



---

OFFICE OF THE INTEGRITY COMMISSIONER

**ANNUAL REPORT  
2016**

---

**January 24, 2017**

---

# Table of Contents

Commissioner's Message .....	3
Bill 68 – Modernizing Ontario's Municipal Legislation Act, 2016 .....	4
The Year Ahead.....	5
Report on Activities .....	6
Section 1: Providing Timely Advice to Members of Council and Local Boards (Restricted Definition) .....	6
Sample Advice to Members of Local Boards .....	7
Sample Advice to Members of Council .....	8
Section 2: Receiving, Reviewing and Investigating Complaints.....	11
Formal Complaints – Intake Review.....	11
Formal Complaints – Investigations .....	13
Informal Complaints .....	14
Section 3: Outreach Activities .....	14
Local Board Outreach and Resource Development.....	14
Outreach to Members of Council.....	15
Resident, Staff, and Media Inquiries .....	15
External outreach .....	15
Municipal Integrity Commissioners of Ontario.....	16
Section 4: Policy Work.....	16
Budget and Financial Information.....	17
Appendices	
Appendix 1: Detailed Activities and Statistics Report – Office of the Integrity Commissioner – January 1 – December 31, 2016 (9 pages)	
Appendix 2: Summary of changes if Bill 68 passes (2 pages)	
Appendix 3: Direct Outreach to Members of Council (9 pages)	
Appendix 4: Integrity Commissioner Office Expense Budget Actuals January 1 – December 31, 2016 (1 page)	

## Commissioner's Message

I am pleased to provide City Council with the Annual Report for the Office of the Integrity Commissioner for the period January 1 to December 31, 2016. Through this report, I hope to showcase the work of the Office and provide a useful resource for those bound by the codes of conduct established by City Council.

In 2016, I issued 20 reports concluding 25 complaints. I responded to 184 requests for advice from members of Council and local boards and to more than 300 requests for advice or information from residents and City staff. Advice to members of Council is provided within two days or less 90% of the time. I provided City Council with comprehensive policy advice about social media use and interactions with the Toronto Local Appeal Body.

This year, to mark the mid-way point of the Council term, I met individually with almost all members of Council. The meetings created an informal opportunity for members to seek advice and for me to obtain feedback about outreach. I attended several local boards to provide training about the code of conduct and the role of my Office.

I proudly represented the City of Toronto among a growing network of municipal integrity commissioners in Ontario and at a key public sector ethics conference coordinated by the Conflict of Interest Commissioner for Ontario.

Turning to internal matters, the Office has begun tracking new statistical information to provide Council and the public with more detailed information about the work plan of the office. In addition, we have made significant progress updating our records retention program.

### OIC - Core objectives

Provide timely, accurate, consistent and practical responses to requests for advice (policy and compliance) from Members of Council and local boards.

Carry out investigations in a fair and appropriately thorough manner to respond to formal complaints.

Provide and deliver education and outreach to stakeholder groups.

Provide resources for all stakeholders that are consistent, accessible, practical and clear.

Position the Office of the Integrity Commissioner to perform all duties in as transparent a manner as possible, consistent with the principles of open government, while respecting the secrecy obligations imposed by the *City of Toronto Act, 2006*.

Maintain and build on the Office of the Integrity Commissioner's reputation as thought leader in the field of ethics and integrity for elected officials.

Maintain and build on the Office of the Integrity Commissioner's reputation as a key resource within the City of Toronto for advice, information and guidance about ethics and integrity.

Build up the Office of the Integrity Commissioner's institutional structures for long term sustainability.

I continued to place an emphasis on outreach to local boards and am pleased to report that in 2016, I provided almost 50 pieces of advice to the local board sector.

In 2016, the Office of the Integrity Commissioner assumed new responsibilities to receive and manage complaints about harassment regarding the City Clerk, City Solicitor and City Manager to help the City comply with new obligations under the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2016.

The work of the Office also expanded because of the growing number of local boards. In 2016, City Council established new adjudicative tribunals: the Toronto Local Appeal Body, the Rooming House Licensing Commissioner and the Administrative Penalty Tribunal. Members of these new bodies are bound by the Code of Conduct for Members of Adjudicative Boards.

### **Bill 68 – Modernizing Ontario's Municipal Legislation Act, 2016**

On November 16, 2016, the Ontario government introduced Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2016*. If passed, Bill 68 will be a watershed moment for local government ethics and integrity in Ontario. It requires that all 444 municipalities in Ontario have access to an integrity commissioner that performs a broad range of duties, including education, outreach, advice regarding Code of Conduct and *Municipal Conflict of Interest Act* compliance and receiving and investigating complaints about code and *MCIA* contraventions. A summary of the changes is attached as Appendix 2 to this Report.<sup>1</sup>

As of the date of this report, Bill 68 is at First Reading. The Ontario Legislature will resume on February 21, 2017. As the Bill moves through the legislative process, I am participating in consultation opportunities with the Ministry and will be closely monitoring the Bill for any amendments and progress. If Bill 68 is passed in its current form, a significant organizational review will be required to ensure that the Office is prepared for the new role. If the Bill is passed, I will report back to Council as soon as possible with respect to implementation issues.

---

<sup>1</sup> The City Manager and the City Solicitor apprised City Council of the changes in a January 10, 2017 report to Executive Committee: [Bill 68, Modernizing Ontario's Municipal Legislation Act 2016 – Implications for the City of Toronto](#).

## *The Year Ahead*

In the year ahead, I will continue to place a priority on local board outreach and on responding to requests for advice in a timely manner. I also intend to focus on the following policy projects: councillors' role in relation to fundraising for charitable causes; modernizing existing guidance and the OIC website; reviewing the complaint protocols; and, closely monitoring and responding to Bill 68.

It continues to be my great privilege to serve as Toronto's Integrity Commissioner. I remain available to members of Council and local boards to assist with adherence to the high standards of conduct set down by Council through the codes of conduct.

Respectfully,



Valerie Jepson  
Integrity Commissioner  
January 24, 2017

# Report on Activities

The work of the Integrity Commissioner consists of four main types of activities:

- Providing timely advice to Members of Council and Local Boards (Restricted Definition).
- Receiving, reviewing and investigating complaints about alleged code of conduct contraventions.
- Providing outreach to raise awareness of the standards of conduct and the Integrity Commissioner as a resource.
- Responding to Council and other requests for policy recommendations.

Detailed statistical information about all of the activities of the Office is in Appendix 1 to this Report. What follows immediately below is an overview of the work completed in 2016.

## *Section 1: Providing Timely Advice to Members of Council and Local Boards (Restricted Definition)*

Providing advice is the most important function that an integrity or ethics commissioner performs. Residents rightfully expect that elected and appointed officials meet the very highest standards of conduct, duties that have been enshrined by Council in the codes of conduct. Elected and appointed officials operate in a complex environment often with several competing interests. It is not always obvious how to adhere to the standards of conduct when faced with multiple competing interests. It is also not always easy to transition professional skills and attributes from other sectors to the work of City Hall. It is therefore just and necessary that elected and appointed officials have a resource available to them to assist them in applying standards of conduct to the often-complex circumstances that arise.

The Commissioner provided one hundred and eighty-four (184) pieces of advice during this reporting period. The Commissioner provided advice in a timely fashion, responding to requests in 2 days or less from members of Council 90% of the time and to members of local boards 84% of the time.

The following are samples of advice provided in 2016. These summaries are provided to help elected and appointed members identify possible issues under the Code but are not a replacement for specific advice. When necessary, the masculine pronoun is used throughout the summaries to ensure that advice remains anonymous.

## *Sample Advice to Members of Local Boards*

### **Sample 1 – Can an adjudicative board member appear before his own board?**

A member of an adjudicative board learned that his neighbour may appear before the board. The member wished to take a position with respect to the neighbour's application. The member understood that he could not preside over the matter, but asked about his ability to oppose his neighbour's application while remaining a member of the board.

The Commissioner advised that member should not appear before the board on a particular application while an appointed member of the board. To do so could give rise to reasonable concerns about the neutrality of the board as a whole. Adjudicative boards must be, and be seen to be, neutral, unbiased decision-makers.

### **Sample 2 – When volunteer contributions become paid services**

A long-time member of a local board had, for many years, provided voluntary services to the board. The board began to revisit the way in which it was providing the services and a dispute arose as to the board's rights versus the rights of the board member as a service provider and whether other options should be considered, including the use of paid services. The member sought advice about how to deal with this situation.

The Commissioner explained to the member that he had a private interest in the issue and, as a result, would have a conflict of interest if he participated in the board's discussions about the future plan for services. The Commissioner provided the member with advice about how to formally document the conflict in a transparent manner.

### **Sample 3 – An adjudicative board member receives a thank you note**

After a hearing, a member of an adjudicative board received a thank you email from a party to the hearing. The member sought advice about how to respond.

The Commissioner advised that the member: refrain from responding to the email; inform the Board administrator of the fact of the email and that the member had sought the Commissioner's advice; and, retain a copy of the Commissioner's letter on file.

Article VI (Communications with Adjudicative Boards) of the Code of Conduct for Members of Adjudicative Boards requires that communications to be directed through the Board administrator. Directing communications through the Board, rather than individual members, helps members to maintain the neutrality and fairness required of quasi-judicial decision makers because it avoids the appearance of one party gaining access or preferential treatment through *ex-parte* communications with a member.

## *Sample Advice to Members of Council*

### **Sample 1 – An unusual donation to a councillor-organized community event?**

A member of Council sought advice about whether it is permissible to accept an in-kind donation of water bottles from a local business for the member's Council Member-Organized Community Event. The reason the councillor was concerned is because the water bottles had the logo of a local business on them.

The Commissioner advised that it was permissible to receive the water bottles from the donor because the donor was not a registered lobbyist or client of a lobbyist, did not have a relationship with the member that would raise the appearance of a conflict of interest. However, the Commissioner also cautioned the Councillor that, depending on the event and the use, a reasonable member of the public could perceive the water bottles as a promotion for the business and therefore the Councillor might not wish to accept the donation and if he did, should be prepared to respond to questions about this concern.

Finally, because the Councillor planned to hold the event at a City community centre, the Commissioner also reminded the Councillor that the City bans the sale and distribution of bottled water in most City facilities.

### **Sample 2 – Dealing with abuse on social media**

A member of Council sought advice about whether it is permissible to block anonymous social media users who engage in harassing conduct towards the Councillor.

The Commissioner explained that each instance needs to be handled on a case by case basis. The Commissioner explained that social media is a way to communicate with constituents and blocking them could be seen as a refusal of service or could further inflame or provoke the harassing conduct. Turning to best practices associated with dealing with difficult behaviour, the Commissioner suggested the Councillor establish a set of principles or procedures about interacting with social media users. The Commissioner recommended including language that the Councillor will not tolerate harassment or discriminatory language and the Councillor will refuse to engage with any individuals that engage in such conduct. The Commissioner also suggested that the Councillor could use the mute option (or its equivalent), provided in most social media services to screen the harassing and discriminatory users instead of blocking them. Both methods could aid the Councillor to limit harassment without denying access to constituents seeking service through social media.



### **Sample 3 – Raising awareness of a local fundraising event on a Councillor's Twitter feed**

A member of Council sought advice about whether it would be permissible to distribute information about a local fundraising event through the Councillor's Twitter account. The purpose of the tweet would be to promote the event and not a request for fundraising.

The Commissioner reviewed the proposed Twitter message against the guidance provided in the [Use of Social Media by Members of Council Interpretation Bulletin](#). The Commissioner advised that as long as the Councillor voluntarily wished to circulate the information and had been promised nothing in exchange for doing so, it was permissible. Circulating information about a local event is consistent with the ordinary activities of a Councillor.

### **Sample 4 – Involvement in a traffic calming decision near a councillor's home**

A member of Council sought advice about whether the member's office could facilitate a local resident's petition for traffic calming measures in an area that could affect traffic at the Councillor's home.

Ethics rules for public officials, including the Code of Conduct, acknowledge that members of Council may be asked to participate in decisions that could benefit them as City residents, business owners, homeowners, or other members of the community. Accordingly, decisions that affect broad groups of Torontonians, such as user fees or property tax rates, cannot amount to a member's "private advantage". However, decisions that are limited to a particular neighborhood could potentially be seen to more directly affect an individual member.

In this case, the Commissioner reviewed the City's traffic calming policy, consulted with Transportation Services staff, and advised the member that because members' offices play a substantial role in ushering a resident's petition through staff review and to community council, the member could potentially be seen to be using the member's role as a councillor to advance a policy decision that could affect the member's private interest in his neighbourhood. The Commissioner advised the member to take a cautious approach and make arrangements for another councillor and City staff to manage the file and to refer inquiring residents to those offices.

### **Sample 5 – Advice about managing a staff member's potential conflict**

A member of Council sought advice about avoiding any apparent or actual conflicts of interest relating to a planning application in the member's ward upon learning that a family member of the Councillor's staff worked for the project proponent.

The Commissioner advised that the matter would not raise an issue under the *Municipal Conflict of Interest Act* because the matter did not concern the Councillor's interests, but the interests of the Councillor's staff and the staff's family. The Commissioner also advised that the City's [Human Resources and Ethical Framework for Members' Staff \(the Framework\)](#) requires a councillor's staff to consult with the councillor about possible conflict of interest issues and for councillors to provide their staff with advice and direction about how to deal with conflicts of interest or other ethical matters. The Framework acknowledges that the actions of councillors' staff could impact on a councillor's ability to meet the standards in the Code of Conduct for Members of Council.

The Commissioner further advised that the Councillor assign the file to another staff member, limit the potentially conflicted staff member's access to the file, meet with the staff member to review Council staff's confidentiality obligations and obligations under the Framework, and request the relevant managers of City divisions who might be contacting the Councillor's office to contact someone other than the potentially conflicted staff member.

#### **Sample 6 – Dealing with unsolicited, anonymous gifts**

A member of Council sought advice after unsolicited holiday gifts (including a small denomination of cash) from unknown donors were sent to the member's office. The Councillor understood that Article IV of the Code of Conduct (Gifts and Benefits) prohibits members from receiving most gifts, but asked for assistance in disposing of the gifts, since they could not be returned to the donors.

In this case, because the gifts could not be returned, the Commissioner advised that the best course of action was to donate the gifts received to a charity and to document the donation. In this case, the Office of the Integrity Commissioner facilitated the donation by receiving the gifts from the member, making arrangements to donate the gifts to a charitable organization, and documented the donation. Neither the Office of the Integrity Commissioner nor the member accepted any recognition or tax receipt for any donation, but merely documented (for internal accounting and record-keeping) that no gift was kept by either office.

#### **Sample 7 – Request to assist a City of Toronto employee**

A member of Council sought advice about a constituent, a City of Toronto employee, who requested assistance with an application to be transferred to a different work location that was closer to home. The constituent asked the Councillor to support the application and help have the request approved. The Councillor's staff did not think the Councillor could become involved but was not sure.

The Commissioner advised that members of Council should not advocate or become involved in City of Toronto employment matters and that the employee could be re-directed to his union to seek this kind of assistance. The Commissioner explained that, as set out in the Toronto Public Service Bylaw, the responsibility for management of employees of the City of Toronto lies with the City Manager.

## *Section 2: Receiving, Reviewing and Investigating Complaints*

The Office handles all complaints received in accordance with the applicable Complaint Protocol.<sup>2</sup> The Complaint Protocol provides both formal and informal procedures to resolve complaints. The Office's activities in relation to each are described below.

### *Formal Complaints – Intake Review*

When a complaint is received, it is reviewed before an investigation is commenced. The Complaint Protocol provides that the Integrity Commissioner dismiss complaints for which there are insufficient grounds to cause an inquiry or when the subject matter of the complaint is not within the scope of the Code of Conduct, such as dissatisfaction with the way a member of Council represents the interests of a resident or an allegation that a member has contravened the *Municipal Conflict of Interest Act*.

In this reporting period, eight (8) complaints were dismissed on the basis of being beyond the jurisdiction of the Commissioner or there being insufficient grounds to investigate.

Below are sample case summaries of reports dismissed at the intake stage. These summaries are provided to raise awareness about the jurisdiction of the Integrity Commissioner. Not all cases can be described because they may risk revealing the identity of the parties, which is not permitted pursuant to section 162(1) of the *City of Toronto Act, 2006*. When necessary, the masculine pronoun is used throughout the summaries to ensure that the complaints remain confidential.

---

<sup>2</sup> 1. [Code of Conduct Complaint Protocol for Members of Council](http://www1.toronto.ca/City%20Of%20Toronto/Integrity%20Commissioner/Shared%20Content/Files/code-of-conduct-complaint-protocol-for-members-of-council.pdf)  
(<http://www1.toronto.ca/City%20Of%20Toronto/Integrity%20Commissioner/Shared%20Content/Files/code-of-conduct-complaint-protocol-for-members-of-council.pdf>)

2. [Code of Conduct Complaint Protocol for Members of Local Boards \(Restricted Definition\) including Adjudicative Boards](http://www1.toronto.ca/City%20Of%20Toronto/Integrity%20Commissioner/Shared%20Content/Files/code-of-conduct-complaint-protocol-for-members-of-local-boards.pdf)  
(<http://www1.toronto.ca/City%20Of%20Toronto/Integrity%20Commissioner/Shared%20Content/Files/code-of-conduct-complaint-protocol-for-members-of-local-boards.pdf>)

### **Case Summary 1 – Alleged contravention of the Code Preamble**

A formal complaint was made by a member of the public alleging that a councillor's conduct failed to "uphold the spirit and letter" of the Toronto Municipal Code and thereby contravened the Preamble to the Code of Conduct for Members of Council. The conduct at stake was a letter sent by a councillor to City staff urging a particular enforcement approach.

The Commissioner dismissed the complaint because the Commissioner does not have jurisdiction over complaints on the basis of an allegation that the Preamble has been contravened. The Commissioner also noted that the complaint was about the Complainant's dissatisfaction with actions taken by the Councillor and that a councillor taking a position that is contrary to the Complainant's interests is not a Code of Conduct matter.

### **Case Summary 2 – Alleged discreditable conduct – social media use**

A formal complaint was made by a member of the public alleging that a member of Council contravened Article XIV (Discreditable Conduct) of the *Code of Conduct for Members of Council* by posting a tweet that contained alleged inflammatory information about individuals.

The Integrity Commissioner dismissed the complaint because the single tweet was in the context of a larger political debate, some of which was playing out on Twitter. While Article XIV (Discreditable Conduct) of the Code requires members of Council to treat members of the public without abuse, bullying and intimidation, it does not prohibit members from taking strong policy positions or engaging in heated political discourse.

### **Case Summary 3 – Alleged discreditable conduct – letter**

A formal complaint was made by a member of the public, as an individual and on behalf of an organization, alleging that a member of Council contravened the Code of Conduct for Members of Council when he sent a letter to the organization requesting the organization to cease certain activities. Among other things, the complaint alleged that the letter was a form of bullying or intimidation in contravention of Article XIV (Discreditable Conduct) of the Code of Conduct.

The information included with the complaint showed that the member of Council wrote the letter in his capacity as a Chair of a Council committee. On its face, the letter did not contain language that was bullying or intimidating. Accordingly, the Commissioner dismissed the complaint on the basis that it did not raise an issue under Article XIV (Discreditable Conduct) of the Code.

## *Formal Complaints – Investigations*

If a complaint is not dismissed at the intake stage, the Commissioner follows the process set down in the applicable Complaint Protocol, which requires that the complaint be provided to the member whom the complaint is about (the "Respondent") for response. The Complainant is provided with the response and is able to provide a reply. Then, the Commissioner commences an investigation into the circumstances. Investigations consist of: research; interviews, often under oath; compelling City and witness records; and, reviewing documents.

If the Commissioner concludes that a member of Council or a local board contravened the Code of Conduct, the Commissioner is required to bring the report to Council or the local board, as well as to the Complainant and the Respondent. In the case of a finding that the Code of Conduct was not contravened, the Commissioner is required only to provide a report to the Complainant and the Respondent but can exercise discretion to file the report with Council or the local board.

Reports that are filed with City Council are available as part of the record of City Council proceedings but links can be found on the website of the Office of the Integrity Commissioner.<sup>3</sup> Reports filed with local boards are sometimes available on the website of the affected local board and are available in an anonymized form on the website of the Office of the Integrity Commissioner.<sup>4</sup>

### **Dismissed Complaints – No contravention of the Code of Conduct**

In 2016, four (4) cases were dismissed after an investigation with a finding that there was no contravention of the Code of Conduct. In two (2) cases, the Commissioner exercised discretion to file the reports with Council or a local board because the fact of the complaints was well known and the reports provided an opportunity to assist members of Council or the local board to understand their obligations under the Codes of Conduct.

### **Settled, Withdrawn or Abandoned complaints**

In 2016, five (5) complaints were settled, withdrawn, abandoned or closed. One of these cases had been suspended since 2011.

---

<sup>3</sup>

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=0c602d6d22be2510VgnVCM10000071d60f89R>  
CRD

<sup>4</sup>

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=ef04d503cb8e4510VgnVCM10000071d60f89R>  
CRD

## **Sustained – Contravention of the Code of Conduct**

In 2016, eight (8) complaints were sustained with a finding that a member of Council or a local board contravened the Code of Conduct. Five (5) of these complaints were related and resolved in one investigation.

### *Informal Complaints*

The Complaint Protocol contemplates that Code contraventions can be resolved through an informal procedure that is geared toward enabling and empowering a Complainant to raise concerns about Code of Conduct matters directly with a member. This is often an optimum method of resolution when the alleged transgression is minor or the issue relates to personal circumstances.

If the parties consent, the Integrity Commissioner can take a more active role in resolving informal complaints. During 2016, the Commissioner was engaged in three (3) informal complaints.

## **Section 3: Outreach Activities**

### *Local Board Outreach and Resource Development*

The Integrity Commissioner frequently attends meetings of local boards to improve awareness of the Code of Conduct. Over the past year, the Commissioner attended (12) orientation sessions for new local board members, including adjudicative boards. When meeting with local boards, the Commissioner conveys four main messages:

- It is the obligation of every board member to know and understand the standards of conduct that apply to their actions as board members.
- Members of local boards are encouraged to contact the Integrity Commissioner to seek advice whenever there is a question about whether their actions are consistent with the Code of Conduct. Board members are reminded that seeking advice is beneficial, and not indicative of bad behaviour or questionable ethics, and cautioned against relying on their experience in the private sector or other organizations as guidelines for their conduct in the service of a local board.
- Local Board members are reminded that their interactions with each other and with the public or – in the case of adjudicative boards – the parties that come before them are a reflection on the board and the City of Toronto. The Commissioner reminds local board members that they have a role to play in building up trust and confidence in the institution of the City of Toronto and their particular local board.
- Members are encouraged to work together to help each other meet the standards of conduct. Too often, discussions about possible conflicts of interest

or other Code compliance matters become heated exchanges causing board members to get defensive when these discussions should be focused on the collective effort of the board to protect the integrity of the board itself.

In addition to attending local board meetings, the Commissioner is working to improve resources for members of local boards. In 2016, the Office of the Integrity Commissioner added [anonymized investigation reports](#) about local board members to its website of the. In addition, the Commissioner developed guidance for social media use by [members of local boards](#) and [members of adjudicative](#) boards, as well as procedural guidance for how to receive Integrity Commissioner reports.

### *Outreach to Members of Council*

As in previous years, the Commissioner sent members of Council periodic reminders and updates about Code and City policy obligations, copies of which are attached at Appendix 3.

As 2016 marked the middle of the Council term, commencing in the summer, the Commissioner met one-on-one with almost all members of Council. The purpose of the meeting was to create an informal opportunity for Councillors to ask questions and to provide feedback to the Commissioner about outreach activities. The Commissioner modelled the mid-term meeting after similar practices and procedures in place for provincially-elected officials. The Commissioner is grateful to members of Council for participating in the meetings and for providing helpful feedback.

### *Resident, Staff, and Media Inquiries*

A key component of outreach is responding to the high number of calls the Office receives from residents, City staff, and members of the press. In this reporting period, the Office responded to three hundred and fourteen (314) resident, staff, and media inquiries.

These inquiries range from purely informational requests about the complaint process or the Code of Conduct to requests for informal advice about reasonable expectations of appropriate conduct of officials bound by the Code and interpretation of City policies in relation to the Code of Conduct.

### *External outreach*

In 2016, the Commissioner presented to several external groups with interest in the work of the Toronto accountability framework and the role of the Integrity Commissioner. A detailed listing of the Commissioner's presentations and outreach activities is found in Appendix 1 to the Annual Report.

The Commissioner was pleased to be a member of the organizing committee for a very successful Public Sector Ethics Conference, hosted by the Ontario Conflict of Interest Commissioner and the Institute of Public Affairs Canada. The conference brought together many of Canada's leading practitioners in the field of public sector ethics and accountability. The Commissioner joined a panel discussion with Canada's Conflict of Interest and Ethics Commissioner Mary Dawson and former Cabinet Secretary Tony Dean, which was reported in *Public Sector Management* magazine.<sup>5</sup>

Finally, the Office has a Twitter account (@TO\_Integrity) with a small but steadily-growing following. The purpose of the account is to provide information about the work of the Office and updates about related topics and other similar offices.

### *Municipal Integrity Commissioners of Ontario*

The Toronto Office of the Integrity Commissioner continues to be a key contributor to the growing network of MICO. This year, the Commissioner attended two productive meetings of the Municipal Integrity Commissioners of Ontario and whenever possible contributes to the knowledge and best practice sharing that occurs among the group.

### Section 4: Policy Work

The Commissioner concluded work on two significant policy initiatives during this reporting period: [Review and development of social media guidance](#); and, [review and development of guidance relating to the Toronto Local Appeal Body](#).

The Commissioner has also been consulted on various other policy matters such as a tickets policy for the new Toronto Civic Theatres Board, preliminary work relating to councillor involvement in charitable fundraising, and preliminary work with respect to guidance for involvement in ice allocation decisions by arena boards.

The Office is also continually engaged in internal policy work such as the development of updated records retention protocols, refinement of best practices for the intake and investigation of complaints, and the development and improvement of the most appropriate key performance indicators and statistics.

As described in more detail in the Commissioner's Message, the Commissioner has been monitoring the progress of Bill 68, *Modernizing Ontario's Municipal Legislation Act* which received First Reading in the Ontario Legislature on November 16, 2016. Should

---

<sup>5</sup> Issue 27, Volume 3 (2016). <http://mediaedge.imirus.com/Mpowered/book/vpsm16/i3/p1>



Bill 68 pass, the Commissioner will be engaged in significant review and analysis to prepare the Office for the expanded mandates contemplated by the Bill.

## **Budget and Financial Information**

The 2016 approved budget for the Office was \$484.4 thousand. The expenses of the Office during the reporting period are attached to this report as Appendix 4.

# Appendix 1

## Appendix 1

# Detailed Activities and Statistics Report – Office of the Integrity Commissioner – January 1 – December 31, 2016

### Section 1: Advice

During this reporting period, members of Council and Board members received advice via telephone, in writing, or in person. Advice includes requests for information, application of the Code of Conduct or City policies to specific circumstances, and referrals to other resources.

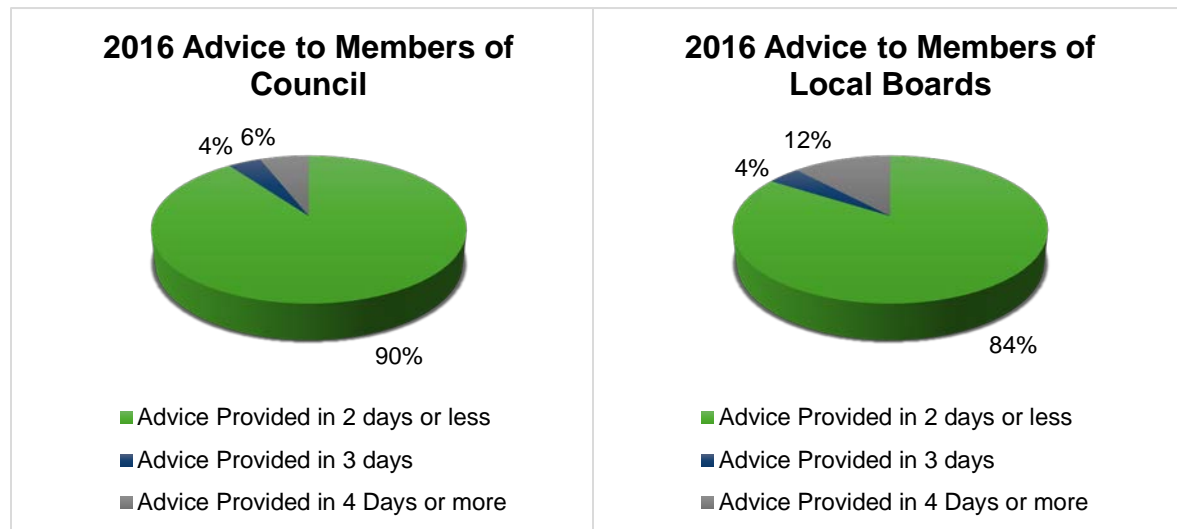
#### Members of Council

	Average annual activity (2012 – 2014)	2015	2016
Advice Provided	170	170	136
Number of Members	43	39	37

#### Members of Local Boards

	Average annual activity (2012 – 2014)	2015	2016
Advice Provided	1	15	48
Number of Members	1	10	18

#### Advice Response Time



## Section 2: Complaints

The Complaint Protocol sets out the procedure to follow for informal and formal complaints. Informal complaints are resolved by letter, discussion, or meetings without engaging the formal complaint process or requiring a report to Council. Informal resolutions do not require involvement of the Integrity Commissioner. Only those that involved the Integrity Commissioner are included in the statistics below. In contrast, formal complaints are filed by way of sworn affidavit under Part B of the Complaint Protocol and the Integrity Commissioner is required to review the complaints and respond.

The Integrity Commissioner receives complaints about members of Council and Local Boards. The number of complaints under each category and their disposition are set out below.

### Members of Council

#### Total New Complaints Received about Members of Council

	Average annual activity (2012 – 2014)	2015	2016
Informal Complaints	74	14	3
Formal Complaints	18	33	12
Total Complaints	<b>92</b>	<b>47</b>	<b>15</b>

**Status of Formal Complaints (including cases that were under investigation at the end of the last reporting period) (Members of Council)**

	2015	2016
Dismissed at intake stage (Outside jurisdiction, insufficient information or bad faith)	27	6
Dismissed after investigation – No contravention of the Code of Conduct	3	3
Sustained after investigation – Code of Conduct contravened	2	7
Settled, Withdrawn, Abandoned or Closed	0	3
Still Under Investigation/Deferred	11	4

**Source of New Formal Complaints Received (Members of Council)**

	2015	2016
Staff	0	2
Members of Public	33 <sup>1</sup>	10
Members of Local Boards	0	0
Members of Council	0	0
References from Council	0	0
<b>Total:</b>	<b>33</b>	<b>12</b>

---

<sup>1</sup> 18 Complaints were about same or similar conduct and were addressed in one report.

Members of Local Boards

**Total New Complaints Received about Members of Local Boards**

	<b>Average annual activity (2012 – 2014)</b>	<b>2015</b>	<b>2016</b>
Informal Complaints	0	0	0
Formal Complaints	1	1	9
<b>Total Complaints</b>	<b>1</b>	<b>1</b>	<b>9</b>

**Status of Formal Complaints (including cases that were under investigation at the end of the last reporting period) (Members of Local Boards)**

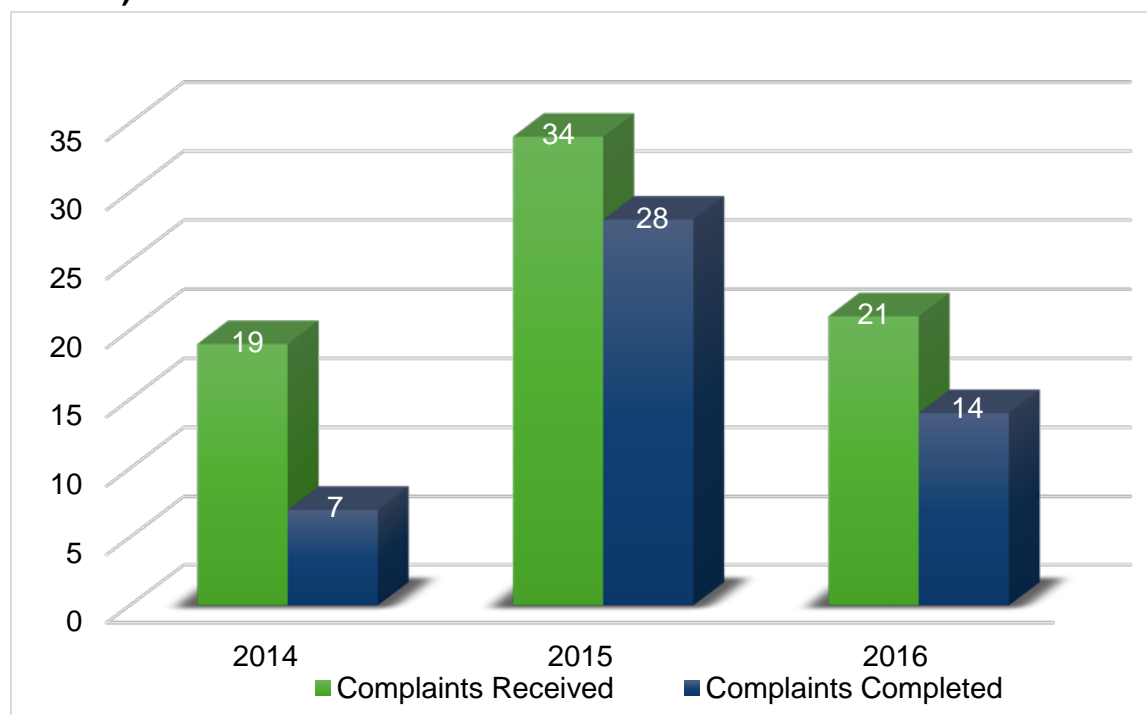
	<b>2015</b>	<b>2016</b>
Dismissed at intake stage (Outside jurisdiction, insufficient information or bad faith)	1	2
Dismissed – No contravention of the Code of Conduct	0	1
Sustained – Code of Conduct contravened	2	1
Settled, Withdrawn, Abandoned or Closed	0	2
Still Under Investigation/Deferred	1	3

### Source of New Formal Complaints Received (Members of Local Boards)

	2015	2016
Staff	0	2
Members of Public	0	5
Members of Local Boards	1	1
Members of Council	0	1
References from Council	0	0
<b>Total</b>	<b>1</b>	<b>9</b>

### Efficiency Measurements

#### Proportion of New Cases Closed Annually (Members of Council and Local Boards)



## Time Taken to Close Complaints (Members of Council and Local Boards)

Average Time Taken to Complete Complaints (January 01, 2015 Onwards)	
Complaint Type	Number of Days
Investigated complaints	200
Dismissed without investigation	42

### Section 3: Inquiries from Residents, Staff and Media

The Office handles request for information from staff, residents, and the media about topics such as how to make a complaint, how complaints are handled through the formal and informal procedures, information about the Code of Conduct, and where appropriate, referrals to other offices and institutions. The Office also responds to inquiries from the Ontario Ombudsman when it receives complaints about matters under the Integrity Commissioner's jurisdiction. All of these inquiries are reported below.

### Inquiries

	Average annual activity (2012 – 2014)	2015 Inquiries	2016 Inquiries
Resident	459	222	248
Staff	60	62	48
Media	<sup>2</sup>	21	17
Ontario Ombudsman	N/A	N/A	1
<b>Total</b>	<b>519</b>	<b>305</b>	<b>314</b>

---

<sup>2</sup> Until 2015, media inquiries were included in resident inquiries for statistical reporting purposes.



## Section 4: Reporting of Gifts and Benefits

During this reporting period, members of Council made a number of disclosures for gifts and benefits, sponsored travel, and donations to councillor-sponsored community events.

### Number of Gifts and Benefits Disclosure Forms Received

	2015	2016
Donor Declaration Forms (Community Events)	16	6
Travel declaration Forms	14	11
General Gifts and Benefit Declarations Forms	0	0
Total:	<b>30</b>	<b>17</b>

## Section 5: Policy Development, Outreach and Education Summary

The duties of the Commissioner include providing education and outreach and consulting on City policies that involve City of Toronto accountability and transparency. Within the City, this means informing staff and local boards of the Integrity Commissioner's role as a resource for advice and of the obligations of City officials set out in the codes of conduct. As the first municipal integrity commissioner in Canada, the Office also serves as a model and educational resource for other governments and ethics officials.

### Outreach and Education

#### Winter Activities 2016

- Jan 13, 2016 – Toronto Licensing Tribunal Presentation – Role of the Integrity Commissioner
- Jan 27, 2016 – McCormick Arena Presentation – Role of the Integrity Commissioner
- Feb 11, 2016 – Civic Theatres Toronto Board of Management presentation – Role of the Integrity Commissioner
- Feb 16, 2016 – Danforth Mosaic BIA Board of Management Presentation – Role of the Integrity Commissioner
- Feb 24, 2016 – George Bell Arena Board of Management Presentation – Role of the Integrity Commissioner
- Mar 23, 2016 – The Eglinton Way BIA Board of Management Presentation – Role of the Integrity Commissioner

Mar 30, 2016 – The Role of the Integrity Commissioner – The South African Local Government Bargaining Council

### **Spring/Summer Activities 2016**

Apr 26, 2016 – Municipal Integrity Commissioners of Ontario Biannual Meeting (Vaughan, Ontario)

May 25, 2016 – The Summer Policy Interns – Role of the Integrity Commissioner

May 26, 2016 – Downtown Yonge BIA Board of Management Presentation – Role of the Integrity Commissioner

Jun 10, 2016 – The Exhibition Place Board of Management – Role of the Integrity Commissioner

Aug 03, 2016 – Long Branch BIA Board of Management – Role of the Integrity Commissioner

### **Fall Activities 2016**

Sep 12, 2016 – Fairbank Village BIA – Role of the Integrity Commissioner

Sep 13, 2016 – Beach Village BIA – Role of the Integrity Commissioner

Sep 20, 2016 – Toronto Association of Business Improvement Areas – Role of the Integrity Commissioner

Sep 29 & 30, 2016 – Public Sector Ethics Conference – Building Trust in Government – Speaker

Oct 20, 2016 – Municipal Integrity Commissioners of Ontario Biannual Meeting (Guelph, Ontario)

Nov 29, 2016 – Speed Mentoring and Networking Event – Mentor to City of Toronto Staff

### **Direct Outreach to Members of Council**

Jan 04, 2016 – Gifts and Benefits Disclosures

Mar 24, 2016 – Member-Organized Community Events and Environment Days

Apr 19, 2016 – Conduct Regarding the Toronto Public service

Summer – Fall 2016 – Mid-term meetings with the Integrity Commissioner

### **Policy Work and Reports**

Jan 04, 2016 – Gifts and Benefits Procedure at a Glance – Interpretation Bulletin

Apr 26, 2016 – Integrity Commissioner Report Regarding Use of Social Media - Report

Apr 26, 2016 – Use of Social Media by Members of Council – Interpretation Bulletin

Apr 26, 2016 – Use of Social media for Members of Local Boards – Interpretation Bulletin

Apr 26, 2016 – Use of Social Media for Members of Adjudicative Boards – Interpretation Bulletin

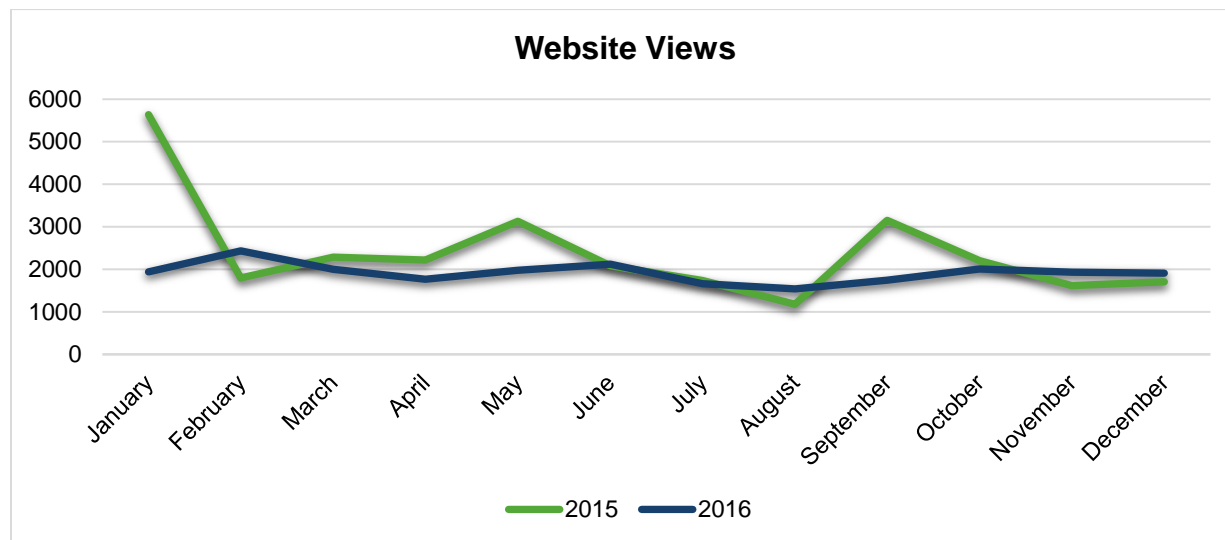
Aug 2016 – Receiving Integrity Commissioner Reports about Code of Conduct Matters for members of Local Boards/Adjudicative Boards – Information Bulletin

Sep 28, 2016 – Councillor Conduct in relation to the Toronto Local Appeal Body – Report

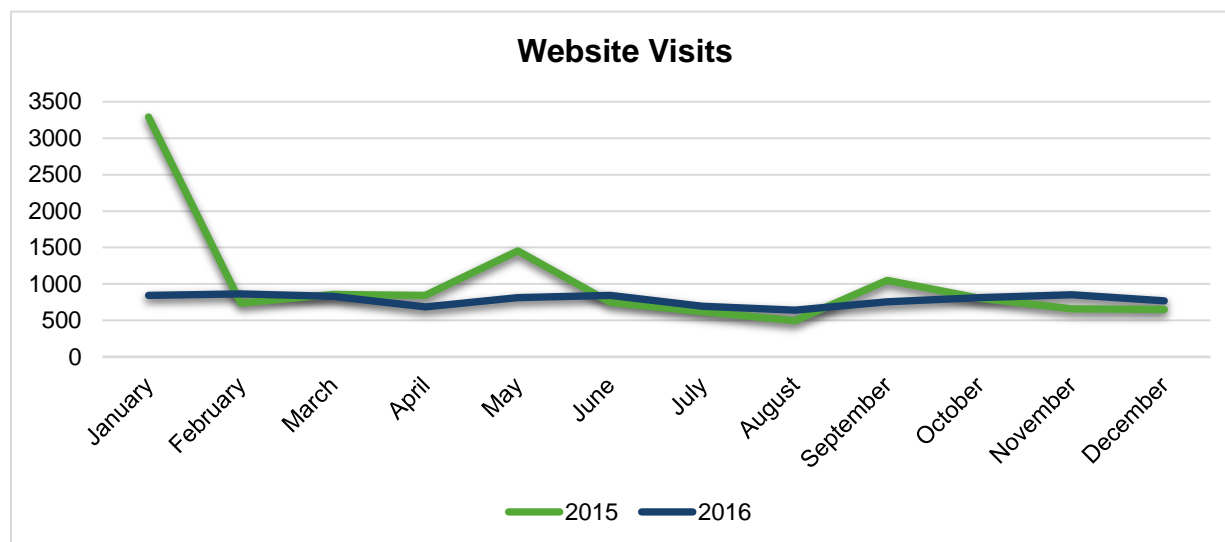
## Section 6: Website Visits<sup>3</sup> and Views<sup>4</sup>

In addition to receiving direct requests for advice and information, the Office of the Integrity Commissioner's website provides visitors with access to the Codes of Conduct, City protocols and policies, reports to Council, and information for City officials. The following table shows activity for the web site during the reporting period.

### Website Views



### Website Visits



<sup>3</sup> A visit is a series of page views, beginning when a visitor's browser requests the first page from the internet server, and ending when the visitor leaves the site or remains idle beyond the idle-time limit.

<sup>4</sup> A view is a page view that is displayed by a browser. [Web trends Glossary, page 58](http://insideto.toronto.ca/itweb/computertraining/pdf/WebTrendsInDepthGuide.pdf) (<http://insideto.toronto.ca/itweb/computertraining/pdf/WebTrendsInDepthGuide.pdf>)

## Appendix 2

## Appendix 2

### Key changes if Bill 68 is passed – Integrity Commissioner, Code of Conduct, *Municipal Conflict of Interest Act*

- Minister of Municipal Affairs and Housing can create minimum standards for Codes of Conduct.
- Integrity Commissioner is required by the *City of Toronto Act* to perform in an independent manner the function assigned by City Council with respect to *all* of the following duties:
  - Application of the Code of Conduct for members of City Council and local boards (restricted definition).
  - Application of any procedures, rules and policies of the City and local boards (restricted definition) governing ethical behaviour of members of City Council and local boards.
  - The application of section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of City Council and local boards (restricted definition).
  - The conducting of, on the Commissioner's own initiative, inquiries about whether a member of City Council or a local board has contravened the Code of Conduct or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.
  - Requests from members of City Council and local boards respecting their obligations under the Code of Conduct, ethical policies and procedures, and the *Municipal Conflict of Interest Act* (this will be a new requirement in COTA, but already exists in Chapter 3 of the Municipal Code).
  - The provision of educational information to members of Council and members of local boards about the Code and the MCIA.
- The Commissioner receives complaints from any person for an inquiry into whether section 5, 5.1 or 5.2 of the MCIA has been contravened; such applications must be made within six weeks and be *completed within 180 days*. The Commissioner can then apply to a judge to seek a determination under the MCIA about whether the MCIA has been contravened.
- The MCIA is amended to:
  - Include a preamble.
  - Permit a member to participate (but not vote) when Council is considering to suspend the member's pay pursuant to section 160(5) of the City of Toronto Act, 2006 (i.e. a Code of Conduct contravention).
  - Require written statements of disclosure of pecuniary conflicts of interest and a publicly accessible registry.
  - Broaden the types of decisions that councillors with pecuniary interests are precluded from influencing.
  - Broaden the penalties available to a Judge to include reprimands and suspension of pay.

- Expressly recognize that a reviewing court can consider whether a member "disclosed the pecuniary interest and all relevant facts... to the Integrity Commissioner ... and acted in accordance with the advice..."

## Appendix 3

January 4, 2016

**Sent By Email (No Original to Follow)**

Members of Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Dear Members of Council:

**Re: Gifts and Benefits Disclosures**

I am writing to update you about some recent administrative changes with respect to disclosure of gifts and benefits. Please take a few minutes to review **three key updates** about the administrative changes and **three reminders** about what the Code of Conduct says about gifts and benefits.

**Reminders**

**1. What does the Code of Conduct say about gifts and benefits?**

The Code of Conduct says that members of Council cannot accept any "fee, gift, advance, gift or personal benefit" unless a specific exception applies. Examples of exceptions include: compensation authorized by law; donations to member-organized community events in accordance with the applicable policy; and, travel and accommodation costs from foreign government or conference organizers when a member is speaking under limited circumstances. (Reference: Article IV of the Code of Conduct.)

**2. Gifts and benefits include tickets to events, meals and refreshments**

A "fee, gift, advance, gift or personal benefit" includes tickets to events, meals, refreshments, donations to council-member organized community events and sponsored travel.

**3. Members may be required to disclose receipt of gifts and benefits to the Integrity Commissioner**

The Code of Conduct requires that members must disclose any gift in a gift disclosure statement if:

- the value of the gift exceeds \$300;
- the total value received from any one source during the course of a calendar year exceeds \$300;



- the gift is a donation to a member-organized community event; or
- the gift is sponsored travel.

I encourage you to **review your activities** in the past year and to confirm that you have filed all required gift disclosure statements for 2015.

## **Updates**

### **1. Streamlined process – seek advice first**

All gift disclosure forms, whatever the category of gift, will now be submitted to the Office of the Integrity Commissioner in accordance with the four steps outlined in the attached Gifts and Benefits Procedure at a Glance, which is also available on the [website](#). In accordance with the new procedure, Members of Council are encouraged to seek advice about receipt of a gift prior to accepting the gift.

### **2. New gift disclosure statement registry**

All completed and approved disclosure statements forms are available in one place, searchable by member of Council, on the [website](#) of the Office of the Integrity Commissioner. (Previously, some of these forms were available on the website of the Office of the City Clerk.)

### **3. New forms**

The Office of the Integrity Commissioner has updated and refreshed the gift disclosure statements. These forms are available on the [website](#) of the Office of the Integrity Commissioner.

The new forms are fillable PDF forms. There are three types of gift disclosure statements:

- Donations for member-organized community events;
- Sponsored Travel; and,
- A general gift disclosure statement for all other gifts.

I am sure that you and your staff will find the streamlined process to be user-friendly and straightforward. If you have any questions, please do not hesitate to contact me or Adam D'Amico ([adamico@toronto.ca](mailto:adamico@toronto.ca)), Intake and Office Assistant, in my Office.

Sincerely,

*(Original Signed by Valerie Jepson)*

Valerie Jepson

Enclosure: Gifts and Benefits Procedure At a Glance (1 page)

cc: Executive Assistants to Members of Council  
Ulli Watkiss, City Clerk  
Winnie Li, Director, Strategic Integration and Excellence  
Lesley Ruscica, Manager, Council & Support Services

## Gifts and Benefits Procedure At a Glance

When Council Members are offered a fee, advance, gift or personal benefit of any kind (referred to generally as a gift) they should carry out the following steps. Gifts include meals, tickets, sponsored travel, and donations for community events.

### Step 1: Seek Advice Before the Gift is Received

Regardless of the estimated value of any gift, Members should seek advice from the Integrity Commissioner about whether a gift is permissible. The Integrity Commissioner will require a description of the gift; the reason for the gift; the name of the donor; whether the gift is for the Council Member, a family member, or staff member; the estimated value; and the intended use. Contact the Integrity Commissioner at [integrity@toronto.ca](mailto:integrity@toronto.ca) or by calling (416) 392-3826.

### Step 2: Submit a Declaration Form

If the value of the gift exceeds \$300, is a donation to a community event or is sponsored travel, Members must submit a disclosure form to the Office of the Integrity Commissioner within thirty (30) days of receipt of the gift or benefit. All forms (which include detailed instructions) are available on the Integrity Commissioner's website, [toronto.ca/integrity](http://toronto.ca/integrity). Members must include supporting documentation with the disclosure form such as receipts, correspondence or, in the case of community events, a copy of the event flyer.

### Step 3: Review by the Integrity Commissioner

The Integrity Commissioner will review the disclosure form and any supporting documentation to make a determination of whether the donation is permissible under the Code of Conduct. If advice has previously been provided (step 1) and the circumstances are the same, the prior advice will be confirmed.

In the case of sponsored travel and donations to community events, the Integrity Commissioner will issue a memorandum to the Member, Council and Support Services, and the City Clerk stating the determination made.

### Step 4: Posting on the Integrity Commissioner's Website

The Office of the Integrity Commissioner will publish the disclosure form with accompanying documentation on the Office's website in accordance with the Code of Conduct, on a quarterly basis.

March 24, 2016

Via Email and Interoffice Mail

Members of Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Dear Members of Council:

**Re: Member-Organized Community Events and Environment Days**

At this time of year, many members of Council are involved in planning community events and working with Solid Waste Management Services (SWM) to host Community Environment Days. This letter includes some reminders and resources about organizing community events and Environment Days.

**Environment Days**

Members must remain mindful that Environment Days are co-sponsored by the City and therefore must comply with all of the City's policies and protocols. SWM has prepared helpful internal guidelines to ensure that the events remain compliant with all necessary policies. A copy of the guidelines is attached for ease of reference.

As noted in the guidelines, members can invite groups that "promote and educate the public on various waste diversion initiatives as well as raising awareness about ongoing environmental issues." Members should consult with staff in SWM about possible invitees before the request is made to ensure that each invitee is suitable and consistent with the program objectives.

Members who wish to offer services outside of the standard scope of Environment Days should consult with staff in SWM to ensure that the service is compatible with City programming objectives and City procedures. If members decide to offer such services, they must do so in accordance with the Constituency Services and Office Budget policy.

**Groups that offer or sell goods or services**

Members are sometimes contacted by groups who wish to provide, offer, or showcase a product or service at member-organized community events or Environment Days. For example, I am aware of a vendor who contacted members of Council to offer shredding services at 2016 Environment Days.

Members should exercise caution when responding to these unsolicited offers. To gain visibility and to promote itself, a vendor may offer a service to a member at a discounted rate, which would constitute a benefit or a donation to the member. Such vendors may be lobbyists within the meaning of the *Lobbying Bylaw* and are therefore barred from offering any benefit or donation to members of Council. For this reason, members should: (1) confirm that vendors who solicit goods or services are referred to the Office of the Lobbyist Registrar to seek advice about the registry and the Lobbyists' Code of Conduct; and, (2) ensure that any goods and services are purchased at market value. Members can use informal means to determine market value, such as obtaining quotes for similar services.

### **Donations for Member-Organized Community Events**

Members who wish to solicit donations from the community to support community events should seek advice about the suitability of a possible donor before donations are solicited. This will ensure that members are compliant with the Council Member-Organized Community Events Policy and the gift provisions of the Code of Conduct. Please be sure that you and your staff are familiar with the policy and the attached one-page "Gifts and Benefits at a Glance" also available on the [website](#) of the Office of the Integrity Commissioner.

### **When in doubt, seek advice**

I am available to you to provide case-specific confidential advice. You can reach me at [vjepson@toronto.ca](mailto:vjepson@toronto.ca) or 416.397.7770.

Best wishes for a successful community event and Environment Day season!

Yours truly,

*(Original Signed by Valerie Jepson)*

Valerie Jepson  
Integrity Commissioner

cc. Linda Gehrke, Lobbyist Registrar  
Winnie Li, Deputy City Clerk, Strategic Integration & Excellence  
Lisa Duncan, Acting Director, Collections and Litter Operations

### **Attachments:**

City of Toronto Environment Day Program Internal Guidelines (1 page)  
Gifts and Benefits Procedure at a Glance (Office of the IC) (1 page)

## **City of Toronto Environment Day Program Internal Guidelines**

As a reminder, Community Environment Days are organized and operated by Solid Waste Management Services. As such, event policies are consistent with City of Toronto and Solid Waste Management Services' policies.

All Community Environment Day participants are to abide by these policies and procedures:

1. Purchasing Materials Management Division procedures
  - As per PMMD procedures, the procurement of goods must be made in a fair and competitive process through proper RFP's and RFQ's
  - City/Council staff must refrain from permitting groups from selling/offering goods and services for monetary gain.
  - For more information please visit <http://insideto.toronto.ca/purchasing/index.htm>
2. Anti-scavenging policy
  - SWMS does not allow the scavenging of waste.
  - Scavenging is also not permitted under Environmental Protection Act R.R.O 1990, Regulation 347.
  - For more information, please visit <http://insideto.toronto.ca/solidwaste/pnp/memo-anti-scavenging-policy.pdf> or <https://www.ontario.ca/laws/regulation/900347>
3. Permit rules, regulations and conditions
  - All City/Council staff shall abide by the rules, regulations and conditions stipulated by the permit for the issued Environment Day location.
4. City Clerk's Office protocols
  - All City and Council staff shall refrain from endorsing any politician or political activity
  - For more information, please visit <http://insideto.toronto.ca/clerks/>
5. Guidelines for community groups
  - Community Environment Day is a program designed to promote and educate the public on various waste diversion initiatives as well as raising awareness about ongoing environmental issues.
  - We ask that when inviting groups to attend events that they are related to theme of the Community Environment Day program.
  - Please ensure all groups adhere to and sign the "Community Group Participation" Release and Waiver form prior to their arrival. Failure to do so can result in a refusal of their attendance.
  - All participants should report to the event Supervisor upon arrival. No unauthorized person may climb into event trailers or bins. The on-site Supervisor has the authority to ask a person to refrain to any activities deemed unsafe.

We ask that all staff members abide by these policies and procedures. If there are questions or concerns, feel free to contact Derek Tung, Environment Day Supervisor ([dtung@toronto.ca](mailto:dtung@toronto.ca)) or Kathy Raddon, Community Environment Day Coordinator ([kraddon@toronto.ca](mailto:kraddon@toronto.ca)). Thank you for taking part of the City of Toronto Community Environment Day program.

April 19, 2016

Via Email

Members of Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Members of Council:

**Re: Conduct Regarding the Toronto Public Service**

In furtherance of my outreach and education mandate, I write to remind you of your obligations under Article XII of the *Code of Conduct for Members of Council* (the "Code of Conduct") when interacting with, or commenting on the work of, members of the Toronto Public Service. I first wrote to you about this issue in December when the Toronto Public Service Bylaw came into force.

Council and its committees often consider contentious, complex matters, which can result in heated debate. It is during the course of such debates that it is most important to keep in mind the provisions of the Toronto Public Service Bylaw and the Code of Conduct. While members of Council may disagree with – or support – staff recommendations, members must use care not to treat staff as political adversaries or allies. Please take a few minutes to review my December letter, which is attached for ease of reference.

If you have any questions or wish to seek confidential advice about specific matters, I am available to you.

Yours truly,

*(Original Signed by Valerie Jepson)*

Valerie Jepson  
Integrity Commissioner

Enclosure: Integrity Commissioner Letter to members of Council regarding  
Toronto Public Service Bylaw (December 14, 2015) (2 pages)

December 14, 2015

**Via Email and Interoffice Mail**

Members of Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Dear Members of Council:

**Re: Toronto Public Service Bylaw and the Role of Council Members**

On December 31, 2015, the Toronto Public Service Bylaw (the "TPS Bylaw") will come into force, a significant milestone for the City of Toronto. The TPS Bylaw reinforces the professionalism and neutrality of the Toronto public service and is an important companion to the *Code of Conduct for Members of Council* (the "*Code of Conduct*" or the "*Code*").

I am writing to you to at this time as a part of my education and outreach responsibilities to draw attention to the TPS Bylaw and why it has important implications for you as a Member of Council.

One of the purposes of the TPS Bylaw is to "advance the public service as a professional body that is objective, impartial and ethical, with consistent public service requirements." It clarifies and confirms that the public service has the following values:

- To serve the public well;
- To serve Council and/or their Board well;
- To act with integrity;
- To maintain political neutrality;
- To uphold Toronto's motto - Diversity Is Our Strength;
- To use City property, services and resources responsibly;
- To apply judgement and discretion; and
- To serve the public service well.

The *Code of Conduct* (Article XII) outlines the following principles and standards for how Members of Council interact with the public service:

- Public servants serve Council as a whole and the combined interests of all Members as evidenced through the decisions of Council.
- Members of Council must be respectful of the role of public servants to provide advice based on political neutrality and objectivity and without undue influence from any individual Member or faction of Council.
- Members of Council are responsible for preserving public trust and confidence in the integrity of the public service and for supporting a public servant's responsibility to provide professional and frank advice.

### **Your Actions Impact on the Public's Trust and Confidence in the Public Service**

As a Member of Council you have a role to play toward enhancing and strengthening the public's trust and confidence in the public service. You advance this important objective when you act in accordance with the standards set out in the *Code* and with mindful attention to the core values of the public service.

With every interaction you have with public servants, I encourage you to demonstrate your understanding of the distinct roles that Council and the public service have. In practical terms, this means that you should:

- Always act with respect and courtesy when interacting with members of the public service.
- Remember that the public service is politically neutral and be careful not to treat public servants as political adversaries. This means ensuring that neither your actions nor your statements give the impression that public servants have a political position in a decision before Council.
- Be aware of and respect protocols and decision-making structures within City divisions and boards.

I have observed a very strong culture among Members of Council of respecting staff's advice and professionalism. The suggestions set out above are derived from the very best practices that I have observed.

I hope that you will take some time over the upcoming holiday season to review the important principles of the TPS Bylaw and your *Code of Conduct* obligations. Should you wish to discuss any of these issues, I am available to you.

Best wishes for a happy and restful holiday season.

Yours truly,

*(Original Signed by Valerie Jepson)*

Valerie Jepson  
Integrity Commissioner



# Appendix 4

Appendix 4  
**City of Toronto**  
**Integrity Commissioner Office Expense Budget**  
**Actuals January - December 2016**  
**Charged to Cost Centre IG0001**



**OFFICE OF THE INTEGRITY COMMISSIONER**

Cost		January '16	February '16	March '16	April '16	May '16	June '16	July '16	August '16	September '16	October '16	November '16	December '16	January - December '16
Element	Cost Element Name	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Totals
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
1015	Full Time Regular Pay	4,251.88	28,345.76	42,518.64	28,084.22	28,345.76	30,768.48	28,643.78	28,994.56	43,205.40	28,803.60	28,737.85	54,726.88	375,426.81
1050	Permanent - Vacation Pay													-
1555	Separation - Salary													-
1711	Comprehensive Medical	80.64	713.54	1,070.31	713.54	713.54	713.54	713.54	713.54	1,070.31	713.54	713.54	1,355.73	9,285.31
1712	Dental Plan	44.34	392.92	589.38	392.92	392.92	392.92	392.92	392.92	589.38	392.92	392.92	746.55	5,113.01
1720	Long Term Disability	118.30	807.86	1,211.79	807.86	807.86	877.21	820.08	826.38	1,231.35	820.90	820.90	1,559.71	10,710.20
1730	Group Life Insurance	31.74	211.56	317.34	211.56	211.56	232.92	215.32	217.63	323.43	215.62	215.62	409.67	2,813.97
1740	Employment Insurance	373.05	746.10	932.17	380.73	306.76	336.84	251.53	107.30	180.60	27.68			3,642.76
1745	EI Rebate			82.02	15.82	10.64	12.00	7.39	14.97	11.37	1.74		17.38	173.33
1750	Ontario Health Tax	83.53	556.88	836.90	552.08	557.08	604.35	562.88	569.89	849.03	565.91	564.59	1,071.46	7,374.58
1760	Canada Pension Plan	686.80	1,373.61	2,064.45	817.39	602.98	668.26	588.35	259.18	374.04	197.84			7,632.90
1770	Pension Plan (OMERS)	691.30	1,382.60	1,589.99	1,344.42	1,382.60	1,575.00	1,416.90	2,502.24	5,291.01	3,527.34	3,527.34	6,674.71	30,905.45
1903	Separation - Benefit													-
<b>Total Salaries and Benefits</b>		<b>6,361.58</b>	<b>34,530.83</b>	<b>51,212.99</b>	<b>33,320.54</b>	<b>33,331.70</b>	<b>36,181.52</b>	<b>33,612.69</b>	<b>34,598.61</b>	<b>53,125.92</b>	<b>35,267.09</b>	<b>34,972.76</b>	<b>66,562.09</b>	<b>453,078.32</b>
2010	Stationery				20.27	155.69				6.42			32.52	214.90
2020	Books & Magazines				130.89									130.89
2040	Paper & Print Supplies			79.60							93.31			172.91
2099	Miscellaneous Office Supplies													-
2260	Gasoline			12.97										12.97
2650	Computer and Printer Supplies													-
2999	Miscellaneous Materials													-
3310	Furnishings													-
3410	Computers - Hardware													-
3420	Computers - Software													-
4010	Professional Services - Legal			546.96		1,246.56	267.12	1,666.32	832.91			2,080.99	3,358.08	9,998.94
4086	Translation & Interpreters													-
4122	Transcripts													-
4130	Process Server Fees													-
4132	Conduct Money			223.00		106.00					106.00		159.00	594.00
4144	Investigative Expense													-
4199	Other Professional & Technical Services													-
4225	Business Travel - Public Transit													-
4252	Conference/Seminar - Accommodation													-
4253	Conference/Seminar - Air/Rail/Bus Travel													-
4254	Conference/Seminar - Ground Transportation													-
4256	Conference/Seminar - Registration Fee			127.20	213.70		106.85			400.00				847.75
4310	Train/Development - External										1,017.60			1,017.60
4410	Contracted Services - Electrical													-
4414	Advertising & Promotion													-
4415	Janitorial													-
4416	Transfer, Haulage & Storage													-
4452	Transportation - Taxis													-
4472	Computer Hardware Maintenance - RSA Token													-
4473	Managed Print Charges							56.20			61.86	39.97		158.03
4510	Rental of Vehicles & Equipment			62.42										62.42
4530	Rental of Property			175.54										175.54
4770	Parking													-
4775	Kilometrage													-
4805	Postage													-
4808	Network Cabling													-
4810	Telephone													-
4811	Cellular Phones		52.25	100.84	50.42		50.95	50.95	51.13	49.24	51.85	50.42	101.15	609.20
4815	Courier Services													-
4820	Business Meetings													-
4822	Receptions & Public Relations													-
4825	Printing & Reproduction - External													-
4985	Cash Over/Under													-
4995	Other Expenses													-
6031	Contribution - Insurance Reserve Fund						4,365.48							4,365.48
6570	Bank Service Charges													-
7025	IDC - Postage & Courier													-
7030	IDC - Printing									5.71				5.71
7035	IDC - Photocopying													-
7130	IDC - User Hardware & Operational Syst Support													-
9451	Trade A/P Discounts Received													-
<b>Total Office Expenditures</b>		<b>\$ -</b>	<b>\$ 52.25</b>	<b>\$ 1,328.53</b>	<b>\$ 415.28</b>	<b>\$ 1,508.25</b>	<b>\$ 4,790.40</b>	<b>\$ 1,773.47</b>	<b>\$ 884.04</b>	<b>\$ 461.37</b>	<b>\$ 1,330.62</b>	<b>\$ 2,171.38</b>	<b>\$ 3,650.75</b>	<b>\$ 18,366.34</b>
<b>Total Monthly Expenditures</b>		<b>\$ 6,361.58</b>	<b>\$ 34,583.08</b>	<b>\$ 52,541.52</b>	<b>\$ 33,735.82</b>	<b>\$ 34,839.95</b>	<b>\$ 40,971.92</b>	<b>\$ 35,386.16</b>	<b>\$ 35,482.65</b>	<b>\$ 53,587.29</b>	<b>\$ 36,597.71</b>	<b>\$ 37,144.14</b>	<b>\$ 70,212.84</b>	<b>\$ 471,444.66</b>