

Committee of the Whole (2) Report

DATE: Tuesday, June 16, 2020

WARD(S): ALL

**TITLE: FORMAL CODE OF CONDUCT COMPLAINT INVESTIGATION
REPORT 101619**

FROM:

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

ACTION: FOR INFORMATION

Purpose

To present the findings of an investigation by the Integrity Commissioner and Lobbyist Registrar under the City of Vaughan Code of Ethical Conduct (the “Code”) relating to the conduct of a Member of Council (the “Respondent”) in connection with a complaint alleging violations of rules 1, 7, 9 and 16 of the Code.

Report Highlights

- The Complaint alleges that the Respondent used their authority for the purpose of commanding or influencing staff with the intent of interfering in staff’s duties.
- The Complaint alleges that the Respondent worked closely with a senior Member of staff to undermine staff’s recommendation to assume the second phase of the Humberplex Project, a 36.8-hectare single-family development.
- The Complaint investigation findings set out that the Respondent did not violate the Rules of the Code.
- While the Integrity Commissioner and Lobbyist Registrar does not have authority to investigate allegations of wrongdoing on the part of staff, insofar as the Complaint alleges that the Respondent attempted to use their authority for the purpose of influencing a senior staff person to undermine staff’s recommendation to assume the second phase of the Humberplex Project, the Integrity Commissioner has submitted in this Report, information received in respect of the staff person named in the Complaint.
- The Integrity Commissioner and Lobbyist Registrar was unable to interview the senior staff person named in the Complaint.

Recommendations

1. That no penalty be imposed on the Member insofar as there was no evidence to support that the Member attempted to influence the actions of staff; and
2. That the information in respect of the senior staff person presented in the formal Code of Conduct Complaint Investigation Report 101619 be received.

Background

A Formal Complaint was received on October 16, 2019, alleging that the Respondent had contravened Rules 1, 7, 9 and 16 of the Code. In particular, the Complaint alleged that the Respondent worked closely with a senior staff person to undermine the City staff's recommendation to assume the second phase of the Humberplex Project in the City of Vaughan.

In the preliminary classification, it was determined that the Integrity Commissioner and Lobbyist Registrar would be investigating the violations of Rules 1, 7, 9 and 16 of the Code, as alleged in the Complaint. During the course of this investigation, the Integrity Commissioner and Lobbyist Registrar interviewed several witnesses who provided information relevant to the subject matter in the Complaint, including in respect of the behaviour and conduct of the senior staff person generally, and in respect of the subject matter of the Complaint.

Pursuant to the obligations of the Integrity Commissioner and Lobbyist Registrar under s. 10(ii) and 11(ii) of the Complaint Protocol, the Complaint Investigation Report [Attachment 1] sets out the investigative process, decisions on jurisdiction, findings on the allegations related to the Code, analysis, and conclusion.

Previous Reports/Authority

N/A

Analysis and Options

Attachment 1, which will be distributed prior to the June 16, 2020, Committee of the Whole (2) meeting, sets out the investigative conclusions in respect of the allegations in the Complaint.

Financial Impact

The costs relating to this investigation are governed by the rules of the City's Indemnification By-law.

Broader Regional Impacts/Considerations

N/A

Conclusion

The Office of the Integrity Commissioner and Lobbyist Registrar recommends that no penalty be imposed on the Member as there was no evidence to support the allegations in the Complaint. While the Office of the Integrity Commissioner and Lobbyist Registrar is not mandated to receive, investigate or make findings in respect of the actions, omissions or decisions of staff, the Integrity Commissioner and Lobbyist Registrar has concluded that information received in respect of the senior staff person named in the Complaint, shall be submitted without comment, to Council for consideration as appropriate.

For more information, please contact Suzanne Craig, Integrity Commissioner and Lobbyist Registrar, extension 8301

Attachment

1. Formal Code of Conduct Complaint Investigation Report #101619 (to be distributed prior to the June 16, 2020, Committee of the Whole (2) meeting).

Prepared by

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar, extension 8301