

CITY OF GREATER SUDBURY INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

Citation: Complaint re: Councillor Leduc Cellphone Expenses – DGB-
Greater Sudbury ICI-2024-01

Citation: Leduc, William (Re)

Date: April 30, 2024

REPORT ON COMPLAINT

Introduction

[1] On April 22, 2024, I received a Complaint from a complainant who wishes to remain anonymous (but who I have verified is a Greater Sudbury resident) concerning allegedly excessive cellphone expenses incurred by Councillor William Leduc during 2022 and 2023, in alleged violation of s. 7(3) of the Greater Sudbury Code of Conduct for Members of Council and Local Boards (“COC”).

Facts Provided by Complainant

[2] Attached at Appendices A and B to this Report, respectively, are Statements of Expenses of Councillors for 2022 and 2023.

[3] The 2022 Statement of Council Expenses indicates the cellular services expenditures incurred by the City for all councillors in 2022 was \$9,913.01,¹ of which Cllr. Leduc’s reimbursed cellphone expenses were \$2,188.00, representing ~22% of the total for the 12 councillors reporting.² Excluding Cllr. Leduc, the average cellphone expense incurred in 2022 was \$702.27, or just 32% of what Cllr. Leduc incurred. That means that Cllr. Leduc’s cellphone expenses in 2022 were more than three times the average cellphone charges incurred by his fellow councillors.

[4] The 2023 Statement of Council Expenses indicates the cellular services expenditure for all councillors in 2023 was \$5,439.66, of which Cllr. Leduc’s incurred cellphone charges were \$1,613.06, representing ~30% of the total for the 12 councillors reporting. Excluding Cllr. Leduc, the average cellphone expense reimbursed in 2023 was \$347.87, or just ~28% of what Cllr. Leduc submitted and was reimbursed. That means that Cllr. Leduc’s cellphone expenses approached five times the average cellphone charges incurred by his fellow councillors.

[5] The Complainant obtained information from the City (which I have verified) indicating that in 2022, Cllr Leduc’s reimbursed roaming charges amounted to \$1,307.40 of his total cellphone charges in 2022 and \$1,195.00 in 2023. The Councillor’s roaming charges alone were ~13% of the total cellphone charges of all Councillors in 2022 and ~22% in 2023. In the

¹ The City supplies cellphones to each councillor and pays all monthly charges for each.

² Each councillor represents 8.33% of the total number of councillors.

absence of these roaming charges, Cllr. Leduc's cellphone expenses would have been just above the average of all councillors in both 2022 and 2023, suggesting that these charges largely account for fact that his cellphone expenses are substantially higher than those of any other councillor.

[6] The complainant suggests that these roaming charges are the result of Cllr. Leduc being out of the country in warmer climates during much of the winter months and as such, has to attend to his councillor duties, including attending Council meetings, remotely. He believes this is an unfair burden to impose on Greater Sudbury taxpayers.

[7] I note that despite the inordinately high cellphone expenses incurred by Cllr. Leduc in both 2022 and 2023, his overall expenses were only the fourth highest amongst the 12 City councillors in both 2022 and 2023.

Response of Councillor Leduc

[8] I passed on the particulars of the complaint, but not the identity of the complainant, to Cllr. Leduc by email on April 23, 2024. In addition to that, I raised the matter of s. 6 of By-law 2018-145 as amended by By-law 2023-56, being a By-law of the City of Greater Sudbury Respecting the Remuneration to Members of Council of the City of Greater Sudbury, which provides as follows: 6. The Treasurer will provide to each Member of Council, during such time as he or she is a Member of Council, a monthly allowance of ... \$40 for telephone expense or such other amount as may be applicable, after adjustment in accordance with section 9...

[9] I also raised with him section 8 of the Code of Conduct, which provides that every Member shall comply with City policies in effect from time to time governing expenses, including the policy for Payment of Councillor Expenses and Travel and Business Expense Policy, and related procedures and guidelines and ensure that conditions related to each expense are met.

[10] The gist of Councillor Leduc's response was to question the veracity of the confirmed roaming expense charges, suggest the cellphone plan that staff obtained for all councillors was particularly punitive when it came to roaming charges and pointed out (correctly, as I later learned from staff) that s. 6 of By-law 2018-145 only applied to home telephone expenses, not cellphone expenses. He also explained that while his principal place of residence was in the City, he did reside in the United States for a period of the year and the roaming expenses were incurred as expenses in fulfilling his responsibilities as Councillor while abroad. He correctly pointed out that he has the right to serve his constituents and attend Council and committee meetings remotely.

Investigation

[11] My subsequent investigation revealed the following:

- the reference in s. 6 of By-law 2018-145 to telephone expenses does not include cellphone charges but only in respect of a home telephone;
- there is no annual or other limit on the amount of cellphone charges that can be incurred, unlike other types of expenses where there are limits.

Relevant Legislation

COC

[12] The relevant provisions of the Code are as follows:

Use of City Property, Services and Other Resources

7.(3) Every Member shall avoid waste, abuse and extravagance in the provision or use of public resources.

Expenses

8. Every Member shall comply with City policies in effect from time to time governing expenses, including the policy for Payment of Councillor Expenses and Travel and Business Expense Policy, and related procedures and guidelines and ensure that conditions related to each expense are met.

Formal Complaint/Application Process

21.(1) A Complaint that a Member has contravened the Code of Conduct or a corporate policy of the City governing ethical behaviour may be initiated by any person, any Member of Council, or by Council as follows:

...

(d) the alleged violation shall have taken place within sixty (60) days of filing the Complaint with the Integrity Commissioner.

By-Law 2016-16F - A By-Law of the City of Greater Sudbury Respecting the Payment of Expenses for Members of Council and Municipal Employees of the City of Greater Sudbury

[13] The relevant provisions of Greater Sudbury's Council Expense Reimbursement Bylaw are as follows:

Members of Council — Privileges

6.-(1) The following equipment will be provided by the City, without charge, to each Member of Council for use during their term of office:

(b) a cellular device (Blackberry or standard cell phone);

Councillors Office Expense Budget

8.-(1) Each Councillor is provided with an annual Office Expense Budget from which the Councillor may incur expenses of a type described in Schedule "B" and which, in his or her opinion, are necessary in the course of carrying out the Councillor's duties.

(2) In addition to the Office Expense Budget Councillors are provided with a general office supplies budget as well as a cellular phone budget for expenses incurred in the use of equipment provided pursuant subsection 6(1) of this By-law.

Schedule "B" to By-Law 2016-16F of the City of Greater Sudbury
Eligible Expenses — Councillor Office Expense Budgets

A Councillor may make expenditures from his or her office expense budget which are incurred in the course of engaging in his or her role as Councillor for the City and within the following categories:

5. Monthly telephone allowance for home office, long distance telephone charges on home office, internet allowance for home office, cellular phone charges, or monthly allowance for same;

Findings

Preliminary Issue: Limitation Period Relating to Complaint

[14] The 2023 annual expense report was posted by the City on the March 26, 2024 Finance and Administration Committee Agenda (item 12.1), which is within 60 days of the date I received the subject Complaint.

[15] S. 21(1)(d) of the COC provides that a complaint must be made within 60 days of the alleged violation having taken place. I am prepared to assume the 60 day limitation begins to run when a complainant discovers or ought reasonably to have discovered the alleged breach. Even though councillors are required to file expense reports quarterly, they are only published in a formal report annually. I accept that the complainant could not reasonably know of the extent of Cllr. Leduc's cellphone expenses until the annual report of councillor expenses was published by the City. I therefore find that the Complaint in respect of the 2023 cellphone expenses is not barred by the 60 day limitation period.

[16] I did not inquire when the 2022 councillor expense report was made public in 2022 but I assume it was no later than June 30, 2023.

[17] As the complaint regarding the 2022 cellphone expenses was not filed until April 2024, it is well out of time relative to the s. 21(1)(d) limitation period. I will therefore not be making any findings in relation to the 2022 expenses.

Was s. 7(3) of the COC Breached?

[18] While Cllr. Leduc's cellphone expenses are quite high relative to all other members of Council, driven by roaming charges owing to the fact that Cllr. Leduc reside out of country for a portion of the year, his overall expenses are only 4th highest amongst the 12 councillors. I also note that there is no limit on how much councillors can incur in cellphone expenses on their City-issued cellphones, unlike other expense items in respect of which there are limits.

[19] The Councillor's high cellphone expenses were largely inflated by roaming charges, incurred in order to permit Cllr. Leduc to carry on Council business while out of the country. I do not find that Cllr. Leduc's cellphone charges are so unreasonable as amount to waste, abuse and extravagance in the provision or use of public resources, having regard to his overall expense claims. Furthermore, I am not prepared to find, looking only at one line item on an expense report (that relating to cellphone expenses), that there has been misconduct warranting a finding of a breach of the Code of Conduct.

[20] If Council feels there should be a limit on how much is incurred in terms of cellphone expenses in any given year, it can legislate that. Similarly, any concern about the amount of time Cllr. Leduc spends out of the country and therefore required to attend to Council business remotely is a matter for the ballot box come the next election.

Concluding Comments

[21] I have found no breach of the Code of Conduct on the part of Cllr. Leduc.

[22] This concludes my investigation.

Respectfully Submitted,



David G. Boghosian,
Integrity Commissioner

Attachment: Statements of Expenses of Councillors for 2022 and 2023 (Appendices A and B)

Appendix A - Statement of Expenses of Councillors for 2022

Statement of Council Expenses
Council Office, Mileage, and Cell Phones
For the period ended, December 31, 2022

| | | Books & Subscriptions | Business Hospitality | Communications | Event Tickets | Gifts | Media Notices | Meeting Setup | Office Supplies | Travel / Prof. Dev. | Office Total | Mileage | Cell Phone | Total per Councillor |
|---------|--------------------------|--------------------------|-------------------------|------------------|-----------------|-----------------|------------------|------------------|--------------------|------------------------|------------------|------------------|-----------------|-------------------------|
| Ward 1 | Mark Signoretti | - | 893.27 | - | 300.00 | 450.00 | - | - | 609.02 | 3,585.25 | 5,837.54 | - | 267.05 | 6,104.59 |
| Ward 2 | Michael Vagnini | - | 3,803.65 | - | - | 86.50 | - | - | - | - | 3,890.15 | 13,501.40 | 826.72 | 18,218.27 |
| Ward 3 | Gerry Montpellier | - | 1,707.92 | - | 628.33 | - | 1,000.00 | - | 1,321.04 | - | 4,657.29 | 5,937.80 | 232.93 | 10,828.02 |
| Ward 4 | Geoff McCausland | 270.34 | - | 510.40 | 254.40 | - | - | - | - | - | 1,035.14 | 661.10 | 532.94 | 2,229.18 |
| Ward 4 | Pauline Fortin | - | 60.00 | 34.50 | - | - | 575.00 | - | 1,076.93 | 559.68 | 2,306.11 | 240.35 | 606.33 | 3,152.79 |
| Ward 5 | Robert Kirwan | 91.50 | 29.24 | 5,674.05 | - | - | - | 96.08 | 255.64 | 1,605.61 | 7,752.12 | 3,492.19 | 209.82 | 11,454.13 |
| Ward 5 | Mike Parent | - | 214.26 | 1,024.84 | - | - | - | - | - | - | 1,239.10 | - | 561.80 | 1,800.90 |
| Ward 6 | Rene Lapierre | 60.97 | 661.48 | 120.93 | - | 444.71 | 347.61 | - | 1,497.93 | 1,959.52 | 5,093.15 | 1,802.90 | 436.06 | 7,332.11 |
| Ward 7 | Mike Jakubo | - | - | - | - | - | 396.87 | - | 136.34 | - | 533.21 | 2,249.45 | 866.37 | 3,649.03 |
| Ward 7 | Natalie Labbé | - | - | 34.50 | - | 190.00 | - | - | - | - | 224.50 | 118.80 | 611.75 | 955.05 |
| Ward 8 | Al Sizer | - | 549.41 | - | 271.13 | - | - | - | 880.21 | 3,080.50 | 4,817.13 | 883.03 | 776.71 | 6,476.87 |
| Ward 9 | Deb McIntosh | 31.39 | - | 1,661.67 | - | - | - | 101.76 | 227.28 | - | 2,022.10 | 1,282.05 | 814.24 | 4,118.39 |
| Ward 10 | Fern Cormier | - | - | - | 254.40 | - | 957.35 | - | - | - | 1,211.75 | - | 737.06 | 1,948.81 |
| Ward 11 | Bill Leduc | - | 2,825.20 | 364.81 | 1,136.78 | 310.38 | - | - | 1,318.55 | 966.72 | 7,082.44 | 990.55 | 2,188.00 | 10,260.99 |
| Ward 12 | Joscelyne Landry-Altmann | - | 58.42 | 2,823.34 | 568.46 | - | 605.27 | - | 490.59 | - | 4,546.08 | 866.25 | 245.23 | 5,657.56 |
| | | 454.20 | 10,802.85 | 12,249.04 | 3,413.50 | 1,481.59 | 3,882.10 | 197.84 | 7,813.53 | 11,757.28 | 52,247.81 | 32,025.87 | 9,913.01 | 94,186.69 |

Appendix B - Statement of Expenses of Councillors for 2023

Statement of Council Expenses
Council Office, Mileage, and Cell Phones
For the period ended, December 31, 2023

| | | Books & Subscriptions | Business Hospitality | Communications | Event Tickets | Gifts | Memberships | Media Notices | Meeting Setup | Office Supplies | Travel / Prof. Dev. | Office Total | Mileage | Cell Phone | Total per Councillor |
|---------|--------------------------|-----------------------|----------------------|------------------|-----------------|-----------------|---------------|-----------------|---------------|-----------------|---------------------|------------------|------------------|-----------------|----------------------|
| Ward 1 | Mark Signoretti | - | 1,123.98 | 2,263.99 | 821.94 | 99.99 | - | 500.00 | - | 51.77 | 4,147.65 | 9,009.32 | - | 266.11 | 9,275.43 |
| Ward 2 | Michael Vagnini | - | 2,747.36 | - | - | 187.02 | - | - | - | 671.68 | - | 3,606.06 | 8,455.56 | 307.24 | 12,368.86 |
| Ward 3 | Gerry Montpellier | - | 867.62 | - | 475.13 | - | - | 2,650.00 | - | - | - | 3,992.75 | 2,920.82 | 232.83 | 7,146.40 |
| Ward 4 | Pauline Fortin | - | 955.70 | 1,232.83 | 1,822.39 | 10.45 | - | 654.40 | - | 763.97 | 2,937.04 | 8,376.78 | 3,348.90 | 256.29 | 11,981.97 |
| Ward 5 | Mike Parent | - | 115.09 | 1,983.23 | 1,556.19 | 10.45 | - | 2,319.51 | 65.29 | 62.93 | 3,623.78 | 9,736.47 | - | 353.51 | 10,089.98 |
| Ward 6 | Rene Lapierre | 288.15 | 421.98 | 1,721.19 | 615.98 | 100.00 | - | 622.85 | - | 1,932.81 | 3,375.46 | 9,078.42 | 2,833.29 | 1,017.92 | 12,929.63 |
| Ward 7 | Natalie Labbé | - | 253.09 | 1,538.45 | 551.53 | 182.45 | 70.00 | 505.98 | - | 83.59 | 1,562.91 | 4,748.00 | 2,359.48 | 235.16 | 7,342.64 |
| Ward 8 | Al Sizer | - | 296.20 | 1,611.84 | 440.46 | 10.45 | - | - | - | 25.83 | 5,367.45 | 7,752.23 | 1,986.61 | 275.78 | 10,014.62 |
| Ward 9 | Deb McIntosh | - | 330.43 | 853.55 | 61.06 | 10.45 | - | - | 203.52 | 131.52 | 2,685.39 | 4,275.92 | 1,409.88 | 410.51 | 6,096.31 |
| Ward 10 | Fern Cormier | - | 55.59 | 856.00 | 61.06 | 10.45 | - | 1,143.98 | - | 37.45 | 2,961.86 | 5,126.39 | - | 235.47 | 5,361.86 |
| Ward 11 | Bill Leduc | - | 391.58 | - | 895.57 | 600.51 | 55.00 | - | - | 1,034.78 | 4,713.53 | 7,690.97 | 802.90 | 1,613.06 | 10,106.93 |
| Ward 12 | Joscelyne Landry-Altmann | - | 1,262.96 | 4,017.68 | 652.64 | 10.45 | - | 429.63 | - | 798.13 | - | 7,171.49 | 2,075.88 | 235.79 | 9,483.16 |
| | | 288.15 | 8,821.58 | 16,078.76 | 7,953.95 | 1,232.67 | 125.00 | 8,826.35 | 268.81 | 5,594.46 | 31,375.07 | 80,564.80 | 26,193.32 | 5,439.66 | 112,197.78 |