

Report on Councillor Josh Matlow's Tweets Criticizing City Staff

Date: March 22, 2023
To: City Council
From: Jonathan Batty, Integrity Commissioner
Wards: All

SUMMARY

The Integrity Commissioner investigated two complaints about Councillor Josh Matlow made by City staff under the *Code of Conduct for Members of Council* (the "Code of Conduct").

The first complaint was made by former City Manager Chris Murray about a Tweet from Councillor Matlow on June 16, 2022. Commenting about information he received from the General Manager of Parks, Forestry and Recreation ("PFR"), Councillor Matlow Tweeted:

I don't appreciate being lied to. Nor should you. All park bathrooms were not opened by May 24 this year. That's unquestionably untrue.

The second complaint was made by then Interim City Manager Tracey Cook. On July 19, 2022, Councillor Matlow Tweeted:

I believe the mayor & council chose the very wrong person to serve our city as Acting City Manager. I refuse to ignore Tracey Cook's decisions to omit facts regarding SmartTrack, and her approach to the violent encampment clearings. I can't support this choice in good conscience.

The investigations were terminated on August 19, 2022 because of the municipal election but recommenced, upon request, after voting day (October 24, 2022).

As the complaints both involved Councillor Matlow's public treatment of City staff, within a short period of time, the Integrity Commissioner joined the complaints for purposes of reporting his findings and recommendations to Council.

The appended report considers whether Councillor Matlow violated:

- Article XI (Conduct at Council and Committee Meetings)
- Article XII (Conduct Respecting Staff)
- Article XIV (Discreditable Conduct)
- Article 17 (Reprisals and Obstruction)

Based on the evidence referenced in the report, the Integrity Commissioner found:

- Councillor Matlow's conduct did not violate Article XI (Conduct at Council and Committee Meetings).
- Councillor Matlow's conduct towards Ms. Romoff violated Article XII (Conduct Respecting Staff) and Article XIV (Discreditable Conduct).
- Councillor Matlow's conduct towards Ms. Cook did not violate Article XII (Conduct Respecting Staff) but did violate Article XIV (Discreditable Conduct) and Article 17 (Reprisals and Obstruction).

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. City Council adopt the findings that Councillor Matlow has violated the Code of Conduct;
2. City Council reprimand Councillor Matlow and suspend the remuneration paid to him in respect of his services as a member of Council for a period of 10 days, commencing May 1, 2023.

In recommending this, the Integrity Commissioner notes:

- Two previous Integrity Commissioner reports have found Councillor Matlow breached Article XII (Conduct Respecting Staff) for similar conduct, and in the second instance Council imposed a reprimand.
- Councillor Matlow has escalated his criticism of specific City staff to social media and, in the case of Ms. Cook, has engaged in subsequent reprisal.

FINANCIAL IMPACT

This report has no financial impact on the City of Toronto. It has a potential financial impact on Councillor Matlow.

DECISION HISTORY

City Council has previously considered Councillor Matlow's criticism of City staff in the following reports:

April 20, 2017: Report Regarding the Conduct of Councillor Josh Matlow

<https://www.toronto.ca/legdocs/mmis/2017/cc/bgrd/backgroundfile-103130.pdf>

<https://www.toronto.ca/legdocs/mmis/2017/cc/bgrd/backgroundfile-103131.pdf>

June 18, 2018: Report Regarding the Conduct of Councillor Josh Matlow

<https://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-117206.pdf>

<https://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-117207.pdf>

COMMENTS

CONTEXT

In considering a report from the Integrity Commissioner, members of Council are required to keep an open mind and to be seen to keep an open mind. As the court has noted, the role of an elected representative and civic leader and the role of an adjudicator are not incompatible. In assigning such a role to members of Council, the Legislature was confident they would act with an open mind as adjudicators¹.

In considering a report from the Integrity Commissioner, Council may accept or reject the findings. If it rejects the findings, Council can decide to receive the report for information and the matter is concluded.

If Council accepts one or more of the Integrity Commissioner's findings, Council can accept, revise or reject the recommendation(s) on penalty. If Council wishes to revise or reject the recommendation(s) on penalty and impose its own, it may do so within the prescribed limits of imposing a reprimand or a suspension of salary of up to 90 days.

Council does not have jurisdiction to make a finding of its own but may refer a matter back to the Integrity Commissioner for investigation.

When Council is considering a report about a member of Council, the member whose conduct is at issue may participate in debate and vote in the proceedings. Doing so is permitted under the Code of Conduct and the *Municipal Conflict of Interest Act*.

¹ *Chiarelli v. Ottawa (City of)*, 2021 ONSC 8256 (CanLII)

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SIGNATURE

Jonathan Batty
Integrity Commissioner

ATTACHMENTS

Attachment 1: Report on Councillor Josh Matlow's Tweets Criticizing City Staff