

February 20, 2013

To: City Council

From: City Clerk

Re: Background Materials on a Protocol for Member Involvement in Other Wards

The Speaker has asked me to provide a summary of City Council's decisions with respect to a protocol for Member involvement in other wards.

I can confirm that there is no prevailing protocol for Member involvement in other wards.

Here is a short legislative history of the matter:

1. In December 2004 the City Manager, acting within her authority, adopted a protocol for City staff to clarify their roles and responsibilities in providing notice of matters important to Members of Council.
2. City Council subsequently requested the Integrity Commissioner to report on whether it is appropriate for Members to intervene in a matter in another ward,
3. The Integrity Commissioner reported in September 2005 and on September 28, 2005 City Council adopted his recommendations as follows:

“[T]hat Council:

- (1) affirm the principle that a Member of Council may intervene on a ward matter in another Member's ward,
- (2) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council a Protocol on Members of Council intervening on a ward matter in another Member's ward,
- (3) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council amendments to the Code of

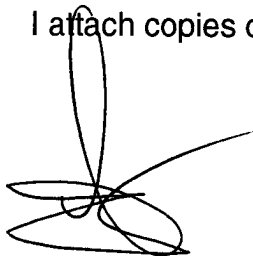
Conduct for Members of Council reflecting the Protocol's standards for intervention on a ward matter in another Member's ward."

4. The requested reports were delayed significantly by several intervening events, including the enactment of the accountability provisions of City of Toronto Act in 2006, a change in Integrity Commissioner, and the development of a framework for Accountability Officers.
5. Subsequently, in February 2010 the Integrity Commissioner submitted a report recommending the adoption of a Protocol for Member Involvement in Other Wards. Her report contained a draft protocol. (2010.EX.40.1)
6. After debating the item on February 22, 2010, City Council voted to receive the recommendations of the Integrity Commissioner.

As a result of City Council's decision on February 22, 2010, there is no prevailing protocol for Member involvement in other wards.

I note however that the decision of September 28, 2005 stands with respect to the principle permitting intervention in other wards.

I attach copies of the relevant minutes and reports of City Council.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

CITY CLERK

Tracking Status

- City Council considered this item on February 22, 2010 and received the item for information. No further action will be taken on this item.
- This item was considered by Executive Committee on February 1, 2010 and was adopted with amendments. It will be considered by City Council on February 22, 2010.

- City Council consideration on February 22, 2010

EX40.1	ACTION	Received		Ward:All
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Report on a Protocol for Member Involvement in Other Wards

City Council Decision

City Council on February 22 and 23, 2010 received Item EX40.1 for information.



Background Information (Committee)

Report on a Protocol for Member Involvement in Other Wards

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

Appendix 1 - Protocol for Member Involvement in Other Wards

(<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26717.pdf>)

Appendix 2 - Report to Council by former Integrity Commissioner David Mullan on

Involvement of Members in Matters Arising in Other Members' Wards, September 15, 2005

(<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26718.pdf>)

Appendix 3 - 2004 Staff Protocol for Member Requests

(<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26719.pdf>)

Communications (City Council)

(February 18, 2010) E-mail from Councillor Paula Fletcher, Ward 30, Toronto-Danforth,

forwarding a communication (February 12, 2010) from the Integrity

Commissioner (CC.Supp.EX40.1.1)

(<http://www.toronto.ca/legdocs/mmis/2010/cc/comm/communicationfile-13944.pdf>)

Motions (City Council)

1 - Motion to Amend Item moved by Councillor Gloria Lindsay Luby (Redundant)

That Recommendation 1 of the Executive Committee be deleted and that Council adopt the following instead:

1. City Council amend Part 5 of Appendix 1 in the report (January 18, 2010) from the Integrity Commissioner, to read as follows:
5. If the outside Member wishes to involve City staff at a meeting in another Member's Ward, staff should note all the pertinent information and advise the requesting Councillor or official, that this information will be forwarded to the relevant Ward Councillor for follow-up. Staff should immediately advise the Ward Councillor and make arrangements as necessary to deal with the matter, having regard for the urgency of the request, the availability of staff and other

work program priorities.

(Due to Council's adoption of motion 4 by Councillor Moscoe, motion 1 by Councillor Lindsay Luby was not voted on.)

Motion to End Debate moved by Councillor Norman Kelly (Lost)

That in accordance with the provisions of Chapter 27, Council Procedures, Council end the debate on this Item and take the vote immediately. (This procedural motion requires a two-thirds vote to carry.)

Vote (End Debate)

Feb-22-2010 3:44 PM

Result: Lost	Two-Thirds Required - EX40.1 - End debate
Yes: 17	Paul Ainslie, Sandra Bussin (Chair), Shelley Carroll, Raymond Cho, Mike Del Grande, Frank Di Giorgio, Mark Grimes, Suzan Hall, A.A. Heaps, Norman Kelly, Chin Lee, Gloria Lindsay Luby, Giorgio Mammoliti, Denzil Minnan-Wong, Howard Moscoe, Cesar Palacio, Kyle Rae
No: 11	Brian Ashton, Paula Fletcher, Rob Ford, Doug Holyday, Cliff Jenkins, Pam McConnell, Peter Milczyn, Ron Moeser, Frances Nunziata, John Parker, Anthony Perruzza
Absent: 17	Maria Augimeri, Janet Davis, Glenn De Baeremaeker, Mike Feldman, John Fillion, Adam Giambone, Joe Mihevc, David Miller, Case Ootes, Joe Pantalone, Gord Perks, Bill Saundercook, David Shiner, Karen Stintz, Michael Thompson, Adam Vaughan, Michael Walker

2 - Motion to Amend Item moved by Councillor Rob Ford (Redundant)

That:

1. the recommendations of the Executive Committee be deleted; and
2. City Council adopt the Protocol for Member Involvement in Other Wards, attached as Appendix 1 to the report (January 18, 2010) from the Integrity Commissioner.

(Due to Council's adoption of motion 4 by Councillor Moscoe, motion 1 by Councillor Ford was not voted on.)

3 - Motion to Amend Motion moved by Councillor Suzan Hall (Redundant)

That Motion 1 by Councillor Lindsay Luby be amended by adding the following new Part 2:

2. The Integrity Commissioner be requested to amend Part 4 of Appendix 1 in order to reflect a protocol similar to that set out in Part 5, as amended.

(Due to Council's adoption of motion 4 by Councillor Moscoe, motion 1 by Councillor Hall was not voted on.)

4 - Motion to Receive Item moved by Councillor Howard Moscoe (Carried)

That City Council receive this Item for information.

Vote (Receive Item)


Feb-22-2010 4:20 PM

Result: Carried	Majority Required - EX40.1 - Moscoe - Motion 4
	Sandra Bussin (Chair), Shelley Carroll, Raymond Cho, Janet Davis, Mike Del Grande, John Fillion, Rob Ford, Mark Grimes, Doug Holyday, Norman

Yes: 20	Kelly, Giorgio Mammoliti, Ron Moeser, Howard Moscoe, Frances Nunziata, John Parker, Anthony Perruzza, Kyle Rae, Karen Stintz, Michael Thompson, Adam Vaughan
No: 14	Paul Ainslie, Brian Ashton, Maria Augimeri, Frank Di Giorgio, Paula Fletcher, Suzan Hall, Cliff Jenkins, Chin Lee, Gloria Lindsay Luby, Pam McConnell, Joe Mihevc, Peter Milczyn, Denzil Minnan-Wong, Cesar Palacio
Absent: 11	Glenn De Baeremaeker, Mike Feldman, Adam Giambrone, A.A. Heaps, David Miller, Case Ootes, Joe Pantalone, Gord Perks, Bill Saundercook, David Shiner, Michael Walker

+ Executive Committee consideration on February 1, 2010

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Report under 2010.
Ex 40.1



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED**

**Report on a Protocol for Member Involvement in Other
Wards**

Date:	January 18, 2010
To:	Executive Committee
From:	Integrity Commissioner
Wards:	All
Reference Number:	

SUMMARY

On September 28, 2005, Council adopted a report from the former Integrity Commissioner recommending that Council reaffirm the principle that a Member of Council may intervene on a ward matter in another Member's ward, that the City Manager in consultation with the Integrity Commissioner prepare a Protocol for Council on Members of Council intervening on a ward matter in another Member's ward, and amendments to the *Code of Conduct for Members of Council* reflecting the Protocol's standards for intervention on a ward matter in another Member's ward.

This report completes Council's direction by proposing a Protocol that is aligned with the work done by the former Integrity Commissioner. *The Code of Conduct for Members of Council* does not require amendment at this time, because it includes a requirement that Members of Council follow protocols and policies put in place by Council.

The City Manager's office has been consulted and is content that the proposed Protocol be brought to Council by the Integrity Commissioner.

RECOMMENDATION

The Integrity Commissioner recommends that Council:

1. Adopt the *Protocol for Member Involvement in Other Wards*, attached as Appendix 1.



Appendix I

Protocol for Member Involvement in Other Wards

Introduction

Members of Council may become involved in a constituency matter that arises in another member's ward, but before doing so, they will follow this protocol:

Referral to the Ward Member

1. When a member (the "outside member") is asked to become involved in a constituency issue that arises in another member's ward (the "ward member"), the outside member will tell the requestor that he or she is not the ward member and that such matters are normally handled by the ward member. The member will give the name of the ward member to the requestor and refer the matter to the ward member.

Declining to Assist

2. Where the requestor has not previously approached the ward member, the outside member should generally decline to assist before the requestor has sought the assistance of the ward member, unless there is good reason for the requestor not doing so.
3. Where the ward member has already been involved, the outside member should ask the requestor why he or she is now seeking other assistance. Where, in the judgment of the outside member, there is no good reason for the requestor to seek her or his help, the outside member should tell the requestor that and decline the offer to become involved.

Assisting Where Good Reasons Exist

4. Where there is good reason to assist, an outside member may assist the requestor. In those cases, unless there are exceptional circumstances justifying otherwise, the outside member shall first inform the ward member of her or his involvement and the reasons for the decision to become involved. If, at that point, the ward member indicates that he or she has been assisting the requestor or is willing to do so, the member shall discuss this with the requestor before proceeding to assist. If the member decides that it is still appropriate to assist the requestor, the member shall confirm her or his involvement with the ward member.
5. In providing assistance to the requestor, the outside member is entitled to seek the assistance of City staff (including attendance at site visits and meetings) and the ward member is not entitled to prevent or influence the staff member from

Protocol for Member Involvement in Other Wards

becoming involved. The decision of staff members should be based on the 2004 Staff Protocol for Councillor Requests. Under that Protocol, staff involvement will depend on “the urgency of the request, the availability of staff and other work program priorities.” Members of City staff are obliged to tell the ward member of any such requests and action taken as a result of those requests, including the details of any proposed site visits or ward meetings.

6. This Protocol in no way inhibits the entitlement of outside members to become involved in issues that have broader or city-wide implications or that arise out of the outside member’s specific responsibilities (such as a Commissioner of the TTC or as a Chair or member of a Council committee). However, in such cases, courtesy requires the outside member to inform the ward member of an intention to become involved.

Integrity Commissioner's Office

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Integrity Commissioner
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Toronto, Ontario M5H 2N2

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e-mail: dmullan@toronto.ca
Web: www.toronto.ca

Date: September 12, 2005
To: City Council
From: David Mullan, Integrity Commissioner
Subject: Report on Involvement of Members in Matters Arising in Other Members' Wards

Purpose:

To report in response to a Council request that the Integrity Commissioner consider whether and to what extent Councillors (and their staff) can involve themselves in ward matters arising in other Councillors' wards and whether the Code of Conduct should deal with this issue.

Financial Implications and Impact Statement:

This report has no financial implications.

Recommendations:

It is recommended that Council:

- (1) affirm the principle that a Member of Council may intervene on a ward matter in another Member's ward.
- (2) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council a Protocol on Members of Council intervening on a ward matter in another Member's ward.
- (3) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council amendments to the Code of Conduct for Members of Council reflecting the Protocol's standards for intervention on a ward matter in another Member's ward.

Background:

At its meeting of February 1, 2, and 3, 2005, City Council resolved to request the Integrity Commissioner to consider whether it is "appropriate for a Member of Council, personally or through a staff member or other representative, to intervene on a ward matter in another member's ward, and if so, under what circumstances". As a subsidiary matter, Council asked me to make recommendations for any changes to the Code of Conduct for Members of Council that might be necessary or advisable in the light of my response to the principal question.

These requests arose out of disagreements among Members of Council about the extent to which such activities were appropriate and a sense on the part of some Members that the issue should not be left in a state of uncertainty but rather be settled by the adoption of rules or a protocol.

At present, the only relevant rules are those contained in the 2004 Staff Protocol for Councillor Requests. Acting on the request of the Mayor, the Chief Administrative Officer, now City Manager adopted this Protocol in December 2004. Among other matters, that Protocol sets out how staff are to deal with situations where a Councillor asks staff to provide information, attend a meeting, or make a site visit in relation to a ward matter arising in another Member's ward. The core of that Protocol is that staff must inform the ward Councillor of any such request and, in the case of meetings, site visits, or other actions, provide the ward Councillor with the opportunity to become involved.

In responding to Council's request, I sent a memorandum to all members of City Council inviting their input. That produced a limited number of responses. I also sought out Councillors whom I knew had a particular interest in this matter, and I arranged to interview the former Mayor of Toronto, John Sewell, who had commented in the media on the issue.¹ I also conducted some research as to whether this issue has arisen in other Canadian municipalities.

Analysis:

Should a Councillor Ever Get Involved in a Ward Matter in another Councillor's Ward?

In the course of my consultations, only one Councillor was of the view that the unwavering principle should be that of "No Go!" Under this view, when a constituent from another ward approaches a Councillor on an issue in that constituent's ward, the Councillor should refer the constituent to the ward Councillor or, at most, agree to contact the ward Councillor on behalf of the constituent but go no further than that.

The more general opinion, however, was that there should be no absolute prohibition on Councillors involving themselves in ward matters in other Councillors' wards. Even one Councillor who said that he or she as a general rule did not respond to communications from constituents of other Councillors admitted to making exceptions in the case of family and friends in other wards.

The reasons advanced for allowing this kind of involvement are most commonly the following:

1. There is no general theory of ward-based, municipal electoral systems that prohibits Councillors from being active on ward matters in another Councillor's ward.
2. To set up barriers of this kind would be to encourage further the unhealthy spectre of each ward as the personal fiefdom of the Councillor for that Ward. This would create the potential for issues of general concern to never surface or never be examined seriously, and, in extreme cases, corruption of the Tammany Hall variety. Putting it another way, a ban could create an environment, particularly at the Community Council level, in which

¹ John Sewell, "A kingdom of fiefdoms", eye Weekly, February 3, 2005, at 13.

Councillors by tacit agreement simply do not raise concerns about issues in other Councillors' wards.

3. On some issues, constituents cannot expect to find a friendly or sympathetic ear in their own ward Councillor. That Councillor may be of a different political stripe from the constituent and have very different views on the need for pursuing the cause or issue that the constituent is advancing. In a matter involving contending points of view, the Councillor may be committed already to the cause of another constituent in her or his ward.
4. There will in fact be many issues over which there is no consensus on whether they are ward issues or city-wide or general interest issues. As a consequence, any ban based on that distinction might either lead to disagreement and frequent utilization of any complaint mechanism, or, more perniciously, cause Councillors to forego involvement rather than run the risk of allegations of improper involvement.²

Recently, in A City of Neighbourhoods: Report of the 2004 Vancouver Electoral Reform Commission ("The Berger Commission"), a report which recommended that Vancouver adopt a ward system in place of its current "at large" system, the issue was put in the following terms:

I have said that each ward will have its own ward Councillor; there is occasionally a concern expressed that, in some cases, this might actually restrict access to Council. As [one constituent] put it, "your ward representative may not be sympathetic to your cause." Can supporters of that cause turn to another Councillor?

Of course, under the ward system, citizens will not be restricted in their access to Council, or forced to deal only with their ward Councillor. This is simply not how ward systems work. Edmonton's City Clerk described that City's functioning in this way:

Residents' access to Councillors is not limited to the Councillor for a particular ward; under any system, any resident of the City may contact any Councillor about any issue.³

Of course, a Councillor's involvement in another Councillor's ward on a ward issue may not always be altruistic. It may occur because of other political ambitions such as running federally or provincially, or, more problematically, in order to cause trouble; to harass or create embarrassment to a Councillor with whom there is broader disagreement. However, these possibilities do not offset the contributions that Councillor involvement in issues arising in other wards can make to greater transparency and a fuller airing of important albeit ward-based issues. There may also be means other than an outright ban for dealing with abuses.

² One Councillor suggested that the distinction could be based on matters that are dealt with at Community Council (ward) and issues that have to go to a Committee of Council itself (city-wide). I am skeptical as to whether this is an appropriate basis on which to draw the distinction.

³ At 50-51, and citing City of Edmonton, Office of the City Clerk, Ward Boundary Review (City of Edmonton, October, 2002), Section 1, p.3.

Given the potentially serious consequences of an outright prohibition and the views from other jurisdictions, I reject any argument that the City of Toronto adopt such a ban. There are clearly occasions on which it is perfectly appropriate for a Councillor to respond to a request for assistance from a constituent of another ward.

Should There Be Any Limits on Councillor Involvement in Ward Matters in another Councillor's Ward?

While the vast majority of Councillors with whom I spoke were opposed to an outright ban, all supported some form of regulation. For the most part, the type of regulation that they advocated was procedural. The common elements were:

1. When asked to become involved in a ward issue arising in another Councillor's ward, Councillors should tell the constituent that they are not the ward Councillor, provide the name of the ward Councillor, and inform the constituent that he or she is free to approach the ward Councillor. At that point, Councillors can properly discuss with the constituent whether he or she still wants them to be involved.
2. If Councillors then decide to become involved, the first point of contact should be the ward Councillor not only as a courtesy but also to ascertain whether the ward Councillor is engaged in the issue. Where the matter is under active consideration by the ward Councillor, the normal response would be to refrain from further action until the ward Councillor's involvement has ceased or unless the ward Councillor is supporting interests other than the constituent's.
3. When engaged in matters in another Councillor's ward, Councillors should also respect the terms of the 2004 Staff Protocol for Councillor Requests. These include the obligations placed on staff to keep the ward Councillor informed of requests for information as well as attendance at site visits and meetings with respect to the issue. The Protocol also emphasizes that staff involvement will be contingent on "the urgency of the request, the availability of staff and other work program priorities."
4. In the case of issues in another Councillor's ward that have broader or city-wide ramifications or that arise out of Councillors' specific responsibilities (such as a Commissioner of the TTC, a member of the Board of Directors of Ontario Hydro, or a chair or member of a Council committee), there should be no restrictions on taking action save that the Councillor should inform the ward Councillor of her or his impending involvement.
5. These operating principles should also be binding on Councillors' political staff when taking actions on behalf of their Councillor in another Councillor's ward, and to guard against misunderstandings and abuse, the staff member in question should deal at least initially with the ward Councillor, and not a member of that Councillor's staff.

These suggestions provide an ample basis for the drafting of a Protocol for Members of City Council and I would recommend that Council approve the taking of that step. Even without specific

provision in the Code of Conduct, a consensus Protocol would not only provide guidance to Councillors but also prevent at least some of the disputes that have arisen in the past over this issue.

I should also point out that it is my view that this is not a domain where it is possible or prudent to write rules to govern every situation. As a result, I would recommend that the Protocol preserve the flexibility in the principles identified above. Thus, for example, while, in general, Councillors should not become involved in a ward matter arising in another ward without explaining carefully to the constituent that there is a ward Councillor who may be able to assist, there may be occasions where this is not necessary, such as where the other side of the issue already has the support of the ward Councillor or where it is otherwise clear that an approach to the ward Councillor would be futile. One Councillor suggested that a Councillor should never convene a public meeting with City staff in attendance in relation to a ward matter arising in another Councillor's ward. Once again, it may be that this should be the general operating principle. However, I would hesitate to make that a mandatory rule. There may be situations where the nature of the issue and its effective resolution make such a meeting desirable.

Should the Provisions of Any Protocol be Reinforced by Incorporation into the Code of Conduct for Members of Council?

The main purpose of any Protocol on the involvement of Councillors in other Councillors' wards is to provide a set of guidelines by which Councillors will govern their conduct. To the extent that the principles contained in the Protocol are general in nature and flexible in their application, there will inevitably be situations where Councillors will have to make a judgment as to how to respond or react; there will be no clear rule or precise obligation.

These considerations suggest that the most important role for the Integrity Commissioner in such a regime is not determining after the event whether a Councillor has engaged in unethical or otherwise inappropriate behaviour. Rather, the Integrity Commissioner would be most effectively deployed in giving advice and mediating disputes where the intervening Councillor and the ward Councillor disagree about the need for or extent of the intervening Councillor's involvement. I would therefore recommend that the Protocol make provision for such a role.

However, there are aspects of this issue for which the Code of Conduct and Code of Conduct Complaint Protocol should be available. To the extent that the Protocol on intervention requires provision of notice to the ward Councillor and there is a complete failure to provide that notice, the ward Councillor should have the right to complain under the Code of Conduct. Also, if the Protocol incorporates the provisions of the 2004 Staff Protocol for Councillor Requests, the Code of Conduct should be triggered where an intervening Councillor fails to observe the regulations that Protocol imposes on the involvement of staff. I would therefore recommend the addition of a provision to the Code of Conduct to deal with such situations.

Conclusions:

There are no compelling reasons for placing a ban on the involvement of other Councillors in ward matters arising in another Councillor's ward. Indeed, such a ban would have adverse consequences for the public interest, the representation interests of constituents, and the effective operation of the City of Toronto.

There is, however, room for the adoption of a Protocol regulating this activity in a limited manner and by reference primarily to general principles rather than a set of hard and fast rules. The general principles underlying that Protocol normally should require Councillors to explain to those seeking their intervention that there is a ward Councillor who is potentially available to assist. Nonetheless, once that option is made clear, Councillors other than the ward Councillor can become involved where the effective and appropriate resolution of the issue requires it. In situations where involvement does occur, the intervening Councillor (or political staff acting for the Councillor) should be under a continuing obligation to keep the ward Councillor apprised of the course of events and, in so far as staff are involved, to respect the terms of 2004 Staff Protocol for Councillor Requests.

The Protocol should make provision for the Integrity Commissioner to act as an advisor particularly in situations where the intervening and the ward Councillor have a difference of opinion over the need for or extent of the intervening Councillor's involvement. As a supplementary matter, the Protocol (reinforced by an addition to the Code of Conduct for Members of Council) should provide for the triggering of the complaint mechanism under the Code of Conduct in situations where it is alleged that there has been a violation of the notice provisions or the terms of the 2004 Staff Protocol for Councillor Requests.

David Mullan
Integrity Commissioner



CITY CLERK

Consolidated Clause in Policy and Finance Committee Report 2, which was considered by City Council on February 1, 2 and 3, 2005.

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Involvement of Members in Other Members' Ward Matters

City Council on February 1, 2 and 3, 2005, adopted this Clause without amendment.

The Policy and Finance Committee recommends that City Council adopt the recommendation in the Recommendation Section of the report (January 10, 2005) from Mayor David Miller:

At the July 2004 Council Meeting, I agreed to review the issue of Members of Council intervening in constituency matters in other Members' wards and recommend an appropriate protocol.

Referral of Members' Conduct to Integrity Commissioner:

City Council has adopted a Code of Conduct for Members of Council, however at present the Code does not offer Members any guidance on this issue. Since Members are continuing to seek guidance in this area, I am recommending that the Integrity Commissioner be asked to consider this matter and recommend any amendments to the Code of Conduct as may be appropriate. This is entirely in keeping with the mandate of the Integrity Commissioner as approved by Council.

Staff Protocols:

In the absence of a formal guideline, Members put staff in an awkward position when they request staff to attend meetings or do things about a ward matter in another member's ward.

Accordingly, at my request the Chief Administrative Officer has adopted protocols governing staff behaviour (attached for information) in such matters. Among other things, under these protocols, when asked by a Member to resolve a ward matter in another Member's ward, the CAO has instructed staff to attempt to do so with the involvement of the appropriate ward Member.

Recommendation:

It is recommended that the Integrity Commissioner be requested to consider the following question and recommend any amendments to the Code of Conduct for Members of Council that he believes may be appropriate:

- (1) Is it appropriate for a Member of Council, personally or through a staff member or other representative, to intervene on a ward matter in another member's ward, and if so, under what circumstances?

Attachments: Staff Protocols

Staff Protocol for Notifying Councillors

Purpose of this Protocol:

The protocol has been developed to clarify the roles and responsibilities of the Toronto Public Service (TPS) in providing notice of important matters to members of Council.

Notifying Councillors of Events, Programs and Activities:

Councillors should be informed in a timely fashion of any events, programs, or activities planned for their respective wards. This includes information on City work, new initiatives or changes in the ward which may be helpful in keeping residents informed, as well as details of events planned for the community about City programs services or processes. Councillors can then use this information to inform their respective communities through newsletters or flyers on community bulletin boards.

The following is a brief listing of some of the types of issues where significant levels of interest may be generated, and about which the respective Councillors and Mayor's office may need to be informed:

- (i) Road construction problems along linear park belts or rail lines;
- (ii) Street lighting levels;
- (iii) Noise; traffic issues or service level changes (libraries, pools, recreation operations);
- (iv) Excessive noise levels (outdoor café or commercial site);
- (v) Liquor licence applications;
- (vi) New development applications;
- (vii) Community renewal/refurbishment;
- (viii) Temporary Change in the location or level/type of service; or,
- (ix) Any other matter where it appears there is a growing community interest/concern.

This protocol does not apply to isolated requests for information but only where a pattern of concern or interest is evident. For instance, a resident's concern about a high water bill should

be resolved and the information provided to the individual or, if a Councillor is acting with the consent of the individual, directly to the Councillor.

Notifying Members of Council regarding Major City-Initiated Construction/Demolition Projects:

Councillors should be informed of any major construction or demolition projects in their ward prior to the start of the project.

Examples of these types of projects would include:

- (i) Major road repairs;
- (ii) Major sewer rehabilitation work;
- (iii) Erection or demolition of fencing in public areas (e.g., parks);
- (iv) Erection or demolition of barriers/walls in public areas;
- (v) Erection or demolition of architectural enhancements in public areas; and
- (vi) Erection or demolition of art in public spaces.

Councillors should be notified, during the early phases of construction (e.g., the project initiation stage), of upcoming construction and related activities. By consulting early with the Councillor it permits staff, who have project management responsibilities for the project, to make any necessary changes before final commitments are made (e.g., timing of public meetings). Staff should also ensure consultation and/or information sharing with the local Councillor through each of the construction phases.

Notifying the Mayor's Office:

This protocol makes a distinction between primarily localized issues (e.g., an item that would normally be considered by Community Council) and the involvement of the ward Councillor, and issues that are broader in nature. The Mayor's office should be notified when issues have a city-wide impact or if the item is considered high profile and will attract significant media attention (e.g., an item that would go to a Standing Committee).

Notifying Councillors About Emerging Issues:

Staff who receive requests for information or complaints from the public are in a position to recognize emerging issues, interests and concerns specific to neighbourhoods and across entire communities. Numerous inquiries about a single issue or project may indicate significant levels of interest or concern among residents in one or more wards.

The respective ward Councillor(s) should be informed of the nature of these inquiries/concerns and the responses being provided by staff. Staff should direct any inquiries seeking information pertaining to a Councillor or the operation of a Councillor's office directly to the appropriate Councillor for a response.

Conclusion:

This protocol is provided to all staff to ensure timely, helpful and appropriate notice to Councillors about matters affecting their constituents.

Related City Policies:

The following is a list of related policies and procedures staff may wish to refer to for further information. These policies can be found on the city's intranet site:

- (i) Council Code of Conduct;
- (ii) Staff Conflict of Interest Policy; and
- (iii) Use of Corporate Resources during an Election Year – report and highlights.

Dated: December 2004

Staff Protocol for Councillor Requests

Purpose of this Protocol:

The protocol has been developed to clarify the roles and responsibilities of the Toronto Public Service (TPS) in providing timely information, community support and assistance to members of Council. It rests on the principle that it is the fundamental role of the TPS to deliver high quality services and accurate information to the public both directly and through members of Council, and to do so in an equitable and timely manner. It also recognizes that the TPS is available to assist Council and its members to conduct City business efficiently and fairly.

This protocol provides direction on three ways that the TPS works with Councillors:

- (A) Information Requests.
- (B) Attending Meetings.
- (C) Directions from Councillors.

(A) Information Requests:

Information requests from Councillors can arise under three general circumstances:

- (i) as a result of their role as Ward Councillor;
- (ii) as a result of their role as the Chair or member of a Standing Committee; or,
- (iii) generally as a result of their membership on Council.

To a certain extent, staff responses will be guided by the nature of the Councillor's "interest" in the issue and the "scope" of the matter.

Councillor inquiries provide staff with a valuable opportunity to enhance Councillors' ability to respond to constituents' inquiries and requests for assistance, whether the specific matter is local in origin (i.e. ward-based), or relates to the Councillor's broader role as a member of a Standing Committee or City Council. By providing factual, constructive and professional information in a timely manner, the TPS can facilitate resolution of conflicts, deliver service and provide the best information.

When responding to Councillor inquiries, staff should consider whether the matter is local in scope or whether it relates to a larger area or issue. Responses should be professional, objective and factual. If staff are unclear about how best to respond to a Councillor's inquiry, they should consult their supervisor.

Straightforward requests for information that can be responded to over the phone should be handled immediately with the query and response recorded and filed for future reference. Requests for information that require a written response, research and the application of staff resources should be communicated to the appropriate supervisor to be considered within the context of the unit's work program. The appropriate members of Council should be apprised of the unit's plans to respond in a timely fashion.

As a rule of thumb, staff should respond to Councillor's written inquiries within 5 days of receipt of the inquiry. This does not apply to inquiries that require extensive research or to inquiries that can be turned around immediately. Good communication with Councillors, advising them of staff's plans to respond (e.g. in 3-5 days) will ensure that the Councillor knows that staff are aware of the inquiry and working to respond within a stated time period.

Irrespective of the source of the request for information, the TPS must comply with legislation and regulations relating to privacy (MFIPPA) and copyright. In most cases, the information required will be general information and should not include any personal information (i.e.- names and addresses of individuals). In circumstances where personal information is contained in the information and copies are requested, the personal information must not be included unless written consent of the respective individuals has been obtained.

Staff are cautioned against the disclosure of personal or proprietary information on any inquiry from members of Council the public or the press. Please consult with the Corporate Access and Privacy Office (392-9683) if there are any concerns related to disclosure of personal or proprietary information.

Information Requests from Councillors on Ward Matters

Information requests from Councillor's relating to issues in their ward should be provided to Councillors wherever possible. If the inquiry will require significant staff resources, staff should inform their immediate supervisor for direction. Staff should advise the Councillor at the time that he or she will be discussing the request with the supervisor.

If an inquiry is related to a matter in another Councillor's ward, staff will advise the relevant ward Councillor of the request as soon as possible and should provide the information requested to both Councillors.

Where consultation by Staff is required on a specific ward issue, all members of Council whose wards will be affected by the report's recommendations shall be consulted as appropriate. Completed staff reports to Standing Committees on specific ward based issues are circulated with committee agendas to all members of Council.

Information Requests From Councillors on Standing Committee Matters:

Standing Committees of Council including the Community Councils make recommendations to Council and may, from time to time, seek additional information on reports or an issue going forward to Council. This practice helps facilitate timely resolution of issues. However, where substantive additional information is being sought by Committee, staff should recommend the matter be referred back to staff for further research and reports, in a timely fashion, with due regard for other pending Council priorities.

From time to time guidance and advice is sought by staff of members of Council and Standing Committee Chairs, and visa versa, a practice that is appropriate and helpful for all parties. Standing Committee Chairs do have a role in assisting the Clerk's office and Commissioners in ensuring agendas are assembled in a fashion that will facilitate Council's decision-making process.

General Information Requests From Councillors:

Staff should respond to general information requests from Councillors that are not related to ward or standing committee matters if the information is readily available. If the inquiry will require significant staff resources, staff should inform their immediate supervisor for direction.

Information Requests From the Public or Outside Interests:

Information requests from the public or an elected official of another order of government sometimes are received by staff. Where these information requests are specific to a ward, staff should provide a copy of the information provided to the public or official to the ward councillor at the same time.

(B) Requests for Staff to attend Community Meetings:

Staff receive requests to attend meetings from a variety of sources. Most commonly they are requests from the public or from Councillors. Staff also attend meetings with outside agencies as part of their job functions.

Requests to attend meetings from the Public:

Community groups frequently invite staff to attend meetings to describe processes, programs and services offered by the City.

These types of sessions provide staff with a valuable opportunity to explain and answer questions of interest to residents about City programs and services. It is appropriate for staff to attend these public meetings to provide factual information about the City. Staff are encouraged to share the results of these meetings (e.g., issue identification, concerns) with their program area.

Appropriate notice must be provided when staff are requested to attend public meetings and should be communicated to the immediate supervisor to ensure that the appropriate information and resources are available. Where these meetings are purely local in nature (i.e. ward-based) the relevant member of Council should be advised in a timely fashion in advance of the meeting as to how the staff will be assisting at the public meeting. Staff should consult with their supervisor as to whether other Councillors or the Mayor's office should also be informed if the nature of the meeting relates to an issue of city-wide significance.

Where staff is organizing meetings about community related issues the local Ward Councillor should be advised and provided appropriate details about the meeting purpose and arrangements. Meetings with the community should be arranged in public venues.

Requests for Staff to attend Councillor Initiated Meetings:

Staff are often requested by a Councillor to meet with constituents in their wards to assist in resolving local issues. This is an important way for the Toronto Public Service to interact positively with the public and demonstrate concretely the value of the City's services. Staff should respond as quickly as possible to such requests, having regard for the urgency of the request, the availability of staff and other work program priorities. To avoid unnecessary staff attendance at such meetings and to ensure an efficient meeting, the Councillor is to provide staff with the relevant details of the issues to be discussed prior to the meeting. Meetings should be arranged with reasonable notice and at mutually agreeable times. Where staff are unclear as to the specific nature of the meeting, they should consult with their supervisors.

Occasionally staff are invited to attend meetings on issues related to ward issues by a Councillor who is not the Ward Councillor or by other elected officials. In general, since the role of the TPS is to provide the best possible service to the public, the objective for staff should be to facilitate, as far as is possible, provision of service to the public. As with the case of Councillor meetings in their own wards, in these instances staff should expect that the requesting Councillor or official will provide complete details of the nature of the issue for which a meeting is requested. Staff should note all the pertinent information and advise the requesting Councillor or official that this information will be forwarded to the relevant Ward Councillor for follow-up. Staff should immediately advise the Ward Councillor and make arrangements as necessary to deal with the matter, having regard for the urgency of the request, the availability of staff and other work program priorities.

Requests for Staff to attend Councillor Initiated Private Meetings:

Staff are frequently asked to meet with a Councillor at a site in his or her Ward to discuss an issue with a constituent, for example to observe what is alleged to be a by-law infraction requiring action. These are routine meetings required to deliver services.

In some cases, however, other meetings might be arranged by a Councillor related to a local issue (such as a planning application), where the meeting is not planned to take

place in a public venue. In these cases, the Councillor must seek the approval of the staff person's supervisor for staff to attend, setting out the unique circumstances requiring this type of arrangement.

Attendance at Other Types of Meetings:

Where a Councillor has asked City staff to attend meetings with elected officials from other levels of government, staff are required to seek the approval of their Commissioner to attend and must notify the Mayor's office and the CAO's office of the request. As well, staff are to provide their Commissioner with a briefing note on the meeting outcomes.

Staff participate in many meetings, at the staff level, with other organizations such as Provincial Ministries. All City of Toronto staff are now required to advise both the Mayor's office and the CAO's Office as well as their own Commissioner of meetings with senior governmental officials. This new reporting requirement will ensure a co-ordinated approach to ongoing negotiations with and requests for new or revised legislation from senior governments.

Staff occasionally host meetings in the community in the course of their regular duties. In these cases staff should notify the Ward Councillor prior to the meeting (see the related Protocol for Councillor Notice).

(C) Councillors Directions to Staff:

Council as a whole has authority to direct staff. Council sets policy, service levels and approves the budget. Standing Committees and Community Councils also have some limited authority to act, by majority vote, during their meetings, such as request the preparation of a staff report on an issues related to an agenda item before the committee. These directions to staff are usually co-ordinated with the relevant senior department staff attending the meeting.

Individual members of Council, including Standing Committee chairs, are not empowered by Council to direct staff in carrying out their duties. In general, staff are advised to forward any "direction" type request (outside of standard approved process in policy or budgeted areas) from individual members of Council to their Commissioner for appropriate action. Where a Ward Councillor attends at a work site and requests staff to modify or stop work related to an approved initiative in the Councillor's ward, staff are expected to continue working, and to consult their supervisor for appropriate direction. Staff should advise the requesting Councillor that the request to stop or modify work will be forwarded to management.

Requests by Councillors with respect to maintenance issues (repairs to City roads and facilities); property standards or other similar investigations should be handled with the same care given to similar requests from the public. Responses to these requests should be within standard approved processes.

WHEREAS the City's impending garbage disposal crisis is of great importance to Toronto's residents; and

WHEREAS Toronto citizens have a right to know what contingency plans have been made, should Michigan ever refuse to accept our garbage;

NOW THEREFORE BE IT RESOLVED THAT the Chair of the Works Committee bring forward a report to the October 26, 2005 meeting of City Council, that outlines the details of this 'confidential contingency plan' and make it a matter of public record;

AND BE IT FURTHER RESOLVED THAT the Works Committee ensure that the public is given an opportunity to make depositions regarding this garbage disposal contingency plan, at the earliest opportunity."

Disposition:

City Council on September 28, 29 and 30, 2005, referred this Motion to the Works Committee.

J(6) Involvement of Members in Matters Arising in Other Members' Wards

Moved by Mayor Miller, seconded by Deputy Mayor Feldman

"**WHEREAS** City Council on February 1, 2 and 3, 2005, by its adoption of Policy and Finance Committee Report 2, Clause 19, requested the Integrity Commissioner to consider whether it is appropriate for a Member of Council, personally or through a staff member or other representative, to intervene on a ward matter in another member's ward, and if so, under what circumstances; and

WHEREAS the Integrity Commissioner has prepared the attached report dated September 12, 2005 in response to Council's request;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (September 12, 2005) from the Integrity Commissioner and that the recommendations contained in the Recommendations Section of the report be adopted."

Disposition:

City Council on September 28, 29 and 30, 2005, amended this Motion by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the protocol to be developed for Members of Council be consistent with and support the staff protocol that was approved by City Council on February 1, 2 and 3, 2005.”

Motion J(6), as amended, was adopted by City Council.

In adopting Motion J(6), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (September 12, 2005) from the Integrity Commissioner:

“It is recommended that Council:

- (1) affirm the principle that a Member of Council may intervene on a ward matter in another Member’s ward;***
- (2) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council a Protocol on Members of Council intervening on a ward matter in another Member’s ward; and***
- (3) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council amendments to the Code of Conduct for Members of Council reflecting the Protocol’s standards for intervention on a ward matter in another Member’s ward.”***

Council also considered the following:

- Report (September 12, 2005) from the Integrity Commissioner.

J(7) Report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry

Moved by Mayor Miller, seconded by Deputy Mayor Feldman

“WHEREAS on September 12, 2005, Madame Justice Denise Bellamy transmitted her report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry to the Mayor and Members of Council; and

WHEREAS Madame Justice Bellamy has recommended that the Mayor report to Council, at the first Council meeting after the first anniversary of the release of her report, on the progress made to implement the report’s recommendations;