

**Consolidated Clause in Policy and Finance Committee Report 2, which was considered by City Council on February 1, 2 and 3, 2005.**

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### **Involvement of Members in Other Members' Ward Matters**

*City Council on February 1, 2 and 3, 2005, adopted this Clause without amendment.*

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**The Policy and Finance Committee recommends that City Council adopt the recommendation in the Recommendation Section of the report (January 10, 2005) from Mayor David Miller:**

At the July 2004 Council Meeting, I agreed to review the issue of Members of Council intervening in constituency matters in other Members' wards and recommend an appropriate protocol.

Referral of Members' Conduct to Integrity Commissioner:

City Council has adopted a Code of Conduct for Members of Council, however at present the Code does not offer Members any guidance on this issue. Since Members are continuing to seek guidance in this area, I am recommending that the Integrity Commissioner be asked to consider this matter and recommend any amendments to the Code of Conduct as may be appropriate. This is entirely in keeping with the mandate of the Integrity Commissioner as approved by Council.

Staff Protocols:

In the absence of a formal guideline, Members put staff in an awkward position when they request staff to attend meetings or do things about a ward matter in another member's ward.

Accordingly, at my request the Chief Administrative Officer has adopted protocols governing staff behaviour (attached for information) in such matters. Among other things, under these protocols, when asked by a Member to resolve a ward matter in another Member's ward, the CAO has instructed staff to attempt to do so with the involvement of the appropriate ward Member.

Recommendation:

It is recommended that the Integrity Commissioner be requested to consider the following question and recommend any amendments to the Code of Conduct for Members of Council that he believes may be appropriate:

- (1) Is it appropriate for a Member of Council, personally or through a staff member or other representative, to intervene on a ward matter in another member's ward, and if so, under what circumstances?

Attachments: Staff Protocols

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### Staff Protocol for Notifying Councillors

Purpose of this Protocol:

The protocol has been developed to clarify the roles and responsibilities of the Toronto Public Service (TPS) in providing notice of important matters to members of Council.

Notifying Councillors of Events, Programs and Activities:

Councillors should be informed in a timely fashion of any events, programs, or activities planned for their respective wards. This includes information on City work, new initiatives or changes in the ward which may be helpful in keeping residents informed, as well as details of events planned for the community about City programs services or processes. Councillors can then use this information to inform their respective communities through newsletters or flyers on community bulletin boards.

The following is a brief listing of some of the types of issues where significant levels of interest may be generated, and about which the respective Councillors and Mayor's office may need to be informed:

- (i) Road construction problems along linear park belts or rail lines;
- (ii) Street lighting levels;
- (iii) Noise; traffic issues or service level changes (libraries, pools, recreation operations);
- (iv) Excessive noise levels (outdoor café or commercial site);
- (v) Liquor licence applications;
- (vi) New development applications;
- (vii) Community renewal/refurbishment;
- (viii) Temporary Change in the location or level/type of service; or,
- (ix) Any other matter where it appears there is a growing community interest/concern.

This protocol does not apply to isolated requests for information but only where a pattern of concern or interest is evident. For instance, a resident's concern about a high water bill should

be resolved and the information provided to the individual or, if a Councillor is acting with the consent of the individual, directly to the Councillor.

Notifying Members of Council regarding Major City-Initiated Construction/Demolition Projects:

Councillors should be informed of any major construction or demolition projects in their ward prior to the start of the project.

Examples of these types of projects would include:

- (i) Major road repairs;
- (ii) Major sewer rehabilitation work;
- (iii) Erection or demolition of fencing in public areas (e.g., parks);
- (iv) Erection or demolition of barriers/walls in public areas;
- (v) Erection or demolition of architectural enhancements in public areas; and
- (vi) Erection or demolition of art in public spaces.

Councillors should be notified, during the early phases of construction (e.g., the project initiation stage), of upcoming construction and related activities. By consulting early with the Councillor it permits staff, who have project management responsibilities for the project, to make any necessary changes before final commitments are made (e.g., timing of public meetings). Staff should also ensure consultation and/or information sharing with the local Councillor through each of the construction phases.

Notifying the Mayor's Office:

This protocol makes a distinction between primarily localized issues (e.g., an item that would normally be considered by Community Council) and the involvement of the ward Councillor, and issues that are broader in nature. The Mayor's office should be notified when issues have a city-wide impact or if the item is considered high profile and will attract significant media attention (e.g., an item that would go to a Standing Committee).

Notifying Councillors About Emerging Issues:

Staff who receive requests for information or complaints from the public are in a position to recognize emerging issues, interests and concerns specific to neighbourhoods and across entire communities. Numerous inquiries about a single issue or project may indicate significant levels of interest or concern among residents in one or more wards.

The respective ward Councillor(s) should be informed of the nature of these inquiries/concerns and the responses being provided by staff. Staff should direct any inquiries seeking information pertaining to a Councillor or the operation of a Councillor's office directly to the appropriate Councillor for a response.

Conclusion:

This protocol is provided to all staff to ensure timely, helpful and appropriate notice to Councillors about matters affecting their constituents.

## Related City Policies:

The following is a list of related policies and procedures staff may wish to refer to for further information. These policies can be found on the city's intranet site:

- (i) Council Code of Conduct;
- (ii) Staff Conflict of Interest Policy; and
- (iii) Use of Corporate Resources during an Election Year – report and highlights.

Dated: December 2004

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## Staff Protocol for Councillor Requests

### Purpose of this Protocol:

The protocol has been developed to clarify the roles and responsibilities of the Toronto Public Service (TPS) in providing timely information, community support and assistance to members of Council. It rests on the principle that it is the fundamental role of the TPS to deliver high quality services and accurate information to the public both directly and through members of Council, and to do so in an equitable and timely manner. It also recognizes that the TPS is available to assist Council and its members to conduct City business efficiently and fairly.

This protocol provides direction on three ways that the TPS works with Councillors:

- (A) Information Requests.
- (B) Attending Meetings.
- (C) Directions from Councillors.

### (A) Information Requests:

Information requests from Councillors can arise under three general circumstances:

- (i) as a result of their role as Ward Councillor;
- (ii) as a result of their role as the Chair or member of a Standing Committee; or,
- (iii) generally as a result of their membership on Council.

To a certain extent, staff responses will be guided by the nature of the Councillor's "interest" in the issue and the "scope" of the matter.

Councillor inquiries provide staff with a valuable opportunity to enhance Councillors' ability to respond to constituents' inquiries and requests for assistance, whether the specific matter is local in origin (i.e. ward-based), or relates to the Councillor's broader role as a member of a Standing Committee or City Council. By providing factual, constructive and professional information in a timely manner, the TPS can facilitate resolution of conflicts, deliver service and provide the best information.

When responding to Councillor inquiries, staff should consider whether the matter is local in scope or whether it relates to a larger area or issue. Responses should be professional, objective and factual. If staff are unclear about how best to respond to a Councillor's inquiry, they should consult their supervisor.

Straightforward requests for information that can be responded to over the phone should be handled immediately with the query and response recorded and filed for future reference. Requests for information that require a written response, research and the application of staff resources should be communicated to the appropriate supervisor to be considered within the context of the unit's work program. The appropriate members of Council should be apprised of the unit's plans to respond in a timely fashion.

As a rule of thumb, staff should respond to Councillor's written inquiries within 5 days of receipt of the inquiry. This does not apply to inquiries that require extensive research or to inquiries that can be turned around immediately. Good communication with Councillors, advising them of staff's plans to respond (e.g. in 3-5 days) will ensure that the Councillor knows that staff are aware of the inquiry and working to respond within a stated time period.

Irrespective of the source of the request for information, the TPS must comply with legislation and regulations relating to privacy (MFIPPA) and copyright. In most cases, the information required will be general information and should not include any personal information (i.e.- names and addresses of individuals). In circumstances where personal information is contained in the information and copies are requested, the personal information must not be included unless written consent of the respective individuals has been obtained.

Staff are cautioned against the disclosure of personal or proprietary information on any inquiry from members of Council the public or the press. Please consult with the Corporate Access and Privacy Office (392-9683) if there are any concerns related to disclosure of personal or proprietary information.

#### Information Requests from Councillors on Ward Matters

Information requests from Councillor's relating to issues in their ward should be provided to Councillors wherever possible. If the inquiry will require significant staff resources, staff should inform their immediate supervisor for direction. Staff should advise the Councillor at the time that he or she will be discussing the request with the supervisor.

If an inquiry is related to a matter in another Councillor's ward, staff will advise the relevant ward Councillor of the request as soon as possible and should provide the information requested to both Councillors.

Where consultation by Staff is required on a specific ward issue, all members of Council whose wards will be affected by the report's recommendations shall be consulted as appropriate. Completed staff reports to Standing Committees on specific ward based issues are circulated with committee agendas to all members of Council.

### Information Requests From Councillors on Standing Committee Matters:

Standing Committees of Council including the Community Councils make recommendations to Council and may, from time to time, seek additional information on reports or an issue going forward to Council. This practice helps facilitate timely resolution of issues. However, where substantive additional information is being sought by Committee, staff should recommend the matter be referred back to staff for further research and reports, in a timely fashion, with due regard for other pending Council priorities.

From time to time guidance and advice is sought by staff of members of Council and Standing Committee Chairs, and visa versa, a practice that is appropriate and helpful for all parties. Standing Committee Chairs do have a role in assisting the Clerk's office and Commissioners in ensuring agendas are assembled in a fashion that will facilitate Council's decision-making process.

### General Information Requests From Councillors:

Staff should respond to general information requests from Councillors that are not related to ward or standing committee matters if the information is readily available. If the inquiry will require significant staff resources, staff should inform their immediate supervisor for direction.

### Information Requests From the Public or Outside Interests:

Information requests from the public or an elected official of another order of government sometimes are received by staff. Where these information requests are specific to a ward, staff should provide a copy of the information provided to the public or official to the ward councillor at the same time.

### (B) Requests for Staff to attend Community Meetings:

Staff receive requests to attend meetings from a variety of sources. Most commonly they are requests from the public or from Councillors. Staff also attend meetings with outside agencies as part of their job functions.

### Requests to attend meetings from the Public:

Community groups frequently invite staff to attend meetings to describe processes, programs and services offered by the City.

These types of sessions provide staff with a valuable opportunity to explain and answer questions of interest to residents about City programs and services. It is appropriate for staff to attend these public meetings to provide factual information about the City. Staff are encouraged to share the results of these meetings (e.g., issue identification, concerns) with their program area.

Appropriate notice must be provided when staff are requested to attend public meetings and should be communicated to the immediate supervisor to ensure that the appropriate information and resources are available. Where these meetings are purely local in nature (i.e. ward-based) the relevant member of Council should be advised in a timely fashion in advance of the meeting as to how the staff will be assisting at the public meeting. Staff should consult with their supervisor as to whether other Councillors or the Mayor's office should also be informed if the nature of the meeting relates to an issue of city-wide significance.

Where staff is organizing meetings about community related issues the local Ward Councillor should be advised and provided appropriate details about the meeting purpose and arrangements. Meetings with the community should be arranged in public venues.

#### Requests for Staff to attend Councillor Initiated Meetings:

Staff are often requested by a Councillor to meet with constituents in their wards to assist in resolving local issues. This is an important way for the Toronto Public Service to interact positively with the public and demonstrate concretely the value of the City's services. Staff should respond as quickly as possible to such requests, having regard for the urgency of the request, the availability of staff and other work program priorities. To avoid unnecessary staff attendance at such meetings and to ensure an efficient meeting, the Councillor is to provide staff with the relevant details of the issues to be discussed prior to the meeting. Meetings should be arranged with reasonable notice and at mutually agreeable times. Where staff are unclear as to the specific nature of the meeting, they should consult with their supervisors.

Occasionally staff are invited to attend meetings on issues related to ward issues by a Councillor who is not the Ward Councillor or by other elected officials. In general, since the role of the TPS is to provide the best possible service to the public, the objective for staff should be to facilitate, as far as is possible, provision of service to the public. As with the case of Councillor meetings in their own wards, in these instances staff should expect that the requesting Councillor or official will provide complete details of the nature of the issue for which a meeting is requested. Staff should note all the pertinent information and advise the requesting Councillor or official that this information will be forwarded to the relevant Ward Councillor for follow-up. Staff should immediately advise the Ward Councillor and make arrangements as necessary to deal with the matter, having regard for the urgency of the request, the availability of staff and other work program priorities.

#### Requests for Staff to attend Councillor Initiated Private Meetings:

Staff are frequently asked to meet with a Councillor at a site in his or her Ward to discuss an issue with a constituent, for example to observe what is alleged to be a by-law infraction requiring action. These are routine meetings required to deliver services.

In some cases, however, other meetings might be arranged by a Councillor related to a local issue (such as a planning application), where the meeting is not planned to take

place in a public venue. In these cases, the Councillor must seek the approval of the staff person's supervisor for staff to attend, setting out the unique circumstances requiring this type of arrangement.

#### Attendance at Other Types of Meetings:

Where a Councillor has asked City staff to attend meetings with elected officials from other levels of government, staff are required to seek the approval of their Commissioner to attend and must notify the Mayor's office and the CAO's office of the request. As well, staff are to provide their Commissioner with a briefing note on the meeting outcomes.

Staff participate in many meetings, at the staff level, with other organizations such as Provincial Ministries. All City of Toronto staff are now required to advise both the Mayor's office and the CAO's Office as well as their own Commissioner of meetings with senior governmental officials. This new reporting requirement will ensure a co-ordinated approach to ongoing negotiations with and requests for new or revised legislation from senior governments.

Staff occasionally host meetings in the community in the course of their regular duties. In these cases staff should notify the Ward Councillor prior to the meeting (see the related Protocol for Councillor Notice).

#### (C) Councillors Directions to Staff:

Council as a whole has authority to direct staff. Council sets policy, service levels and approves the budget. Standing Committees and Community Councils also have some limited authority to act, by majority vote, during their meetings, such as request the preparation of a staff report on an issues related to an agenda item before the committee. These directions to staff are usually co-ordinated with the relevant senior department staff attending the meeting.

Individual members of Council, including Standing Committee chairs, are not empowered by Council to direct staff in carrying out their duties. In general, staff are advised to forward any "direction" type request (outside of standard approved process in policy or budgeted areas) from individual members of Council to their Commissioner for appropriate action. Where a Ward Councillor attends at a work site and requests staff to modify or stop work related to an approved initiative in the Councillor's ward, staff are expected to continue working, and to consult their supervisor for appropriate direction. Staff should advise the requesting Councillor that the request to stop or modify work will be forwarded to management.

Requests by Councillors with respect to maintenance issues (repairs to City roads and facilities); property standards or other similar investigations should be handled with the same care given to similar requests from the public. Responses to these requests should be within standard approved processes.



Conclusion:

This protocol is provided to all staff to ensure timely, helpful and appropriate responses to Councillors' inquiries. Accurate information, to the extent required by the inquiry and provided on an inclusive basis, is essential.

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