



# INTEGRITY COMMISSIONER REPORT ACTION REQUIRED

## Integrity Commissioner Annual Report–2010

<b>Date:</b>	June 28, 2010
<b>To:</b>	City Council
<b>From:</b>	Integrity Commissioner
<b>Wards:</b>	All
<b>Reference Number:</b>	

### SUMMARY

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My term as Integrity Commissioner began on September 8, 2009. This Report covers the work of the Office of the Integrity Commissioner from July, 2009 to the end of June 2010.

### RECOMMENDATIONS

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The Integrity Commissioner recommends that City Council:

- 1) Adopt a correction to a typographical error in Article V ("Confidential Information") of the *Code of Conduct for Members of Council* to replace the reference to the *Municipal Conflict of Interest Act* with the correct reference to the *Municipal Freedom of Information and Protection of Privacy Act* at page 6, paragraph 6, bullet item 4, and to have the date of this amendment be reflected in the Authority section of the *Code of Conduct*,
- 2) Adopt corrections for the same typographical error repeated in Article V ("Confidential Information") of the *Code of Conduct for Members of Local Boards (Restricted Definition)* and the *Code of Conduct for Members of Adjudicative Boards* at page 7 of each of those *Codes of Conduct* and to reflect these amendments in the Authority sections of both of those *Codes of Conduct*,
- 3) Adopt an amendment to the *Code of Conduct for Members of Adjudicative Boards* to reflect its application to the newly created Sign Variance Committee and,
- 4) Receive the balance of this report for information.

## **FINANCIAL IMPACT**

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Receipt of this report will have no financial impact.

## **DECISION HISTORY**

Section 162(1) of the *City of Toronto Act, 2006* (“COTA”) provides that the Integrity Commissioner make “periodic reports to Council”. On October 9, 2009, City Council enacted Chapter 3 (“Accountability Officers”) of the *Toronto Municipal Code*. Section 3.7 of the *Toronto Municipal Code* requires that Accountability Officers report annually to Council on the activities of his/her office and the discharge of his/her duties.

## **COMMENTS**

### **Introduction**

My position as Integrity Commissioner began on September 8, 2009 after a recruiting process was held to replace the former Integrity Commissioner, David Mullan who held the position for a four year period. During the interim period, Lorne Sossin served as the Integrity Commissioner for the City of Toronto. Interim Commissioner Sossin reported on the work of the office during the second half of 2008 and the first half of 2009 at the meeting of Council held on August 5 and 6, 2009.

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-22620.pdf>

I wish to recognize the fine work of both Mr. Mullan and Mr. Sossin who served Council with skill and diligence. The City of Toronto and this Office continue to be the beneficiary of their efforts.

Over the past year, the work of the office has continued to centre around three main areas of activity: (1) Policy Development, (2) Advice to Councillors, and (3) Complaint Resolution and Reporting – formal and informal.

## **ACTIVITIES OF THE INTEGRITY COMMISSIONER, JULY 1, 2009- JUNE 30, 2010**

### **A. Policy Development**

The policy work engaged in by the Office of the Integrity Commissioner falls into three categories: matters involving Members of Council, governance matters flowing from the adoption of the Accountability Framework by City Council on April 29 and 30, 2009, and outstanding policy issues identified by the former Integrity Commissioner. These policy initiatives are discussed below.

#### **Council Policy Work**

The Integrity Commissioner’s Office responded to legislative changes and to two outstanding requests from City Council for policy advice in the following areas:

- (1) On August 6, 2009 Council requested a consultation and report on a protocol concerning the involvement of Councillors in advocacy activities before City adjudicative tribunals (for example, the Committee of Adjustments). A broad based consultation on the issue of Member Advocacy before City-appointed tribunals was undertaken in 2009-2010. The report on those findings and recommendations was received by Executive Committee in June of 2010 and will be considered by Council at its meeting of July 6 and 7, 2010.

<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-30880.pdf>

- (2) On September 28, 2005, Council adopted a report requesting the City Manager in consultation with the Integrity Commissioner to prepare a protocol on the issue of Members of Council intervening in matters in other Member's wards. This consultation was completed in 2009-2010 and at the meeting of Council on February 22 and 23, I reported on a draft Protocol for Members of Council. Council voted to receive that report, thus declining to adopt a protocol for Members of Council.

<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26716.pdf>

- (3) Council adopted a proposed amendment to the election year complaint moratorium found in the *Complaint Protocol of the Code of Conduct for Members of Council*. Provincial amendments to the *Municipal Elections Act* moved Election Day forward to October 25, 2010 and affected the dates for the last Council meeting before Election Day. On February 22 and 23, 2010, Council adopted the recommendation to adjust the start date of the moratorium on complaints to the Integrity Commissioner during an election period from Labour Day to the August 1 Civic holiday.

<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26720.pdf>

### **Accountability Framework Policy Work**

- (1) Development of a Code of Conduct and Conflict of Interest Policy with the Accountability Officers, in consultation with the City Manager's Office and City Solicitor as required by the Policy Framework for Toronto's Accountability Officers adopted by Council on April 29 and 30, 2009. The work on the Code of Conduct and Conflict of Interest Policy is ongoing and will be reported to Council when completed.
- (2) Development of a budget protocol with and on behalf of the four Accountability Officers and in consultation with the City Manager's Office in accordance with the Accountability Framework and the *City of Toronto Act, 2006*. Consultations on a draft budget protocol are ongoing.

## **Outstanding Policy Issues**

In the last Annual Report, the Interim Integrity Commissioner, Lorne Sossin reported on a number of outstanding issues that were discussed by Integrity Commissioner David Mullan in his outgoing report. An update follows:

### **1. Conflict of Interest**

The narrow scope of potential sources of conflict of interest covered by the *Municipal Conflict of Interest Act* has been the subject of comment and criticism by both former Integrity Commissioners. In last year's report, Interim Commissioner Lorne Sossin agreed with Commissioner Mullan that the *Municipal Conflict of Interest Act* is an "outdated statute" and that amendments to the *City of Toronto Act* should attempt to address the gaps created by the *Act*.

In 2009, Bill 212, Good Government Act made amendments, including to the City of Toronto Act on matters concerning municipal elections. That bill did not include amendments to the *Municipal Conflict of Interest Act*. I am advised that the 2009 consultations on the *City of Toronto Act, 2006* focussed on other matters and at present there are no active discussions with the province towards legislative reform in this area. Nevertheless, if the City decides to undertake the suggested policy reform in the coming year, the Office of the City Solicitor is willing to assist.

### **2. Member Conduct in Council and at Committee**

Both former Integrity Commissioners recognized the authority of the speaker under the Procedural By-law and declined to exercise jurisdiction over the conduct of Members at Council meetings. I agree with this interpretation and would only intervene at the specific request of Council. In relation to broader questions of Member conduct during meetings, there has been some public attention and comment about conduct and attendance at meetings. As one suggestion for improving the quality of debate and the attendance of Councillors for the duration of meetings, Council might consider whether the public interest is actively served by voting to extend the hours of meetings. Decisions made when Councillors have been working all day can lead to diminished returns. The intention to finish additional agenda items can be thwarted when tired people attempt to debate important or controversial matters of policy later in the evening.

### **3. Councillor Members' Staff**

In September 2006, Council requested that the City Manager consult with the City Solicitor, the Executive Director for Human Resources and the Integrity Commissioner on a policy concerning Council Members' Staff and the application of the *Code of Conduct for Members of Council* to the staff of Councillors. At the time of the last annual report, Commissioner Sossin reported that the extent to which the *Code of Conduct* applies to the staff of Members of Council remains uncertain.

Over the past year, I have worked with city staff on the policy underpinnings and the application of the *Code of Conduct* to staff of Councillors. That work is ongoing and will be reported to Council in the new term when a set of draft policies for staff is complete.

#### 4. Independence

The passage of the Accountability Framework in April, 2009 recognizes that the Integrity Commissioner is responsible for performing “in an independent manner” the functions assigned by city council. It has been acknowledged by my predecessor, Lorne Sossin, that part of the independence of the role includes a degree of “administrative autonomy” in the offices of the Accountability Officers. The ongoing policy work flowing from the adoption of the Accountability Framework will continue to enhance the independence of this office, along with that of the other Accountability Officers. In addition, these offices are in turn accountable to Council for their operation and oversight. The overall objective is to create a balance between the principles of independence and oversight that serves the purposes of the *City of Toronto Act, 2006* and maintains the confidence of the public. The independence of the role was a theme discussed by both Commissioner Sossin and Commissioner Mullan, and is a touchstone for the effective work of the office.

#### **B. Advice**

During the past year, the number of occasions on which Members have sought advice from the Integrity Commissioner’s office has continued to grow. With 2010 being an election year, many requests for advice have been election-related.

#### **Members of Council - Advice Sought and Provided**

	<u>2008-2009</u>	<u>2009-2010</u>
Members Seeking Advice:	37	39
Informal Advice:	50	76
Formal Written Advice:	67	53

The overall number of Members seeking advice increased slightly. Over the past reporting period, the number of contacts for informal advice increased by 50% and requests for formal written advice decreased by 22%.

#### **Citizen and Staff Inquiries**

	<u>2008-2009</u>	<u>2009-2010</u>
Citizen:	195	219
Staff:	25	44

The number of citizen and staff contacts with inquiries has increased somewhat during the past year. The office often sees an increase in citizen inquiries when there is critical media coverage of the actions of Members of Council, or Members of Local Boards or Adjudicative Boards.

Website use: The tracking of “hits” on the Integrity Commissioner website shows that from July 2009 to December 2009, there were 13, 208 visits to different areas of the website and from January 2010 to June 23, 2010, there were 14, 603 visits to different areas of the website.

### **Sample Advice Responses**

In last year’s report, the Interim Integrity Commissioner included anonymized summaries of advice and dismissed complaints, in order to illustrate common interpretations of the *Code of Conduct* to help Members of Council and the public understand how the *Code of Conduct* is applied. This report continues that practice, with the addition of commentary to the advice about the underlying principles. It is hoped that in discussing practical advice alongside the reasons behind such advice, that readers can begin to apply those principles and either identify problems that might require advice, or be able to apply the principles themselves as the facts of new or similar situations arise:

- Q. May a Councillor provide a letter of reference for a member of his/her ward who is seeking employment with the City of Toronto?
- A. According to the reference policy adopted by Council on July 25, 26 and 27, Councillors should only provide references for a position or office with the City of Toronto where the Councillor has had a “relevant relationship” with the person requesting the reference, either as an employer, a teacher or some other relationship that would provide them with the experience and ability to provide a reference.

The principle in play is to ensure that the Councillor's function is as a knowledgeable reference and not as a person of influence, who is using their title, or position, to provide an advantage to a candidate for a position.

- Q. May a Councillor accept an invitation to a corporate function at which amenities and refreshments will be provided which are valued at several hundred dollars?
- A. The Gifts and Benefits provisions found in Article IV of the *Code of Conduct* do not allow Councillors to accept gifts or benefits of this nature. In order to attend such an event, Councillors may attend but must fund their own attendance.

The principle here is to ensure that companies who may be seeking to do business with the City do not do so by giving gifts or favours to people in a position to influence vendor approval or decision making. As Justice Bellamy said in the 2005 Report on the Toronto Computer Leasing Inquiry, "When public office holders, elected or not, accept meals, gifts, entertainment and other favours from those attempting to influence them, they corrode public trust."

- Q. May a Councillor approve the use of Councillor City of Toronto letterhead to permit one of the staff in the office to send letters about an event unconnected with City of Toronto business?
- A. Separate event letterhead should be used to promote the event. The *Code of Conduct*, Article VI does not permit the use of city resources for non-City business.

The principle here is the maintaining of public confidence in Councillors who demonstrate financial responsibility and accountability for the use of city resources.

In addition, because 2010 is an election year, there were requests for advice related specifically to the election. The principles underlying the election related policies and sections of the *Code of Conduct* relate to ensuring there is a separation between the role of councillor and the role of candidate and to provide fairness in the electoral process. Some of the more common requests for advice are summarized as follows:

- Q. Once I have filed my nomination papers, may I accept donations or sponsorships for my annual barbecue that I have held for the past two years?
- A. Council passed a Council Member-Organized Event Policy that does not permit candidates who have filed their nomination papers to accept donations and sponsorships for events that they are hosting. See:  
<http://www.toronto.ca/integrity/pdf/council-org-comm-events-policy.pdf>
- Q. Is there any problem with using social media (for example, Twitter or Facebook postings) during an election campaign?
- A. So long as city resources are not being used to fund social media sites, there are no *Code of Conduct* issues raised by the use of social media that are not City corporate resources. Care should be taken to ensure that is a separation between any sites that are used in their work as Councillors from any campaign sites. For example, Councillors should avoid building in links between their city websites and campaign sites or social media sites.
- Q. A local school is fundraising and has asked their local Councillor for a donation. Is this permissible during an election year?
- A. The Councillor Expense Policy allows Councillors to support local charitable efforts (whether in money or in kind) which shall not exceed \$500.00 per group. In an election year any donations must be made before Labour Day.

Councillors may also continue the following activities until Labour Day:

- Use the office budget to supplement events organized by program areas, such as Parks openings;
- Use the office budget to sponsor events co-organized with community groups;

- Q. City Environment Days are joint programs between the City and Councillors in their wards. How should Environment Days be advertised?
- A. Particularly in an election year, it is important to appropriately use City funds in a way that reflects the nature of community events. In the case of City Environment Days, any advertising that happens before Labour Day may indicate it is a co-hosted event, but not that it is “Councillor X’s” Environment Day, because that is not accurate. After Labour Day, the Councillor Expense Policy requires that Councillors not be identified in any advertising about those events. Councillors may still attend Environment Days held after Labour Day.

### **C. Complaints & Investigations**

The *Code of Conduct Complaint Protocol* (the “*Complaint Protocol*”) provides for the procedures to follow in the case of informal or formal complaints. The *Complaint Protocol* is available on line at:

<http://www.toronto.ca/integrity/pdf/complaint-protocol.pdf>.

The number of all complaints received during this reporting period is set out below and compared to the volume of complaints for last year:

#### **Complaints Received – July 1, 2009 to June 30, 2010**

	<u>2008-2009</u>	<u>2009-2010</u>
Formal Complaints Received:	12	13
Informal Complaints Received:	2	2
Total Complaints Received:	14	15

The breakdown on the disposition and source of the complaints received during the last reporting period is outlined below:

#### **Disposition of Formal Complaints: July 1, 2009 to June 30, 2010**

	<u>2009-2010</u>
Rejected as Beyond Jurisdiction	3
Dismissed on the Merits	2
Sustained and Reported to Council	1
Settled, Withdrawn or Abandoned	0
Rejected as Frivolous or Vexatious	0
Made in Bad Faith or Without Substance	5
Still Under Investigation	2
Total:	<u>13</u>



**Complaints by Source, July 1, 2009 to June 30, 2010**

Complaints by Staff:	0
Complaints by Public:	9
Complaints by Members:	3
References by Council:	1
Total:	<u>13</u>

During this year, I completed two investigations which resulted in reports to Council on the *Code of Conduct*. The “Report on Complaint against Exhibition Place Board of Governors former Member Rocco Maragna” was considered by Council at its meeting of November 30, December 1, 2, 4 and 7, 2009 and is available on the Integrity Commissioner’s website at:

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-25455.pdf>

This complaint was dismissed for lack of jurisdiction and for lack of sufficient grounds to conduct an investigation. It was reported to Council under the “exceptional circumstances” provisions within the *Complaint Protocol*. The complaint had become public during a meeting of the Executive Committee and I determined that the dismissal of the complaint ought to be made in public at Council for that reason.

The second investigation arose from a reference from Council made on August 6, 2009. That investigation was largely completed in October of 2009. The report was delayed due to the nature of the investigation. The breach concerned the release of confidential information about a real estate purchase by the City. The release of the confidential information led to delays in the closing of the transaction. As a result, I chose to wait for the real estate transaction to successfully close before reporting on the matter to Council.

At its meeting of May 11 and 12, 2010, Council adopted the finding of a breach of the *Code of Conduct for Members of Council* and imposed a reprimand by adopting the “Report on Violation of the Code of Conduct by Councillor Rob Ford.” The complete report is available on the Integrity Commissioner’s website at:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-29803.pdf>

One procedural matter arose from this report to Council. Councillor Ford declared a conflict and recused himself from the debate and the vote. This was the first time a Councillor has done so in these circumstances. Having seen this, I sought advice from the City Solicitor for the assistance of Council generally in dealing with reports of this nature where a sanction is recommended. Although the state of the law in this area is not entirely clear, it may be appropriate for Councillors who are the subject of a report on a violation of the *Code of Conduct* to consider declaring an interest under the *Municipal Conflict of Interest Act*, in view of the potential sanctions that could include a suspension of remuneration (although to date, this has never happened in Toronto). This of course would not detract from the ability of a Councillor to comment orally or in writing to the Integrity Commissioner or in writing to Council before its consideration of the matter.

## **Dismissed Complaints**

Below are summaries of some of the dismissed complaints which may assist in understanding the Integrity Commissioner's approach to applying the Member's *Code of Conduct*. The names of the parties and identifying aspects of the complaints have been redacted.

1. A member of the public complained that a Councillor attempted to deprive Council of quorum during a Council meeting. The complaint was dismissed for lack of jurisdiction, given the jurisdiction of the Speaker over matters arising in Council in accordance with Article XI of the Code of Conduct and Chapter 27, Council Procedures, of the Municipal Code ("the Council Procedures By-law") which provides that responsibility for behaviour at Council rests with the Speaker (ss. 27.43(B) and (C)).
2. A constituent filed a formal complaint that a Councillor had been critical of the constituent and family during a conversation with another Councillor. The complaint was investigated and dismissed after the Councillor described the context and motivation in having the conversation. An informal process was agreed upon in which the Councillor met with the constituent to explain the matter and to hear and respond to the concerns of the constituent.
3. A member of the public complained about the unwillingness of a number of Members of Council to discuss issues of homelessness. The complaint was dismissed for failing to provide reasonable and probable grounds that there had been any breach of the *Code of Conduct*.
4. A member of the public complained about the failure of a candidate to act in accordance with a statement made to the media. The complaint was dismissed on the basis that it failed to provide reasonable and probable grounds that there had been any breach of the *Code of Conduct*.

## **D. Gifts and Benefits Reporting**

The Integrity Commissioner's office received 11 Donor's Declaration Forms for Council Member-Organized Community Events. These forms are required to be filed with the Office of the Clerk for donations to community events and cover sponsorships and donations whether in cash or in kind. This form is used to ensure that donations are kept within the allowable annual limit of \$10,000.00 and to ensure that donations received are for expenses for specific events.

## **E. Education & Outreach**

In the period under review, I spoke or wrote about the work of the Integrity Commissioner's office, including:

- Presentations to two Chinese Delegations interested in integrity and government accountability (Winter 2009-2010).
- Division Heads Presentation on Election Matters: Co-presentation with City Clerk's Office to Division Heads about Election Matters and the Operation of the *Code of Conduct*.
- Consultation with Integrity Commissioners of Ontario: The City of Toronto hosted the first in-person meeting of Integrity Commissioners from Ontario on November 6, 2009. I attended and spoke at the second meeting of Integrity Commissioners on April 8, 2010 at the City of Vaughan. The third meeting will be hosted in Toronto in 2010.
- Sessions for Staff of Council Members on Policies Applicable in an Election Year on February 23, 2010: Question and Answer Session which discussed a range of concerns including the application of the Member Organized Event Policy during an election year, the Councillor Expense Policy and the *Code of Conduct* provisions relevant to an election year.
- Presentation to the newly constituted Sign Variance Committee in June of 2010 on the *Code of Conduct for Members of Adjudicative Boards*.
- Authored a short article summarizing the work of the Office of the Integrity Commissioner, for *Our Toronto*, spring 2010.
- Co-authored a Joint Interpretation Bulletin, "*Lobbying during Municipal Elections*" with the Lobbyist Registrar, released April 21, 2010
- Website Modification: The Integrity Commissioner website was modified and reorganized to assist the public in understanding the work of the office and the complaints process (Fall 2009).

## **F. Budget**

The 2010 approved budget for the Integrity Commissioner's office is \$213,921.78. As of June 30, 2010, the financial statements (set out in Appendix 1) show that there have been expenditures totalling \$138,704.20 for salary and an additional \$43,469.68 for other contracted services. Benefits totalled \$12,621.12 (Group Life Insurance, Employment Insurance, EI Rebate, Ontario Health Tax, CPP, and OMERS Pension Plan contributions.) Total expenditures in this reporting period equal \$210,057.57.

## **G. Future Directions**

This first year has provided many opportunities to learn the role, to meet with Councillors, City staff and the public, and to identify future ways to serve the City as Integrity Commissioner. There are three key areas on which I plan to focus in the upcoming year:

**Member Information and Education:** In response to Council's request on May 11 and 12, 2010 for an "at a glance" guide to the Code of Conduct, work has begun on an *Annotated Code of Conduct* which will group policy papers, advice, reports and the provisions of the *Code of Conduct* by subject matter. There will be electronic links available and the annotations will be updated periodically following reports to council. This guide is intended to provide an accessible "one-stop" resource by topic to serve Council and the public.

**Election Transition:** As the City approaches the election period, I plan to work with the other Accountability Officers, the Clerk's office and City staff, to be a part of the transition for the new Council in 2010. This will include education and briefings to assist Councillors in understanding their roles and the role of the Accountability Officers. Part of that transition will be to reach out to newly appointed members of Toronto's Boards and Commissions who are also governed by the *Codes of Conduct for Local Boards* (restricted definition) and the *Code of Conduct for Adjudicative Boards*. A list of those Boards prepared by the Office of the City Manager, is attached as Appendix 2 for the information of Council.

**Beyond the "Rules": Ethical Leadership:** Toronto is a leader in Canada in the establishment of the office of Integrity Commissioner and a *Code of Conduct*. After five years of policy development and applying the *Code of Conduct*, Council has demonstrated a willingness to grapple with more subtle questions: what is our role and what are we trying to accomplish when we determine sanctions for breaches? How can we achieve more than just "letter of the law" compliance with the Code of Conduct, and instead aim higher to uphold the spirit of the laws and policies adopted by City Council? This is one of the key statements of principle in the Code of Conduct and serves as a touchstone for modelling ethics in action.

It is only a starting point to focus on the "rules" aspect. This type of focus leads to some basic questions: What is permitted? What will lead to a complaint? What are the consequences of a breach? This administration has begun to reach beyond the basics. There is emerging interest in the foundations behind the rules. I have observed some skilled responses over the past year by Councillors who have identified potential issues at an early stage, and by others who have participated in informal complaint resolution processes in a way that has resolved concerns in a timely and effective way. Councillor staff members have shown greater confidence in working with the *Code of Conduct* during conversations about the principles behind the *Code of Conduct* rather than focussing only on the technical wording of the provisions.

I hope to continue the conversation with Council and Councillors in the coming year about how to demonstrate a collective desire to reach beyond mere compliance and how to demonstrate leadership around ethical decision making that can inspire others.

## H. Recommendations for Correction to Codes of Conduct

### *Typographical Corrections to All Codes of Conduct*

In reviewing the *Code of Conduct for Members of Council*, I noticed a typographical error. Article V (“Confidential information”) incorporates the definitions of personal information found in the *Municipal Freedom of Information and Protection of Privacy Act* (“*MFIPPA*”). The introduction to Article V makes a number of references to *MFIPPA* but further into the body of the section (page 6, paragraph 6, bullet number 4) erroneously refers to “information deemed to be ‘personal information’ under the *Municipal Conflict of Interest Act*” (which has no definition of personal information and does not apply to questions of freedom of information or confidential information). A copy of the relevant provision, with the error underlined, is attached as Appendix 3.

I have reviewed Article V with the former Integrity Commissioner, David Mullan, who agrees that this was an oversight and the reference ought to be to the *MFIPPA*.

I recommend that Council adopt a correction to the *Code of Conduct* to replace the reference to the *Municipal Conflict of Interest Act* with the appropriate reference to *MFIPPA*. In addition, I recommend that Council approve that the date of the amendment be inserted into the Authority section at page 2 of the *Code of Conduct* to read as follows:

#### Current

(2) This Code of Conduct for Members of Council was amended and adopted by City Council on July 15, 16, and 17, 2008 (2008) EX22.6, as amended by Council) and amended by Council on July 6 and 7, 2010 (Suggested change indicated by underlining).

The same corrections are recommended for the *Code of Conduct for Local Board s (Restricted Definition)* and the *Code of Conduct for Adjudicative Boards*. Copies of the relevant provisions of these Codes, with the error underlined, are attached as Appendix 4 and 5.

### ***Addition of the Sign Variance Committee to the Code of Conduct for Adjudicative Boards***

Section 157(1) of the City of Toronto Act, 2006 requires the City to establish Codes of Conduct for members of certain local Boards. *The Code of Conduct for Members of Adjudicative Boards* was amended and adopted by Council on July 15, 16 and 17, 2008 (2008 EX22.6 as amended by Council). *The Code of Conduct for Members of Adjudicative Boards* defines “adjudicative board” as a “tribunal that is a local board” and a “local board” as a “local board as defined in section 156 of the *City of Toronto Act, 2006*.”

The application section in the *Code of Conduct for Members of Adjudicative Boards* lists the current adjudicative boards as follows:

- Committee of Adjustment
- Committee of Revision;
- Property Standards Committee/Fence Viewers;
- Toronto Licensing Tribunal

On May 11 and 12, 2010, City Council adopted Civic Appointments Committee Item CA25.1 and appointed the members of the newly constituted Sign Variance Committee. This committee hears applications for variances from Chapter 694 of the City of Toronto Municipal Code, and appeals from decisions of the Chief Building Official on applications for variances from Chapter 694 with respect to first party signs.

By motion adopted June 4, 2010, the Sign Variance Committee adopted By-law No. 1, Rules of Procedure for the Sign Variance Committee as required under subsection 189(1) of the *City of Toronto Act, 2006*. Included in By-law No. 1 was provision for the *Code of Conduct for Members of Adjudicative Boards* to apply to the Members of the Sign Variance Committee.

Accordingly, it is recommended that Council approve the addition of the Sign Variance Committee to the list of adjudicative Boards found within the Application section at page 4 of the *Code of Conduct for Members of Adjudicative Boards, City of Toronto*. A copy of the section of the *Code of Conduct* which is referred to is attached as Appendix 6.

## **Conclusion**

2009-2010 has been a year of transition at the office of the Integrity Commissioner. It has been a smooth transition, thanks to the superb work of many skilled people, including the outgoing Interim Commissioner Lorne Sossin, Administrative Assistant Carol Birkett, the other Accountability Officers, the Office of the Clerk, the City Solicitor and the Office of the City Manager.

The Mayor, City Councillors and their staff have demonstrated support for the roles of the accountability offices, including this office, throughout the past year. It has been a gratifying experience to be able to work with all of them in “encouraging high standards of conduct” from elected and appointed officials. I look forward to continuing to work with Council in 2010-2011.

## **CONTACT**

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## **SIGNATURE**

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Janet Leiper, Integrity Commissioner

## **ATTACHMENTS**

- Appendix 1: 2009-2010 Budget and Expenditures
- Appendix 2: Local Boards within Jurisdiction of the Toronto Integrity Commissioner as defined by the City of Toronto Act, 2006
- Appendix 3: Extract from *Code of Conduct for Members of Council* with Typographical Error in Article V highlighted
- Appendix 4: Extract from *Code of Conduct for Local Boards (Restricted Definition)* with Typographical Error in Article V highlighted
- Appendix 5: Extract from *Code of Conduct for Adjudicative Boards* with Typographical Error in Article V highlighted
- Appendix 6: Extract from *Code of Conduct for Adjudicative Boards: Application Section*