEP does not recognize these partnerships and does not specifically require public disclosure when a third party is engaged. As a result, I believe that the transparency intended by the Policy's public disclosure requirements is lost. Accordingly, I will examine the CFSEP in more detail this coming year and bring forward recommended changes to the Council-Member organized events and public disclosure requirements as part of the 2022-2026 Mid-term Governance Review.

A Member was approached by a company with ties to the Ward who wanted to sponsor an annual community event. The company had active lobbying files in the Lobbyist Registry.

The Community, Fundraising and Special Events Policy prohibits Members from accepting sponsorships from individuals and organizations associated with active lobbying files.

The Member was advised to partner with a third-party organization who would be responsible for accepting sponsorships and making disbursement decisions. The Member was further advised to remain at arms' length of all the financial aspects of the event.

Municipal Conflict of Interest Act

As part of the 2022-2026 Governance Review, City Council approved proactive disclosure of their conflicts of interest under the *Municipal Conflict of Interest Act* (MCIA). Under these changes, Members are now required to file an annual disclosure of the Member's private interests and the private interests of the Member's parent(s), spouse, or child(ren).

In Q1 of 2023, I met with all Members of Council which provided me with an opportunity to discuss any conflicts identified by the Member on their disclosure form. In several cases, I examined the conflicts in more detail with my external legal counsel and provided Members with additional guidance.

“Government officials have a duty of trust to the public. They are trustees for the public, and every minute of the job, every decision that they make, they are required to put the public interest ahead of their own interest...”

Justice Denise Bellamy,
Collingwood Judicial Inquiry

These meetings were the start of an ongoing conversation that encouraged Members to examine potential conflicts and consider their obligations when faced with a conflict. Throughout the year, several Members approached me with additional questions respecting potential conflicts of interest or provided updates on the conflicts they had previously disclosed. I am encouraged by the reflection Members have given not only to their conflicts under the MCIA, but also other connections that could be perceived as a conflict of interest under the Code of Conduct for Members of Council.

Complaints

As Integrity Commissioner, I am responsible for receiving requests from City Council, a Member of Council, or a member of the public about whether a Member of Council or a member of a local board has failed to observe or uphold the obligations set out in their respective code of conduct.

Each code of conduct includes a Complaint Protocol which sets out the process for receiving, investigating, and reporting on complaints. The Complaint Protocol includes two complaint processes: informal and formal.

Informal complaints

Informal complaints are managed through a complainant-led process. The process generally begins with the complainant addressing the behaviour that they believe contravenes the Code of Conduct directly with the Member. If appropriate, I may mediate/facilitate a discussion between the two parties. The outcome of the informal complaint process depends entirely on the willingness of both parties to participate in an informal discussion. Not all complaints are suitable for the informal process and not every informal complaint leads to a resolution that is acceptable to both parties.

This year, five informal complaints were filed with my Office. All the informal complaints led to some form of dialogue between the parties and included my involvement as facilitator/mediator. In one case, the parties participated in a mediated session and reached agreement on several points to resolve the matter. In other cases, a mutually agreeable outcome could not be reached between the parties and the process ended without resolution.

Formal complaints

As required by the Complaint Protocol, formal complaints must be submitted on the appropriate form, with a signed affidavit, and include information to support the allegation(s) made against a member including dates, locations, other persons present and all other relevant information.

The formal process is not intended to be onerous, but it does involve more than simply sending an email. My Office is available to accommodate individuals who require assistance with any part of the process.

Upon receiving a formal complaint, I conduct an intake analysis to determine if the matter is, on its face, a complaint with respect to non-compliance with the relevant code of conduct, whether the complaint is within my jurisdiction to investigate, and if there are sufficient grounds for an investigation. After consideration of these conditions, I determine if further investigation is warranted.

This year was the first time the Office investigated formal complaints concerning members of local boards. The Code of Conduct for Members of Local Boards has been in effect since March 2019 and applies to all the City's local boards, including Business Improvement Areas (BIAs).

As detailed in my investigation report¹, I received a total of five complaints respecting the conduct of members of the Manotick BIA Board of Management. Two complaints were ruled outside of my jurisdiction. The remaining three complaints were filed by two complainants who were also respondents in one of the complaints.

Given the overlapping nature of the complaints, I conducted one investigation into the three complaints. The investigation involved interviews with the parties (complainants and respondents) and thirteen other witnesses. The alleged misconduct included: bullying and harassment, mispending of BIA funds, and failure to follow due process.

Ultimately, I found the conduct of two of the three respondents in breach of the Code of Conduct. Based on my findings, I made recommendations for improved training and support for BIAs. I also encouraged Manotick BIA Board members to review their obligations under the Code of Conduct and governance policies to ensure members understand their roles and Board procedures. In the Fall of 2023, I presented my final report to City Council and the Manotick BIA Board, both of whom accepted my findings and recommendations. I opted to report to City Council because this was the first investigation and report concerning a local board and to recommend more training be offered that would benefit all 19 of the City's BIAs.

During the 2023 reporting cycle, I received a total of 13 formal complaints. Eight complaints were dismissed at the intake stage because they were either outside my jurisdiction or did not establish sufficient grounds for an investigation. Appendix 1 summarizes the formal complaints that were dismissed and my reasons for dismissing them. Two formal complaints remain under review at the end of the 2023 reporting cycle.

¹ [Report on an Inquiry Respecting the Conduct of Members of the Manotick BIA Board of Management](#)

Education and Outreach

A core element of my mandate is education: for Members of Council, for City staff and for the public.

IntegriTalk

IntegriTalk is a short, monthly bulletin for Members of Council that focuses on a different aspect of the Accountability Framework, reinforces Members' applicable responsibilities and offers practical guidance for upholding their obligations. Following the 2022 municipal election, I resumed regular installments of IntegriTalk and issued bulletins on the following subjects:

- New conflict of interest disclosure requirements (December 2022)
- Lobbyist Registry By-law updates (February 2023)
- Letters of support (March 2023)
- Informal meetings (April 2023)
- Managing confidential information (June 2023)
- Contracted vendors (August and September 2023)

Presentations

This year I had the opportunity to make several presentations to various stakeholders including Members of Council and their staff, City staff, citizen and local board members and the public:

- Incoming Council orientation (October 28, 2022)
- Law & Ethics class, Carleton University (November 10, 2022)
- Council Members' staff orientation (December 12, 2023)
- Extended Senior Leadership Team (March 27, 2023)
- Committee of Adjustment (April 28, 2023)
- Ottawa Coalition of Business Improvement Areas (April 3, 2023)
- Citizen members of the Built Heritage Committee (May 31, 2023)

“What makes an ethical culture strong is acceptance and internalization of ethical values by individuals through involving them in the process of articulating those values.”

Justice Bellamy, Report on the Toronto Computer Leasing Inquiry – Toronto External Contracts Inquiry, v. 2 “Good Government”

2023 IN NUMBERS

Trends

The total number of complaints filed with my Office annually continues to rise. During the 2023 reporting cycle, the total increased to 18 complaints. While the number of formal complaints went down by three, the number of informal complaints increased by four. This is the highest total informal complaints in a reporting cycle since the Office was established in 2013.

This total does not reflect the number of communications/emails to my Office requesting my intervention to address a complaint. In response to these communications, my Office provides information on the two complaint procedures available, though not all of these communications are followed by an official complaint.

I note that a significant portion of complaint-like communications fall into one of the following categories: blocked by a Member on social media, decorum during Committee/Council meetings, and service-related matters involving a Member's office.

I encourage Members of Council to observe the high standards of conduct set out in the Code of Conduct in their interactions with each other, City staff and members of the public. I continue to see a high level of engagement from the public. Residents are aware of the standards of conduct set out in the Code of Conduct and regularly contact my Office to questions whether Members are behaving appropriately.

This year, there was an increase in the number of questions from members of local boards about their ethical obligations. There was also a general increase in questions from both Members of Council and members of local boards respecting conflicts of interest. Through these actions, Members of Council and members of local boards are demonstrating their continued commitment to the City's Accountability Framework.

Integrity Commissioner statistics

Table 1 - Total complaints within the Integrity Commissioner's jurisdiction respecting the Code of Conduct

Complaints	
Outstanding from 2022	0
New complaints	18
Formal complaints	13
Informal complaints	5

Table 2 - Outcome of formal complaints received in 2022

Outcome of formal complaints	
Dismissed at intake	8
Investigated, but not sustained	1
Sustained after investigation	2
Ongoing/under review	2

Table 3: Total enquiries by source (April 1 to September 30, 2022)

Enquiries by source	
Elected officials	129
City staff	13
Local board members	11
Lobbyists	12
Members of the public	46
Media	4
Other Integrity Commissioner's offices	8

Table 4: Total enquiries by type (October 1, 2022 to September 30, 2023)

Enquiries by type	
Basic request for information	28
Questions	
Code of conduct	47
Gifts and tickets	27
Lobbying	35
Sponsorships and benevolent activities	19
Conflict of interest	20
Complaint-like communications	24
Out of jurisdiction	16

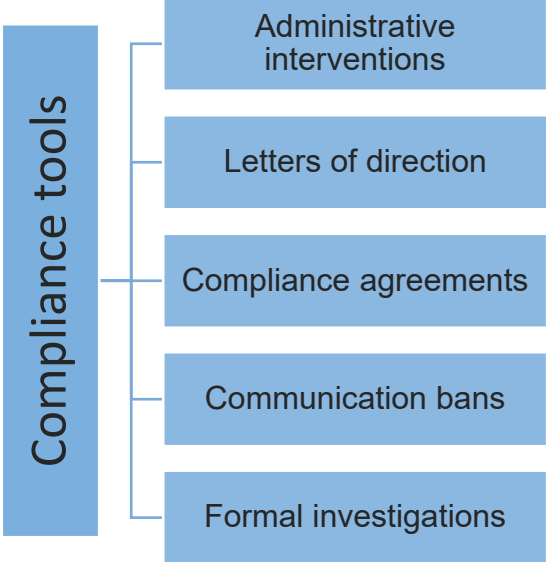
Lobbyist Registrar

2023 IN BRIEF

Compliance

The Lobbyist Registry By-law sets out an escalating compliance scheme, which provides the Lobbyist Registrar with a continuum of tools to ensure that lobbyists comply with the registration and conduct requirements in the By-law and the Lobbyists' Code of Conduct.

A complaint protocol is now appended to the Lobbyist Registry By-law which sets out the investigative process for inquiries into non-compliance with the By-law or the Lobbyists' Code of Conduct.



Letters of Direction

I issued four Letters of Direction during the 2023 reporting cycle for the following contraventions of the Lobbyist Registry By-law: offering gifts/tickets while associated with active lobbying files, failure to register lobbying activities and breach of the new post-employment restrictions (summarized in more detail below).

These contraventions came to my attention through inquiries to my Office from public office holders or proactive disclosure requirements under the Lobbyist Registry By-law and Code of Conduct for Members of Council. I am pleased to see that public office holders are aware of the rules set out in the Lobbyist Registry By-law and are taking steps to ensure compliance.

Education continues to be my focus and Letters of Direction serve the useful purposes:

- an enforcement tool to address apparent or inadvertent breaches of the By-law or the Lobbyists' Code of Conduct;
- an education tool, where a formal explanation can reinforce the provisions of the Lobbyist Registry By-law and help a company or lobbyist meet their compliance requirements moving forward; and
- documentation to inform action to be taken in the event of a future breach.

Post-employment

A year ago, City Council approved new post-employment lobbying restrictions for the City of Ottawa. Former public office holders, particularly those who held a senior position, will have connections and relationships with City staff or elected officials who continue to have influence or decision-making authority. Post-employment restrictions,

“While the movement between the public and private sector can bring positive results, revolving door practices also pose a risk to fairness and impartiality in decision-making.”

“Lobbyists, Governments and Public Trust,
Volume 3”, (2014)

Organisation for Economic Co-operation
and Development (OECD)

or “cooling off periods”, are designed to create some space between the time a public office holder leaves their position and the time they can approach their former workplace as a lobbyist.

The post-employment restrictions apply to Members of Council and their staff, the City’s statutory offices (e.g. City Treasurer, City Clerk, Integrity Commissioner, etc.), the City Manager and any member of the City’s Extended Senior Leadership Team (including directors and managers).

Once the post-employment restrictions were enacted by Council, I issued a notice to all registered lobbyists (which touched on other governance changes as well), circulated an IntegriTalk to Members of Council and published an interpretation bulletin that can be found on Ottawa.ca. The post-employment restrictions were also a major focus of a presentation I made to the Executive Senior Leadership Team in March 2023.

Since the post-employment restrictions came into effect, only one former public office holder has been found in contravention of the new rules. The breach came to my attention when the lobbyist registered activities in the Lobbyist Registry and proactively disclosed their past employment with the City.

In response to the breach, I issued a Letter of Direction to the former public office holder and notice to the General Manager of the City department that was lobbied. The Letter of Direction advised the lobbyist that they were subject to a one-year prohibition period under the post-employment rules and suggested that they inform their employer of their obligations under the Lobbyist Registry By-law and Lobbyists’ Code of Conduct. In my communication to the General Manager, I provided notice of the breach and advised that the lobbyist was prohibited from lobbying public office holders for the remainder of their prohibition period.

I want to recognize the cooperation on the part of all parties and their commitment to observing the obligations set out in the Lobbyist Registry By-law going forward.

Education and Outreach

In March 2023, I hosted a stakeholder session on the Lobbyist Registry. The information session focused on high-level information about the Lobbyist Registry and changes to the Lobbyist Registry By-law and Lobbyists' Code of Conduct resulting from the 2022-2026 Governance Review. The information session was attended by approximately 35 stakeholder groups. In the coming year, my Office will endeavour to convert the information from the session into a series of modules that will serve as an accessible resource for new lobbyists.

A comprehensive review was also conducted by my Office of the interpretation bulletins issued by the Office since the Lobbyist Registry launched in 2012. Every interpretation bulletin was examined to ensure its relevancy and that it reflected changes to the Lobbyist Registry By-law and the Lobbyists' Code of Conduct. As a result of the review, two interpretation bulletins have been removed from Ottawa.ca and archived with the Office because the information is no longer relevant or covered in another interpretation bulletin.

This year, I had the opportunity to meet with three service areas to provide an overview of the Lobbyist Registry By-law and answer questions specific to the service area. It was a pleasure to meet with City staff to understand their business processes and provide guidance on how the Lobbyist Registry By-law applies to their communications with stakeholders. I met with the following service areas:

- Infrastructure Services (November 22, 2022)
- Planning, Real Estate and Economic Development (June 15, 2023)
- Supply Services (June 29, 2023)

Finally, there are two networks of lobbying regulators: the Lobbyist Registrars and Commissioners Network (LRCN) and the Municipal Lobbyist Registrars of Ontario (MLRO). I continue to represent the City of Ottawa as a member of both networks.

During the LRCN 2023 Fall conference (September 26-28, 2023), I was pleased to facilitate a session on education. Specifically, the group examined:

- If each Registrar's office is mandated to provide education;
- What resources are allocated to education;
- What educational tools and resources exist; and
- Is data or user feedback collected and how.

The discussion revealed that most regulators across different jurisdictions provide some level of education to various stakeholders, with or without a formal mandate. There was general consensus that education reduces the burden of time-intensive investigations by promoting compliance with both the spirit and letter of lobbying legislation.

Education is an evolving space for the members of the LRCN, with regulators adopting practices that best suit their audiences, including:

- Education campaigns focusing on specific stakeholder groups, rather than a general audience;
- Using e-learning software to coordinate education sessions and gather user feedback;
- Developing publicly available resources to encourage active stakeholder engagement.

The Year Ahead

The Lobbyist Registry application was launched in September 2012. The tool was created by repurposing an existing application and without any new funds.

The tool is simple to use and meets the basic needs of the Lobbyist Registry By-law. That said, the tool is over ten years old and has only received minor upgrades since it was first developed. The system does not currently meet AODA (*Accessibility for Ontarians with Disabilities Act*) standards and staff have recently noted an increase in system errors.

Further, the application is limited in its functionality and has not kept pace with changes to the Lobbyist Registry By-law.

The 2024 City Budget includes a budget pressure for an upgrade of the Lobbyist Registry application. I believe the upgrade will not only improve the functionality of the system but will enhance the user experience with complying with the Lobbying by-law and its search features.

2023 IN NUMBERS

Trends

This year, the total number of enquiries with my Office regarding either the Lobbyist Registry By-law and/ or the Registry increased 160% from last year. Specifically, requests for technical support almost tripled, while questions/requests for advice was more than double.

Public Office Holders have three main obligations:

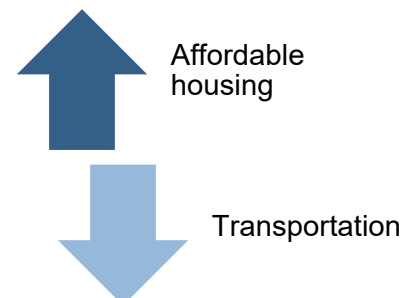
1. **Duty to Inform:** Ensure that lobbyists are aware of the requirement to register.
2. **Duty to Monitor:** Review the Lobbyist Registry on a monthly basis to confirm that instances where you have been lobbied have been properly registered.
3. **Duty to Report:** Advise the Integrity Commissioner of any failures to disclose an activity.

Many of the questions and requests for advice, I believe were motivated by public office holders actively carrying out their 'duty to inform'. Both Members of Council and City staff have obligations within their respective codes of conduct to support compliance with the Lobbyist Registry By-law and the Lobbyists' Code of Conduct. I am encouraged that public office holders are informing individuals of the need to register lobbying communications and are seeking clarity from my Office regarding the application of the Lobbyist Registry By-law.

In 2022, I reported 182 new lobbyist registrations. This year, that figure held steady with 189 new lobbyists registered with the Lobbyist Registry. In contrast, there was a

decline in the number of new lobbying activities created, from 997 in 2022 to 772 in 2023. This may reflect a return to longer, in-person meetings following the lifting of COVID-19 restrictions in March 2022.

The top three most popular subject matters for lobbying have also shifted. In 2022, the top three lobbying issues were transportation, planning and information technology. This year, affordable housing, planning and water have taken the top spots. Of note, the number of lobbying files related to affordable housing more than doubled, from 10 files in 2022 to 21 files in 2023.



Lobbyist Registry statistics

Table 5: Total number of enquiries

Enquiries	
Technical support	59
Questions and advice	61
Interventions	
Breaches	4
Compliance	6

Table 6: Total number of new lobbyists

New lobbyists	
Total new lobbyists	189
In-house	114
Consultant	71
Voluntary	4

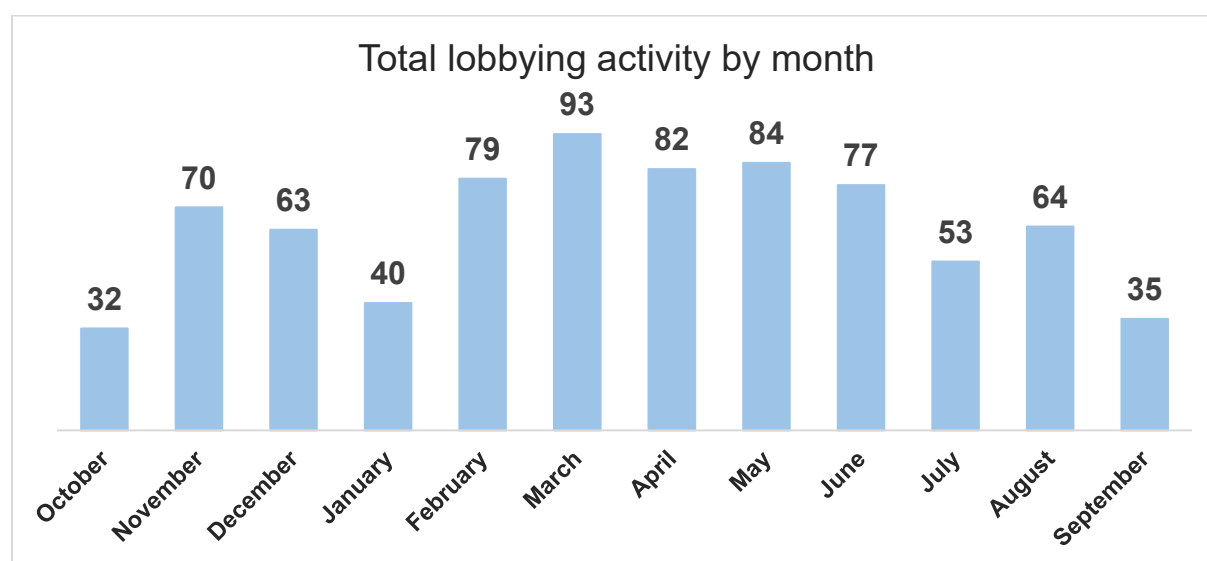


Figure 1: Total lobbying activity by month, 2022-2023

Table 7 - Top ten registered subject matters

Top ten registered subject matters	Files
1. Affordable housing	21
2. Planning and development	20
3. Water	19
4. Transportation	16
5. Information technology	14
6. Infrastructure	14
7. Health and safety	12
8. Economic development	11
9. Procurement	11
10. Transit	7

Meetings Investigator

2022 IN BRIEF

Compliance

The *Municipal Act, 2001* requires that all meetings of City Council, its committees and local boards be open to the public, except as permitted by specific discretionary and mandatory exceptions.

The exceptions permit closed meetings of City Council, a local board or committee of either, to discuss a number of matters including, but not limited to: labour relations or employee negotiations, litigation or potential litigation affecting the municipality or local board, advice that is subject to solicitor-client privilege, and personal matters about an identifiable individual.

Anyone who feels that a meeting or part of a meeting of City Council, a local board, or a committee of either was closed to the public for the wrong reason, or that other rules for closed meetings were not upheld, may submit a request for investigation to my Office. There is no fee for submitting a request.

In my capacity as Meetings Investigator, I receive such requests and investigate as required. At the end of an investigation, I submit my findings and recommendations in a public report to City Council or the local board.

When a violation of the open meeting rules has been reported, City Council (or the local board) is required to pass a resolution stating how it intends to address the report.

Tips for holding an *in camera* (closed) meeting

- ✓ If possible, provide public notice of the closed session in the meeting agenda.
- ✓ Ensure that all members of the body are invited to the closed session and only include others who must be present (e.g. staff member).
- ✓ Prepare and move a motion to go in camera that sets out the reason for the closed session (which must be one of the exceptions set out in the *Municipal Act, 2001*) and provide the general nature of the matter to be discussed.
- ✓ When the closed session is complete, resume the meeting in open session and 'rise and report' by confirming that no votes were taken behind closed doors.
- ✓ Ensure the minutes include the motion to go *in camera* and the start/finish time for the closed session.

The Office did not receive any requests for investigation of a closed meeting during the 2023 reporting cycle. That said, my investigation into the conduct of members of the Manotick BIA revealed gaps in the understanding of the open meeting rules.

As a local board and public body, BIAs are obligated to make decisions in an open forum which any member of the public is entitled to attend. Going *in camera* (or holding a closed session) is only permitted for specific reasons and proper procedures must be followed. To complement my recommendations for increased training and supports for BIAs outlined in the Manotick BIA report, I intend to produce resource material about the open meeting rules and how they apply to the City’s local boards.

2023 IN NUMBERS

Closed Meeting statistics

From October 1, 2022 to September 30, 2023, Council and its Committees went into closed session 10 times to consider 11 matters. Appendix 2 provides details of the body holding the closed meeting, date, reason for resolving *in camera* and open meeting exception(s) cited.

Table 8: Closed sessions of Council and Committees

Closed sessions of Council and Committees	
Council	4
Standing Committee	
Audit	2
Finance and Corporate Services	3
Joint Audit Committee – Transit Commission	1

Conclusion

Under both my Integrity Commissioner mandate and my Lobbyist Registrar mandate, I observed an increase in questions and requests for advice and support. To some degree, I believe the increases are linked to my focus on education.

As described in my report, I had the opportunity to participate or host several orientation presentations with Members of Council, City staff and members of local boards. In concluding each presentation, I emphasize that it is only the beginning of an ongoing dialogue I hope to have with public office holders and encourage them to check in with my Office early and often.

In the coming year, I hope to continue this focus on education. I would like to continue to engage with public office holders and other stakeholders through more presentations, but also hope to develop resources that can be accessed easily at any time.

Financial Statement

The Integrity Commissioner's Office is funded through the Office of the City Clerk. As of September 1, 2021, the Integrity Commissioner's remuneration consists of a \$25,000 annual retainer and a per diem of \$250 per hour to a daily maximum of \$1,250.

The work of the Integrity Commissioner's Office has increased significantly since the City of Ottawa's first Integrity Commissioner was appointed in 2012. This increase is due, in part, to the expanded mandate and responsibilities that came into effect in March 2019 as a result of Bill 68 (the *Modernizing Ontario's Municipal Legislation Act, 2017*), including a code of conduct for members of local boards and new oversight responsibilities respecting the application of the *Municipal Conflict of Interest Act* (MCIA). Further, my Office has received a growing number of complaints and requests for opinions and advice in recent years, and cases are increasingly complex.

Given this higher workload, the amount of staff support and funding required to fulfill my mandatory statutory function is well beyond what was contemplated when Council established the position more than 10 years ago. The \$150,000 budget and part time staff allocated to the Office is not sufficient and the resulting staff pressures and cost overages have been absorbed by the Office of the City Clerk.

It is important that the Office of the Integrity Commissioner is properly funded to deliver on its mandates and not have unanticipated pressures placed on the City Clerk's ability to deliver on its statutory requirements. Therefore, it is my intention to work with the Office of the City Clerk to determine what is an appropriate budget for the Integrity Commissioner and come back with a budget pressure in the 2025 budget. This, I

believe, will respect the independence of my Office and the statutory responsibilities of both my Office and the Office of the City Clerk.

The following is a breakdown for the period of October 1, 2022 to September 30, 2023.

Table 9 - Financial Statement October 1, 2022 to September 30, 2023

	Q4 2022	Q1 2023	Q2 2023	Q3 2023	TOTAL
Retainer		\$25,440			\$25,440
Salary*	\$39,686	\$45,283	\$38,160	\$40,958	\$164,087
Ancillary Costs	\$ 2,696	\$748	\$ 716	\$665	\$4,825
External Services	\$3,114	\$101,414	\$7,162	\$2,519	\$114,209
Hours Logged	156	178	150	161	645

*includes tax less eligible municipal rebates

Appendix 1

A total of eight formal complaints were dismissed at the intake stage during the 2023 reporting cycle. Of those eight, two formal complaints were dismissed because the respondent was no longer a member of a local board and the complaint was outside my jurisdiction. The following summaries detail my reasons for dismissing the six other formal complaints.

Harassing comments by City appointee on social media

A resident raised concerns about social media comments made by a member of one of the City's quasi-judicial tribunals. It was noted that the member represented themselves as a member of the tribunal in their social media profile.

After careful review, I determined the quasi-judicial tribunal was not a local board subject to the Code of Conduct for Members of Local Boards and advised the resident that the matter was outside of my jurisdiction.

However, the complaint raised a broader policy implication in that the citizen appointees to the City's quasi-judicial tribunals are not subject to any code of conduct or oversight mechanism. I will examine this gap in accountability as part of the 2022-2026 Mid-term Governance Review.

Inappropriate influence and/or involvement in property standards enforcement matter

A resident alleged that a Member had improperly interfered in a property standards matter between two neighbours.

I determined the contextual information supplied by the complainant did not sufficiently support the allegation the Member inappropriately interfered or influenced the City process. The allegations were speculative, and the information did not support the claim that the Member had had any involvement in the property standards enforcement process beyond what would have been appropriate.

Failure to address resident concerns

A resident alleged that their Ward Councillor had ignored traffic calming concerns raised by many residents and had improperly allocated the Ward Traffic Calming Budget by applying funds to traffic calming in areas of the neighbourhood that residents did not support. The complaint further alleged the Member had done so as a retaliation tactic, had appeared at the resident's home to confront them, and eventually stopped responding to the resident's emails.

Regarding the allegation that the Member had confronted the resident at their home, I determined the complaint did not sufficiently support this allegation.

After reviewing the documentation supplied by the resident, I determined that the information did not support the allegations that the Member misused traffic calming resources, and/or had malicious motivation for not granting the resident's requests for traffic calming at specific locations. The documentation also revealed the Member and their staff had been responsive to many of the resident's emails and included direct replies to questions posed, provided options and recommendations, and stated the action the Member intended to take.

Service-related issues, including general dissatisfaction with service provided by a Member of Council, do not fall under my authority as Integrity Commissioner. It is not my role to assess the general performance of a Member of Council in the course of that Member's duties. Residents are encouraged to raise concerns with Members directly.

Lack of response from Member

A resident filed a formal complaint after a Member failed to respond to an initial communication and subsequent follow-up communications (sent by mail and email).

The complaint was dismissed on the basis that the Code of Conduct does not generally govern the day-to-day management of Members' offices nor individual inquiries received from constituents.

Members of Council are responsible for determining how to reasonably allocate their offices' capacity to accommodate competing requests from constituents, and for determining acceptable service standards.

The following issues fall under the umbrella of service standards:

- The lack of a response from the office of a Member of Council
- Slow response times from the office of a Member of Council
- Dissatisfaction with a response received from a Member of Council

The speed or lack of a response from a Member's office should be addressed directly with the Councillor themselves.

Constituent blocked on social media

A resident filed a formal complaint after they were blocked by a Member of Council. The formal complaint questioned the Member's actions during events reported on social media and sought answers to a series of questions about what

the Member had done in response to the events. The complaint sought confirmation of guidance I might have provided to the Member and details about an informal complaint process.

Through the formal complaint process, a complainant submits evidence that a Member of Council has breached the Code. I then determine how the Code applies to the relevant situation, examine evidence, and investigate accordingly. The complaint process is not a mechanism to enter into a debate with a Member or myself. In this case, the information provided by the resident did not support the claim that the Code of Conduct had been breached.

Further, I have a statutory duty of confidentiality that requires that I preserve secrecy with respect to all matters that come to my knowledge in the course of my duties. When a Member seeks guidance, I am bound to keep that guidance confidential (except where the Member chooses to disclose the guidance). That said, I offered the resident general information about the interpretation bulletin on Use of Social Media and the informal complaint process.

Failure to represent resident's concerns and inappropriate use of language

A resident alleged a Member had contravened the Code of Conduct in their response to an email the resident had sent about traffic calming in their Ward. Specifically, it was alleged that the Member had breached the Code through his unwillingness to represent the resident's expressed views on traffic calming measures and in his choice of words in replying to the resident.

I dismissed the complaint on the basis that the allegations did not, in my view, amount to a contravention of the Code. Members are entitled to have viewpoints and take positions that differ from those of some of their constituents. This does not imply an unwillingness to represent any view of a particular person or group. In this instance, the Member had engaged with the resident on the topic, demonstrating they had heard the resident's viewpoints even though the Member may not have agreed with them.

On the balance of the complaint, I carefully considered the choice of words of both parties and the context of the email exchange. I noted that issues raised in the email exchange were a highly political issue at the time, bringing out impassioned and expressive responses from both sides of the issue. I determined that both the resident and the Member both chose to use provocative and exaggerated statements that reflected their personal opinions on the matter. While Members are held to a higher standard of conduct, it was my opinion the comments did not amount to a personal attack or meet the threshold for bullying or intimidation.

Appendix 2

From October 1, 2022 to September 30, 2023, Council and its Committees went into closed session 10 times to consider 11 matters. The body holding the closed meeting, date, reason for resolving *in camera* and open meeting exception(s) cited were as follows:

Finance and Economic Development Committee/Finance and Corporate Services Committee

November 1, 2022: Light Rail Transit (LRT) - Legal Update

- Litigation or potential litigation affecting the City
- Receiving of advice that is subject to solicitor-client privilege

April 4, 2023: Strategic Collective Bargaining/Mandate for Negotiations

- Labour relations and employee negotiations
- Receiving of advice that is subject to solicitor-client privilege

July 4, 2023: Technology Security – Verbal Update

- Security of the property of the City

Audit Committee

June 9, 2023: Office of the Auditor General (OAG) – Semi-Annual Report on Follow-Up Procedures” with respect to the “Cybersecurity Investigation Report”

- Security of the property of the City

September 22, 2023: Office of the Auditor General (OAG) – Preliminary Report on Cybersecurity

- Security of the property of the City

Joint Audit/Transit Commission

June 9, 2023: Office of the Auditor General (OAG) – Zero Emission Buses Project – Sprint 4 Audit Report / Zero Emission Bus (ZEB) Envari Contract

- Position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality

- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
- Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

City Council

November 28, 2022: Stage 1 Light Rail Transit (LRT) – Legal Update and Litigation Overlay related to the Ottawa Light Rail Public Inquiry

- Litigation or potential litigation affecting the City
- Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

January 25, 2023: Stage 1 Light Rail Transit (LRT) - Legal Update and Litigation Overlay and related remedial matters

- Litigation or potential litigation affecting the City
- Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

July 12, 2023: Light Rail Transit (LRT) - Legal Update

- Litigation or potential litigation affecting the City
- Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

August 23, 2023: City Manager Hiring Panel

- Personal matters about an identifiable individual, including staff
- Labour relations or employee negotiations
- Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

City Council is not required to go *in camera* every time an exception applies. During the current reporting period, there were two instances where an *in camera* item was listed on a Council agenda, but the item was addressed in open session:

June 14, 2023: Office of the Auditor General (OAG) – Zero Emission Buses Project – Sprint 4 Audit Report (approved as part of consent agenda) / Zero Emission Bus (ZEB) Envari Contract (approved as part of consent agenda)

September 27, 2023: Office of the Auditor General (OAG) – Preliminary Report on Cybersecurity