

# **2022 Mid-year Report of the Integrity Commissioner**

# Message from the Commissioner

I am pleased to present City Council with my 2022 mid-year report on the operations of the Office of the Integrity Commissioner for the period of October 1, 2021 to March 31, 2022.<sup>1</sup>

During this reporting period, my Office received a high volume of inquiries, complaints, and requests for advice. As detailed in this report, I have been actively engaged in each of my three roles: Integrity Commissioner, Lobbyist Registrar and Meetings Investigator.

In addition to managing an increased number of complaints respecting the Code of Conduct for Members of Council, I received many complex inquiries involving questions not previously encountered by the Office of the Integrity Commissioner. Building on the foundational interpretations established by my predecessor, I have had the opportunity to develop new approaches in response to such inquiries.

In my capacity as Lobbyist Registrar, and in the context of the 2022 municipal election year, I focused my attention on how lobbyists' political activities can create a conflict of interest when candidates they support are subsequently elected to office. This report sets out considerations on that matter, and attaches an Interpretation Bulletin I recently published on the subject.

In the course of my work in all three parts of my mandate, I am considering whether current investigation protocols could be enhanced and/or made more transparent. As discussed in the "Conclusion" section of this report, I intend to bring forward recommendations regarding the investigation protocols of the Integrity Commissioner, Lobbyist Registrar and Meetings Investigator for Council's consideration as part of the 2022-2026 Council Governance Review.



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<sup>1</sup> This report is filed in accordance with the requirement, set out in Section 6 of the Complaint Protocol (Appendix "A" to the Code of Conduct for Members of Council) that the Integrity Commissioner report to Council semi-annually during the first year, and annually thereafter. Integrity Commissioner Karen Shepherd was appointed on September 1, 2021 for one year, with an option to renew for a five-year term.

I look forward to continuing to support Members of Council in the upcoming election and transition period, and to developing education and training for Members of the 2022-2026 Ottawa City Council.

I would also like to take this opportunity to acknowledge and thank the dedicated and professional service I receive from the staff of the City Clerk's Office who support me as Integrity Commissioner. They have adapted to the ever-growing demands on the Office, and bring continued enthusiastic support to our ongoing work.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'KES', written in a cursive style.

Karen E. Shepherd  
Integrity Commissioner, City of Ottawa

# 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

Between October 1, 2021 and March 31, 2022, the volume of complaints filed with the Office of the Integrity Commissioner continued to be high. In the current six-month reporting period, my Office managed only one fewer complaint than was received in the entire full 2021 reporting year.

In addition to formal and informal complaints, my Office also managed an increasing number of complex inquiries that have required research, substantial analysis, and development of new approaches.

## 2022 MID-YEAR IN BRIEF

### Compliance

As Integrity Commissioner, I oversee the Code of Conduct for Members of Council (By-law 2018-400), which also applies to citizen members of the Transit Commission when they are acting in their official capacity. In addition, I oversee Code of Conduct for Citizen Members of the Built Heritage Sub-Committee (By-law 2018-401), and the Code of Conduct for Members of Local Boards (By-law 2018-399).

From October 1, 2021 to March 31, 2022, all complaints within my jurisdiction as Integrity Commissioner that I received and managed, alleged contraventions of the Code of Conduct for Members of Council (the “Code of Conduct”).

### Complaints Respecting the Code of Conduct for Members of Council

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

Category	Number
Formal complaints – ongoing from previous reporting period	3
Formal complaints – received in reporting period	9
Informal complaints – received in reporting period	1
<b>Total</b>	<b>13</b>

## Formal Complaints

From October 1, 2021 to March 31, 2022, nine formal complaints were filed and work was undertaken. Work continued on the three formal complaints that were ongoing from the end of the 2021 reporting year. The disposition and status of those formal complaints are discussed below.

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.

### *Dismissed at intake stage*

Four formal complaints were dismissed at the intake stage.

1. A member of the public alleged that a Member of Council breached multiple sections of the Code of Conduct by improperly exerting influence in a planning process to the benefit of a local developer and the development industry.

After reviewing information the Complainant submitted, as well as publicly available information relevant to the issues raised, I determined that the information did not establish the allegation. The available information indicated the Member's participation in the process was reasonable, and not outside of the Member's role.

2. A member of the public alleged that the conduct of a Member of Council during a public meeting, as well as comments the Member made publicly following the meeting, contravened multiple sections of the Code of Conduct.

In analyzing the matter, I noted that a growing body of rulings from municipal Integrity Commissioners in the Province have taken the position that they should not interfere with the conduct and management of any particular meeting of Council or its Committees.

This position is rooted in recognition of Council's statutory responsibility to establish rules of procedure to govern its meetings, and that the presiding officer should have a certain degree of autonomy to ensure that a meeting is conducted in keeping with Council's rules of procedure. I accept this position, and believe that my authority to intervene in matters related to the management of Council and Committee meetings is limited.

In practice, this means that my decision to intervene is reserved for exceptional circumstances. I determined that the Member's conduct during the meeting was within the procedures and enforcement mechanisms set out in the Council Procedure By-law. I did not believe the request for investigation established a compelling reason to justify exercising my authority to investigate the specific allegations.

3. A member of the public alleged that a Member of Council contravened the Code of Conduct by not taking action to remedy a local infrastructure matter of concern after the Member was made aware of the matter.

A review of available information indicated that the Member's Office had acknowledged the concerns when raised, and provided a projected timeline for response. While that timeline had elapsed without the Complainant's desired outcome having been achieved, available information indicated that steps were being taken, by City staff and other officials, to remedy the issue. I acknowledged the challenges that the situation posed to the Complainant, but determined that the information provided was not sufficient to support the allegation of a breach of the Code of Conduct.

4. A member of the public alleged that a Member of Council had disclosed confidential information relating to a private conversation between the Member and another individual. The basis for the allegation was that this information was disclosed on a social media platform by an anonymous account.

A review of publicly available information revealed that details of the private conversation were already in the public domain and there were insufficient grounds to support the allegation that the Member had shared the information.

*Dismissed after having taken preliminary inquiry steps*

I dismissed one formal complaint after having taken preliminary steps in an inquiry.

The Complaint, filed by a member of the public, alleged that public statements a Member of Council made about the Complainant, and the manner in which the Member engaged the Complainant in related Twitter exchanges, contravened the Code of Conduct. The Complainant indicated a number of desired outcomes, including the deletion of the tweets.

I undertook a comprehensive intake analysis and determined that the complaint was not frivolous or vexatious. After I issued Notice of Inquiry to the Complainant and Respondent, the Respondent pro-actively deleted the tweets and indicated openness to resolving the matter informally.

I then conferred with the Complainant, who provided additional information, and indicated they did not accept deletion of the tweets alone as a satisfactory resolution. In considering the position of both the Complainant and Respondent, I did not see that there was a reasonable prospect of an informal resolution between the parties.

On a review of the totality of the information before me at that stage of the inquiry, I determined that there were insufficient grounds to move forward with a formal investigation into the matter.

Under the Complaint Protocol, if at any time during an investigation the Integrity Commissioner believes there is an opportunity to resolve the matter informally and both parties agree, the Commissioner may assist the parties in achieving an informal resolution.

*Closed without full investigation*

I closed one formal complaint without completing a full investigation.

The Complaint Protocol allows the Integrity Commissioner to terminate an investigation in-progress if it becomes apparent in the course of the investigation that there are no grounds or insufficient grounds to continue with the investigation.

The formal complaint, filed by a member of the public in the 2020 reporting year, alleged that a Member of Council had not undertaken their duty to address certain Ward-specific matters of concern to the Complainant. The Integrity Commissioner, after undertaking a comprehensive intake analysis and issuing Notice of Inquiry to the Complainant and Respondent, was required to suspend the investigation in order to uphold the principles of natural justice and procedural fairness in the inquiry.

When it became possible to resume the investigation, I received additional information, including documentary evidence, from the Respondent in response to the allegations. I assessed the information provided and determined that,



given what the information indicated about the Complainant's allegations, there were insufficient grounds to proceed.

#### *Closed without resolution*

I closed one formal complaint after having taken steps toward an informal resolution.

A member of the public filed a formal complaint alleging that a Member of Council conveyed an inappropriate message in a column the Member published in a local newspaper and, in so doing, contravened several sections of the Code of Conduct. While there were insufficient grounds for a formal investigation into the matter, I believed, however, there was an opportunity for an informal resolution.

After receiving the Complainant's consent to approach the Respondent regarding an informal resolution, I met with the Member to explore the possibility of resolving the complaint through the informal procedure.

In order to assist in mediation, I must consider that there is a possibility that the parties may reach a common ground. I considered the strong viewpoints which existed on the particular issue, as expressed by the Complainant and Respondent. Considering those matters and the Complainant's desired outcome, I did not see that there was any middle ground to proceed with the informal process. I closed the complaint, notifying both parties of the decision and rationale.

#### *Ongoing*

Five formal complaints remain open at the end of the 2022 mid-year reporting cycle.

## Informal Complaints

Anyone who identifies or witnesses behaviour or an activity by a sitting Member of Council that appears to be in contravention of the Code of Conduct may address the behaviour or activity themselves in ways such as:

- Advising the Member that the behaviour/activity appears to contravene the Code of Conduct and encouraging them to acknowledge and agree to stop the behaviour/activity;
- Documenting the incidents including dates, times, locations, other persons present, and any other relevant information; and
- If applicable, confirming to the Member one's satisfaction or dissatisfaction with the response.

**A complainant-led approach to resolution**, the informal complaint procedure is **not** a precondition or prerequisite to filing a formal complaint.

With the consent of both the Complainant and the Member, the Integrity Commissioner may participate in the procedure as mediator.

From October 1, 2021 to March 31, 2022, I received one informal complaint. A member of the public reached out directly to a Member of Council, advising the Member that public statements the Member made appeared to contravene the Code of Conduct. When the Complainant did not receive a response from the Member, the Complainant reached out to my Office for assistance. I brought the complaint to the attention of the Member, requesting the Member's agreement that I act as mediator.

After discussing the matter one-on-one with the Member, it was clear to me that the Member's views on the public statements at the heart of the complaint differed significantly from those of the Complainant. As a result, I did not see that there was a reasonable prospect of an informal resolution between the parties. I closed the file and notified both parties of the decision.

In order to assist in mediation, I **must consider that there is a possibility the parties may reach a common ground.**

## "Complaint-like" Inquiries

While my legislated duty of confidentiality prohibits me from providing details on these matters, I note that, in general, my Office has also received a high volume of correspondence from members of the public expressing their concern and

disappointment in the decorum and conduct of Members of Council. These concerns have been raised in the context of meetings of Committee and Council, social media and the Convoy protest.

These inquiries are often complaint-like in nature. For example, members of the public write to [integrity@ottawa.ca](mailto:integrity@ottawa.ca) wishing to state their displeasure, or to file a complaint, with respect to Members' actions or behaviour. My practice is to explain how one may initiate either an informal complaint or file a formal one.

In the majority of cases, members of the public do not pursue the matter through an informal or formal complaint. However, I have chosen to highlight this in my mid-term report to make it clear that members of the public are familiar with the standards of behaviour expected of elected officials, as set out in the Code of Conduct, and are regularly voicing their concerns with my Office.

### ***Complaints Respecting the Municipal Conflict of Interest Act***

I did not receive any complaints this reporting period alleging contraventions of the *Municipal Conflict of Interest Act* (MCIA).

Under the *Municipal Act, 2001*, an eligible elector or person demonstrably acting in the public interest who believes a Member of Council or member of a local board has violated the conflict of interest rules in the MCIA may apply to my Office for an inquiry into the matter.

In accordance with the *Municipal Act, 2001*, I must complete an investigation within 180 days after receiving the completed application. If, after completing an investigation, I determine it is appropriate to do so, I may apply to a judge for a determination as to whether the member has a conflict of interest. Only a judge may make a final determination and apply any or all of the penalties provided in the MCIA.

## **Advice**

### ***Advice with respect to Codes of Conduct***

For the mid-year report, I have decided to summarize the themes I observed in providing advice. Details of advice provided will be presented as part of the 2022 Annual Report.

## Members accepting donations or sponsorships from lobbyists with active files

I have received a number of inquiries from Members who have been offered donations or sponsorships from lobbyists with active files in the City's Lobbyist Registry. These have included offers of financial support or in-kind donation of goods for Member-organized community events, and in-kind donations such as small community infrastructure items for use in a Member's ward.

Under the Lobbyists' Code of Conduct, lobbyists are also prohibited from offering or providing any gift, benefit or hospitality to Members of Council or their staff.

When it becomes apparent that a lobbyist with active files has offered a donation or sponsorship to a Member of Council, I follow-up with the lobbyist to advise them of the requirement, and introduce compliance measures where appropriate.

Members' solicitation and acceptance of donations or sponsorships for Member-organized community events is governed by the [Community, Fundraising and Special Events Policy](#), which states that Members shall not "solicit or accept donations from lobbyist or their clients or their employees with active registrations in the Lobbyist Registry without pre-approval from the Integrity Commissioner".

Section 12 of the Code of Conduct also includes this prohibition on accepting such items from lobbyists, their clients or employees with active files.

The aim of these provisions is to prevent lobbyists who are seeking to do business with the City from attaining that business by way of giving gifts or favours to those who are in a position to make decisions on their files. Public trust may be

damaged if there is a perception that the City's decision makers accept gifts or benefits from lobbyists.

For these reasons, I have advised Members against accepting such offers.

Members' acceptance of donations and sponsorships is especially relevant during the present municipal election year. Under the Community, Fundraising and Special Events Policy, **Members who are running for re-election cannot accept donations or sponsorships after they have filed their nomination papers.**

## Complex inquiries

In general, my Office managed a high volume of complex inquiries during this reporting period. These inquiries have required research, substantial analysis and often multiple communications with the requester before a fulsome response could be issued.

These inquiries have involved answering questions that have not previously been encountered by the Office. Many inquiries have required much more than a straightforward interpretation of the expectations and rules set out in the Code of Conduct. While I have continued to build on the interpretations that have been established by my predecessor, I have also had to develop entirely new approaches.

For example, I have received a number of requests from Members of Council on the subject of representing constituent interests. A question that came to the Integrity Commissioner with relative frequency in the past was: Can a Member of Council provide input on matters before the City's Committee of Adjustment? My predecessor published his general position on this subject in past Annual Reports: In these reports he stated that Members should not intervene in any capacity with the quasi-judicial tribunal; however, where they choose to get involved in the interests of their constituents, they should refrain from appearing before the Committee of Adjustment and provide a written submission instead.<sup>2</sup> I continue to support this position.

In recent months, however, I have received a number of very nuanced questions from Members about representing constituent interests in other ways. These inquiries have been case-specific, and have included a variety of factors. In developing my advice, my research included consulting case law, reviewing annual reports of other Integrity Commissioners and, in some cases, while respecting confidentiality, consulting with colleagues in other jurisdictions on their general experience and approach.

In my advice, I have sought to communicate what action on the part of the Member, in each specific scenario, is appropriate under the Code of Conduct, and what activity could risk "crossing the line" to something that could be perceived as the improper use of the Member's influence.

The Code of Conduct does not prohibit Members from properly using their influence on behalf of constituents. It does, however, prohibit Members' improper use of the influence of their office, and requires Members to avoid conflicts of interest, both apparent and real.

Where my guidance has been sought, it is clear the Member's intent is to serve their constituents to the fullest extent and in whatever way possible. However, it can be difficult to identify the "line" between proper and improper use of a Member's influence

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<sup>2</sup> See, for example, the 2018 Annual Report of the Integrity Commissioner, p. 19, and 2020 Annual Report of the Integrity Commissioner, p. 15. All [past Annual Reports are available on Ottawa.ca](#)

on behalf of their constituents. I encourage Members to continue to consult my Office: [integrity@ottawa.ca](mailto:integrity@ottawa.ca).

### ***Advice/ Opinion with respect to the Municipal Conflict of Interest Act***

As public officials, it is imperative that Members act with concern for the public good and not for their private interests.

Members of Council and members of local boards have a responsibility to avoid conflicts of interest, and in particular conflicts that are financial (pecuniary) in nature.

In this reporting period, several Members of Council sought my advice in regard to the MCIA. Where necessary, external legal advice was sought in providing the response. Specifically, a number of inquiries received focused on whether membership on an external board created a financial interest for the Member.

#### Membership on external boards

In addition to serving their communities as elected officials, Members often serve on the boards of local and not-for-profit organizations. Members make vital contributions to their communities by serving on such boards. It is possible, however, for their service to create tension with their public duty as a Member of Council.

The MCIA is based on the principle that “no man can serve two masters”<sup>3</sup> and where a Member’s public duty intersects with their commitment to an external board, the Member may have an indirect pecuniary interest<sup>4</sup> in a matter.

Section 2 of the MCIA provides that, for the purposes of the Act, a member has an indirect pecuniary interest in a matter in which the council/local board is concerned if the member is, among other matters:

- a director or senior officer of a corporation; or
- a member of a body that has a pecuniary interest in the matter.

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<sup>3</sup> *Moll v. Fisher*, (1979) 23 O.R. (2d) 609

<sup>4</sup> Section 2 of the *Municipal Conflict of Interest Act*

*“Individuals who are directors, committee members and general members of these types of entities all have the potential to have their duties as members of public councils collide with the pecuniary interests of such organizations, placing them in the untenable position of ‘serving two masters.’”*

- *Cooper et al. v. Wiancko et al* 2018 ONSC 342

Jurisprudence indicates that the “body” referenced in the MCI A includes local, volunteer-run, non-share, not-for-profit corporations and boards.<sup>5</sup>

Correspondingly, if a Member of Council serves as a director, committee member or general member of any such corporation or board, the potential exists for that Member’s public duty to “collide” with the pecuniary interests of such organizations.<sup>6</sup>

External legal counsel has described that, as a member of an external board, a Member of Council has a duty to the Board to act in its best interest. This could create a conflict of interest between the Member’s role to do what is in the best interest of the board, and what is in the best interest of the City.

For these reasons, in several pieces of advice issued this reporting period, a Member has been found to have an indirect interest in a matter due to their serving on an external board.

I encourage Members to continue to seek advice from my Office regarding their responsibilities under the MCI A: [integrity@ottawa.ca](mailto:integrity@ottawa.ca).

## **Education and Outreach**

Between October 1, 2021 and March 31, 2022, I undertook the following education and outreach initiatives:

- I completed one-on-one meetings with individual Members of Council which began following my appointment in September 2021.
- In October, I introduced “IntegriTalk”: a series of short bulletins which I send to Members of Council. I have issued bulletins on Members’ responsibilities with respect to the following matters:
  - Lobbying;
  - The acceptance and public disclosure of gifts and hospitality;

<sup>5</sup> *Cooper et al v. Wiancko et al*, 2018 ONSC 342.

<sup>6</sup> *Ibid.*

- The acceptance, public disclosure and limits regarding tickets; and
- Searching the Lobbyist Registry.

In upcoming months, the IntegriTalk will be replaced with joint communications with the City Clerk on election-related matters.

- November 19, 2021 – Provided orientation to a new Councillor on the Accountability Framework
- March 7, 2022 – Issued Social Media Engagement Guidelines to Members of Council. [Appendix 1]

I developed the social media guidelines in response to requests for advice I received from Members related to abuse and harassment on social media platforms, including comments directed at Members but also towards members of the community.

The guidelines encouraged Members to actively monitor their public social media pages for harassing or discriminatory language, and to report offending comments through the platform.

The guidelines, however, offered a message for Members to post on their social media pages at their discretion. The message advises users that comments including profane, hateful, or abusive language or that are discriminatory, harassing or threatening in nature may be deleted.

- March 25, 2022 – The City Clerk and I issued a joint memo to Members of Council which set out guidelines respecting Members' community events for the remainder of 2022.

The memo communicated a temporary exemption to a policy requirement that a Member-organized community event must have been held in the previous two years for the event to occur in the current municipal election year. The exemption was granted for the current year in recognition of the fact that the ongoing pandemic has restricted in-person gatherings in the preceding two years.

The memo set out the general requirements regarding Member-organized events, including:



- Unless pre-approved by the Integrity Commissioner, Members must not solicit or accept donations from lobbyists with active files in the City’s Lobbyist Registry; and
- Members of Council seeking re-election shall not accept donations for Member-organized community events after they have filed their nomination papers.

## 2022 MID-YEAR IN NUMBERS

### Trends

#### Number of Complaints

My Office managed 13 complaints in the past six-month period, which is only one fewer than the Office managed in the 2021 full-year reporting period.

The Office of the Integrity Commissioner has seen a steady increase in the number of complaints received in recent years, with the highest number of complaints per year (14) managed during each the last two full-year reporting cycles of 2020 and 2021.

By comparison, in the Integrity Commissioner’s first reporting year (2013) the Commissioner managed two informal complaints. Nine years later, the volume of complaints and inquiries is indicative, I believe, of ever-increasing public awareness and engagement in matters of accountability and ethics in municipal government.

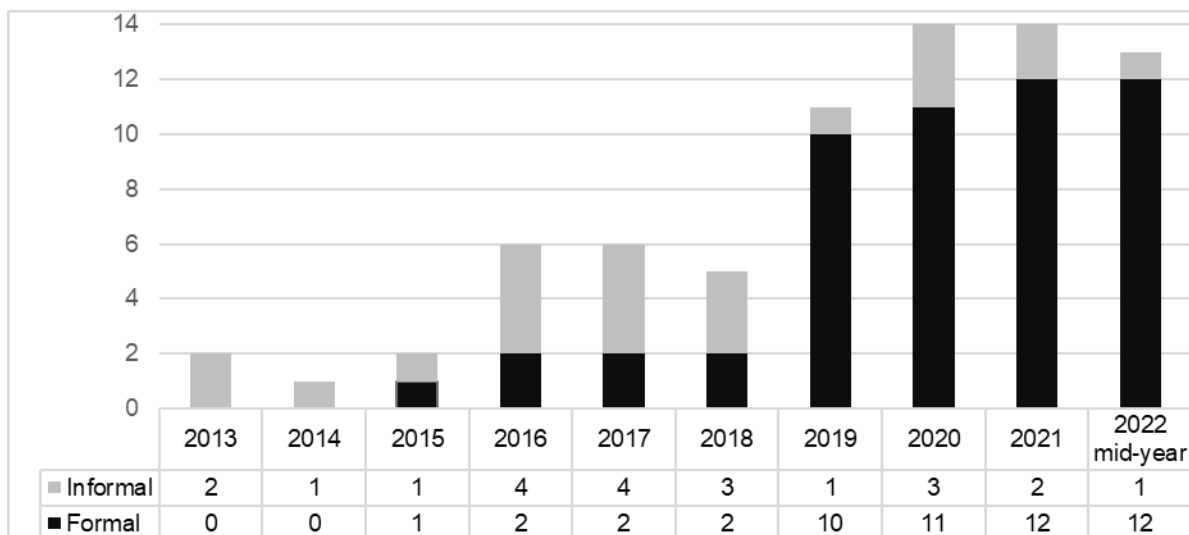


Figure 1: Total number of complaints within the Integrity Commissioner’s jurisdiction managed per reporting period

## Source and Type of Inquiries

In recent reporting years (2020 and 2021), members of the public sent more inquiries to the Integrity Commissioner than any other group.

At the 2022 mid-year mark, however, the trend has changed. This period, I received more inquiries in general from elected officials than from members of the public.

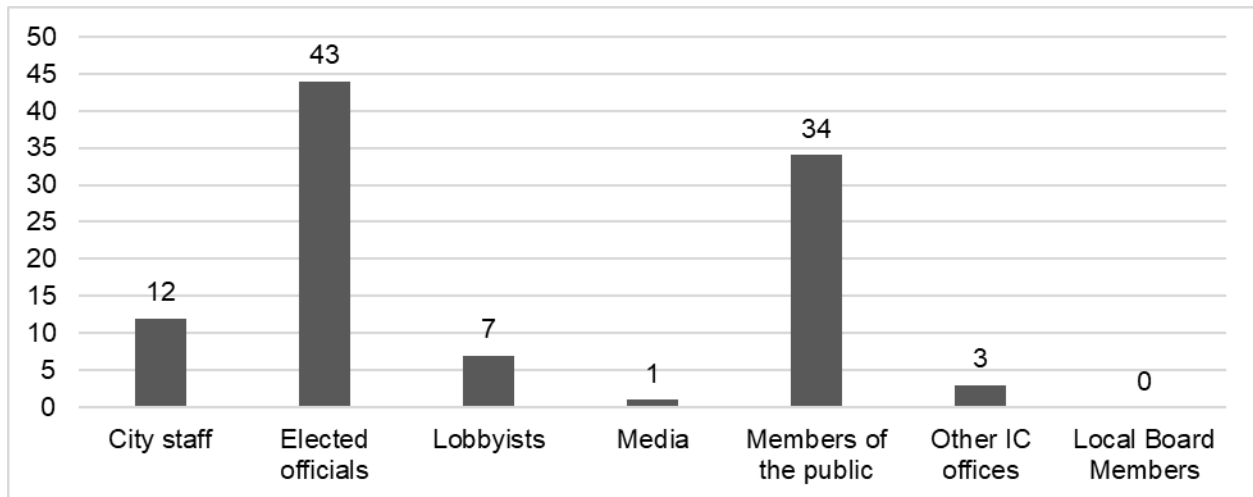


Figure 2: Total points of contact by source

The number of inquiries I received from elected officials in this six-month reporting period (43) has almost matched the total received for the previous 2021 full-year reporting period (50).

I am pleased that Members of Council have been contacting my office for support and guidance, and I encourage them to continue to do so.

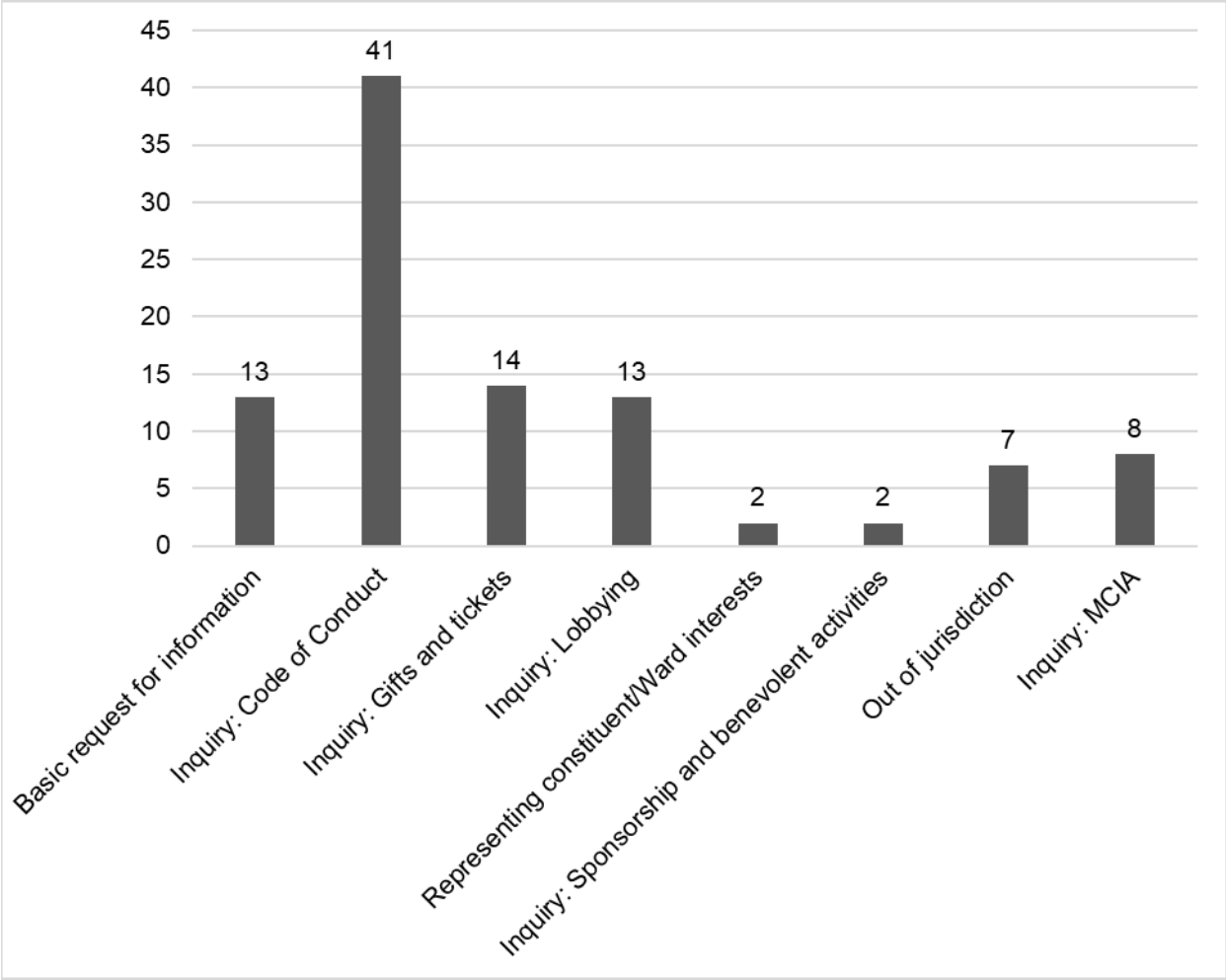


Figure 3: Total points of contact by type

In this reporting period, as in the 2021 reporting year, the greatest number of inquiries I received from all parties had to do with Members’ general obligations under the Code of Conduct for Members of Council.

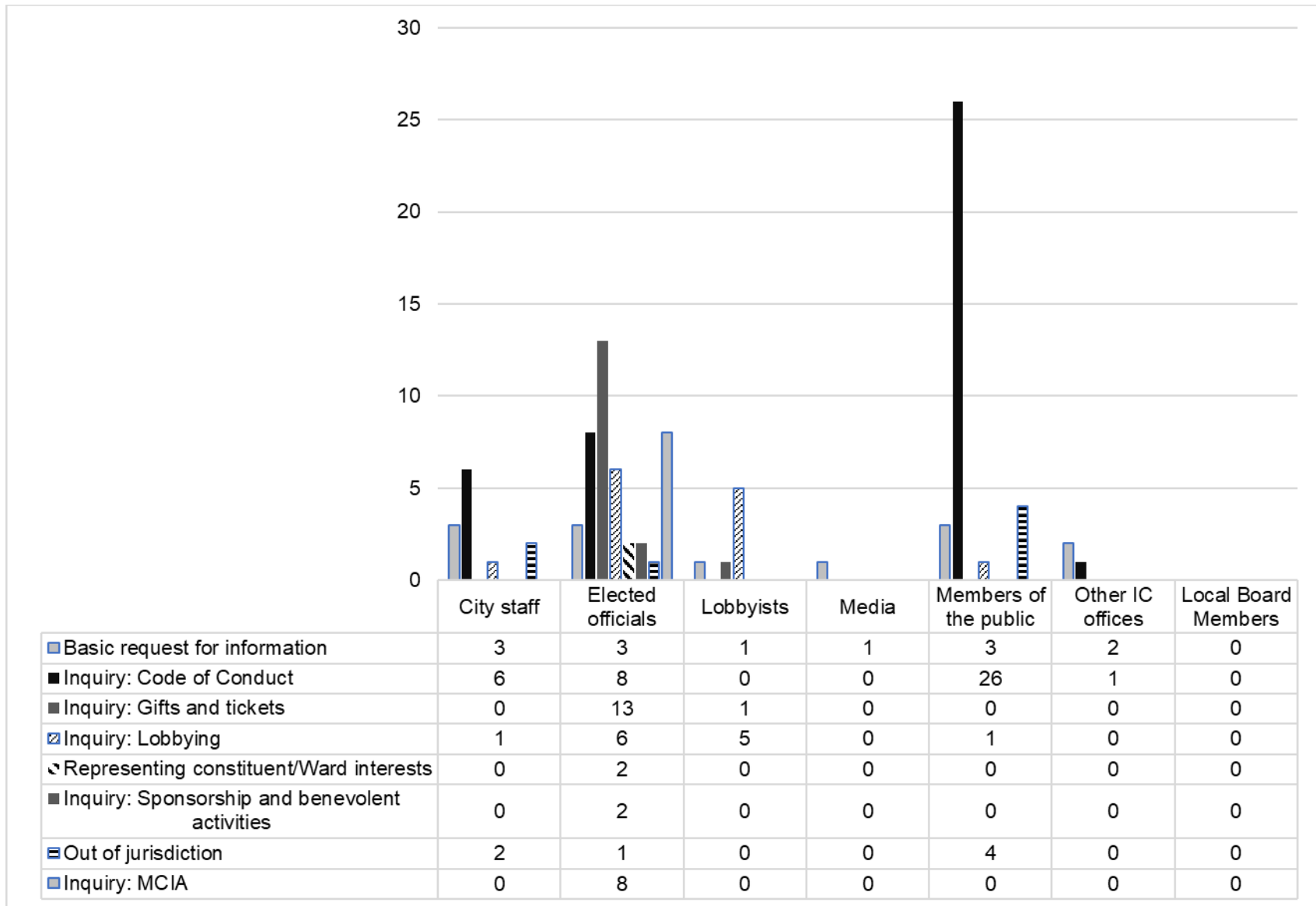


Figure 4: Source and subject matter of inquiries received

As Figure 4 shows, the majority of questions received from members of the public were about Members' general obligations under the Code of Conduct. In the current six-month reporting period, my Office received more inquiries from members of the public on that subject (26) than in the previous full-year reporting period (21). The high volume of "complaint-like inquiries" discussed above contributed to this figure.

During this reporting period, I did not receive any inquiries from members of local boards. I oversee the Code of Conduct for Members of Local Boards and my mandate includes providing educational information to members of local boards on their code, as well as advice regarding their obligations under their code and with respect to the MCIA. As we prepare for a new term of council, I intend to increase my communication and outreach to members of local boards. I encourage members of local boards to contact me at any time regarding their obligations under their code of conduct or the MCIA: [integrity@ottawa.ca](mailto:integrity@ottawa.ca)

## KEY THEMES AND TOPICS

### Update – Decisions and Standards of Practice

#### Judicial Reviews

##### *City of Ottawa*

On December 22, 2021, the Divisional Court released its decision in *Chiarelli v. City of Ottawa*, a decision on an application for judicial review of an investigation and report from the Integrity Commissioner for the City of Ottawa and City Council's actions and decision to accept the Integrity Commissioner's findings and impose a penalty.

The Court ruled on three main points related to the Integrity Commissioner's investigation and report to City Council in respect of three complaints from persons who were interviewing for potential employment in Councillor Chiarelli's office:

- **Jurisdiction** – the complaints fell squarely within the jurisdiction of the Commissioner and the Commissioner's decision to this effect was reasonable.<sup>7</sup>

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<sup>7</sup> *Chiarelli v. Ottawa (City of)*, 2021 ONSC 8256 at para. 3.

- **Bias** – there was nothing to ground allegations of bias or reasonable apprehension of bias against the Commissioner, who discharged his job with patience and professionalism.<sup>8</sup>
- **Procedural Fairness and Natural Justice** – the Commissioner’s accommodation of Councillor Chiarelli’s health issues was procedurally fair.<sup>9</sup>

### *City of Hamilton*

On December 15, 2021, the Divisional Court released its decision in *Kroetsch v. Integrity Commissioner for the City of Hamilton* concerning an application for judicial review of the Integrity Commissioner’s report and Hamilton City Council’s decision on the report.

The Integrity Commissioner’s report had found that the applicant, the Chair of one of the City’s advisory committees, contravened the Hamilton Advisory Committee/ Task Force Code of Conduct. The applicant filed for judicial review arguing, among other matters, that the Integrity Commissioner did not have the jurisdiction to investigate the complaint against him because the advisory committee on which he served is not a local board as defined in the *Municipal Act, 2001*.

The Court dismissed the application, accepting the position that the advisory committee is a local board to which the code of conduct and oversight by the Integrity Commissioner apply.

I am in discussion with City staff and colleagues in other municipalities to determine the implications of this decision on municipal Integrity Commissioners’ jurisdiction as it relates to advisory committees. An update on this work will be included the 2022 Annual Report of the Integrity Commissioner.

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<sup>8</sup> Ibid, para. 5.

<sup>9</sup> Ibid, para. 121.

# Lobbyist Registrar

In support of my education mandate, I have begun engaging Lobbyist Registry stakeholders on the subject of lobbyists' political activities and conflicts of interest, and have recently published an Interpretation Bulletin on the subject [Appendix 2].

I continue to monitor and enforce compliance with the Lobbyist Registry By-law and Lobbyists' Code of Conduct. During this reporting period, I have issued one compliance agreement and one letter of direction.

As described in the "Conclusion" section of this report, my experience managing compliance to date has indicated a need to establish a protocol for managing investigations into alleged breaches of the Lobbyist Registry By-law and/or Lobbyists' Code of Conduct. I intend to bring forward an investigation protocol for Council's consideration as part of the 2022-2026 Council Governance Review.

## 2022 MID-YEAR IN BRIEF

### Compliance

The Lobbyist Registry By-law prescribes 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 Code of Conduct. The tools available to the Lobbyist Registrar include administrative interventions, Letters of Direction, compliance agreements, communication bans and formal investigations.

This reporting period, I entered into one compliance agreement and issued one letter of direction.

#### Compliance Agreement

I signed the agreement on December 22, 2021, with a lobbyist acting on behalf of a local arts organization.

In July and September of 2021, a member of the lobbyist's organization extended invitations and complimentary tickets to several Members of Council while the lobbyist was registered with active lobbying files. As a result, the lobbyist breached Section 6(3) of the [Lobbyists' Code of Conduct](#) (the Code):

## Section 6 - Improper Influence

3. Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.

By failing to ensure that his organization was properly educated on their obligations under the [Lobbyist Registry By-law](#) (the By-law) and the Code, the lobbyist also breached Section 4(1) of the Code:

## Section 4 - Information and Confidentiality

1. Lobbyists shall inform their client, employer or organization of the obligations under the Lobbyist Registry By-law and their obligation to adhere to the Lobbyists' Code of Conduct.

An existing compliance agreement may be grounds for entering into an investigation when assessing a subsequent infraction of the By-law.

In signing the Compliance Agreement, the lobbyist acknowledged and accepted responsibility for not complying fully with the terms of the By-law and the Code and indicated his intent to comply fully with the provisions of the By-law and the Code in the future.

### Letter of Direction

In response to a report of unregistered lobbying with two public office holders, I met with a lobbyist to discuss the circumstances surrounding their breach of the By-law and Code on December 07, 2021. After evaluating the lobbyist's comments, I decided that the appropriate action would be to educate the lobbyist through a Letter of Direction.

The Letter, issued on December 10, 2021, contained a summary of the contravention and set out general expectations of conduct moving forward. I also required the lobbyist to amend their Lobbyist Registry profile to reflect any lobbying activity that was previously unregistered. I received confirmation that the lobbyist had completed the review and update of their profile on January 11, 2022.

## Education and Outreach

The Lobbyist Registrar has an education mandate to ensure that lobbyists, public office holders and members of the public are aware of the requirements under the By-law and the Code of Conduct.



In the intervening months following my appointment, I had several opportunities to engage with stakeholders and colleagues alike.

I participated in meetings with other lobbying regulators at all levels, through the Lobbyist Registrars and Commissioners Network (LRCN) and the Municipal Lobbyist Registrars of Ontario. Sharing best practices with other jurisdictions is an important element in ensuring that our own education and outreach efforts stay up to date.

On March 4, 2022, I joined Cristina De Caprio, the Lobbyist Registrar for the City of Toronto, and David Wake, the Integrity Commissioner and Lobbyist Registrar for the Province of Ontario in a presentation to Lobbyist Registry stakeholders.

The presentation offered lobbyists an overview of their responsibilities with respect to the upcoming 2022 elections. Key messages in this presentation included:

- The Lobbyist Registry By-law and Lobbyists' Code of Conduct continue to apply when lobbying Members of Council during the 2022 municipal election campaign period; and
- During the transition period between voting day and when the Members of the 2022-2026 Council take office, all Members of the 2018-2022 Council—whether re-elected or not—continue to be public office holders. As a result, lobbyists are required to report their lobbying of these Members during the transition period.

An additional focus of the presentation was the potential for conflicts of interest to arise out of lobbyists' political activities. I recently published an Interpretation Bulletin on this subject [Appendix 2]. Highlights from the bulletin include:

I recognize that lobbyists, like other members of the public, can engage in political activities to support a candidate's campaign. A lobbyist's engagement in such activities, however, has the potential to create a sense of obligation on the part of the candidate towards the lobbyist. Should a candidate then be lobbied by an individual to whom they feel indebted, concerns under the Lobbyist Registry By-law and Lobbyists' Code of Conduct arise.

A lobbyist's engagement in political activities does not automatically create a sense of obligation. As the Interpretation Bulletin describes, the risk of creating a sense of obligation increases with the strategic importance of the political activities, as well as proximity between the lobbyist and candidate.

Some political activities that carry a higher risk of creating such a sense of obligation to include:

- Serving as campaign chair, treasurer or fundraising manager for a campaign
- Organizing political fundraising events or soliciting donations for a campaign
- Acting as a designated spokesperson for a candidate

Activities that carry a lower risk of creating a sense of obligation include:

- Volunteering, canvassing or scrutineering without significant interaction with a candidate
- Donating to a political campaign
- Placing a candidate's sign on one's lawn

While a legislated probationary period for lobbying following an election does not currently exist, I strongly encourage lobbyists to be mindful of the level of risk they accrue when serving on a campaign. Lobbyists who engage in high-risk activities are advised to refrain from lobbying any affected public office holders, and to seek advice from my Office.

## **2022 MID-YEAR IN NUMBERS**

### **Trends**

In 2021 I reported a slow return to business as usual. The Lobbyist Registry saw a 15.54% increase in new lobbyist registrations, from 193 registrations in 2020 to 223 registrations in 2021. However, only 240 new lobbying files were created in 2021, compared to 392 new lobbying files in 2019—a sign of continued slowdown in the growth of new business.

Thus far, the statistics for the period from October 2021 to March 2022 signals a similar set of trends. At 102 new registrations by the mid-year, we appear to be on track to match the number of registrations made in 2021.

The number of new lobbying files created between the fourth quarter of 2020 and the fourth quarter of 2021 also indicates a new equilibrium, with 68 and 71 new lobbying files reported, respectively. Interestingly, a sharp drop in the number of files created in

the first quarter—from 66 in 2021 to 39 in 2022—may point to the impacts of major events occurring in the City at the time.

## Graphs

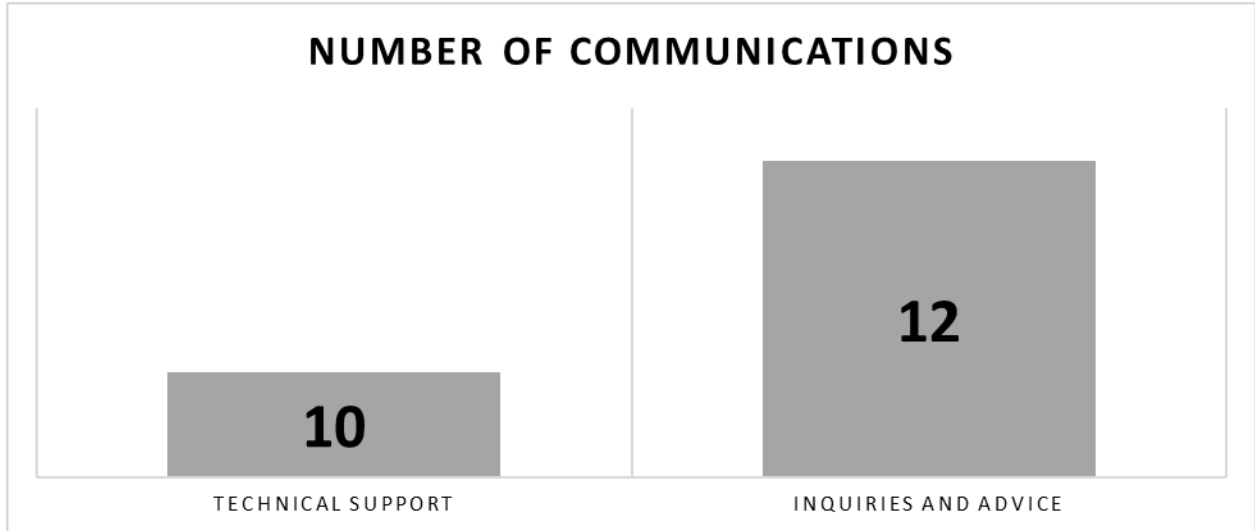


Figure 5: Total number of communications (initial points of contact)

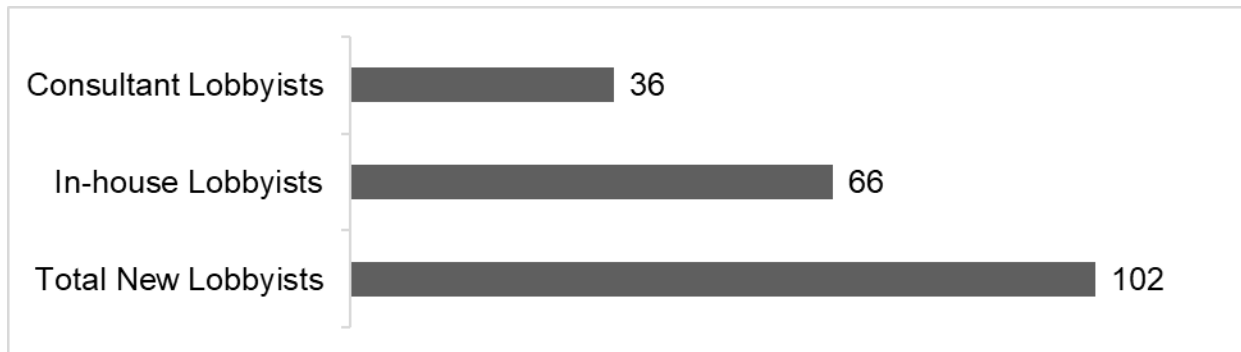


Figure 6: Total number of new lobbyists

Table 2 - Top ten registered subject matters

Rank	Subject	Total lobbying files registered
1	Transportation	18
2	Information Technology	16
3	Planning and Development	13
4	Zoning By-law	9
5	Health & Safety	8
6	Infrastructure	8
7	Affordable Housing	7
8	Procurement	6
9	Environment	5
10	Financial Services	4

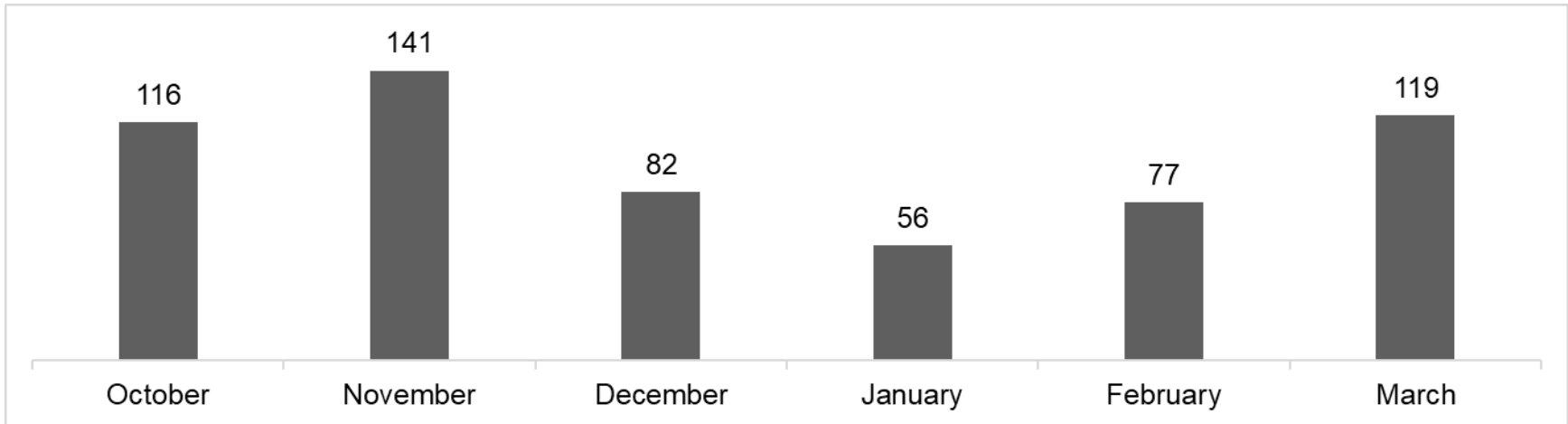


Figure 7: Total lobbying activity by month

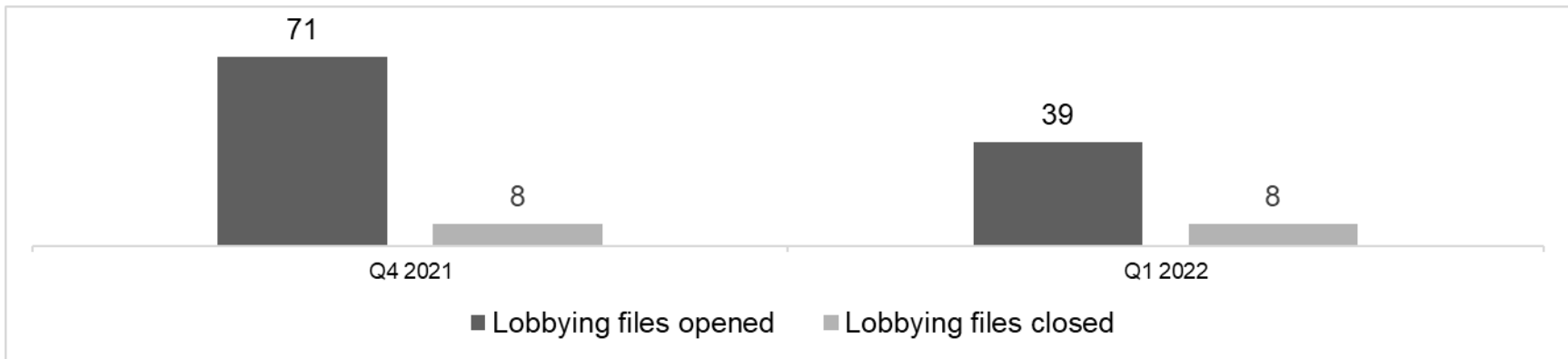


Figure 8: Lobbying files opened and closed by quarter

# Meetings Investigator

Between October 1, 2021 and March 31, 2022, I received two requests for investigation of a closed meeting.

To receive two such requests in a six-month period was a significant increase in volume over recent years. The City of Ottawa’s former Integrity Commissioner, M. Marleau, often noted that the Meetings Investigator function was the lightest of his three-part mandate. From 2013 to the current reporting period, the Meetings Investigator received one request for investigation of a closed meeting for a body that fell within his jurisdiction, and subsequently conducted an investigation.<sup>10</sup>

As described in the “Conclusion” section of this report, my experience managing the requests for investigation has indicated a need to review and enhance the existing protocol for managing requests for investigation of a closed meeting. I intend to bring forward a recommendation for a more comprehensive investigation protocol for Council consideration as part of the 2022-2026 Council Governance Review.

## 2022 MID-YEAR IN BRIEF

### Compliance

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 broken, may submit a request for investigation to my Office.

In my capacity as Council-appointed Meetings Investigator I receive such requests and investigate as required.

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.

<sup>10</sup> On April 11, 2018, the Integrity Commissioner issued the [Report to Council on an Inquiry by the Meetings Investigator: Budget Review Board](#). Additionally, while not a request for investigation of a closed meeting, in 2019, the Meetings Investigator received a request from the Chair of the Agriculture and Rural Affairs Committee (ARAC) and the City Clerk for an assessment of an informal gathering that took place during a recess of an ARAC meeting. This matter is summarized in the [2019 Annual Report of the Integrity Commissioner](#), p. 44)

## ***Requests for Investigation of a Closed Meeting***

From October 1, 2021 to March 31, 2022, I received two requests for investigation of a closed meeting of Council or one of its Committees. For the reasons described below, I determined that neither request necessitated a full investigation.

1. The requester alleged that, during a closed session of a Committee of Council, a subject was raised that should not have been discussed *in camera*.

I conducted an intake analysis to determine whether a formal investigation was required. I reviewed materials including the meeting Agenda, Draft Minutes, motion to resolve *in camera*, and Confidential Draft Minutes of the closed session in order to assess whether the discussion that occurred during the closed portion of the meeting might have been in contravention of the rules governing open meetings in the *Municipal Act, 2001* (the “Act”).

First, I considered whether it was probable that the discussion that occurred *in camera* materially advanced the business or decision-making of Council on that specific matter.

The Act s.238(1) defines “meeting” as follows (emphasis added):

“meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

(a) a quorum of members is present, and

(b) members discuss or otherwise deal with any matter in a way that **materially advances the business or decision-making of the council, local board or committee.**”

The Ontario Ombudsman provides clarification on the notion of “materially advances” in the publication “[Open Meetings – Guide for Municipalities](#)”:

“To determine whether a discussion “materially advances” council business or decision-making, the Ombudsman considers the extent to which the discussions moved forward the business of the municipality. Discussions, debates or decisions that are intended to lead to specific outcomes are likely to materially advance business or decision-making, whereas mere receipt or exchange of information is unlikely to do so.”

My analysis of the evidence indicated that what occurred during the *in camera* session was an exchange of information, was not substantive enough to lead to a specific outcome, and therefore was not likely to have advanced the business of Council on the matter. Specifically, I did not have sufficient evidence that the discussion materially advanced the business or decision-making of Council on the specific matter.

Second, I considered if the discussion that occurred *in camera* could be appropriately captured under the reason cited for the *in camera* session. I reviewed the motion to resolve *in camera*, the confidential *in camera* minutes, and well as publicly-available information on the broad subject that was discussed in the closed meeting. I did not find any indication that the matters discussed in closed session strayed outside of the stated reason to resolve *in camera*.

Correspondingly, I found there were insufficient grounds to proceed with a formal inquiry, closed the file and advised the requester accordingly.

2. The requester asked that I investigate whether improper closed meetings occurred in relation to a specific matter addressed at a meeting of City Council.

I conducted an intake analysis, reviewing publicly-available information on the events leading up to and during the meeting in question. I took into account guidance provided from the Ontario Ombudsman on how the open meeting rules apply to informal meetings that occur over the phone or by email. The Ombudsman has emphasized that the criteria for open meeting provisions includes a quorum of members be present and discuss business in a way that materially advances that business. I noted that, in two recent reports, the Ombudsman recognized that the open meeting rules do not mean that Members of Council may never discuss city business outside council chambers, but that such discussions should not lead to Council conducting its business in private.<sup>11</sup>

My analysis included an analysis of the minutes and the video record of the open portion of the Council meeting. The length and substantive deliberations on a specific motion, combined with the public record of the votes cast on the matter, did not support the allegation that an improper closed meeting had been held or

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<sup>11</sup> Ontario Ombudsman: [Investigation regarding the Town of Hawkesbury's decision-making process on June 15, 2020](#) and [December 6, 2021 letter to Council for Loyalist Township](#)



that the outcome of a vote was pre-determined. On that basis, I decided not to initiate a full investigation into the matter.

## **Closed sessions of Council and its Committees**

From October 1, 2021 to March 31, 2022, Council and its committees went into closed session four times. The body holding the meeting, date, reason for resolving *in camera* and open meeting exception(s) cited were as follows:

### *Council*

- February 16, 2022: To receive legal advice and discuss confidential security, legal and personnel matters related to the Truck Convoy Demonstration
  - Personal matters about an identifiable individual, including staff; and
  - The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

### *Finance and Economic Development Committee*

- October 5, 2021 and December 17, 2021: Light Rail Transit (LRT) – Legal Update
  - Litigation or potential litigation affecting the City; and
  - The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

### *Information Technology Sub-Committee*

- November 29, 2021: Verbal update on cyber security and the external threat landscape
  - The security of the property of the City.

### *Transit Commission*

- October 20, 2021: Collective Bargaining – Mandate for negotiations – Amalgamated Transit Union, Local 279 (Para Transpo) and CUPE 5500. To receive a presentation from the City Solicitor regarding collective bargaining and the mandate for negotiations.

- Labour relations or employee negotiations; and
- The 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 was one instance where an *in camera* item was listed on a Council agenda, but the item was discussed in open session.

- October 27, 2021: Collective Bargaining – Mandate for negotiations – Amalgamated Transit Union, Local 279 (Para Transpo) and CUPE 5500.

# Conclusion

I am proud to be the second Integrity Commissioner to assist the City of Ottawa in continuing to uphold its [Accountability Framework](#).

I believe this City is a leader in open, transparent and accountable municipal government. At the beginning of the 2010-14 term of Council, City Council elected to proactively invoke the then-discretionary integrity tools set out in the *Municipal Act, 2001*. Ottawa was the second Canadian municipality to establish a formal lobbyist registry and the first to do so voluntarily. My conversations with Members of Council, as well as my interactions with City staff and lobbyist registry stakeholders, indicate a continued commitment to upholding an ethical culture at the City.

In response to Council's direction, I am pleased to be working with the City Clerk, City Manager and City Solicitor to develop recommendations for 2022-2026 Council Governance Review on matters including:

- An ethical framework for Members' staff;
- Members' procurement of consultants, including those who are registered lobbyists;
- Post-employment lobbying restrictions; and
- Avoiding and declaring interests pertaining to family members who have professional interactions with the City.

In addition, my experience to date has drawn my attention to potential enhancements to existing protocols.

For example, there currently is no protocol in place for investigations by the Lobbyist Registrar of alleged breaches of the Lobbyist Registry By-law or Lobbyists' Code of Conduct. To enhance transparency of the Lobbyist Registrar's process, I intend to review past practice of the Lobbyist Registrar, as well as best practices in other jurisdictions, to develop a recommended investigation protocol for Council's consideration.

Furthermore, based on my experience managing Code of Conduct complaints and requests for investigation of closed meetings, I intend to examine the existing investigation and reporting protocols of the Integrity Commissioner and Meetings

Investigator. My goal in reviewing the protocols is to determine where the protocols can be enhanced to continue to ensure the integrity of the investigative process.

I have become aware that citizens are interested in increased transparency of their municipal government in general. With that in mind, I am examining how to add greater transparency to the lobbying of City officials.

For example, when multiple lobbyists are present at a meeting with a public office holder, only one lobbyist is required to register the activity in the City's Lobbyist Registry as the principal lobbyist. I intend to recommend that, when multiple lobbyists are present at a meeting, the record of the activity in the Lobbyist Registry include the names of all lobbyists present. Aside from changes to the Lobbyist Registry By-law, changes to the Lobbyist Registry application itself are necessary to implement this requirement.

Finally, with the municipal election on the horizon, I have been reflecting on ways to mitigate potential conflicts of interest that may result from lobbyists' political activities during the campaign period. As discussed in the "Lobbyist Registry" section of this report, I have issued a bulletin to address the issue for this municipal year.

I am reviewing best practices in other Canadian jurisdictions on the matter, and I intend to bring forward a summary of my research and considerations for Council's consideration as part of the 2022-2026 Council Governance Review.

As we approach the 2022 municipal elections and the beginning of a new Term of Council, I look forward to bringing forward recommendations that I believe will work to uphold the strong ethical culture at the City of Ottawa.

# 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.<sup>12</sup> Prior to September 1, 2021, the per diem was \$200 per hour to a daily maximum of \$1,000.

The work of the Integrity Commissioner, including the frequency and complexity of the investigations conducted by the Office, has evolved over the past few years and external services have been retained, as necessary. The cost of these additional services is reflected in the breakdown below.

The following is a breakdown of the period of October 1, 2021 to March 31, 2022.

*Table 3 - Financial Statement October 1, 2021 to March 31, 2022*

	<b>Q4 2021</b>	<b>Q1 2022</b>	<b>TOTAL</b>
<b>Retainer*</b>			\$ 0
<b>Salary**</b>	\$ 36,506.40	\$ 29,764.80	\$ 66,271.20
<b>Ancillary Costs</b>	\$ 975.56	\$ 2,561.17	\$ 3,626.73
<b>Materials and Services</b>	\$ 7,401.28	\$ 7,003.62	\$ 14,404.90
<b>Hours Logged</b>	143.5	117	260.5

\* \$0 retainer for this reporting period as the retainer is paid annually in Q3

\*\*includes tax less eligible municipal rebates

<sup>12</sup> On March 10, 2021, City Council approved Motion 50/9 which included the new remuneration schedule.

# Appendix 1

## Social Media Engagement Guidelines

Sent on behalf of Ms. Karen E. Shepherd, Integrity Commissioner:

Mayor and Members of Council,

In recent weeks, I have received requests for guidance related to abuse and harassment on social media platforms. The concerns I have received relate to comments directed not only at Members of Council, but also towards members of the community engaging on Members' social media pages.

As you will recall, in response to a request from City Council in September 2020, former Integrity Commissioner Robert Marleau prepared an [Interpretation Bulletin on the Use of Social Media](#). This subject has continued to be a topic of interest for elected officials and ethics advisors. Based on my review of the current legal, ethical and political standpoints, the principles and guidance set out in the interpretation bulletin continue to apply.

Members of Council benefit from the public nature of social media to share information and engage with their communities. Because social media pages act as public spaces, Members may encounter differences of opinion, criticism and opposition. Members may also encounter comments that are abusive, discriminatory, or hateful.

As outlined in the Interpretation Bulletin on the Use of Social Media, reasonable action may be taken to address abusive and hateful comments:

“To protect themselves and other users on their platforms, Members of Council may need to modify a user’s access to their content. Social media applications allow users to do so in several ways, from disabling notifications when a user posts, to hiding a user’s posts from view, to blocking a user’s access entirely. In cases where such actions are required, Members of Council should opt to be minimally invasive, preserving as much access to information and expression as possible.”

### Moderating Comments

Social media platforms are governed by terms of use and community standards which typically prohibit posting content that engages in harassment or discrimination (e.g. sexism, racism, homophobia and transphobia). In the same spirit, Members of Council are encouraged to actively monitor their public social media pages for harassing or discriminatory language. If you

encounter comments or content that violate the applicable community standards, I encourage you to report the offending comments through the social media platform using the appropriate mechanism.

The decision to proactively moderate comments on websites and/or social media platforms should be done with extreme caution and care. If you decide to moderate comments on your public social media page, I encourage you to act in a thoughtful, transparent and consistent manner. I strongly recommend clearly stating your intention to proactively remove comments that violate the standards expected on your social media page. The following is draft language to post on your social media pages at your discretion:

### **Engagement Guidelines**

Respectful debate and engagement are welcomed and encouraged. Comments that include profane, hateful, or abusive language or that are discriminatory, harassing or threatening in nature may be deleted.

These guidelines reflect the [responsibilities and obligations](#) set out in the Code of Conduct for Members of Council.

### **Limits on access**

A decision to place limits on someone's access to a Member's public social media page must not be taken lightly. To date, Canadian courts have yet to rule on whether blocking someone's access to elected official's social media page is a violation of that person's right to freedom of expression. Depending on the platform, "muting" instead of "blocking" continues to be the recommended approach. That said, if you experience serious or sustained harassment from a specific user or are unsure as to whether to remove a comment(s), please document the offending messages or comments and reach out to my Office.

Sincerely yours,

**Karen E. Shepherd**

**Integrity Commissioner/Commissaire à l'intégrité**

Office of the Integrity Commissioner

Bureau du commissaire à l'intégrité

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Ottawa, ON K1P 1J1

Direct Line/ Ligne directe (613) 580-2424 Ext./poste 21978

[integrity@ottawa.ca](mailto:integrity@ottawa.ca)/[integrite@ottawa.ca](mailto:integrite@ottawa.ca)

# Appendix 2

## Interpretation Bulletin on Political Activities and Conflicts of Interest

### Purpose

The next municipal election will be held in the City of Ottawa on October 24, 2022. This interpretation bulletin is intended to provide guidance regarding the potential conflicts of interest that may result from lobbyists' political activities during the campaign period.

The right of individuals to participate in political activities is a cornerstone of democracy—one which neither the Lobbyist Registry By-law (“the By-law”) nor the Lobbyists' Code of Conduct override.

As such, this bulletin does not seek to prohibit lobbyists from engaging in political activity in support of one or more candidates for municipal office. Rather, it encourages lobbyists to be mindful of how their political activities may affect their future lobbying activity.

### Interpretation

#### ***Lobbying, political activities and conflicts of interest***

Lobbyists, like other members of the public, can engage in political activities to support a candidate's campaign. A lobbyist's engagement in political activities for a campaign, however, has the potential to create a sense of obligation on the part of the candidate towards the lobbyist. Should that candidate subsequently be elected to public office, concerns under the By-law and the Lobbyists' Code of Conduct arise.

The risk of creating a sense of obligation—and a subsequent conflict of interest—increases with the frequency, quantity, and strategic importance of the political activities, as well as proximity between the lobbyist and the candidate. Section 6 of the [Lobbyists' Code of Conduct](#) (“the Code”) prohibits lobbyists from knowingly placing public office holders in a conflict of interest.

#### ***Political activities that carry a higher risk of creating a sense of obligation***



A lobbyist who provides significant or strategic support to an election campaign may find themselves in a position of influence in relation to the relevant candidate, and thus may pose a higher risk of creating a sense of obligation if that person benefitting from the activities is sworn into office.

These high-risk political activities include, but are not limited to:

- Serving as campaign chair, treasurer or fundraising manager for a campaign
- Organizing political fundraising events or soliciting donations for a campaign
- Acting as a designated spokesperson for a candidate

### ***Political activities that carry a lower risk of creating a sense of obligation***

Support that is not strategic and does not require significant interaction with candidates poses a lower risk of creating a sense of obligation.

These low-risk political activities include, but are not limited to:

- Volunteering, canvassing or scrutineering without significant interaction with a candidate
- Donating to a political campaign
- Placing a candidate's sign on your lawn
- Purchasing a ticket to and attending a fundraising event when that expenditure is within the limits established by the *Municipal Elections Act, 1996*

### ***Mitigating conflicts of interest***

High-risk activities may be reasonably seen by members of the public to create a sense of obligation between Members and lobbyists. Whether apparent or real, the conflicts of interest that arise from these relationships may result in the erosion of public trust.

Currently, the City of Ottawa has not established a probationary period for lobbyists who have supported a Member's campaign. However, given the potential risk of creating a conflict of interest, lobbyists should be mindful that their political activity can impact their future lobbying activity. Correspondingly, lobbyists are strongly encouraged to be cautious about the level and nature of political support they provide for the election

campaigns of individuals whom they intend to lobby, should those individuals be elected to City Council.

Lobbyists who engage in high-risk political activities should refrain from lobbying public office holders who benefited from those activities and are encouraged to seek advice from my Office regarding these relationships.

Lobbyists who knowingly place public office holders in a conflict of interest, or in contravention of the [Code of Conduct for Members of Council](#) could face penalties for non-compliance with the Lobbyist Registry By-law. Penalties for non-compliance range from educational interventions to outright bans on lobbying, as outlined in the [Interpretation Bulletin on Compliance Tools](#).

## Contact information

I encourage you to contact my Office for advice and guidance about this Interpretation Bulletin. If you intend to participate in a political campaign, particularly in one or more of those activities with high risk, I can provide guidance respecting your specific situation.

Requests for interpretation of political activities, lobbying and conflicts of interest should be directed to [lobbyist@ottawa.ca](mailto:lobbyist@ottawa.ca).