

Report on Councillor Anthony Perruzza's Use of City Resources in an Election

**Jonathan Batty
Integrity Commissioner**

July 17, 2024



A. INTRODUCTION

1. This report describes my investigation of Councillor Perruzza's use of his office resources leading up to the 2022 municipal election and whether it violated the Code of Conduct for Members of Council (the "Code of Conduct").
2. My report outlines the process my inquiry followed, describes the relevant City policies, sets out the evidence I considered, and the principles I applied in making my findings and recommendations.
3. As required, before finalizing my report to Council, I notified Councillor Perruzza of my proposed findings and recommendations and provided him an opportunity to comment on them in accordance with Article 4.4 (F) of Chapter 3 of the Toronto Municipal Code and s. 35 of the Complaint and Application Procedures of the Office of the Integrity Commissioner. He responded accordingly.
4. Councillor Perruzza accepts my findings and conclusions as to whether he breached the Code of Conduct.
5. Councillor Perruzza contacted me on August 10, 2022 to report that flyers produced by his office inviting constituents to meet with him on specific days and times in local parks were mistakenly distributed after August 1, 2022. He wished to self-report that he did not comply with Council policy as he explained the flyers had unintentionally been delivered after August 1, 2022. I advised him that the flyers were contrary to Council policy for two reasons:
 - 1) The advertised events were being held after August 1, 2022.
 - 2) The flyer was delivered after August 1, 2022.
6. I also provided him advice about how to address these mistakes, which is described below at paragraphs 16 to 21.
7. Shortly before Councillor Perruzza had contacted me, a member of the public had complained to my Office about these same flyers and subsequently filed a complaint also on August 10, 2022.
8. I accepted the complaint for investigation on August 17, 2022. I also advised the complainant the inquiry would be terminated effective August 19, 2022 as required by the election-related provisions in s. 160(7) of the *City of Toronto Act, 2006*. Following the election, I advised they

could ask the investigation recommence in accordance with s. 160(8) of the *City of Toronto Act, 2006*. On that same date, I also advised Councillor Perruzza that the inquiry into the complaint could be recommenced after the election.

9. Following the election, the complainant requested I recommence the investigation which I did on November 8, 2022. I advised Councillor Perruzza of this on the same date and invited him to respond at that time.
10. For fairness and efficiency, rather than deal with Councillor Perruzza's self-report and the complaint from a member of the public separately, I am joining these matters to make one report to Council. Having investigated these events, I find that Councillor Perruzza violated the Code of Conduct for Members of Council but, due to subsequent circumstances, I do not recommend to Council that he be reprimanded or receive any other penalty.

B. EVIDENCE

Printing and Distribution

11. The facts are consistent and agreed. The evidence the complainant submitted about having received a flyer from Councillor Perruzza's office is consistent with the information that Councillor Perruzza and his office volunteered.
12. Prior to August 1, 2022, Councillor Perruzza's office commissioned a printer to create flyers for distribution in his Ward inviting constituents to "upcoming community meetings" with him throughout the month of August in a number of City parks.
13. The dates and locations were as follows:

Date and Time	Location
August 11 th , 5-7 p.m.	Strathburn Park
August 13 th , 4-6 p.m.	Joseph Bannon Park
August 16 th , 5-7 p.m.	Verobeach Parkette
August 17 th , 5-7 p.m.	Gracedale Park
August 18 th , 5-7 p.m.	Plunkett Park
August 20 th , 4-6 p.m.	Lanyard Park
August 23 rd , 5-7 p.m.	Blue Haven Park
August 24 th , 5-7 p.m.	Islington Park
August 25 th , 5-7 p.m.	Apted Park

14. Three different versions of the flyer were created targeting different areas in his Ward. About 7,000 flyers were printed. They were paid for by his office budget and included the City of Toronto logo. Different companies were contracted to do the printing and distribution. The printer charged Councillor Perruzza's office \$1,440.75.
15. While his office planned to have these flyers distributed before August 1, 2022, there were delays in arranging for the distribution of the flyers. There was also a misunderstanding between Councillor Perruzza's office and the distributor as to when the flyers were promised to be delivered. It cost \$1,254.75 for the flyers to be distributed.

Remedial Actions

16. In this case, the Councillor contacted me after the constituency event flyers had been sent out and the alleged Code of Conduct violation had occurred. He explained that the flyers were delivered after August 1, 2022 and they advertised community meetings that were to take place later that month. He asked me what to do. I advised him:
 - 1) He should cancel the meetings – via post on social media;
 - 2) He should not have his staff attend at the sites advertised (even though some constituents may show up and wonder why there was no event); and,
 - 3) He should immediately work with the City Clerk to determine the amount of City resources spent on the flyers, and he should reimburse those monies fully.
17. By email, he asked me to review sample language to be used on Twitter announcing the cancellation: "We regret to advise that the Thursday, August 11 meeting at Strathburn Park is cancelled. We apologize for any inconvenience that this might have caused."
18. I did and confirmed this should come from his official Councillor account, not his re-election campaign account.
19. Councillor Perruzza provided my Office with documentation he had taken these steps. I reviewed his social media post (on Twitter). I have confirmed with the City Clerk that the costs of printing and distribution of these flyers have not been borne by the City of Toronto.
20. Councillor Perruzza reimbursed the City of Toronto for the \$1,440.75 in printing costs that was charged to his office as he reported this matter after the printer was paid. However, the \$1,254.75 in distribution costs were not paid by his City Hall office as the invoice had not been

paid prior to Councillor Perruzza reporting this matter to me. I advised Councillor Perruzza to pay the distributor using his personal funds, which he advised he did.

21. I also advised Councillor Perruzza that, if he did wish to invite people to informally meet with him in parks as part of his re-election campaign, that had to be separately organized through his campaign and ought to be at different dates and times than advertised on the flyers paid for by his office.
22. When a member of Council asks for advice about the requirements of the Code of Conduct or the Municipal Conflict of Interest Act, my Office is obligated to keep the request and my advice confidential subject to the requirements of Part IV of the *City of Toronto Act, 2006*.
23. I may, however, disclose my advice if a member partially discloses it¹.
24. In this case, Councillor Perruzza released part of my advice to the Toronto Star who had contacted him about the flyers his Office sent out. The journalist contacted me and, after confirming with the Councillor he had disclosed my advice, I confirmed to the journalist I had provided advice and explained the City's election period restrictions.
25. It is always recommended, as in this case, that the Integrity Commissioner's advice on matters be sought in a timely manner. If a member follows that advice, it can be used in response to a later complaint about their conduct.

C. ANALYSIS

Complaint Allegations

26. The complaint I received alleged the flyers that were issued by Councillor Perruzza and his office violated:

- 1) **Article 6 (Use of City Property, Services and Other Resources)** of the Code of Conduct which states:

1. The City of Toronto Act, 2006 states:

Release of advice

(2.1) Advice provided by the Commissioner to a member under paragraph 4, 5 or 6 of subsection 159 (1) may be released with the member's written consent. 2017, c. 10, Sched. 2, s. 19.

Partial release by member

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 159 (1), the Commissioner may release part or all of the advice without obtaining the member's consent.

6.0 A member must not:

- a) use or permit the use of City resources for activities other than the business of the Corporation; or,
- b) obtain personal financial gain from the use or sale of City-developed intellectual property since all such property remains exclusively that of the City.

2) **Article 7 (Election Campaign Work)** of the Code of Conduct which states:

7.0 A member must follow the provisions of the Municipal Elections Act, 1996.

7.1 A member must not:

- a) use the facilities, equipment, supplies, services or other resources of the City, including member newsletters and websites linked through the City's website, for any election campaign or campaign-related activities;
- b) undertake campaign-related activities on City property during regular working hours unless permitted by City policy; or,
- c) use the services of persons for election-related purposes during hours in which those persons receive any compensation from the City.

3) The Constituency Office Services Budget (CSOB) policy, which is a policy adopted by Council. For that reason, although they did not explicitly cite it, I found this reference engaged **Article 15 (Council Policies & Procedures)** of the Code of Conduct which states:

15.0 A member must observe the terms of all policies and procedures established by City Council unless they have first requested and been granted an exemption by Council.

27. Later, the complainant contacted my Office to complain the Councillor had held campaign event meetings in parks and advertised them on August 29, 2022 throughs "robocalls" made by his campaign. The complainant believed that these invitations to meet with Councillor Perruzza in City parks was contrary to election rules governing the use of parks.

Councillor Perruzza's Response

28. In response to the complaint, Councillor Perruzza stated:

A mailing (flyer) was arranged by my office in mid to late July 2022 resulting in an invoice submitted to the City Clerk dated July 27, 2022 in the amount of \$1,440.75. The flyer announced community meetings to be held in August 2022.

When I became aware of this flyer I immediately contacted the Clerk indicating that I would reimburse these monies. As well I contacted you, the Integrity Commissioner,

seeking your advice on how to deal with what I believed was an honest mistake. I then proceeded to follow the advice provided and did not attend any of the meetings.

29. I also asked for, and Councillor Perruzza provided, information on the robocalls regarding nine re-election campaign meetings held in or adjacent to City parks between August 23, 2022 and September 7, 2022. The robocalls were paid for by his re-election campaign. He provided the script of those robocalls and the list of meeting dates. Though it named some parks that had been named in the earlier flyer, the campaign events were held on different days than the ones originally noted.

Election-Related Guidance

30. Before every municipal election, the Office of the Integrity Commissioner issues an interpretation bulletin to help members of Council, their offices, and the public understand the rules that members must follow. My Office did so in 2022 and the relevant excerpts are included below:

Reminder #1: Using City Resources and Other Restrictions

13. Members must not use City resources to support election-related activities whether for their own campaign, the campaign for another candidate or a campaign for a third-party advertiser. A comprehensive set of requirements describe the limits on what their offices can do and what they can spend their office budgets on. These rules are found in:

- Article 7 (Election Campaign Work), Code of Conduct
- Use of City Resources during an Election Period Policy
- Constituency Services and Office Budget Policy
- Corporate Facilities Display and Fundraising Policy

14. The term "City resources" has a broad meaning. The term "City resources" has a broad meaning. Under the Use of City Resources during an Election Period Policy, it includes the defined terms "City employees," "City events," "City facilities," "City funds," "City information," and "City infrastructure." City resources also include:

...

- publications or online content produced using the CSOB;

...

Reminder #2: Organizing Community Events

...

19. **After August 1, 2022 and until October 24, 2022**, members will only be allowed to use their CSOB for community events or community expenses in response to an emergency.
20. An emergency could be a storm, flood, power blackout, public health emergency or similar event in a Ward that requires an emergency response on the part of City of Toronto. Before using their CSOB in response to an emergency, members should consult the Integrity Commissioner.

Reminder #3: Communicating with the Public

23. **After August 1, 2022 and until October 24, 2022**, members may not use their CSOB for:
 - printing and distributing any flyers to constituents, except in the case of emergencies. As noted above, before doing so, members should consult the Integrity Commissioner.

D. COUNCILLOR PERRUZZA'S CONDUCT

31. As this complaint concerns the use of City resources to distribute election-related flyers, there is no analytical benefit to separately considering the general principles found in Article 6 and Article 7 when these specific requirements are found in the policies incorporated into the observance of Article 15.
32. Councillor Perruzza admitted that he violated City policies by inadvertently missing the August 1, 2022 distribution deadline for his flyers. It is also clear that, even if that deadline had been met, the flyers sent using City resources that invited constituents to gather and meet with him throughout August was also contrary to City policies. Thus, I find that Councillor Perruzza contravened Article 15 in this particular instance.
33. However, the campaigning that Councillor Perruzza was proposing to do in local parks (for which people received a robocall paid for by his campaign) was not prohibited by City policy. In respect of parks, the Use of City Resources During an Election Period Policy notes:
 - [S]igns may not be erected or displayed on or adjacent to a City park or facility that is owned or operated by the City, in accordance with Toronto Municipal Code, Chapter 693, Signs, Article II, Election Signs. (paragraph 1.1)
 - No permits, licenses, leases or any other agreement for the use of City facilities, including civic squares and parks, will be issued to promote, support or oppose a particular candidate, registered third party advertiser or political party.(paragraph 1.2)

- Candidates, registered third party advertisers or political parties may not distribute campaign materials on or in City facilities or at City events, but are permitted to distribute campaign materials on public right of way sidewalks and thoroughfares, during all-candidates meetings, at public parks and at the following City managed public squares: Nathan Phillips Square, Mel Lastman Square, Albert Campbell Square and David Pecaut Square. (paragraph 1.4)

34. Thus, I do not find that the later meetings in parks, specifically those to which people were invited by Councillor Perruzza's campaign robocalls, contravened City policies.

E. RECOMMENDATION AS TO PENALTY

35. While I have found a violation of the Code of Conduct, the fact that Councillor Perruzza promptly realized and admitted he had made an error, came to my Office for advice on how to address the error, followed that advice, and reimbursed the City for his misuse of his office resources mitigates the need to recommend a penalty. As a result, I do not recommend Council impose a penalty in this case.

F. CONCLUSION

36. The policies that Council adopts prohibiting the use of City assets and resources in municipal election years, including office budgets, are important. The violation of these prohibitions are not just technical matters. They are intended to prohibit incumbent members of Council from using the resources at their disposal for their own political advantage.

37. While a constituent complained about this, Councillor Perruzza on his own realized that there was an issue and immediately self-reported it and addressed the issue.

38. I encourage all members of Council to be proactive in self-reporting matters when it comes to their attention that they, or their staff, have not followed the requirements of the Code of Conduct or Council policies.

Respectfully submitted,

Jonathan Batty
Integrity Commissioner