

From: Bigioni, Paul pbigioni@pickering.ca
Subject: RE: Mayor Ryan – possible conflicts of interest
Date: June 14, 2013 at 3:13 PM
To: Jolanta Duszak [REDACTED]
Cc: Ian Cumming [REDACTED] McLean, Bill, Councillor bmclean@pickering.ca, Rodrigues, Peter, Councillor prodrigues@pickering.ca, O'Connell, Jennifer, Councillor [REDACTED] Shields, Debbie dshields@pickering.ca, Ryan, David, Mayor dryan@pickering.ca, Prevedel, Tony tprevedel@pickering.ca

Ms. Duszak,

Since touching base with you earlier this week, I have reviewed the string of e-mail messages dating back to your initial message to the City Clerk dated September 14, 2012 regarding the Integrity Commissioner.

With respect to your inquiries concerning the Mayor's involvement with the Rouge Valley Health System Foundation and with the Durham West Arts Centre Foundation, I confirmed to you on November 27, 2012 that the City's Code of Conduct contains a provision allowing City Councillors, including the Mayor, to engage in certain charitable activities. That provision may be relevant to the concerns expressed in your messages. In any event, as Director, Corporate Services & City Solicitor, I neither encourage nor discourage the pursuit of Code of Conduct complaints. It is, however, appropriate for me to direct your attention to the City's website, wherein you will find information concerning the Integrity Commissioner and enforcement of the Code of Conduct. If you remain concerned regarding the Mayor's involvement with the above noted Foundations, then you can complete the documentation necessary to initiate a Code of Conduct complaint. All the information which you need for that purpose may be found on the City's website at <http://www.pickering.ca/en/cityhall/protocols.asp>. The City has enacted the Code of Conduct in order to address concerns such as those expressed in your e-mail messages. While I acknowledge your desire for action to be taken, it is not the role of City staff to pursue Code of Conduct complaints on behalf of residents.

If you intend to pursue a Code of Conduct complaint and have any further questions regarding same, please do not hesitate to contact the City Clerk at any time.

Paul Bigioni

Director, Corporate Services & City Solicitor | Corporate Services Department

[REDACTED]
pbigioni@pickering.ca

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From: Jolanta Duszak [mailto:[REDACTED]]
Sent: June-11-13 4:32 PM
To: Bigioni, Paul
Cc: Ian Cumming; McLean, Bill, Councillor; Rodrigues, Peter, Councillor; O'Connell, Jennifer, Councillor; Shields, Debbie
Subject: Re: Mayor Ryan – possible conflicts of interest

Sorry, I have problems with the system today. Resending again.

Mr Bigioni,

I'm resending the email I sent to you more than seven weeks ago, to which I haven't received your response.

Is it possible that the City has adopted a new model of communication with residents, wherein the residents have to search the Council meeting videos to get answers?

I've seen the video of the Council meeting (April 22, 2013) in which Mayor Ryan mentioned that he had received a letter of complaint, asserting that he had violated The Municipal Conflict of Interest Act. Mayor Ryan described the person who wrote that letter as "naive and ill informed".

I'm not sure if Mayor Ryan referred to my letter to you, or to a letter written by someone else. Can you clarify that for me?

Do you have a response to my letter?

Regards,
Jolanta Duszak

Mr Bigioni,

I looked at the City's Code of Conduct and it states that it upholds The Municipal Conflict of Interest Act.
I'm quoting the relevant section below

2. In this Code, reference to any Act or by-law is reference to that Act or by-law as amended or re-enacted from time to time
3. This Code of Conduct operates along with, and as a supplement to, the existing statutes governing the conduct of Members. The following Acts of Provincial legislation govern the conduct of Members of Council:
 - § The Municipal Act, 2001;
 - § The Municipal Conflict of Interest Act;
 - § The Municipal Elections Act, 1996; and
 - § The Municipal Freedom of Information and Protection of Privacy ActThe Criminal Code of Canada also governs the conduct of Members of Council.

Section 5.(1) of The Municipal Conflict of Interest Act contain provisions outlining clear procedures for council members to use in avoiding conflict of interest situations.

These provisions can be summarized as follows:

If a matter comes before council that a member believes he or she has a pecuniary interest in, the member should:

- Disclose the pecuniary interest before discussion of the matter
- Should not take part in the discussion of, or vote on any question in respect of the matter
- Refrain from attempts to influence the decision made by other council members on the matter.

I believe that the procedures outlined in the section 5.(1) of MCoI Act were not followed by Mayor Ryan in the following matters:

1. Approving grants to the Durham West Arts Centre Foundation (DWAC) in 2011 and 2012

- Mayor David Ryan is listed as Honorary Chair of this foundation (<http://dwacfoundation.ca/about.html>).
- There was no disclosure of interest declared during the meetings in 2011 and 2012
- Mayor Ryan participated in the discussion in that matter in 2011 and 2012
- Mayor Ryan voted on the motion to approve grants to DWAC in 2011 and 2012.

Sources: Council Meeting Minutes, Tuesday February 21 2012; Executive (Budget) Committee meeting minutes, March 10,2011. I was present at both of these meetings.

2. Mayor David Ryan as a member of Image is Everything Campaign cabinet:

- used his status as a City Mayor to influence the donation of \$500,000 to the Image is Everything Campaign. I've heard that the City of Pickering resources/staff were used for preparation of some events, such as the Mayor's Gala to solicit funds for the Image is Everything Campaign.

I believe these actions by Mayor Ryan do constitute a violation of the Code of Conduct, and I feel action should be taken.

Regards,
Jolanta Duszak

On 2012-11-29, at 4:18 PM, "Bigioni, Paul" <pbigioni@pickering.ca> wrote:

Ms. Duszak,

Thank you for your e-mail message of November 27. Pursuant to the City Clerk's previous correspondence with you, the Integrity Commissioner will assume her official duties by the end of the year. The City's Code of Conduct and the Forms necessary to process complaints will be posted on the City's website by December 15. In the meantime, I attach for your reference a copy of the City's Code of Conduct. With respect to the two issues which you raised in your November 27 e-mail, I direct your attention to paragraph 29 of the Code, which permits members of Council to engage in certain charitable activities. While it does not appear to me that the issues raised in your e-mail constitute violations of the Code, I would be pleased to discuss this matter further with you once you have had an opportunity to read the Code. If you remain interested in pursuing a formal complaint under the Code, then you will be able to complete the necessary forms and to file a complaint on or after December 15. Thank you.

Paul Bigioni

Director, Corporate Services & City Solicitor | Corporate Services Department

pbigioni@pickering.ca

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From: Jolanta Duszak [<mailto:>]
Sent: November-27-12 6:45 PM
To: Bigioni, Paul
Cc: Shields, Debbie
Subject: Mayor Ryan - possible conflicts of interests

Mr. Bigioni,

Yesterday's court decision on Mayor Rob Ford prompted me to write this email to you and to the Pickering's Integrity Commissioner.

Since I haven't seen any announcements in the press or on the Pickering's website whether the Integrity Commissioner Suzanne Craig has started her duties yet, and since she is reporting to you I'd like to inquire about the following possible conflicts of interest:

1. ROUGE VALLEY HEALTH SYSTEM FOUNDATION - Mayor David Ryan was a member of *Image is Everything Campaign* cabinet. He was instrumental in the approval of \$500,000 of taxpayers money to this campaign. Attached is my letter printed in the News Advertiser addressing the issue of using property taxes to donate to this campaign.
2. DURHAM WEST ARTS CENTRE FOUNDATION (DWAC) - Mayor David Ryan is listed as Honorary Chair of this foundation on their web site <http://dwacfoundation.ca/about.html>. Mayor David Ryan was instrumental in approving bigger grants to DWAC, quashing motions to reduce the amount of the grant to DWAC.
Sources: Council Meeting Minutes, Tuesday February 21 2012
http://www.pickering.ca/uploads/3/Doc_634697535909606883.pdf
end Executive (Budget) Committee meeting minutes, March 10, 2011 http://www.pickering.ca/uploads/6/Doc_634697324119236163.pdf.

Jolanta Duszak

From: Shields, Debbie [mailto:ds@pickering.ca]

From: Sniegas, Debbie [<mailto:dsniegas@pickering.ca>]
Sent: September 19, 2012 10:24 AM
To: 'Jolanta Duszak'
Cc: Bigioni, Paul
Subject: RE: City of Pickering Integrity Commissioner

Hi Jolanta,

The Integrity Commissioner has been appointed but has not started her official duties as of yet. At this time we are creating templates and processes and she should be starting her duties before the end of the year.

If you have any additional questions regarding the Integrity Commissioner you can direct them to Paul Bigioni, Director, Corporate Services & City Solicitor, the Integrity Commissioner will report through Mr. Bigioni.

Debbie

From: Jolanta Duszak [<mailto:> [REDACTED]]
Sent: September 14, 2012 2:56 PM
To: Shields, Debbie
Subject: City of Pickering Integrity Commissioner

Hi Debbie,

I couldn't find any information on the Pickering's website about Suzanne Craig. According to the Council meeting minutes (July 9,2012) she has been approved as the City of Pickering Integrity Commissioner. Has she begun working? If not when does she commence?

Regards,
Jolanta Duszak

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<Code of Conduct.pdf>

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