Member Motion

City Council

Notice of Motion

MM7.8  ACTION

Establishing an Effective Conflict of Interest Policy for the City of Toronto - by Councillor Janet Davis, seconded by Councillor Kristyn Wong-Tam

* Notice of this Motion has been given.
* This Motion is subject to referral to the Executive Committee. A two thirds vote is required to waive referral.

Recommendations
Councillor Janet Davis, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council request the Integrity Commissioner, in consultation with the City Solicitor, to report to Council on the advisability and steps required to establish a Conflict of Interest Policy for Councillors to be included in the City's Code of Conduct.

Summary
Contrary to what most residents of Toronto would expect, the City's Code of Conduct does not include a general conflict of interest provision. This means that if someone has a complaint about the conduct of a Councillor over what they perceive is a financial conflict of interest, they can't complain to the City's Integrity Commissioner. Instead, residents are forced to pursue the onerous process of submitting a complaint to the courts, which is costly and is a great disincentive to those who have legitimate complaints. Other problems with the current system outlined by the Integrity Commissioner include:

- Councillors can't seek advice in advance regarding potential conflicts of interest, which means that Councillors declare a conflict as a precaution rather than a declaration based on proper information and advice.

- The current rules only apply to conflicts of interest that arise in the course of a Member's participation in the proceedings of Council or one of its committees or boards and not more broadly to conflicts such as those that can arise in the use of the Councillor Expense Account.

- The current rules only apply to the pecuniary interests of the Member and close family, and not others potential conflicts such as business partners and close personal friends.
In September 2006, Council passed a motion adopting in principle the proposition that there should be a general conflict of interest provision in the Code of Conduct. In 2008, the Integrity Commissioner recommended to Council that it pursue the matter further, stating:

"It is my strong recommendation that Council either seek authority within COTA to create its own regime for dealing with conflict of interest, including the ability to add a general conflict of interest provision to the Code of Conduct, or seek appropriate amendments to the Municipal Conflict of Interest Act to achieve the same objective."

Given the importance of creating an open, transparent, and accountable City government, it is critical that the Accountability Offices created by the City have the tools to protect the public and Members of Council with clear and enforceable rules about conflict of interest.

(Submitted to City Council on April 12, 2011 as MM 7.8)