
Joint Interpretation Bulletin**Advisory Guidelines for Members of
Council on Election-Related Issues and
Members' Code of Conduct**

Introduction

This Bulletin is intended to assist Councillors in their participation in the 2014 Municipal Elections. During the election, Councillors are expected to abide by the *Code of Conduct* and other policies, including the Constituency Services and Office Budget Policy, as well as the Council Member-Organized Community Events Policy in addition to the provisions of the *Municipal Elections Act, 1996*.

That responsibility includes ensuring that their staff and volunteers working under their direction also abide by the *Code of Conduct* and the *Municipal Elections Act, 1996*. Ideally, potential issues and concerns can be identified and addressed in advance.

The Office of the Integrity Commissioner is available as a confidential resource for advice. Members are urged to take advantage of this – either by flagging potential situations in advance, or seeking advice on questions relating to the boundaries between their work as Councillors and their role as candidates.

Application of the Code of Conduct in An Election Year

The *Code of Conduct* gives specific guidance about work on election campaigns which applies to all Councillors:

VII. ELECTION CAMPAIGN WORK

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours unless permitted by City policy (e.g., all candidates meetings). No member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the City.

Reference: *The Code of Conduct for Members of Council.*

In addition, Article XII (Conduct Respecting Staff) of the *Code of Conduct* refers to the fact that City staff cannot be compelled to engage in partisan political activities.

Article XV (Failure to Adhere to Council Policies and Procedures) of the *Code of Conduct* requires a member of Council to observe the terms of Council policies. There are a number of policies which apply to municipal elections as listed below. Articles XII and XV are attached.

Donations to Member-Organized Community Events

Once a member of Council has filed his/her nomination papers, no donations can be accepted for any community events. In addition, during an election year, a member of Council who has not filled out his or her nomination papers may only seek donations for community events which have been staged in the previous two years. A copy of the policy is attached.

Reference: *Donations to Council Member-Organized Community Events Policy*

Joint City-Councillor community environment days may continue in an election year, with specific conditions after August 1.

Reference: Briefing Note: Environment Days During an Election Year

Constituency Services and Office Budget Policy

The Constituency Services and Office Budget Policy, Section 4.7 includes detailed requirements regarding councillor expenses during an election year. There are some specific limitations after August 1. Councillors should consult with the City Clerk or the Director of Council and Support Services concerning these requirements. A copy of section 4.7 of the policy is attached.

Reference: *The Constituency Services and Office Budget Policy*

City Policy – Use of City Resources During an Election

The Council-approved Use of City Resources During an Election Policy in 2012 guides how City staff, space and resources are used during an election. No City facility can be used for campaign purposes other than all-candidate meetings organized by community groups.

A copy of the policy is attached.

Human Resources Policies

Members of Council should be aware of and remind their staff about the City of Toronto policies that apply to City staff during elections. These policies are attached to this memorandum.

- ***Employee Participation in Municipal Election Campaigns***
- ***Employees Seeking Election to Political Office***

Lobbying and Municipal Elections

The City of Toronto has passed a by-law that prohibits corporations and trade unions from making campaign donations. Lobbyists are permitted to make campaign contributions in accordance with the *Municipal Elections Act, 1996* but not as part of their lobbying activities. During the election period, lobbyists must continue to register and abide by the Lobbyists' Code of Conduct. A copy of the Joint Interpretation Bulletin, *Lobbying and Municipal Elections at the City of Toronto*, is attached.

Reference: *Joint Interpretation Bulletin: Integrity Commissioner and Lobbyist Registrar: Lobbying and Municipal Elections at the City of Toronto*

Timing of Complaints During an Election Year

The *Code of Conduct Complaint Protocol for Members of Council* provides that no complaints may be filed respecting a member seeking re-election during the period starting August 4, 2014 and ending when a new City Council is deemed organized under the *City of Toronto Act, 2006*.

Complaints that are received prior to August 4, 2014 will be dealt with as expeditiously as possible. Any Members who have concerns about communications in relation to investigations with the Office of the Integrity Commissioner are requested to bring those concerns to the attention of the office.

Frequently Asked Questions

A number of questions and answers that arise during an election campaign are attached to this bulletin for Members of Council and staff reference.

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Appendices:

1. Articles XII and XV of the Code of Conduct
2. Donations to Council Member-Organized Community Events Policy
3. Briefing Note – Environment Days During an Election Year
4. Section 4.7 Constituency Services and Office Budget Policy - “Councillor Expenses during an Election Year”
5. *Use of City Resources During an Election*
6. *Employee Participation in Municipal Election Campaigns*
7. *Employees Seeking Election to Political Office*
8. Integrity Commissioner & Lobbyist Registrar Joint Interpretation Bulletin: *Lobbying and Municipal Elections in the City of Toronto*
9. Frequently Asked Questions