

NOTICE OF MOTION

Report of Integrity Commissioner on Complaint of Violation of Councillor’s Code of Conduct (Complaint 1)

Moved by: Mayor Miller

Seconded by: Deputy Mayor Bussin

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report dated April 5, 2005, forwarding a confidential attachment in response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated April 5, 2005, from the Integrity Commissioner, and that the report be received for information;

AND BE IT FURTHER RESOLVED THAT, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate this Notice of Motion at the meeting of Council on April 12, 2005.”

April 12, 2005

Confidential Attachment

According to Chapter 27 of the Municipal Code, the foregoing Notice of Motion:

Notice was previously given	
Meets Municipal Code provisions and only requires a simple majority to introduce and debate – Integrity Commissioner Complaint Protocol	(v)
Requires two-thirds to waive notice	
Requires two-thirds to re-open	
Fiscal Impact Statement provided	*
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to the Committee/Community Council	
Requires two-thirds to waive referral if Council wishes to debate	
Recommendations are time sensitive	

* See Financial Implications section in the report

Date: April 5, 2005
To: City Council
From: David Mullan, Integrity Commissioner
Subject: Report on Complaint of Violation of Councillor's Code of Conduct

Purpose:

To report on the rejection of a complaint that a Councillor violated Part III (Confidential Information) and Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council ("Code of Conduct").

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A constituent complained that, in dealing with an issue that had arisen in her/his ward, a Councillor had disclosed or released to members of the public confidential information "acquired by virtue of [her/his] office" and had failed to treat a member of the public "fairly" and had thereby violated Parts III and XI of the Code of Conduct.

I investigated the complaint according to Part B ("Formal Complaint Procedure") of the Council Code of Conduct Complaint Protocol ("Complaint Protocol").

Comments:

On the basis of that investigation, I found that a number of the constituent's concerns involved the substance of the issue and were therefore not within my jurisdiction. I also found that the Councillor had not violated the Code of Conduct and, in particular, had not disclosed or released confidential information identifying and concerning the constituent nor had he/she failed to treat the constituent fairly by lying to her/him. I therefore prepared a report on the complaint, which the City Clerk has

provided, to both the constituent and the Councillor as required by s. 6 of Part B of the Complaint Protocol. That report is attached to this report as a confidential document for the information of Council.

Conclusions:

Council should receive this report (including the confidential attachment) rejecting the complaint.

Contact:

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