

Office of the

INTEGRITY COMMISSIONER

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Toronto Atmospheric Fund

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Outline

1. Role of the Integrity Commissioner.
2. Your role as public office holders.
3. The standards of conduct.
4. Scenarios.
5. Tips and questions.



INTEGRITY
COMMISSIONER

Role of the Integrity Commissioner

- The IC is independent from City Council and from City administration.
- One of four Accountability Officers.
- Duties:
 - Confidential, binding advice to individual members of council and local boards about compliance with standards of conduct.
 - General confidential advice about compliance with the *MCIA*.
 - Education and Outreach to all entities within jurisdiction.
 - Policy advice to City Council as a whole or local boards.
 - Investigations in accordance with the complaint protocol into allegations that a standard of conduct has not been met.
- IC's role will be enhanced when Bill 68 comes into force:
 - Specific advice regarding *MCIA*.
 - Investigations into allegations that the *MCIA* has been contravened.

Your role as public office holders

- The Toronto Atmospheric Fund is a Local Board (Restricted Definition).
- Board members are public office holders.
- Board members have duties and accountabilities to the Toronto Atmospheric Fund and to Council.
- Council and the public expect board members to adhere to high standards of conduct:
 - Board members must act in accordance with the high standards of conduct for public office, not private business.
 - Board members must concern themselves with promoting trust and confidence in the Board – a proactive action.
 - It is no longer sufficient in 2017 for public office holders to merely follow the rules.

Sources of the standards of conduct for board members

- Code of Conduct
 - Approved by Council, applicable to all appointees of all Local Boards (Restricted Definition), such as the Toronto Atmospheric Fund.
- *Municipal Conflict of Interest Act*
 - Provincial legislation applicable to all municipal boards in Ontario.
 - Members cannot participate in decisions for which they have a pecuniary interest.
- Local Board and City policies
 - Code requires that members observe the terms of policies and procedures established by the Local Board or City Council.

Preamble and principles

- “the public is entitled to expect the highest standards of conduct from members of Council and the citizen members” appointed to Local Boards by Council to act on its behalf
- Principles:
 - Members must serve and be seen to serve in a conscientious and diligent manner
 - Perform functions with integrity and **avoid improper use of influence, conflicts of interest, apparent and real**
 - Arrange private affairs in a manner that **promotes public confidence and will bear close public scrutiny**
 - Uphold both the letter and spirit of the law

Code of Conduct duties

- Members cannot accept **gifts or benefits** connected directly or indirectly with duties unless an exception applies. (Article IV)
- Members must **preserve confidential information** and **refrain from disclosing or *using* confidential information** for personal or private gain. (Article V)
- Members must ensure **proper use of board and city property**, services and resources. (Articles VI and VII)
 - That is, members cannot use Board resources for personal or business-related purposes or to support candidates in any election campaign.

Code of Conduct duties

- Members must use the **influence** of their office only for the exercise of official duties. (Article VIII)
 - Not to advance personal or private interests (employment, contracts, friendships, business associates).
- Members must not act as a **paid agent** before an agency, board or commission of the City and its committees. (Article IX)
- Members cannot allow the **prospect of their future employment** to detrimentally affect the performance of their duties. (Article X)

Code of Conduct duties

- Members must treat staff, each other and stakeholders with **respect and act with decorum.** (Articles XI, XII and XIV)
 - Members must not engage in abuse, bullying, intimidation.
 - Ensure a culture of open dialogue.
- Members must not engage knowingly in communications with **lobbyists** who are not registered on the Toronto Lobbyist Registry (Article XIII)
- Members must **adhere to board and city policies.** (Article XV)

Note

These slides provide a high level overview of the standards of conduct but do not replace or modify the Code of Conduct.

Cooling off period

Former senior public office holders shall not lobby current public office holders during the 12 months after the date he or she ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health.

(Lobbying Bylaw s.140-9)

Sample advice and cases

- See 2016 Annual Report for scenarios such as:
 - Declaring a conflict and recusal when a matter involves provision of personal services to the board/organization.
 - The requirement to demonstrate respect for Board and City staff.
 - Ensuring that influence as a board member (i.e. title) is not used to support a candidate in an municipal election.

Scenarios

- You are asked to provide a letter of reference for a former employee who is seeking a job with the City.
 - The former employee worked for you at your place of work.
 - The former employee worked for the Toronto Atmospheric Fund.
- Your business or employer wishes to compete for a contract to provide services to the Toronto Atmospheric Fund or the City.
- You are invited by a potential grant applicant to dinner to talk about the Toronto Atmospheric Fund.

Our common goals

- Protect the reputation and integrity of the City of Toronto.
- Protect the reputation and integrity of the Toronto Atmospheric Fund.
- Increase trust in Toronto's local government and respect for public service.
- Improve public administration.

Practical tips

- **It's not personal.**
- Seek advice: Article XVII of the Code states, "Any written advice given by the IC to a member binds the IC in any subsequent consideration of the conduct of the member in the same manner as long as all the relevant facts known to the member were disclosed to the IC."
- Help your colleagues by pointing out possible issues in a respectful way. Be open to discussions about the Code of Conduct. Listen to your colleagues and City staff – and seek advice.
 - **Sometimes, the best advice is to seek advice.**

Thank you for your attention.
Let's stay in touch.

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