



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED**

Violation of Members Code of Conduct

Date:	January 29, 2007
To:	City Council
From:	Integrity Commissioner
Wards:	All
Reference Number:	

SUMMARY

This is a report on a complaint that a member of Council violated Clause V (“Election Campaign Work”) of the Code of Conduct for Members of Council (“Code of Conduct”). The violation consisted in the use of City resources (a City-funded website) for election campaign purposes. However, I concluded that the violation was a result of error of judgment made in good faith. As a consequence, I am recommending that no penalty be imposed as provided for in section 5 of Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”). The respondent is also no longer a member of Council and therefore probably beyond the reach of any powers of sanction possessed by Council

RECOMMENDATIONS

The Integrity Commissioner recommends that Council receive this report.

FINANCIAL IMPACT

The report has no financial implications.

DECISION HISTORY

This report originates in a complaint by a member of the public against a then member of Council of violation of the Code of Conduct. I investigated the complaint under the Complaint Protocol.

ISSUE BACKGROUND

Diane O’Reggio, the Provincial Secretary of the Provincial New Democratic Party, complained that Councillor Sylvia Watson violated Clause V (“Election Campaign

Work”) of the Code of Conduct by using City resources (her City-funded and linked website) for “election campaign or election campaign related activities”. More specifically, it was alleged that Councillor Watson issued an electronic newsletter that was in effect campaign literature in support of her candidacy in a by-election called to fill a vacant seat in the Legislative Assembly of Ontario.

COMMENTS

On the basis of my investigation, I concluded that Councillor Watson violated Clause V of the Code of Conduct.

In an electronic newsletter issued on August 16, 2006, Councillor Watson announced that she was taking a leave of absence from her office as member of Council for Ward 14 (Parkdale-High Park) to run in a provincial by-election for the Parkdale-High Park Riding. That newsletter also contained a summary of her achievements while a member of Council for almost three years.

A week later, acting on a complaint from a member of the public (not the complainant), the Director of Council and Support Services drew Councillor Watson’s attention to the fact that, in the Director’s opinion, the newsletter violated Clause 6(a) of the May 2006 Council Policy on “Use of Corporate and Communication Resources during an Election Year”. It used a website supported by the City to “illustrate that a Member of Council is registered in [an] election”. On receiving that communication, Councillor Watson immediately removed all references to her candidacy from the newsletter.

That same day, Ms. O’Reggio lodged a formal complaint that Councillor Watson had violated Clause V of the Code of Conduct. She alleged that the newsletter constituted the use of the City’s resources for an “election campaign and election campaign related activities”.

On the basis of submissions from both the complainant and Councillor Watson and my review of the newsletter, I concluded that the original (though not the modified) version violated Clause V of the Code of Conduct. While it did not contain any explicit exhortations to constituents to vote for Councillor Watson, the overall message of the newsletter and the juxtaposition of the last paragraph of its first item and the first paragraph of its second item was that constituents should vote for Councillor Watson in the upcoming provincial by-election because of her ability to get things done as a politician and her commitment to campaign promises.

I did, however, accept that the original format of the newsletter resulted from “an error of judgment made in good faith” in terms of section 5 of the Complaint Protocol, an error that Councillor Watson immediately rectified by modifying the newsletter. As a consequence, I am precluded from recommending any penalty in my report to Council.

As a consequence, the complaint is sustained. Councillor Watson’s electronic newsletter of August 16, 2006 violated Clause V of the Code of Conduct in that it involved the use

of City resources for an election related activity. However, it was the result of an error of judgment made in good faith. I am therefore recommending that Council impose no penalty on Councillor Watson.

I have already provided the complainant and Councillor Watson with my decision in this matter.

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CONTACT

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SIGNATURE

(David Mullan, Integrity Commissioner)