

Summary re Surrey Ethics Commissioner Investigation Report – Complaint 1054 010

On January 15, 2024 the Ethics Commissioner delivered to the City an Investigation Report in accordance with section 73 of the *Council Code of Conduct Bylaw, 2020, No. 20020* (the “Code of Conduct”). This is a summary of the Commissioner’s Report to Mayor and Council.

The Complaint

On June 18, 2023, the Ethics Commissioner received a complaint from a Surrey resident. The complaint alleged that Councillor Linda Annis breached the Code of Conduct when Surrey First, a registered society and electoral organization she is a director of, sent two emails to the complainant and others concerning a decision made at the June 15, 2023, closed meeting of City Council. The complainant alleged:

1. That the complainant and certain other individuals were not members of Surrey First, and that Surrey First should not have had any record of the complainant’s email address or that of the other individuals;
2. That the emails improperly disclosed confidential information in violation of the Code of Conduct; and
3. That certain comments in the emails about other members of Council violated the Code of Conduct, in that they were disparaging and amounted to bullying and harassment.

Findings

The Ethics Commissioner conducted an investigation and found that the alleged contraventions could not be substantiated.

The Ethics Commissioner determined that while Councillor Annis reviewed and approved the emails before they were sent by Surrey First, Surrey First is an independent legal entity that is responsible for maintaining and managing its mailing list. There was no indication that Councillor Annis had improperly accessed, used or disclosed personal information that was in the custody or control of the City.

Most of the comments attributed to Councillor Annis in the emails were critical of the process surrounding the decision to maintain the RCMP as police of jurisdiction, and those comments did not reveal any confidential information. The emails referred to a “400 page staff report” that was considered at the meeting. Councillor Annis did not disclose or discuss the content of that report, and it appears not to have been a matter of confidentiality that a staff report was to be considered at the meeting. Councillor Annis should not have revealed anything further about the report including its length, however in this case the reference to the overall length of the report would at most amount to a minor breach and the Ethics Commissioner determined that a formal finding of a violation of the Code of Conduct was not warranted.

The Ethics Commissioner also determined that none of the comments in the emails amounted to “bullying and harassment” as defined in the Code of Conduct. The Ethics Commissioner also considered whether any of Councillor Annis’ comments were “disparaging” of other Council

members or the Council's processes and decisions, in violation of section 50 of the Code of Conduct. The Ethics Commissioner concluded that while certain of the comments might be considered "disparaging", those comments were not clearly made in the context of a discussion by Councillor Annis of the fact that she did not support or voted against a decision of Council, which is the threshold requirement for the application of section 50.

Recommendations

The Ethics Commissioner recommend that:

1. Section 50 of the Code of Conduct should be reviewed, and amendments considered to clarify its intent.
2. Members of Council be provided with an educational session concerning the provisions of the Code of Conduct respecting communication with each other and with the public.