

## **EX 22.6 Report on Issues Arising Out of Operation of Members Code of Conduct and Complaint Protocol**

### **City Council Decision**

City Council on July 15 and 16, 2008, adopted the following motions:

1. City Council approve the two Codes of Conduct for members of local boards (restricted definition) set out in Appendices I and II of this report.
2. City Council approve the Code of Conduct for Members of Council set out in Appendix III of this report.
3. City Council approve the Code of Conduct Complaint Protocol for Members of Local Boards (Restricted Definition) including Adjudicative Boards set out in Appendix IV of this report.
4. City Council approve the Code of Conduct Complaint Protocol for Members of Council set out in Appendix V of this report.
5. City Council direct the City Manager to submit a report to the Executive Committee on extending the Indemnification Policy for Members of Council and Management and Excluded Staff adopted by Council on November 24, 2005, to members of local boards.
6. City Council not proceed at this time with the proposal to include a general conflict of interest provision in the Members Code of Conduct.
7. City Council not adopt the motion repealing Article XIII of the Code of Conduct (“Conduct Respecting Lobbyists”).
8. City Council approve the inclusion of a provision in the Code of Conduct Complaint Protocol for Members of Council placing a moratorium on the filing of Code of Conduct complaints against Members seeking re-election from Labour Day in an election year until the new Council is sworn in.
9. City Council approve as part of the policy governing Members’ use of their Office Expense Budget that Members of Council who are the subject of an Integrity Commissioner investigation be entitled to charge against that budget the cost of an initial legal consultation but restricted to one hour and a maximum value of \$500.
10. City Council approve the following addition to item (f) in the list of permissible gifts and benefits:  

...or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity.

11. City Council approve the following addition to the list of permissible gifts and benefits provided for in Article IV of the Code of Conduct:
  - i. sponsorships and donations for community events organized or run by a member or a third party on behalf of a member, subject to the limitations set out in the Policy on Council Member-Organized Community Events.
  
12. City Council adopt the following Policy on Council Member-Organized Community Events:
  - a. donations must be for specific community events held on a specific date or a specific series of dates. Members of Council should not seek donations in money or in kind for ongoing or new programs that have been or could be offered through City programs, and which have a separate donations policy;
  - b. support for the events (whether in money or in kind) shall not exceed \$10,000 annually (whether for a single event or multiple events). (This amount does not include moneys or goods collected at any event in support of a charity or other cause if those donations go directly to the charity or cause.);
  - c. a Member of Council or a third party acting on behalf of the member shall neither solicit nor accept support in any form from those registered as lobbyists with the City, or developers with any pending planning, conversion, demolition or sign variance application. This prohibition extends to the negotiation of community benefits outside of the **Planning Act processes including Sections 37 and 45**;
  - d. Members of Council must report to the Director, Council and Support Services, in a manner and form prescribed by the City Clerk, on the source, details and value of all donations for community events prior to the event (if it is anticipated that the value of donations will exceed \$500) and a statement of accounts subsequent to the event if the value of the donations has exceeded \$300). This report shall include a genuine estimate of the value of in-kind donations. All donations and expenses paid for by donations are subject to the same administration, accounting and disclosure requirements as expenses charged to Office Expense Budgets;
  - e. all donation cheques should be made out to the City of Toronto and accounted through the City Clerk's Office. Members of Council or third parties acting on behalf of members should not hold or administer donations in separate personal accounts;
  - f. surpluses should be minimized with accurate estimation of event costs and requirements. Surpluses (including in-kind donations such as equipment) should be returned to donors or transferred to general Council revenue. Under no circumstances, can a surplus be used for a different community event and, in particular, in supplementation of a member's office operations. Any surplus will

count against the member's \$10,000 annual limit in the year in which it is used or drawn upon. Multi-year donations are not permitted;

- g. the City Clerk, in consultation with the Treasurer, will develop detailed procedures and guidelines regarding the receipt and accounting of donations for Council member community events, including the administration of surplus funds;
- h. This policy does not affect the entitlement of a member of Council to:
  - i. use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy;
  - ii. urge constituents, businesses and other groups to support community events staged by others in the member's Ward or elsewhere in the City;
  - iii. play an advisory or membership role in any organization staging community events in the member's Ward; and
  - iv. team with the City and its agencies in the staging of community events.
- i. under clause h., Members of Council should not handle any funds on behalf of these organizations and should remain at arms length from the financial aspects of these external events; and
- j. in an election year, a Member of Council must not seek donations and sponsorships for any community event that has not been staged in the previous two years nor accept donations or stage any community event supported by donations and sponsorships after he or she has filed nomination papers for election to any office in the City of Toronto.

A community event is considered to have been staged in the previous two years if it meets the following criteria:

- has a very similar, if not the same, event name/title
- takes place at approximately the same time
- has the same general purpose.

- 13. City Council approve the removal from the Code of Conduct of the Schedule ("Role and Responsibilities of the Council Members and Staff") and the two appendices on Acts governing conduct.
- 14. City Council authorize the Integrity Commissioner, in consultation with the City Manager and City Solicitor, to make additional technical amendments as necessary to the Codes of Conduct and Complaint Protocols to ensure a consistent style and to reflect the

additional amendments authorized in the above recommendations and future amendments to these documents.

- 15. The City Manager be requested to report to the Executive Committee on the feasibility of applying the “Indemnification Policy for Members of Council, Management and Excluded Staff” to Board members of the City’s agencies, boards and commissions.**

### **Background Information (Committee)**

Report on Issues Arising Out of Operation of Members Code of Conduct and Complaint Protocol  
(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13844.pdf>)

Appendices I to VI

(<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13845.pdf>)

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