



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Brampton

March 14, 2014

Mr. Peter Fay, City Clerk
City of Brampton
2 Wellington Street West
Brampton, Ontario L6Y 4R2

Re: Brampton OIC Complaint BIC-54-1213

Councillor Sprovieri complains of the Mayor's breach of the Code of Conduct for the Members of Council, City of Brampton (the "Code") in the last paragraph of his complaint as follows:

"I am concerned with the Mayor's level of integrity and the lack of transparency when information is requested from her staff. Given that the Mayor was aware of my request for her travel schedule, it would appear that Mr. Newman was instructed not to provide me with the information I had requested, and furthermore, to deny that it was even requested in the first place. I can only conclude that the car service is not only used for long distance trips – the fact that her office refused to provide her scheduled [sic] may be an indication of this not being true. The Mayor has stated several times to the press and on television that she drives herself; to quote, "The Mayor of Brampton drives herself." This statement is contradicted with the information that she used the car service for 1600 hours in one year. I feel that her comments are inaccurate, misleading and therefore, lack integrity. The citizens of Brampton and Council have a right to know how money is spent in the Mayor's Office when requested."

I read the Councillor's verbose complaint as one of the Mayor being in breach of para. 4 of s. 2.0 of the Code: Conduct for Transparent, Accountable and Good Governance, which reads:

"Members of Council endeavor to conduct the decision-making process and convey Council business in a transparent, accountable and equitable manner, recognizing that the public has a right to open government, participatory decision-making and reasonable access to information on how decisions are made."

FACTS:

The Councillor accompanied his complaint with a chain of 10 relevant emails between the Mayor's assistant (the "Assistant") and the Councillor headed "Re: Mayor's Limo Service" starting with Monday, December 2, 2013 at 10:12 a.m. and ending on Wednesday, December 5, 2013 at 8:26 a.m. (It includes an email at 10:56 on December 3, 2013 which was sent to Stan Grewal at the Toronto Star and P. Douglas at the Brampton Guardian.)

At 10:12 the Councillor asked:

"Can you provide Council the Mayor's schedule, indicating the trips taken to Toronto meeting for the budget discussion."

At 10:18, the Assistant wrote:

"...I would be happy to review with you. The service is not just a requirement when we travel to Toronto, I would be happy to sit down with you to address your questions."

At 10:29 the Councillor asked if he had a schedule available for the budget discussion and at 10:32 the assistant replied:

"I'll call to clarify what you are looking for."

At 10:56 the Councillor wrote, copying the press:

"... at last week's meeting, the Mayor stated three times that she drives herself and needs the limo service only for long distance travel, such as going to Toronto to meet with Provincial Authorities. I would like to know how may [sic] long distance trips the Mayor has taken to Toronto or elsewhere for City business."

After finding the Councillor was not in his office, at 11:25 the Assistant replied:

"... I will work with your office to connect personally to you to discuss."

At 11:30 on December 3 the Councillor replied:

"I will be asking the questions at the budget meeting. Please have the information available for all Members of Council."

At 7:33 a.m. on Wednesday, December 5, the Councillor wrote to the Assistant:

"... based on the first two responses it is obvious that you were trying to give me the run around."

On January 7, 2014, the Assistant provided the 10 emails and four additional emails.

On December 9 at 7:49, the Councillor wrote:

"Further to my request to provide the Budget Committee the Mayor's Toronto and local travel service, where the Limo service has been utilized, can you also provide the yearly mileage on the Mayor's leased vehicle, with a breakdown of business and personal travel. ..."

This email was not in the Councillor's complaint.

The Assistant replied at 8:47 a.m.:

"I can. ..."

This email was not referred to in the Councillor's complaint.

The rest of the four emails refer to cell phone expenses except for the Assistant's undertaking to provide yearly mileage on the vehicle and breakdown business and personal travel.

The Mayor says all information was prepared and provided to the Council's Budget Committee meeting on December 10 and that the Assistant was questioned regarding the use of the contract service.

The Mayor and the Assistant both firmly deny, in writing to me, that at any time did the Mayor interfere with the Councillor's request or instruct her staff not to provide the Councillor with information respecting the use of the leased limo.

On the other hand, the Councillor denies that the Mayor's limo travel schedule for 2012 was produced.

ANALYSIS:

- (a) The Councillor first asked at 10:12 for trips taken to Toronto. The Assistant replied at 10:18 that the service is not just a requirement when we travel to Toronto and would be happy to review his questions in person. At 10:29 the Councillor asked if he had a schedule available and at 10:32 the Assistant said he would call to clarify what the Councillor sought.

The 10:56 email to the press referred not only to trips to Toronto but also to other long distance trips and not to her schedule.

At 11:23 the assistant, after confirming that the Councillor was not in his office, said he would work with the Councillor's office to connect personally to discuss.

This was obviously confusing and ambiguous. Was he asking for a list of trips to Toronto, all long distance trips, or a schedule of all use of the vehicle. I could not tell what he wanted.

- (b) The Councillor's allegation states that "it would appear that [the Assistant] was instructed not to provide me with the information I had requested." I see no evidence to support such a conclusion. We have nothing except the Councillor's sheer speculation.

The Assistant needed clarification of how much detail the Councillor wanted. In fact, the Councillor acknowledges that he was advised at the December 10 meeting that "the Mayor used the car service for a total of 1600 hours last year (presumably 2012)" and that 12000 km were used for City business.

This latter statement seems contrary to the Councillor's statement that he was not given some information respecting the Mayor's use of the limo.

There was also information attached at Tab 4 of the materials used at the meeting. The Councillor only acknowledged in his reply to me of February 14, 2014 the emails of December 9 at 7:49 a.m. and 8:47 a.m. and of his email to the press at 8:16.

I believe the Councillor was guilty of providing a moving target for his request, that is, he wasn't thinking clearly about the information he was seeking, and he was trying to remove the ambiguity in his initial request in an attempt to embarrass the Mayor in the press. He did not meet with the Assistant except at the December 10 meeting.

The Councillor offered no evidence of interference by the Mayor. There is no evidence of interference by the Mayor. The Mayor and the Assistant both deny interference by the Mayor. I have been given no evidence to disbelieve

the Mayor and the Assistant. A complete schedule was provided to the Budget Committee on December 10.

I have no alternative but to accept the evidence of the Mayor and the Assistant that she did not interfere with the Councillor's request for information.

All information was provided at the December 10 meeting.

DVD OF BUDGET MEETING:

I have viewed a DVD disc of the Committee of Council deliberations on December 10, 2013 respecting the budget. (There was no sound track on the December 11 disc.) The Councillor spoke for one-half hour respecting the Mayor's vehicle, driver and vehicle allowance. He knew the Mayor's mileage was 12,000 km per year. He knew she took 22 trips out of Brampton to Toronto with the vehicle. He and the Mayor's assistant differed over whether he asked for the Mayor's full schedule or just the number of trips. The Councillor knew the City was billed 1600 hours for the limousine service including 3 or 4 meetings a day on weekends. He was not at a loss for information respecting the Mayor's use of the limousine and in making his points during his one-half hour of questioning and the placing of a motion.

There was no mention of the Mayor driving herself on all local travel.

DECISION:

I dismiss the complaint against the Mayor.

Yours very truly,



per The Honourable Donald R. Cameron, Q.C.
Integrity Commissioner for the City of Brampton

