

From: Rodrigues, Peter, Councillor prodrigues@pickering.ca
Subject: RE: Mayor Ryan – possible conflicts of interest -- phoning
Date: April 23, 2013 at 1:00 AM
To: Jolanta Duszak [REDACTED]

Hi Jolanta,

At the very end of tonight's council meeting, Mayor Ryan raised the issues, and addressed the nature of the content of the letter that he had received.
He didn't name the writer of the letter.

You may want to see/hear exactly what was said.
The video will be available soon, maybe on Tuesday or by Wednesday the latest.
<http://www.pickering.ca/en/cityhall/MeetingVideos.asp>

Best regards,
Peter

From: Jolanta Duszak [mailto:[REDACTED]]
Sent: April-22-13 9:17 PM
To: Rodrigues, Peter, Councillor
Subject: Re: Mayor Ryan – possible conflicts of interest -- phoning

Hi Peter,

I'm busy tomorrow morning. I'll try to call you in the afternoon.

Jolanta

On 2013-04-22, at 1:26 PM, "Rodrigues, Peter, Councillor" <prodrigues@pickering.ca> wrote:

Hi Jolanta,
I was going to phone you, but I don't have your phone number in my contact list.
Please phone me, when you get a chance.
Thanks,
Peter

From: Jolanta Duszak [mailto:[REDACTED]]
Sent: April-22-13 11:29 AM
To: Rodrigues, Peter, Councillor
Cc: Ian Cumming
Subject: Re: Mayor Ryan – possible conflicts of interest

Peter,

Are you saying that her role as Integrity Commissioner is to enforce only the Code of Conduct that was written by Councillors Pickles, without taking into account Municipal Conflict of Interest Act?

If so, is there anybody Pickering residents can complain to about the contraventions of the Municipal Conflict of Interest without hiring a lawyer?

Thanks,
Jolanta

On 2013-04-22, at 10:48 AM, "Rodrigues, Peter, Councillor" <prodrigues@pickering.ca> wrote:

Hi Jolanta,

She gave us some orientation and general introductory information.

We asked her some general questions.

In the discussion, she said that if any councillor has questions about any Conflict of Interest matters, that we would need to seek our own legal advice. This is something our city solicitor has said before. His reason is that he represents the city, and even though Councillors do work for the city, we would be best advised to get our own independent advice about any issues we may want an opinion on regarding our own possible conflict of interest concerns.

Her role as our integrity lawyer/consultant was only for the new municipal By-law regarding our new Code of Conduct.

I hope this explanation is more clear.
If not, you can phone me at any time.
I'm at city hall now.

Best regards,
Peter

From: Jolanta Duszak [mailto: [REDACTED]]
Sent: April-22-13 10:39 AM
To: Rodrigues, Peter, Councillor
Cc: Ian Cumming
Subject: Re: Mayor Ryan – possible conflicts of interest

Hi Peter,

I find your statement vague –" she does not deal with the Municipal Conflict of Interest Act". What do you mean by that?

Thanks,
Jolanta

On 2013-04-22, at 10:29 AM, "Rodrigues, Peter, Councillor" <prodrigues@pickering.ca> wrote:

Hi Jolanta,

Thanks for copying me on your email.

By the way, we (councillors and mayor, and a couple of staff members) just met with our new integrity commissioner last week.
She gave us some general information. She appears to be well-qualified, and understands the nuances of the **Council Code of Conduct**.
She does not deal with the **Municipal Conflict of Interest Act**.

Thanks for your efforts.

With appreciation,
Peter

Peter Rodrigues
<[image001.jpg](#)>
Regional Councillor, Ward 3
[REDACTED]
prodrigues@pickering.ca
www.YourVoicePickering.ca

<[image002.jpg](#)>

<[image003.jpg](#)>

From: Jolanta Duszak [mailto: [REDACTED]]
Sent: April-22-13 10:23 AM
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

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 Act
The 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

<image001.jpg>

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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:dshields@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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