

In accordance with the Council Procedures for Ethics Commissioner Investigation Reports, a summary of the investigation is made public after consideration of this item at the Closed Council meeting of April 12, 2021.

Summary re SECO 110

On February 3, 2021, 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 September 25, 2020, the Ethics Commissioner received a complaint from a Surrey resident and accepted it for formal review under section 66 of the Code of Conduct. The complaint alleged that Mayor McCallum had breached the Code of Conduct by:

- 1) Lying to Councillor Hundial at a June 15, 2020 open meeting of City Council about the presence of an Order in Council (“OIC”) establishing the Surrey Police Force. The complainant alleged that there was no such OIC and that Mayor McCallum’s reference to an OIC, after a question from Councillor Hundial, therefore breached the Code of Conduct (“Complaint #1”); and
- 2) Condoning a social media post that originated from the Safe Surrey Coalition Twitter account (the “Tweet”) on May 29, 2020 that called the RCMP “untrained murderers” (“Complaint #2”).

Findings

In accordance with section 73 of the Code of Conduct, the Ethics Commissioner conducted an investigation and determined that no contravention occurred in respect of either allegation.

In respect of Complaint #1, the Ethics Commissioner determined that the document to which Mayor McCallum was referring at the June 15, 2020 meeting of Council, in response to Councillor Hundial’s question about an OIC, was a letter from Minister Mike Farnworth constituting a ministerial approval under the *Police Act*, R.S.B.C. 1996, c. 367. Mayor McCallum never referenced an OIC as a necessary prerequisite for the establishment of the Surrey Police Force. Further, he had provided this letter to Council several months prior. At the June 15, 2020 meeting, Mayor McCallum did not reference the fact that Councillor Hundial already had the letter from Minister Farnworth, leading to some confusion. Complaint #1, therefore, was not substantiated as it was simply based on a public misunderstanding between two members of Council.

In respect of Complaint #2, the Ethics Commissioner determined that Mayor McCallum did not breach the social media provisions of the Code of Conduct (sections 44-47). At the time the Tweet was posted, Mayor McCallum did not control the Safe Surrey Coalition Twitter Account. He neither wrote nor reviewed any posts that appeared on the Account, which was run by volunteers. A Safe Surrey Coalition volunteer posted the Tweet of his own volition and without direction or approval from Mayor McCallum. As soon as Mayor McCallum became aware of the Tweet, he took steps to have it removed and issued apologies for its content.

Recommendations

Pursuant to sections 11(a) and (h) of *Ethics Commissioner Establishment Bylaw, 2020, No. 20018*, the Ethics Commissioner made the following recommendations to all Council members:

- 1) When a Council member makes a commitment to his or her Council Colleagues, whether in a meeting or otherwise, related to important matters such as the Surrey Police Force transition, that they take special care to follow up with Council in an orderly and prompt manner.
- 2) All Council Members should review their personal and organizational social medial presence to be sure that the accounts with which they are associated are responsibly administered.

Ethics Commissioner Investigation Report File 18000-110

That Council:

Endorse the recommendations included in the Investigation Report:

- 1) When a Council member makes a commitment to his or her Council Colleagues, whether in a meeting or otherwise, related to important matters such as the Surrey Police Force transition, that they take special care to follow up with Council in an orderly and prompt manner;
- 2) All Council Members should review their personal and organizational social media presence to be sure that the accounts with which they are associated are responsibly administered.