



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED**

**Supplementary Report to Council Regarding Sanction:
Mayor Rob Ford**

Date:	October 26, 2012
To:	City Council
From:	Integrity Commissioner
Wards:	All
Reference Number:	

SUMMARY

The Integrity Commissioner is required to report to City Council on investigations of formal complaints where it has been determined that there has been a violation of the *Code of Conduct for Members of Council* ("*Code of Conduct*") by a member of Council.

A report on a violation of the *Code of Conduct* relating to Mayor Ford was filed on October 23, 2012 for the meeting of October 30 and 31, 2012. Shortly before the deadline for filing the report, the Mayor's office delivered a letter of retraction concerning this complaint.

This report provides the content of the letter and provides a recommendation as to sanction. It should be addressed following the October 23, 2012 Report on Violation of Code of Conduct for Members of Council: Mayor Rob Ford.

RECOMMENDATIONS

The Integrity Commissioner recommends:

1. That City Council impose a reprimand on Mayor Ford.

Financial Impact

This supplementary report will have no financial impact on the City of Toronto.

ISSUE BACKGROUND

On October 23, 2012, the Integrity Commissioner filed a report on an investigation into a formal complaint that Mayor Rob Ford had breached Article XII of the *Code of Conduct* for denigrating the professional reputation of the Medical Officer of Health on a radio program on April 29, 2012. That report made no recommendation as to sanction but advised City Council that a letter of retraction was provided on the afternoon of the day that report was due. The report notes that:

Council will be provided with an update once the letter has been shared with the complainant.

The Mayor's letter read:

Thank you for your letter of October 3, 2012 providing further information about the mandate of the Medical Officer of Health. Having reviewed this supplementary material, I would like to make the following observations.

My comment, that the report in question falls outside the mandate of Toronto Public Health (TPH), was based on information provided by TPH on its own website. There, TPH identifies its mandate as protecting the public from health hazards, preventing diseases and promoting good health. It does not list traffic safety or transportation planning as priorities for the Board of Health. Likewise, these do not appear in the agency's Mission Statement or Foundational Principles. The document you provided does not appear to be readily accessible from the TPH site. Perhaps it should be.

The material you provided appears to reflect a much broader mandate for TPH than the mandate TPH itself describes. If this broader document is the foundational document outlining the TPH mandate, as you argue it is, then I agree it may be interpreted to include increasing public awareness of "road and off-road safety" as part of a broader goal to prevent injury. With that in mind, I retract my public comments regarding Dr. McKeowan.(sic)

I still believe spending \$60,000 to commission research that recommends an impractical solution seems extraordinarily wasteful. The City of Toronto is facing extraordinary financial pressures and is undertaking an unprecedented level of financial review. At the same time, City Council struggles to find financial resources to enable TPH to address many more pressing public health issues.

A copy of the letter was provided to the complainant, who said that it did not

appropriately address the substance of the complaint relating to the personal remarks made about the Medical Officer of Health.

Analysis

I have considered the letter from the Mayor and applied advice which I have reported on to Council recently.

An "effective apology expresses sincere regret for the specific conduct, does not minimize or excuse and it is not contingent on the complainant. Finally, where appropriate, it explains why such behavior will not happen again" (Integrity Commissioner, Annual Report, 2011-2012).

As noted in a guide to effective apologies (available on the Integrity Commissioner website), an effective apology is one in which "an objective reader would conclude that it is a fair and responsible response."

In this matter, the complainant requested an apology to the Medical Officer of Health, made just over five months ago. The letter of retraction does not contain any apology. It also contains commentary that is unrelated to the Mayor's conduct. The first paragraph of the letter is critical of the accessibility of a public document on the TPH website. It does not connect this idea to the Mayor's failure to speak respectfully of a public servant. The second paragraph acknowledges the broader mandate of the TPH, and offers a one-sentence retraction "with that in mind." The final paragraph repeats the Mayor's criticisms about the Walking and Cycling Report.

In applying these principles to the letter provided, I conclude that it fails to meet the criteria of a "fair and responsible" response, for the following reasons:

- There are no words of apology, regret, remorse or contrition in the letter.
- The letter does not mention the specific conduct which was the subject of complaint.
- The letter includes a discussion finding fault with the TPH website.
- The letter repeats criticisms about the cost of the report.

The features of the letter which are listed above, create an overall impression of someone who is blaming others and minimizing his own behaviour. It does not connect the retraction to the specific conduct. There is no sincere expression of regret.

Council has the opportunity to uphold the principle that appropriate apologies by public officials who breach standards of conduct support public confidence. Council also has the opportunity to support those members of Council who write or speak thoughtful, specific apologies. Finally, if Council insists on appropriate and timely apologies, it might mean that matters such as these are addressed

earlier and do not need to become formal complaints. In the context of this case, the complainant sought an apology first. It was only after that request was rejected that the matter became the subject of a formal complaint and a report to Council.

Accordingly, in the absence of an appropriate apology, I recommend that Council impose its own sanction. The *City of Toronto Act, 2006* permits Council to impose sanctions, including a reprimand or suspension of remuneration for up to 90 days. The *Code of Conduct* further provides for additional penalties including a request for an apology. I recommend that Council impose a reprimand to recognize that the failure to offer an appropriate apology in circumstances where it is warranted, will lead to consideration of sanctions. Finally, a reprimand will underline Council's expectations for all of its members that the public service are entitled to expect that members of Council will meet the "highest standards of conduct" from members of Council.

CONTACT

Janet Leiper, Integrity Commissioner
Phone: 416-397-7770; Fax: 416-696-3615
Email: jleiper@toronto.ca

SIGNATURE

(Original signed)

Janet Leiper
Integrity Commissioner

JL/ww