

ROBERT J. SWAYZE

INTEGRITY COMMISSIONER

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OFFICE OF THE INTEGRITY COMMISSIONER

OPEN SESSION REPORT

TO: Mayor Brian Bigger and Members of Greater Sudbury City Council

FROM: Robert Swayze, Integrity Commissioner

DATE: October 29, 2021

MEETING DATE: November 23, 2021

SUBJECT: Activities of the Integrity Commissioner

Background:

The purpose of this report is to provide information regarding a summary of my activities as Integrity Commissioner for the City of Greater Sudbury since the commencement of my services in 2018.

Based on a competitive procurement process, I was appointed Integrity Commissioner for the City of Greater Sudbury effective July 10th, 2018, for a five year term expiring July 22nd, 2023.

Pursuant to subsection 223.3(1) of the *Municipal Act, 2001*, the functions of my role include performing independently the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.

4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

Early in 2019, City Council adopted a Code of Conduct and Complaint Protocol pursuant to bylaw 2019-16. Complaints concerning the conduct of members of Council and the *Municipal Conflict of Interest Act* are filed with me directly and I investigate such complaints in accordance with the Complaint Protocol.

Summary of Complaints

While the *Municipal Act, 2001* does not permit me to disclose confidential information in a summary report that could identify a person concerned, the following is a summary of complaints received during 2019 – 2021 to date.

Many of the complaints I receive are against staff or all members of Council which are summarily dismissed by me. This accounts for the total number of complaints referenced below in each year exceeding the number identified as being against a council member.

2019

22 complaints received comprised of 9 complaints against one member and 1 each against three other members. One complaint resulted in a report to City Council regarding a contravention of the Code of Conduct.

The total amount for services for 2019 is \$76,064.91

2020

12 complaints received comprised of 2 complaints against two members each and 1 against 2 others. No complaints resulted in a report to City Council regarding a contravention.

The total amount for services for 2020 is \$20,282.84.

2021 to date

16 complaints received comprised of 4 complaints against one member of Council, 2 against 3 members each and 1 against one member. Three complaints resulted in reports to City Council regarding contraventions of the Code of Conduct.

The total amount for services for 2021 to date is \$85,943.19.

Other Services

As to educational services, on March 19, 2019, I conducted a workshop in open Council on the role of the Integrity Commissioner presenting a series of slides in PowerPoint.

I have responded to countless requests from members of Council, local boards, staff and members of the public over the past 3 years for advice relating to the interpretation of the Code, other City policies and the *Municipal Conflict of Interest Act*. I take phone calls for this advice, but the *Municipal Act* requires that I give advice only in writing. After each phone call, I ask the requester to send me an E-mail which I respond to as required by the Act.

When I receive a request for advice from a member of the public, if it is in relation to a violation of the Code or the MCIA by a member of Council, it is my policy not in any way to assist or promote formal

complaints against Councillors. I send a copy of the Code to the member of the public and let them interpret whether they need to file a complaint with me.

Prepared by:

A handwritten signature in blue ink, appearing to be 'RS', with a long horizontal flourish extending to the right.

Robert Swayze
Integrity Commissioner
Attachment(s): none