

OFFICE OF THE  
INTEGRITY COMMISSIONER'S

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# ANNUAL REPORT

---

2021





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Suzanne Craig,  
Integrity Commissioner

## Message from The Integrity Commissioner

I am pleased to present the City of Barrie Integrity Commissioner's 2021 Annual Report that sets out the Office's activities and decisions over the past year. This reporting year 2021 saw a loosening of the pandemic restrictions and a move away from some of the challenges and difficulties faced in the previous year. The work of this Office has focused principally on the investigation of significant Code complaints, as well as, responding to Members' requests for advice. While it may appear to the public looking in that some of the significant Code complaints meant that Council members were not adhering to the Code rules, from my perspective as the ethics officer for the City of Barrie, I saw an enhanced understanding by individual Members of Council of their obligations under the Code which translated into a high number of detailed requests for advice from my Office. During this reporting period, this Office worked with City staff to update several policy areas that intersect with the Code rules. Council Member Use of Social Media, Respect in the Workplace and limitations on the time within which a Code complaint can be received by the Integrity Commissioner, are just a few of the areas subject of policy discussions with this Office during the reporting year. In addition, frequently asked questions such as what constitutes a conflict of interest for a Member of Council or Local Board, what constitutes fair comment and acceptable language during Council debates and on councillor official social media channels and election activity rules that intersect with Code provisions, were raised this year.



This Office received 9 Formal Complaints in 2021 and 7 Formal Complaints in the period between January 1 and May 31st 2022. There were 9 Informal Complaints in 2021 and 1 in 2022 to date. Given that this is an election year and the Code states that no inquiry can begin and no report can be submitted after Nomination Day, I have decided to include the first 6 months of 2022 in this Annual Report. Once again during this reporting period, this Office has received and reviewed complaints that raised serious concerns. However, individual Members of Council subject of the complaint allegations, have cooperated with this Office and have complied with all recommendations. Winston Churchill said that Democracy is a terrible system of government but is the best one that mankind has been able to create until now. As the Integrity Commissioner for the City of Barrie, I have observed a greater understanding by Members of Council, of the Code rules, the reason for an ethics document and the requirement to observe both the spirit and letter of the provisions. The electors will give their report card on October 24, 2022. From the perspective of the work of this Office regarding the application and enforcement of the Code rules, there has been a willing adherence to the Code rules by Members.

There are 11 elected members of council (the Mayor and 10 councillors), all with different personalities, styles of debate and political

positions. Having been the appointed municipal integrity commissioner for various jurisdictions for over the past 15 years, I have worked with Members of Council from various municipalities that buck the rules at every corner and conversely I have encountered Members who recognize that the Code is not an "add on" but rather a governance and legislative imperative. There have been issues of concern with respect to Member conduct in this reporting year, however there has been no Member of Council that has wilfully ignored the requests for of this Office, or disrespected the recommendations that I have made. The elected politicians of the City have taken their obligations to participate in the investigations of the Integrity Commissioner seriously. Over the past 4 years, there have been issues of note. However, I can report, that Members of Council have received the reports from my Office and made decisions on my findings and recommendations, respecting my role and the process of this Office.

During this reporting period, this Office conducted meetings virtually on various IT platforms. Notwithstanding the fact that the City and this Office continued to work remotely, the restrictive circumstances created by the pandemic did not prevent receipt of inquiries, and the hybrid arrangement of meetings worked satisfactorily to provide full complement of services the public and to the City.

## The Role of The Integrity Commissioner

Questions from the public received this year demonstrated the need for a further clarification of the role of the Integrity Commissioner. Of assistance in clarifying this role, is a review of the relevant sections set out by Justice Bellamy in the 2005 Bellamy Report:

An integrity commissioner provides significant profile to ethical issues inside City government and sends an important message to constituents about the City's commitment to ethical governance.

No matter how comprehensive the rules, there will on occasion be situations where the ethical course of action is not clear and an individual will need authoritative advice and guidance.

Without enforcement, the rules are only guidelines. Although research shows that a values-based approach to ethics policy, focusing on defining values and encouraging employee commitment, is preferable to a system of surveillance and punishment, where the public interest is involved, there should be a deterrent in the form of consequences for bad behaviour. The rules must have teeth.

Justice Bellamy went on to state that an Integrity Commissioner should have certain attributes, which include:

- excellent and effective communication skills in functions including presentations, public speaking, and one-on-one interactions with employees of all levels
- objectivity and thoughtfulness
- ability to establish and maintain credibility and trust throughout the organization
- ability to quickly assimilate information relating to complex issues
- ability to network on all levels of an organization
- political astuteness

- personal and professional maturity
- working knowledge of applicable laws and regulations
- discretion and ability to protect confidential information
- ability and willingness to take a difficult or unpopular position if necessary

Neither Justice Bellamy nor Justice Cunningham, Commissioner of the Mississauga Inquiry recommended that an Integrity Commissioner should be an expert in City specific operational fields, such as planning, human resources, civil litigation or financial matters. Rather, both Inquiry Commissioners advised that an integrity commissioner should be an ethics professional with the skills and attributes to conduct a fair and objective investigation in accordance with the by-laws of the municipality.

The Integrity Commissioner is not the arbiter of whether a Member of Council participates in various City processes. The Integrity Commissioner investigates and, if a complaint about a Member's participation in a City process (i.e. planning process, economic development or closed meetings) is found to be a violation of the Code, the Commissioner reports on her findings and makes recommendations to Council possible penalties or corrective action. However, some of the complaints received by this Office raised some very important questions around governance and transparency: questions about City policies which were not matters for which the Integrity Commissioner is responsible for receiving or investigating.



## Significant Issues

### Acceptable Language Under the Code:

At the March 22, 2021 General Committee of Council meeting, this Office submitted a Code complaint investigation report in which the Member Respondent was alleged to have contravened section 5.3 of the Code by focusing on personalities rather than issues and by making serious allegations about... the conduct of another. The Complaint also alleged the Member breached section 20.6 of the Code that requires that Members refrain from making inappropriate statements or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about.

In their reply to the allegations, the Respondent stated that the Complainant often attempts to "shame" Council as a group, "berating [Council] every time we make or are about to make a decision [that the Complainant] does

not ideologically agree with". The Respondent believed the Complainant's comments linked the Committee's refusal to immediately approve the funding for the group (to lease the location) to systemic institutional bias. In the report, I concluded that the Complainant did not intend to say or suggest that Council or individual Members were/are racist; however, I did include an analysis setting out that a reasonable person could have perceived that the Complainant attempted to shame Council by making inappropriate comments about the nature of the reasons for not having voted to approve the funding request put forward at Committee. The complaint investigation underscored that there is a need for a deeper discussion when the policies and decision-making of government institutions are not reflective of an equity consideration, and when the outcomes impact both the people who work within government institutions and the constituents in the communities they govern.



It is also true that it is legitimate for Members of Committee to take steps to ensure that procedural rules are followed before approving a funding request.

At the City of Barrie, the Code sets out in section 18 that Members shall conduct themselves with decorum at Council and Committee meetings in accordance with the provisions of the City of Barrie's Procedural By-law 2019-100 as amended from time to time. The inclusion of this provision in the Code allows the Integrity Commissioner to have concurrent jurisdiction with the Chair of Committee or Council, to receive complaints regarding matters of decorum at meetings. The report to Council set out that the Chair of the August 10th meeting ruled that he, "... didn't hear the [Complainant] accuse Council of being racist", this ruling was made early in the meeting and throughout the duration of the meeting, the Complainant continued to imply that the Committee's decision to deny funding approval was tantamount to an action of systemic discrimination based on the proponent belonging to a racialized group. The investigation report concluded that the Complainant's comments were levelled at the inherent systemic inequities of the decision-making process of the Committee, and not at the members who make up the Committee. Regarding the Respondent's comments, while it was reasonable for the Respondent to have perceived the Complainant's comments as inferring that the Committee's decision to delay approval of the funding request was based on a race-based bias, the report pointed out that to perceive the comments as justifying a personal attack is conduct not permitted by the Code. The Respondent was bound by the rules of the Code, including one of the General Standards of the Code of Conduct set out in section 5.3 of the Code and section 20.6.

Council members deserve to exercise their roles in an environment shrouded in decorum becoming of the office of an elected official. The public deserves to have elected officials who

behave in a manner that properly represents and respects them. Parliamentary decorum is required of elected officials at all levels of government in Canada, including at the municipal level of government. While there have been recent examples of municipal elected officials in jurisdictions across Ontario falling short of their ethical obligations, the Code of Conduct is a bylaw of the City of Barrie, and all Members are bound by its rules. This report underscored that the Office of the Integrity Commissioner will not tolerate or pardon inappropriate behaviour, name calling or verbal attacks no matter how heated a debate may become.

### Update on the Respect in the Workplace Policy:

While there were no complaints received by this Office that engaged the the Policy, I received several inquiries relating to the Respect in the Workplace Policy, or related procedures. The Code is not intended to prevent a Complainant from using alternate methods of resolution such as those available to pursue a complaint before the Ontario Human Rights Tribunal, under a Collective Agreement, before a Police Service or through other legal proceedings.

The Policy was also updated to ensure that the Human Resources department, when in receipt of incidents or complaints of Discrimination, Violence or Harassment, provide support to the Complainant, including advising on the right to pursue the matter through the Council Code of Conduct. The changes to the Policy now require that any complaint made against a Member of Council shall be referred to the Integrity Commissioner and any penalty or corrective action associated with a Discrimination, Violence or Harassment complaint investigation conducted by the City in which an Official is involved will be under the jurisdiction of the City's Integrity Commissioner and addressed

under the Council and Committee Member Code of Conduct, irrespective of and concurrent with any investigation performed by the City. In this way, as a result of the changes to the Policy, any employee has the right to file a formal complaint about situations they believe to be inappropriate conduct under the Policy, both under the Policy and the Council Code of Conduct. Concurrent to the updates to the Policy, the City pursued updates to the Council Code of Conduct, which included an amendment that allows the Integrity Commissioner to receive a complaint up to one year after the alleged violation occurred.

### Improper Use of Influence:

During this report period, concerns were raised with this Office with reference to allegations of undue use of influence by individual Members, in particular relating to planning matters.

It has been observed by many municipal integrity commissioners that individual Members of Council hold a representative role that affords them significant influence regarding decisions on how land will be used in each municipality. Clearly developers hold the position that interaction with elected officials will bode well for the success of a developer's land use application. As long as an elected official interacts with constituents, which include businesses and developers, in accordance with the rules set out in the planning policies of the City, the Planning Act and the Code, it is likely that there will not be a finding of improper influence. However, conduct that steps outside of the boundaries of general City planning policies will likely lead to an actual or the perception of undue influence, even in the event that there has been no wrongdoing. In the Collingwood Judicial Inquiry, Justice Marrocco stated in his recommendations to the Town of Collingwood that:

Like the head of Council, members of Council are trustees of the public interest. Council members must ensure that this trust governs

all their actions and decisions. Members of Council must also respect the need for a neutral and impartial public service, which gives its best advice based on the merits of the question before it. When this respect is lacking, staff's work risks becoming politicized and staff are in danger of failing to fulfill their obligations to the public, which in turn creates the risk of loss of public confidence.

As pointed out by the former Integrity Commissioner of the City of Toronto:

...members of the public must not be concerned with every interaction between a member of Council and real estate developers. Local governments are the primary decision-makers responsible for land use planning. Accordingly, real estate developers frequently must seek approvals from [City] Council to build in [the City], and the City's current policy framework prescribes a role for members of Council throughout the planning application process. Members are permitted to escalate issues within the City on behalf of developers and to take points of view that are favourable to developers: such activity is not contrary to the Code of Conduct.<sup>1</sup>

Most planning applications carry the weight of private interest. It is the role of Council, through the deliberation of individual Members of Council, to make decisions on private interests. If a Member takes a position in favour of the business application approval, this is conduct in respect of their representative role and not contrary to the rules of the Code. If a Member of Council, as a private citizen, attends a public meeting in respect of a planning application in which they have a private interest, in accordance with s. 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act, they must declare the interest, not participate in the meeting, influence the vote and refrain from voting.

<sup>1</sup> 2016 ONMIC 7 (CanLI), Grimes (Re), 2016 ONMIC 7 (CanLI)



## Councillor Use of Social Media

There were many questions raised again during this reporting year about the use by Members of Council of social media to communicate with their constituents.

The requirement that Members not use City resources or property extends beyond the bricks and mortar of City Hall or the Member's office into the online world. A member of the public who visits a Council Member's website should not encounter any partisan content, nor should they be directed to partisan content if they click on any links on the site. The Code prohibits Councillors from using their personal social media feeds, that they use to disseminate City business, to also be used in the 2022 municipal election and beyond.

Members must take affirmative steps to clearly distinguish between use of social media for personal or election purposes on the one hand, and use of social media in his or her capacity as a City official on the other. Municipal Integrity Commissioners, as well as ethics officers at the provincial and federal level of government, agree on fundamental principles that apply to all levels of government, including the requirement to separate partisan activity and third-party business promotion from all members' official duties.

In a matter that came before this Office, a Member's posted tweets were alleged to have demonstrated insensitivity towards victims of crimes and to have encouraged non-compliance with the law, in contravention of section 5.3, 5.12, 19.8 and 20.6(b) of the Code. These rules require a Member to conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, avoid aggressive, offensive or abusive conduct; and must uphold the law and conduct themselves with the highest degree of ethical behaviour and integrity; Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice; and, Members shall not display materials or transmit communications that are inappropriate, offensive, insulting or derogatory.

In this complaint investigation report, I found that the

Respondent had openly and repeatedly documented his position on the community issue subject of the complaint. I have stated on several occasions that the Code is not in place to thwart individual representation and stifle dissent of individual members of council. The issue that I had to decide in making a decision to commence an investigation was not whether the Respondent should or could express a position on the community issue, but rather whether he violated the standards of ethical conduct through his tweets.

The role of the Integrity Commissioner is not to adjudicate statements of opinion. As I have stated in previous Code complaint investigation reports, the law recognizes that there are occasions in which Members of Council are permitted to speak without fear of criminal, civil, or other sanction, which would include Code sanctions. A privileged occasion is described by the Supreme Court of Canada in *Hill v. Church of Scientology of Toronto*:

...a privileged occasion is ... an occasion where the person who makes a communication has an interest or a duty, legal, social, or moral, to make it to the person to whom it is made, and the person to whom it is so made has a corresponding interest or duty to receive it. This reciprocity is essential.<sup>2</sup>

Politicians in council meetings, parliament or the legislature, must be free to engage in vigorous debate on important matters of social relevance. The courts have accepted that the present state of law only gives a qualified privilege to municipal councillors for their remarks in council or directly related to items at Council. As I have previously stated in a Code investigation report, the posting of social media comments by a municipal councillor enjoys qualified privilege, only insofar as it is necessary to protect their free speech in

the discharge of their legislative and deliberative functions, and the Council's work in carrying out the municipality's business. In order for a Member's comments to be covered by immunity from the sanctions of the Code of Conduct, the member seeking its immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfilment of their core function as a Member of Council that to prohibit the comments would undermine the ability of the Member to do their work efficiently.

In this matter, I determined that the Member's posts constituted fair commentary and were not misleading. The statements of opinion in the Member's social media posts reflected views that the Respondent had a right to express, and they did not contravene the Code. Given the weight of elected office, a Member of Council is required to exercise caution in how they express their opinion, measure their words and provide commentary to avoid misunderstanding and misrepresentation of their position. A statement of opinion should be accompanied by a statement clearly indicating that while all have a democratic right under Section 2 of the Canadian Charter of Rights and Freedoms to the freedom of expression, freedom of association, and the freedom of peaceful assembly and protects as a way for people to express themselves for or against decisions made by government or other powerful institutions, respect for the law is the foundation pillar to a civil and democratic society and the police action to uphold the law is their obligation and duty.

During a Code of Conduct complaint investigation, in accordance with section 25.3 of the Code, if the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to non-compliance with the Code, or sections 5, 5.1, or 5.2 of the MCIA in the case

<sup>2</sup> [1995] 2 S.C.R. 1130 (S.C.C.) at para 143



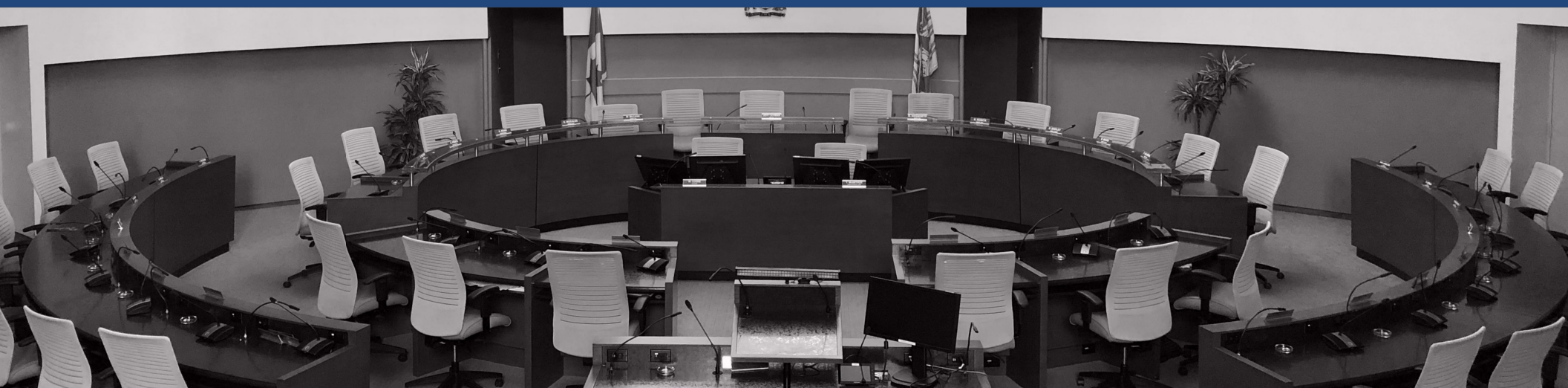
of Council members, the Integrity Commissioner shall advise the complainant in writing. There have been instances during this reporting period in which the Integrity Commissioner had to conduct a preliminary investigation to determine whether the complaint must be referred to other appropriate authorities. For instance, before deciding that an allegation appears on its face to be criminal in nature, the Integrity Commissioner can engage in redrafting the complaint in an effort to make certain that only genuine allegations of criminal conduct are referred to the appropriate police service. The decision that an allegation appears on its face to be criminal in nature, is a decision based upon a consideration of the allegation and the constituent elements of the Criminal Code offences arising from the allegation. Such a decision goes to the jurisdiction of the Integrity Commissioner to continue her investigation of that complaint.

### **Integrity Commissioner's Lack of Jurisdiction to Investigate a Complaint:**

In a 2016 Divisional Court decision, the Court stated that allegations that touch on another investigative process may also trigger the operation of the Code of Conduct rules. It is for this reason that the Integrity Commissioner has the discretion to suspend carriage of the Code Complaint because she determines that the matter is more appropriately being addressed through another process. The jurisdiction of the Integrity Commissioner is suspended until the police service or other authority, completes its investigation. In one such complaint that this Office received, having reviewed the matter, I was satisfied that I must cease investigating. Courts in Ontario have repeatedly held that complaints

which initiate an investigation by a person or body with disciplinary powers are an occasion of absolute privilege. It cannot ground a civil action or other legal proceeding, including a Code complaint. In order, to make such a determination, this Office is often required to allow a parallel procedure to conclude. Members of the public who are advised of the Integrity Commissioner's process may believe that this Office has employed an unduly lengthy amount of time to render a decision on the Code complaint. However, the Integrity Commissioner may suspend the continuation of the investigation until the other procedure is completed, the conclusion of which may provide sufficient information to the Integrity Commissioner to make a determination on a dismissal of the complaint because of insufficient grounds or a lack of jurisdiction. While complainants in situations such as

these may believe that their complaint is taking an unacceptably long time to complete, this Office will provide a complainant with reasons for the delay and or dismissal. Reaching out to individual Members of Council to intervene on behalf of the complainant risks placing the Member from whom the complainant seeks assistance in contravention of section 22.1 of the Code. This section of the Code entitled Reprisals and Obstruction, sets out that Members shall respect the integrity of the Code and any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner or seeking to interfere in the investigation of the Integrity Commissioner, is strictly prohibited.



## Activites and Expenditures of the office of The Integrity Commissioner

2019

**20** Formal Complaints

**1** MCIA\*  
**18** Code\*\*

**6** Informal Complaints

**4** Dismissed  
**2** With Settlement by the Parties

Investigation under s. 223.4.1 of the Municipal Act

\*2 dismissals

\*\*4 full investigation – complaints sustained

\*\*4 with settlements by the parties

\*\*10 dismissals

2020

**6** Formal Complaints

**1** MCIA\*  
**5** Code\*\*

**4** Informal Complaints

**2** Dismissed  
**2** With Settlement by the Parties

Investigation under s. 223.4.1 of the Municipal Act

\*1 dismissal

\*\*2 full investigation – complaints sustained

\*\*1 with settlements by the parties

\*\*2 dismissals

2021

**9** Formal Complaints

**3** MCIA\*  
**6** Code\*\*

**9** Informal Complaints

**7** Dismissed  
**2** With Settlement by the Parties

Investigation under s. 223.4.1 of the Municipal Act

\*3 dismissals

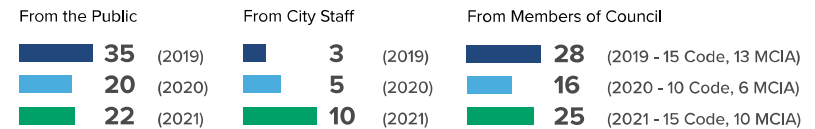
\*\*1 full investigation – complaint sustained (apology of Respondent recommended and received)

\*\*2 with settlement by the parties

\*\*2 dismissals

\*\*4 withdrawn

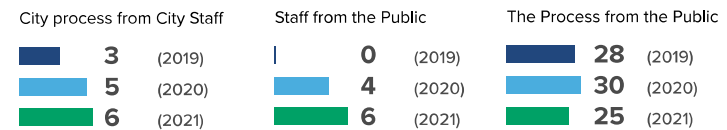
## General Inquiries on Code Application



Total Code Related



## Inquiries on Non-Code Application



Total Code Related



## Expenditures of the Office of the Integrity Commissioner

2021 - \$35,045.12

Annual Stipend for Integrity Commissioner Services (including remuneration for Integrity Commissioner services, advice to Members of Council and Local Board Members, mileage, office expenses)





## Education & Outreach

### May 2021

Participated in the Osgoode Hall Law School Canadian Public Law and Governance Symposium. The theme for the Symposium was Administrative Law's New Landscape with a focus on the Province of Ontario's Consultation on Municipal Codes of Conduct.

### May 2021

Presented at the 2021 Public Sector Ethics Conference.

### June 2021

Virtual Municipal Integrity Commissioners of Ontario Spring meeting. The agenda topics included strengthening municipal codes of conduct, Municipal Conflict of Interest Act case law, the Collingwood Inquiry, Dhillon vs the City of Brampton, and public inquiries in Ontario. Moderated a panel discussion on disqualifying and non-disqualifying conflicts of interest under the MCIA and Codes of Conduct.

### June 2021

Guest Presenter at Western University's Local Governance Program. The presentation covered recent updates to accountability and transparency in municipal government, harassment complaints under Codes of Conduct and the Provincial Consultation on changes to municipal codes of conduct.

### October 2021

Delivered Council Use of Social Media.

### December 2021

Panelist and Presenter - Ontario Bar Association – Professionalism in Municipal and Planning Law. The Presentation focused on Use of Social Media and Lobbying Rules in an Election Year.

## Public Consultation on Amendments to Municipal Codes of Conduct:

The Association of Municipalities of Ontario (AMO) was asked during its December 2020 consultation meeting with the Minister of Municipal Affairs and Housing to provide input on a potential council member recall mechanism, and in response the Association provided a position paper to the Minister on February 3, 2021.

On March 5, 2021 the Province launched a 90-day consultation period for feedback on municipal codes of conduct. Requesting comment through public consultations, the Province sought to 'strengthen municipal codes of conduct' by looking at 'ways to increase accountability of council members'. The public consultations were aimed at ensuring that members of municipal councils respected the rules of a safe and respectful workplace in the fulfilment of their ethical duties. The Province using the AMO submission as a foundation to the survey wrote to municipalities and the public seeking their comments on AMO's recommendations to the Minister, which included proposals on:

- Increased financial penalties to encourage compliance/ suspension from public office for certain violations
- how to more effectively enforce these codes
- whether a broader range of penalties for violations of the codes of conduct are needed
  - Removal from office in certain circumstances
  - Better training and standards for integrity commissioners

Any person was able to complete the Province's online survey until July 15, 2021. A report back was anticipated in the early 2022. Given that 2022 will have both a Provincial and Municipal election in Ontario, it is likely that this very important discussion will be concluded after the elections.



## Examples of IC Advice/Issues of Note

**Q.** A Member of a Local Committee is considering seeking the candidacy for a political party at another level of government. The Committee Member asked if they would have to resign from the Committee if they won the nomination or won election?

**A.** If a Committee Member wins the nomination of a political party, it is recommended that they either resign from the Committee or request a leave of absence from their role on the Committee during the campaign and up to the election.

The Code requires Members of Council and Local Boards/Committees be unbiased and not to favour or be perceived to favour a particular group/individual or position. As a result, the provisions of the Code would render holding office (or running for such office) incompatible with the freedom from perceived bias required under the Code.

**Q.** Does a Member of Council who has been appointed to a Local Board have a conflict of interest in matters before Council relating to a position taken by the Local Board?

**A.** Section 5 of the MCIA prohibits Members of Council from discussing and voting on matters in which they have a pecuniary interest, subject to specific exceptions. Members are also prohibited from attempting to influence the voting on any question related to the matter.

However, section 4 of the MCIA, s.4(h) provides an exception to the s.5 disqualification. A Member does not have a disqualifying pecuniary interest, if:

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

There is no Code rule that requires a Council appointed representative on a Local Board to carry forward the position of the Local Board when acting in their Council role. Generally, a Member of Council has neither a pecuniary (MCIA) interest nor a non-pecuniary interest in an item relating to the matters discussed by the Local Board.

**Q.** A Member of Council receives a bottle of

wine during the holiday season. Is receipt of this seasonal gift permitted under the Code.

**A.** As a general practice, during the holiday season, Members of Council should decline gifts, with the exception of a suitable memento, trinket or favour of relatively little monetary value. If the gift is of greater value, the organization or individual could be invited to donate the gift to local charities. Of course, constituents and businesses will want to express holiday greetings and thus each Member may exercise their discretion in deciding whether a gift is a token of seasonal appreciation or something more.

Bottles of wine, even of modest priced, may be viewed as a gateway to communications with a Member of Council. For example, in municipalities that have a Lobbying Bylaw, lobbyist are prohibited from giving gifts of any value, to Members of Council or other public office holders. The City of Barrie does not have a lobbying bylaw and hence an individual who may want to communicate with an elected official may feel unencumbered by the absence of lobbying rules. The Member was reminded that while a nominally priced bottle of wine does not create a promise of preferential treatment in the future, members of council are encouraged to avoid

circumstances in which it may be perceived that a business owner is seeking to curry favour with the elected official.

Notwithstanding, section 8.4 of the Code states that, a member may not accept a gift or benefit worth in excess of \$250 or gifts and benefits from one source during a calendar year worth in excess of \$250.

**Q.** As a Councillor, can I take a position in favour of a development when the matter comes to Council?

**A.** A Councillor may be pro-development, pro-green space, pro-affordable housing, pro-paper bags in retail stores. However, as long as a Member doesn't have a closed mind and as long as they are not promoting their own personal interests (financial or otherwise), then a member of council can try to persuade other members and vote based on the information before them in public and confidential staff reports and public deputations.





## Closing Remarks

This has been a difficult time of closures and loss due to the Covid-19 global pandemic. City staff and Members of Council have responded promptly to requests from this Office for information regarding formal and informal complaints. Without a doubt, there have been very serious issues before the Barrie City Council and the City in 2021. However, it is important to underscore that this Office receives and investigates matters of conduct of individual Members of Council and Local Boards in respect of the rules of the Code. If a matter is not, on its face, a Code matter, in other words, if the matter relates to closed meeting deliberations and who may remain during such a meeting, or whether the City should consider one location over another for the site of a community service or whether the City is addressing allegations of harassment, if and unless the matter lies within the jurisdiction of the Code as written, the Integrity Commissioner does not have the power to receive and investigate the matter. That the public believe there should be greater oversight and or penalties for certain matters relating to members of Council is subject of a policy discussion with respect to bringing amendments to City policies and to the Municipal Act. These discussions have happened and are ongoing. I can confidently report that the rules of the Code are being followed; the process for holding Members accountable is in place and is effective. The principles of accountability and transparency, which are codified in the City's governance model, provide the public with the assurance of integrity in the City's decision-making processes.

Respectfully submitted,

Suzanne Craig  
Integrity Commissioner



## Office of the Integrity Commissioner, City of Barrie

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For information about the Integrity  
Commissioner's Office, please click [here](#)

