

Report on Councillor Frances Nunziata's Use of Constituent Contact Information

Date: July 17, 2024
To: City Council
From: Jonathan Batty, Integrity Commissioner
Wards: All

SUMMARY

The Integrity Commissioner investigated a complaint about Councillor Frances Nunziata made under the *Code of Conduct for Members of Council* (the "Code of Conduct").

The complaint alleged Councillor Nunziata used constituent contact information from her office for election purposes in the 2022 municipal election, without the constituent's consent.

The appended report of the inquiry under s. 160 of the *City of Toronto Act, 2006* considers whether Councillor Nunziata violated:

- Article 5 (Confidential Information)
- Article 7 (Election Campaign Work)

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

- Councillor Nunziata's conduct violated Articles 5 and 7.

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. City Council adopt the findings that Councillor Nunziata has violated Articles 5 and 7 of the Code of Conduct;
2. City Council reprimand Councillor Nunziata.

FINANCIAL IMPACT

This report has no financial impact.

DECISION HISTORY

City Council has not previously considered this matter.

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 courts have 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 adjudicators.

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 remuneration 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 considers a matter concerning the conduct of a sitting Member of Council, that Member may participate in debate, and attempt to influence voting, but in accordance with s. 5 (2.1) paragraph 1 of the *Municipal Conflict of Interest Act* (MCIA) may not vote when Council considers whether to suspend their remuneration.

CONTACT

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SIGNATURE

Jonathan Batty
Integrity Commissioner

ATTACHMENTS

Attachment 1: Report on Councillor Frances Nunziata's Use of Constituent
Contact Information