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## Report City Council The Corporation of the City of Brampton

Report from the Integrity Commissioner

**Date:** October 22, 2015

**File:** L05 IN

**Subject:** Complaint against Councillors Elaine Moore and Grant Gibson

**Contact:** Robert Swayze, Integrity Commissioner

### Overview:

- The Integrity Commissioner received a complaint from Mr. Paulo Ribeiro against Councillors Elaine Moore and Grant Gibson that they had a conflict of interest contrary to the *Code of Conduct for Members of Council*, (the “Code”) in that they voted in favour of appointing Mr. Lee Parsons as facilitator for the LRT route debate by Council after receiving political contributions from Mr. Parson’s consulting company.
- Mr. Ribeiro, in a telephone interview with the Integrity Commissioner expanded his complaint alleging that the two Councillors contravened the Purchasing By-law by communicating with Mr. Parsons after the RFP was issued.
- The Integrity Commissioner found that fund raising in accordance with the Municipal Elections Act does not create a conflict for Councillors who vote for matters involving contributors and that Councillors Moore and Gibson complied with the RFP process for selecting a facilitator which was approved by Council.
- The complaint filed by Mr. Paulo Ribeiro was dismissed.

## **Recommendations:**

1. That the report from Robert Swayze, Integrity Commissioner, dated October 22, 2015, to the City Council Meeting of October 28, 2015 re: **Complaint against Councillors Elaine Moore and Grant Gibson**, be received.

## **Background:**

I received by E-mail on September 8, 2015, a complaint against Councillors Elaine Moore and Grant Gibson from Mr. Paulo Ribeiro, a national representative of the Union, Unifor. He alleged that the Councillors both had a conflict of interest when they participated in the deliberation by Council on the appointment of a facilitator for the LRT route debate and then voted for the appointment of Mr. Lee Parsons, whose planning consulting firm, Malone, Given, Parsons, had donated \$250 to each of their campaigns.

In a telephone interview with me, Mr. Ribeiro acknowledged that the political donations, so far as he knew, were in compliance with the *Municipal Elections Act*. He referred to the contributions as part of the electoral process but he advised me that in his opinion, all members of Council should declare a conflict and not vote in any matter involving any contributor to their campaigns. He and his union both contributed to the campaign of another member of Brampton Council and I asked him whether the same requirement applied to that member. He confirmed that if a matter came up relating to his Union or himself, he would expect the member to declare a conflict. He also conceded to me that it would be undesirable if candidates for election are unable to fund raise which would result in only wealthy people being able to run for municipal office.

He finally advised me that he understood that there was some contact between the two Councillors and Mr. Parsons during the RFP process which he felt was inappropriate given the requirements of the Purchasing By-law after a RFP was called.

I served Councillors Moore and Gibson with the complaint and they both responded immediately confirming both their vote and the political donation. They both asserted that they voted for Mr. Parsons because of his qualifications for the role of facilitator and not because of the campaign donation of \$250 from his firm to each of them. Councillor Moore pointed out that the planning firm made larger contributions to other members of Council, yet Mr. Ribeiro did not include them in his complaint.

Councillor Moore also copied me with an E-mail from Mr. Parsons sent on July 27, 2015 to both her and Councillor Gibson, inquiring about the process for the selection of a facilitator which she immediately forwarded to the Clerks Department. In that E-mail he noted that he is "agnostic" on which route should be chosen but is qualified to facilitate the debate because of his knowledge of Brampton downtown. She had an earlier telephone conversation from him also inquiring about the process for the appointment of a facilitator, which she returned, advising him that the Clerk's Department would be managing the process. Neither Councillor Moore nor Councillor Gibson had any contact with Mr. Parsons after July 27 until the selection was made.

## **Analysis:**

### Campaign Contributions Creating Conflicts

The rules for fund raising in a municipal election in Ontario under the *Municipal Elections Act* are detailed and strict. The maximum contribution is \$750, the window for making contributions is defined, associated companies cannot exceed the maximum and disclosure is required to be public and audited. Enforcement is often vigorous within the community between political rivals. It has become a convention for many years, which politicians and contributors respect and both follow the rules. In my experience, major developers and their consultants contribute to all incumbents running and to all challengers who ask. If Mr. Ribeiro's proposition were to be applied in Ontario, then development applications from contributing developers would likely lose the quorum of Council and Planning Committee.

Much has been written in Canada and the United States on the perception of buying votes. The US commentary does not apply in Canada because most jurisdictions do not have contributions capped at a low rate nor strict rules on the time-frame when they can be made. It is generally accepted in Canada that accepting donations to a campaign and running for office, create only a political interest and not a private interest where a conflict may apply. Many councillors (including Councillor Gibson, as he told me) purposely do not review their list of contributors in detail to stay impartial. They rely on their campaign team to tell them that the Act has been complied with but do not want to be influenced on any of their future votes by which companies have supported their campaign.

For the above reasons, I cannot find that any conflict is created by the acceptance of campaign contributions in accordance with the *Municipal Elections Act*.

### Compliance with RFP Procedure

I reviewed the staff reports which created the procedure for the selection of a facilitator for the LRT route and spoke with Peter Honeyborne, Executive Director of Finance and Purchasing Agent for the selection procedure. He advised me that the RFP procedure was newly created by staff and included invited bids from firms and individuals named by members of Council. The process contemplated contact between members of Council and these firms up until July 27, 2015. Both Councillors Moore and Gibson confirmed to me that there was no contact with Mr. Parsons after that date until the selection was made.

Accordingly, I find that there was no contravention of the RFP process or the purchasing by-law by Councillors Moore and Gibson.

Conclusion

The complaint from Mr. Paulo Ribeiro is hereby dismissed.



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Robert Swayze  
Integrity Commissioner

**Appendices:** None

Report authored by: Robert Swayze, Integrity Commissioner