

The IC, the Code of Conduct and the MCIA

Valerie Jepson, Integrity Commissioner

Sign Variance Committee

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Outline

1. Role of the Integrity Commissioner (IC)
2. Your role as public office holders
3. The Code of Conduct and the *Municipal Conflict of Interest Act*
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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 the Code of Conduct and the *Municipal Conflict of Interest Act*.
 - Education and outreach to all entities within jurisdiction.
 - Policy advice to City Council as a whole and local boards.
 - Investigations into allegations about contraventions.

Your Role as a Public Office Holder

- The Sign Variance Committee is an adjudicative board.
- Board members are public office holders.
- Board members have duties and accountabilities to Council.
- Council and the public expect board members to adhere to high standards of conduct:
 - Board members must act in accordance with standards of conduct for public office, not private business. Prioritize the public interest.
 - Board members must concern themselves with promoting trust and confidence in the Board – a proactive action.
 - It is no longer sufficient in 2019 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)
 - A unique Code of Conduct for members of adjudicative boards was adopted in July 2008.
- *Municipal Conflict of Interest Act* (MCIA)
 - Provincial legislation applicable to all municipal boards in Ontario
- Local Board and City policies
 - Code requires that members observe the terms of policies and procedures established by the local board or City Council

Code of Conduct: 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

- **Article IV:** Members cannot accept gifts or benefits connected directly or indirectly with duties unless an exception applies.
- **Article V:** Members must preserve confidential information and refrain from disclosing or using confidential information for personal or private gain.
- **Article VI:** Members must not communicate privately with parties or representatives.
- **Article VII:** Members must refer all media contacts to the Chair.
- **Article VIII:** Members must ensure proper use of board and City property, services and resources.
 - Members cannot use Board resources for personal or business-related purposes or to support candidates in any election campaign.

Code of Conduct Duties

- **Article X:** Members must use the influence of their office only for the exercise of official duties.
 - Not to advance personal or private interests (employment, contracts, friendships, business associates).
- **Article XI:** Members must not directly provide paid goods or services to the Board.
- **Article XII:** Members cannot allow the prospect of their future employment to detrimentally affect the performance of their duties.
- **Article XII.1:** Members cannot serve on other agencies or boards if the other agency or board's interests are in conflict with the Board.

Code of Conduct Duties

- **Articles XIII and XIV:** Members must treat staff, each other and stakeholders with respect and act with decorum.
 - Members must not engage in abuse, bullying, intimidation.
 - Ensure a culture of open dialogue.
- **Article XV:** Members must not engage knowingly in communications with lobbyists who are not registered on the Toronto Lobbyist Registry.
- **Article XVI:** Adjudicative boards are independent, arms-length and quasi-judicial in nature.
 - Members should refrain from seeking advice about their roles from members of Council.
 - Members should not request Community Councils or other legislative bodies to intervene on applications considered by the Sign Variance Committee.
- **Article XVIII:** Members must adhere to board and City policies.

Social Media

Use of Social Media by Members of Adjudicative Boards

Purpose of the Bulletin

1. The purpose of this Interpretation Bulletin is to clarify how the Code of Conduct for Members of Adjudicative Boards (the "Code of Conduct") guides a member's use of social media.
2. Failure to follow the guidance set out in this Interpretation Bulletin could lead to a finding that a member has contravened the Code of Conduct. Members can seek confidential advice from the Integrity Commissioner with respect to specific situations that may arise.
3. The Bulletin also includes example scenarios that are intended to assist members and the public to understand how the Code of Conduct will be interpreted in relation to members' social media use. Members should seek individual, fact-specific advice to address their questions or concerns.

Definition of Social Media

4. Social Media refers to freely accessible, third-party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media in use in April 2016 include: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.
5. Common features of social media are: accounts can be established at no cost; and, content is by default public and permanent.

Municipal Conflict of Interest Act

- Members cannot participate in votes or any actions leading to a vote for any matter for which a member (and/or their parent, child or spouse) has a direct or indirect pecuniary interest (section 5). These interests must be disclosed verbally and in writing (section 5.1).
- Members cannot attempt to influence City or Board staff decisions about any matter for which a member (and/or their parent, child or spouse) has a direct or indirect pecuniary interest (section 5.2).
- Practical tips:
 - Be aware that the MCIA is technical, requires interpretation.
 - Be prepared. Anticipate. Review agendas. Seek advice from the Integrity Commissioner about potential interests and strategies to detect and deal with them properly.
 - See Guidance issued by the Integrity Commissioner and use form and tip sheet provided by City Clerk.

Resources

Identifying and Declaring Pecuniary Interests at Meetings

Purpose and Scope of the Bulletin

1. The purpose of this Interpretation Bulletin is to assist members of Council and local boards (restricted definition) (referred to as "a member" or "members" in this Bulletin) to understand their duty to identify, recuse themselves from and disclose pecuniary (or financial) interests.
2. This Bulletin provides guidance about members' obligations set out in sections 5 and 5.1 of the *Municipal Conflict of Interest Act* ("MCIA" or "Act").
3. This Bulletin does not address members' other duties under section 5.2 of the MCIA which prohibits members from using their office to attempt to in any way influence any decision or recommendation in matters in which they have a pecuniary interest, or the applicable code of conduct.
4. Members should seek confidential advice from the Integrity Commissioner to address their specific interests and concerns, as they arise. The Act indicates that when reviewing MCIA complaints, a Court may consider whether the member sought and followed the advice of an Integrity Commissioner.

Disclosure and Recusal Obligations

5. When a matter comes before a meeting of Council or the board for which a member and/or his or her parent, child, or spouse, has a pecuniary interest, either directly or indirectly, the MCIA requires that the member:
 - a. verbally disclose the pecuniary interest prior to any consideration of the matter at the meeting;
 - b. not take part in the discussion of, or vote on any question with respect to, that matter;
 - c. if the meeting is not open to the public, the member must immediately leave the meeting or the part of the meeting during which the matter is under consideration;

Guidelines for Making a Declaration of Interest

1. Plan ahead

- Review agenda materials in advance to identify items in which you have a direct or indirect pecuniary interest.
- Allow enough time to seek the advice of your own counsel or the Integrity Commissioner if you are unsure.
 - The Clerk, secretary, or solicitor for the City or board cannot give you this advice.
 - Exception:** The Integrity Commissioner does not have authority for members of the library board, police services board or board of health.
- Prepare your written declaration in advance. Use the form provided if available to ensure all of the required information is collected.

2. Make Your Declaration in the Meeting

- If you prepare your written declaration in advance, you can read from it to make your verbal declaration at the appropriate time in the meeting.
- If you make your verbal declaration before preparing a written declaration, be sure to complete the written declaration and hand it to the clerk/secretary before you leave the meeting.
 - If you board is supported by the City Clerk's Office, the secretary will be able to provide a blank form.

3. How is it recorded?

- Your declaration is recorded in the minutes of the meeting at which you make the declaration.
 - For those bodies where agendas and minutes are posted by the City Clerk to toronto.ca/council, your written declaration will be attached to the minutes for viewing online.
- In addition, the City or board is required to maintain a public register of declared interests.
 - The City Clerk makes the registry available online at toronto.ca/council for bodies the City Clerk supports.
 - For other boards, check with the secretary for information about the register.

4. If you leave the meeting without completing the written declaration

- Complete and submit the written declaration to the Clerk/secretary as soon as possible after the meeting for processing.

Member's Name	
Meeting Date	Name of Committee or Board
Item Number	Agenda Item Title

I declare a direct or indirect pecuniary interest in the agenda item noted above in accordance with section 5 of the Municipal Conflict of Interest Act.

The nature of my interest is as follows:

Declaration Date	Signature of Member
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Clerk/Secretary Use Only:

Received (Date and Time)	Received by
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Scenarios

- After concluding a hearing, you return to your car. The representative from the matter you just heard is waiting for you in the parking lot. She approaches you to ask whether she could clarify something she said during the hearing.
- You are considering running for elected office.
- You are asked to speak on behalf of the Board.
- A close, personal friend is an employee whose company's sign comes before the Committee.

Objectives and Tips

- Objective of the Code of Conduct:
 - Protect the reputation and integrity of the City of Toronto.
 - Protect the reputation and integrity of the Sign Variance Committee.
 - Increase trust in Toronto's local government.
- Practical tips
 - Remember, it's not personal. Our actions, regardless of our intentions, will impact how members, the public and City Council think about the Sign Variance Committee.
 - Help each other. Engage in respectful discussions about the Code of Conduct.
 - Sometimes the best advice is to seek advice.

Thank you. Questions?

Office of the Integrity Commissioner,
City of Toronto

375 University Avenue, Suite 202
Toronto ON M5G 2J5

Telephone: 416-392-3826
Email: integrity@toronto.ca

Valerie Jepson
Integrity Commissioner

Telephone: 416-397-7770
Email: Valerie.Jepson@toronto.ca

Twitter: [@TO_Integrity](https://twitter.com/TO_Integrity) | **Website:** www.toronto.ca/integrity