



**CODE OF CONDUCT
FOR MEMBERS OF COUNCIL
CITY OF TORONTO**

ANNOTATED VERSION



Introduction

The Office of the Integrity Commissioner is pleased to provide an Annotated Version of the Code of Conduct for the use of Members of Council and the public. This document contains prior advice rulings and links to policies passed by Council and reported publicly. The goal is to have an "at-a-glance" version of material that has been made publicly available.

April 2011

Janet Leiper
Integrity Commissioner
City of Toronto



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AUTHORITY

Consolidated Code of Conduct for Members of Council, including:

Historic

- (1) “Code of Conduct for Members of Council Inclusive of Lobbyist Provisions” adopted, as amended, by City Council on September 28 and 29, 1999 (Clause 2 of Report 5 of the Administration Committee) and as amended by:
 - (a) “Amendments to Code of Conduct for Members of Council” approved by City Council on September 25, 26 and 27, 2006 (Clause 26 of Report 7 of the Policy and Finance Committee) that under Council action (2) came into force on February 8, 2007 following City Council’s approval on February 5, 6, 7 and 8, 2007 of the appeal mechanisms and legal support program in CC2.5 “Amendments to the Code of Conduct Complaint Protocol under Members Code of Conduct”; and
 - (b) “Report on Congruence between Lobbying By-law and Obligations under Members Code of Conduct” approved by Council on April 28 and 29, 2008 (EX 19.7, motions 1 and 2).

Current

- (2) This Code of Conduct for Members of Council was amended and adopted by City Council on July 15, 16 and 17, 2008 (2008 EX22.6, as amended by Council)
 - (a) “Integrity Commissioner Annual Report–2010, Item CC51.6 (motion 1) as adopted by Council at its meeting held on July 6, 7 and 8, 2010”

Link to Code of Conduct:

http://www.toronto.ca/city_council/pdf/members_code_conduct.pdf

PREAMBLE

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the City of Toronto’s reputation and integrity.

To these ends, during its first term as a unified City, the City of Toronto, as one of

several initiatives, adopted a Code of Conduct for Members of Council. Subsection 157(1) of the *City of Toronto Act, 2006* now requires the City to establish codes of conduct for members of Council. In response to this requirement, the City has revised and updated the original *Code of Conduct*. It is intended to supplement and be compatible with the laws governing the conduct of members.

The key statements of principle that underline the *Code of Conduct* are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by City Council.

I. DEFINITIONS

In the *Code of Conduct*, the terms “child”, “parent” and “spouse” have the same meanings as in the *Municipal Conflict of Interest Act*:

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; and

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

II. STATUTORY PROVISIONS REGULATING CONDUCT

This *Code of Conduct* operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the

conduct of members of Council:

- the *City of Toronto Act, 2006*, and Chapter 27, Council Procedures, of the Municipal Code (the Council Procedures By-law) passed under section 189 of that Act;

Link to City of Toronto Act, 2006:

<http://www.toronto.ca/committees/pdf/torontoact.pdf>

Link to Council Procedures By-Law (Municipal Code Chapter 27):

http://www.toronto.ca/legdocs/municode/1184_027.pdf

For recent amendments not yet included in Chapter. 27 see:

http://www.toronto.ca/legdocs/municode/amendments_tor.pdf

- the *Municipal Conflict of Interest Act*;

Link to the Municipal Conflict of Interest Act:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m50_e.htm

- the *Municipal Elections Act, 1996*;

Link to the Municipal Elections Acts, 1996:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_96m32_e.htm

- the *Municipal Freedom of Information and Protection of Privacy Act*.

Link to the Municipal Freedom of Information and Protection of Privacy Act:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm

The *Criminal Code* of Canada also governs the conduct of members of Council.

For example, Section 122 of the *Criminal Code* ("Breach of Trust by a Public Official) applies to elected members of Council.

Link to Criminal Code, Section 122:

<http://laws.justice.gc.ca/eng/C-46/page-4.html#codese:122>

III. APPLICATION

This *Code of Conduct* applies to all members of Council (including the Mayor).

IV. GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law, in the case of members running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the member;
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions or similar events, if:
 - 1. attendance serves a legitimate business purpose;
 - 2. the person extending the invitation or a representative of the organization is in attendance; and

- 3. the value is reasonable and the invitations infrequent;
- (h) communication to the offices of a member, including subscriptions to newspapers and periodicals; and
- (i) sponsorships and donations for community events organized or run by a member or a third party on behalf of a member, subject to the limitations set out in the Policy on Council Member-Organized Community Events.

Except for category (c) (political contributions allowable by law), these exceptions do not apply where such gifts or benefits are provided by lobbyists or their clients or employers (as defined or described in Municipal Code Chapter 140, Lobbying). For these purposes, a lobbyist is an individual, organization or business that:

- [i] is lobbying or causing the lobbying of any public office holder at the City, a local board (restricted definition) or the board of health;
- [ii] the member knows is intending to lobby, having submitted or intending to submit a registration to the Lobbyist Registrar for approval to communicate on a subject matter; or
- [iii] is maintaining an active lobbyist registration with the City even though not having a current active subject matter registered with the lobbyist registry.

In the case of categories (b), (e), (f), (g), (h) and (i), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.

The disclosure statement must indicate:

- 1. the nature of the gift or benefit;
- 2. its source and date of receipt;
- 3. the circumstances under which it was given or received;
- 4. its estimated value;
- 5. what the recipient intends to do with any gift; and
- 6. whether any gift will at any point be left with the City.

Any disclosure statement will be a matter of public record.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.

Except in the case of categories (a), (c), (f) and (i), a member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500.

Gifts and Benefits: Decisions by Council

On August 25, 26 and 27, 2010, City Council adopted the finding in the Integrity Commissioner's report that a Councillor breached Article IV soliciting donations from registered lobbyists to a charitable foundation in his name. The amounts received were reported to the Councillor, who contacted donors personally to thank them for their donations. The financial worth of the foundation was described (and inflated) on the Councillor's election campaign website. As a result, the Councillor was found to be soliciting a benefit from lobbyists in contravention of the Code of Conduct. The donations were found to be a gift or benefit from lobbyists which are not permitted by Article IV (the only exception for lobbyists is for a political contribution otherwise reported by law, in the case of members running for office). Council also adopted a finding that the donations received from lobbyists be returned by the Councillor.

Link to Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/CC52.1.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2010-7-council.pdf>

On January 29th and 30th, 2008, City Council received, as recommended, a report from the Integrity Commissioner that had recommended that Council find that a Councillor had violated Article II (now Article IV) of the Code of Conduct by receiving the benefit of constituency office space at below market value rent. In arriving at this finding, the Integrity Commissioner applied City Council's 2001 Constituency Offices Leases Policy which makes it clear that it is not appropriate for Members of Council to "accept office space at a rate that is below market value." The Integrity Commissioner recommended that Council adopt a finding that these actions violated the Code of Conduct but that no sanction ought to be imposed given the Integrity Commissioner's determination that the violation resulted from an "error of judgment made in good faith."

Link to Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/cc16.2.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2008-1-council.pdf>

Note: Councillor's Constituency Offices Leasing policy of 2001 has been superseded by the Council Expense Policy 2010

http://www.toronto.ca/city_council/pdf/councillor-expense-policy.pdf

Gifts and Benefits: Samples of Advice from the Integrity Commissioner

***Q.* May Councillors who are asked to distribute sports events tickets to worthy charitable organizations do so?**

A. There is nothing preventing Councillors from providing information to the donor about community organizations or potential recipients to whom the donor might consider providing the tickets, as long as the decision as to who receives the tickets remains that of the donor.

***Q.* A member receives an invitation to attend an event being hosted by a company with which the City has just entered into a commercial arrangement. The event is a celebration of the successful collaboration between the City and the company. May the Member attend?**

A. Yes, provided that the value of what is provided does not exceed \$500 and that attendance is reported if the value exceeds \$300. This is a gift or benefit accepted as part of the responsibilities of office and received as an incident of protocol or social obligation.

***Q.* A trade organization that lobbies the City on behalf of its members invites a Member to make up a foursome at an annual charitable golf tournament at no cost to the Member. May the Member accept the invitation?**

A. No. Gifts or benefits from lobbyists, except political contributions otherwise reportable as a matter of legal obligation in the case of members running for office, are not permitted.

Gifts and Benefits: Samples of Advice from the Integrity Commissioner (continued)

Q. May a Councillor accept an invitation to a corporate function at which amenities and refreshments will be provided which are valued at several hundred dollars?

A. The Gifts and Benefits provisions found in Article IV of the Code of Conduct do not allow Councillors to accept gifts or benefits of this nature. In order to attend such an event, Councillors may attend but must fund their own attendance. The principle here is to ensure that companies who may be seeking to do business with the City do not do so by giving gifts or favours to people in a position to influence vendor approval or decision making.

Q. Can Councillors share equipment for summer events?

A. Councillors may share equipment provided certain safeguards are in place to ensure that Councillors do not enter into commercial arrangements with one another. Councillors who use the equipment, for example, cannot be charged for doing so. The Councillors using the equipment could be encouraged to make a donation and be encouraged to allocate that donation among various charities in the Wards of the Councillors who are providing the equipment. Those charities could be identified by the Councillors who are providing the equipment, and a suggested amount could be identified. The donations, however, would have to be made at the discretion of the Councillors using the equipment, both in terms of the size of the donation and the recipient charities.

Q. At an event a Member is attending as part of her or his official duties as a Member of Council, the Member (along with all others attending the event) is presented with a gift. May the Member accept the gift?

A. Yes, as a matter of protocol, unless the donor is a lobbyist and provided the value of the event and the gift does not in total exceed \$500 and it does not lead to a situation where the Member in aggregate has received gifts and benefits from that source during the current calendar year worth more than \$500. Also, if the combined value of the event and the gift exceeds \$300, the Member must file a gifts and benefits report with the Integrity Commissioner: see Article IV of the *Code of Conduct*.

Gifts and Benefits: Samples of Advice from the Integrity Commissioner (continued)

Q. An organization seeking to renew a contract with the City sends a gift to all members of Council. May Members accept the gift?

A. No, whether the gift comes from a lobbyist or directly from the organization, it is not within the scope of permissible gifts and benefits: see Article IV of the *Code of Conduct*.

Q. May a Member accept the personal use of a private vehicle for the duration of a community event being held in her or his Ward?

A. Irrespective of whether the vehicle is displaying promotional material relating to the donor, this is not a permissible gift of benefit: see Article IV of the *Code of Conduct*.

Related Policies

Councillors are permitted to receive donations and sponsorships to events organized in the community by the terms of City Council's Council Member-Organized Community Events Policy, located at:

<http://www.toronto.ca/integrity/pdf/council-org-comm-events-policy.pdf>

See also the interpretation bulletin issued in January 2009, which provides that lobbyists are not permitted to contribute donations or sponsorships to Council Member-Organized Community Events:

http://www.toronto.ca/lobbying/pdf/donations_to_member-organized_comm_events.pdf

The Donor Declaration Form for Councillors which is required for receipt of cash or in-kind donations is available online at:

http://www.toronto.ca/city_council/pdf/donor_declaration.pdf

V. CONFIDENTIAL INFORMATION

Confidential information includes information in the possession of, or received in confidence by the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (often referred to as “MFIPPA”), or other legislation. Generally, the *Municipal Freedom of Information and Protection of Privacy Act* restricts or

prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The *City of Toronto Act, 2006* allows information that concerns personnel, labour relations, litigation, property ***disposal and acquisition***, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the *Code of Conduct*, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

Under the Procedures By-law (passed under section 189 of the *City of Toronto Act, 2006*), a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*, and
- statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

Confidential Information: Decisions by Council

On May 11 and 12, 2010, the Integrity Commissioner reported to Council on a matter referred by Council as to whether a Councillor had breached the Code of Conduct by releasing confidential pricing information on the floor of Council concerning a proposed house purchase by the City. City Council adopted the finding that this constituted a breach of Article V and the proposed sanction that the Councillor be reprimanded.

Link to Report from the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-29803.pdf>

Link to Decision of City Council:

<http://www.toronto.ca/integrity/pdf/2010-3-council.pdf>

On August 5 and 6, 2009, the Integrity Commissioner reported to Council on a matter concerning the release of confidential information by a Councillor for the purpose of obtaining an outside opinion from a forensic accountant on a proposal under consideration from City Council. The Integrity Commissioner found this to be “problematic” but found that the Councillor had not breached the provisions of the Code of Conduct in all of the circumstances. The Integrity Commissioner advised Council that the release of confidential material for obtaining outside opinions would violate Article V of the Code of Conduct subject to a narrow exception in the following circumstances:

- *where the outside expertise sought by a Councillor is clearly necessary where the Councillor has first attempted without success to obtain the expertise from City staff, and*
- *where the Councillor has received an opinion from the Integrity Commissioner confirming that the disclosure in the circumstances would not constitute a violation of the Code of Conduct.*

Additional recommendations were made to develop protocols to deal with these exceptional circumstances. City Council received the report for information.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-2619.pdf>

Link to the Decision of Council:

<http://www.toronto.ca/integrity/pdf/2009-2-council.pdf>

In a report received by Council on June 14, 2006, Council considered whether the actions of a Councillor in revealing the contents of an in camera motion at Community Council to the press was a breach the Code of Conduct. The Integrity Commissioner reported that there had been a violation of the Code of Conduct and in doing so rejected the defence that the matter should not have been taken in camera, nor was it subject to the usual administrative markings of confidentiality (printed on purple pages, or marked confidential). The Integrity Commissioner noted, "Councillors cannot find justification for releasing confidential information to the Press in their own conviction that their colleagues have erred in going in camera. This is particularly so when Council or one of its committees, acting on legal advice, has determined by resolution that a matter can justifiably be dealt with in camera by reason of one of the exceptions to open meetings created by the relevant legislation."

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-f2-report.pdf>

Link to Council Decision:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060614/cofa.pdf>

In a report received by Council on April 13, 14, and 15, 2005, a report by the Integrity Commissioner underlined the importance of developing a culture that respects the confidentiality of material relating to applicants to City agencies, boards and commissions. In the specific case considered, no evidence was found of the source of a specific leak of the name of a proposed candidate to the Police Service Board.

Link to Report of the Integrity Commissioner:

[http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/nomj\(37\).pdf](http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/nomj(37).pdf)

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2005-1-council.pdf>

VI. USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, websites, Council transportation delivery services and member of Council expense budgets) for activities other than the business of the Corporation. Nor should any member obtain personal financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.

Use of City Property: Decisions by Council

On August 25, 26 and 27, 2010, City Council adopted the recommendations in a report on a breach of Article VI by a Councillor. The Councillor solicited donations from registered lobbyists to a charitable foundation in his name. His Councillor staff was involved in administering and sending out solicitations for the charitable foundation. In addition, the City of Toronto logo was used in the mailings. The City logo is intellectual property belonging to the City and is not to be used for purposes other than City business.

Link to Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/CC52.1.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2010-7-council.pdf>

On December 11, 12 and 13, 2007 City Council adopted, as recommended, a report from the Integrity Commissioner finding that a Councillor had violated this provision of the Code of Conduct, as well as Article VIII: “Improper Use of Influence.” The Councillor had enclosed a decal relating to his private company along with invitations to his annual summer barbecue for constituents. The invitations were sent out under the City of Toronto logo using the Councillor’s office envelope. Although this was the second finding of this nature, the Councillor’s explanation and willingness to apologize were taken into account. The Integrity Commissioner recommended no sanction be imposed by Council.

Link to Integrity Commissioner Report:

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/cc15.1.pdf>

Link to Council’s Decision:

<http://www.toronto.ca/integrity/pdf/2007-11-council.pdf>

On September 25, 26 and 27, 2006, City Council adopted, as recommended, two reports from the Integrity Commissioner finding that a Councillor had violated the Code of Conduct by using City resources in conducting private business. These two reports concluded that use of the City e mail system to circulate information about the Councillor’s election sign business. The Councillor apologized for the oversight. The Integrity Commissioner recommended to Council that it consider the breach to be an error in judgment made in good faith and that no sanction be imposed. Council adopted this recommendation. A second related complaint was considered as to whether this conduct also

amounted to a breach of Article VII - Election Campaign Work. This complaint was dismissed because “this provision (Article VII) governs a member of Council in the conduct of her or his own election campaign.” The Integrity Commissioner found that soliciting orders for election signs had no relationship with the Councillor’s own election campaign.

Links to Reports of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-j35-1-report.pdf>

<http://www.toronto.ca/integrity/pdf/nom-j35-2-report.pdf>

Link to Council’s Decision:

<http://www.toronto.ca/integrity/pdf/2006-14-council.pdf>

On January 31, February 1 and 2, 2006, Council received, as recommended, a report from the Integrity Commissioner finding a breach of the Code of Conduct by a Councillor who mailed out his City Hall business cards along with promotional material relating to his family business. The Integrity Commissioner reported that the City of Toronto logo is intellectual property owned by the City of Toronto and is to be used only for official City of Toronto business. The Corporate Identity Program Principles for the Use of City of Toronto Corporate Logo, Coat of Arms and Official Flag, provides that the City corporate logo may “only be used to specifically identify officially endorsed City business.” It was no defence for the Councillor to argue that because no city funds had been used to produce the business card that it could be used in this fashion. The Integrity Commissioner highlighted the following important principle in this case: Councillors should not use the influence of their office to achieve personal gain and that, on assuming office, they should ensure that there is a separation of business and personal interests from their City responsibilities in such a way as to promote public confidence.

The Integrity Commissioner found that the breach was an “error in judgment made in good faith” and recommended on that basis that no sanction be imposed.

Link to Integrity Commissioner’s Report:

<http://www.toronto.ca/integrity/pdf/nom-report-decision-f-02.pdf>

Link to Council’s Decision:

<http://www.toronto.ca/integrity/pdf/2006-1-council.pdf>

Use of City Property, Services and Other Resources: Samples of Advice from the Integrity Commissioner

***Q.* May a Councillor approve the use of Councillor City of Toronto letterhead to permit one of the staff in the office to send letters about an event unconnected with City of Toronto business?**

A. Separate event letterhead should be used to promote the event. The *Code of Conduct*, Article VI does not permit the use of City resources for non-City business. The principle here is the maintaining of public confidence in Councillors who demonstrate financial responsibility and accountability for the use of City resources.

***Q.* May a Member of Council use her or his City Hall Office, city-funded constituency office, or Council website to convey expressions of support for a candidate for an upcoming federal or provincial election?**

No, this constitutes the use of the City's property and facilities for other than the purposes of the Corporation: see Articles VI and VII of the *Code of Conduct*.

VII. ELECTION CAMPAIGN WORK

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours unless permitted by City policy (e.g., all candidates meetings). No member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the City.

Election Campaign Work: Decisions by Council

On February 5, 6, 7 and 8, 2007, City Council received, as recommended, a report from the Integrity Commissioner that a Councillor had improperly used City resources for election campaign-related activities. A member of the public complained that the Councillor used an electronic newsletter for campaigning for a position in a provincial seat, by making reference to her achievements while in office and making reference to her candidacy in the provincial election. When the problem was pointed out to the Councillor, all references to her candidacy were immediately removed from the newsletter. As a result, the Integrity Commissioner found the breach had been “an error of judgment made in good faith” and recommended no sanction be imposed by Council.

Link to Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/cc2.4.pdf>

Link to the Decision of Council:

<http://www.toronto.ca/integrity/pdf/2007-01-council.pdf>

Election Campaign Work: Samples of Advice from the Integrity Commissioner

Q. Once I have filed my nomination papers, may I accept donations or sponsorships for my annual barbecue that I have held for the past two years?

A. Council passed a *Council Member-Organized Event Policy* that does not permit candidates who have filed their nomination papers to accept donations and sponsorships for events that they are hosting.

See: <http://www.toronto.ca/integrity/pdf/council-org-comm-events-policy.pdf>

Q. A local school is fundraising and has asked their local Councillor for a donation. Is this permissible during an election year?

A. The *Councillor Expense Policy* allows Councillors to support local charitable efforts (whether in money or in kind) which shall not exceed \$500.00 per group.

In an election year any donations must be made before Labour Day.

Councillors may also continue the following activities until Labour Day:

- Use the office budget to supplement events organized by program areas,

such as Parks openings;

- Use the office budget to sponsor events co-organized with community groups.

See: http://www.toronto.ca/city_council/pdf/councillor-expensepolicy.pdf

Q. City Environment Days are joint programs between the City and Councillors in their wards. How should Environment Days be advertised?

A. Particularly in an election year, it is important to appropriately use City funds in a way that reflects the nature of community events. In the case of City Environment Days, any advertising that happens before Labour Day may indicate it is a co-hosted event, but not that it is “Councillor X’s” Environment Day, because that is not accurate. After Labour Day, the Councillor Expense Policy requires that Councillors not be identified in any advertising about those events. Councillors may still attend Environment Days held after Labour Day.

VIII. IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one’s status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member’s supposed influence within Council in return for present actions or inaction.

For the purposes of this provision, “private advantage” does not include a matter:

- that is of general application;
- that affects a member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- that concerns the remuneration or benefits of a member of Council.

Improper Use of Influence: Decisions by Council

On August 25, 26 and 27, 2010, City Council adopted the recommendations in a report on a breach of Article IV by a Councillor. The Councillor has solicited donations from registered lobbyists to a charitable foundation in his name. The amounts received were reported to the Councillor, the total amounts raised by the foundation were described (and inflated) on the Councillor's election campaign website. The donations were found to be gifts and benefits from lobbyists which are not permitted by Article IV (the only exception for lobbyists is for political contribution allowable by law, in the case of members running for office). Council adopted a finding that the donations received from lobbyists be returned by the Councillor.

Link to Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/CC52.1.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2010-7-council.pdf>

On September 24 and 25, 2008, City Council received a report from the Integrity Commissioner dismissing a complaint under this provision. A member of the public complained that a Councillor had improperly interfered with his purchase of a property from the City of Toronto. The investigation and its result had become public and as a result, the Integrity Commissioner determined that this constituted "exceptional circumstances" under the Complaint Protocol that justified reporting on the dismissal of the complaint to City Council. The Integrity Commissioner examined all of the facts relating to the property in question and found that there was no basis on which to draw any inference of improper use of influence in the manner in which the Councillor dealt with the various interests involved.

Link to Report of the Integrity Commissioner:

<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/cc24.1.pdf>

Link to Decision of Council:

<http://www.toronto.ca/integrity/pdf/2008-6-council.pdf>

Improper Use of Influence: Samples of Advice from the Integrity Commissioner

Q. A member attends an event in her or his Ward celebrating the completion of a significant property development. The property developer asks the member to pose for a photograph along with other dignitaries attending the event. Should the member agree?

A. Inquire as to the use that the developer intends to make of the photograph. If the answer is that it will be used for advertising or other promotional purposes, decline the invitation: see Article VIII of the *Code of Conduct*.

IX. BUSINESS RELATIONS

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

X. CONDUCT REGARDING CURRENT & PROSPECTIVE EMPLOYMENT

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

XI. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

Members shall conduct themselves with decorum at Council and committee meetings in accordance with the provisions of Chapter 27, Council Procedures, of the Municipal Code (the Council Procedures By-law).

Conduct at Council and Committee Meetings: Decisions by Council

On April 12, 13 and 14, 2005, Council received a report from the Integrity Commissioner which concluded that discreditable conduct by Councillors in Council meetings or Committee meetings falls under the jurisdiction of Council. Some complaints about conduct at a Council or Committee meeting may still be reviewed for compliance as noted below under Article XIV.

Link to the Report of the Integrity Commissioner:

[http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/nomj\(36\).pdf](http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/nomj(36).pdf)

Link to the Decision of Council:

<http://www.toronto.ca/integrity/pdf/2005-2-council.pdf>

XII. CONDUCT RESPECTING STAFF

Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council-approved budget, process or policy, to the appropriate Standing Committee.

Under the direction of the City Manager, staff serve the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of staff.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as Standing Committee members, participating as Chairs of Standing Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with the Council.

XIII. CONDUCT RESPECTING LOBBYISTS

Lobbying of public office holders is a permissible but regulated activity in the City of Toronto. Lobbying is defined and regulated by Municipal Code Chapter 140, Lobbying (the City's lobbying by-law inclusive of the Lobbyist Code of Conduct).

Members of Council and their staff are public office holders. As a matter of general principle, as public office holders, members of Council should be familiar with the terms of this lobbying by-law inclusive of the Lobbyist Code of Conduct (Chapter 140).

Specifically, members of Council should not engage knowingly in communications in respect of the list of subject matters contained in the definition of “Lobby”, as set out in Chapter 140, with a person who is not registered as required by Chapter 140. Members of Council should also not knowingly communicate with a registered lobbyist who is acting in violation of Chapter 140.

If a member of Council is or at any time becomes aware that a person is in violation of Chapter 140, the member should either refuse to deal with the lobbyist or, where appropriate, either terminate the communication with the lobbyist at once or, if in the member’s judgment it is appropriate to continue the communication, at the end of the communication, draw that person’s attention to the obligations imposed by Chapter 140.

A member should report any such violation or attempted violation of Chapter 140 to the Lobbyist Registrar unless the member believes in good faith that the violation in communicating or attempting to communicate with the member was inadvertent or insignificant.

Toronto Municipal Code – Lobbying – Chapter 140:

http://www.toronto.ca/legdocs/municode/1184_140.pdf

For recent amendments not yet included in Chapter 140 see:

http://www.toronto.ca/legdocs/municode/amendments_tor.pdf

Lobbyist Registrar Website:

<http://www.toronto.ca/lobbying/>

XIV. DISCREDITABLE CONDUCT

All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies and if applicable, the City’s *Human Rights and Anti-harassment Policy*, and *Hate Activity Policy*.

Discreditable Conduct: Decisions by Council

On February 23, 24 and 25, 2009, the Integrity Commissioner reported to City Council that a Councillor had violated this provision of the Code of Conduct by making inaccurate allegations on a radio broadcast that a fellow Councillor was in a conflict of interest. A prompt on-air retraction was made. The Integrity Commissioner recommended that no further sanction be imposed. City Council adopted the finding that the Code of Conduct had been breached and that the following sanction be imposed:

That the Councillor be required, on the floor of Council at the start of the next City Council meeting, to:

- *withdraw his allegations of any wrong doing;*
- *apologize to the complainant Councillor for his untruthful remarks and false accusations;*
- *apologize to all of his colleagues in general for his conduct in this affair;*
and
- *pledge to re-commit himself to respect the Code of Conduct he has previously sworn to uphold; and further that the Councillor provide the complainant Councillor with a written and signed apology no later than March 1, 2009, that includes the following:*
 - *a complete and unequivocal retraction of the allegations of any wrong doing;*
 - *an acknowledgement that his conduct and comments violated Council's Code of Conduct, and the behaviour expected of City Councillors; and*
 - *a pledge to re-commit himself to respect the Code of Conduct he has previously sworn to uphold.*

Link to Integrity Commissioner Report:

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-18977.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2009-1-council.pdf>

On April 23 and 24, 2007, Council received for information a report from the Integrity Commissioner that a Councillor had breached the Code of Conduct by leaving a voice mail message on a Member of Parliament's voice mail, alleging that another candidate for municipal election was under police investigation, when this was not the case. The Integrity Commissioner recommended that Council require the Councillor to apologize, failing which, a reprimand ought to be imposed. Council did not adopt the proposed sanction.

Link to Integrity Commissioner Report:

<http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/cc7.1.pdf>

Link to Decision of Council:

<http://www.toronto.ca/integrity/pdf/2007-4-council.pdf>

Reports on Dismissed Complaints

On January 31, February 1 and 2, 2006, Council received a report from the Integrity Commissioner. A member of the public complained that she/he had been treated unfairly by a Councillor during a Community Council meeting. On investigating the matter, the Integrity Commissioner concluded that although there had been a terse exchange over the citizen's objection to the proposal under consideration, none of the witnesses, including the complainant, described it as "abusive. The witnesses interviewed saw the Councillor's comments as being in keeping with "the usual staple of political debate in a democratic forum." Without the benefit of a recording and given the different descriptions of what had taken place, the Integrity Commissioner was not prepared to make a finding that there had been a breach of the Code of Conduct.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-j-07b-complaint-1.pdf>

Link to Decision of Council:

<http://www.toronto.ca/integrity/pdf/2006-5-council.pdf>

On January 31, February 1 and 2, 2006, Council received a report from the Integrity Commissioner. A member of the public complained that she/he had been treated abusively by a Councillor during a Community Council meeting. On investigating the matter, the Integrity Commissioner concluded that although the Councillor "pushed the complainant hard on her/his status to represent the community group of which he/she was the designated spokesperson" and as "hard-nosed" and "aggressive" the Councillor's behaviour was not found to be either abusive or harassing to the point of unfairness. Without the benefit of a recording and given the varied descriptions of the behaviour, the Integrity Commissioner was not prepared to make a finding that there had been a breach of the Code of Conduct.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-j-08t-t1-complaint-2.pdf>

Link to Decision of Council:

<http://www.toronto.ca/integrity/pdf/2006-4-council.pdf>

On January 31, 2006, Council received a report from the Integrity Commissioner. It was alleged that the Councillor had breached Article XIV of the Code of Conduct by supporting his executive assistant in the appointment process at Scarborough Community Council for the temporary position of Councillor for Ward 41. The Council seat had been vacated after the Councillor for Ward 41 to the provincial legislature. In accordance with City policy, the employee who applied to be appointed took an unpaid leave of absence to pursue the appointment. The Integrity Commissioner reviewed the relevant legislation and policies and concluded that nothing prohibited a Councillor from supporting the candidacy of a staff member in these circumstances and there had been no breach of the Code of Conduct.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/s-g-jan06-gajraj-soknacki.pdf>

Link to Council Minutes:

<http://www.toronto.ca/legdocs/2006/minutes/council/cc060131sp.pdf>

On July 19, 2005, Council received a report from the Integrity Commissioner on a complaint of discreditable conduct by a Councillor who was acting as Chair of a Committee of Council, The Councillor was alleged to have refused to allow a member of the public to address the Committee. Investigation established that the Chair had acted on legally accurate advice from staff and had applied a similar ruling to other groups. The complaint was dismissed.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-report-complaint3.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2005-6-council.pdf>

On July 19, 2005, Council received a report from the Integrity Commissioner on a complaint of discreditable conduct by Councillor towards a member of the public. The Councillor allegedly made a remark which the complainant interpreted as biased and hostile. The remark was ambiguous and capable of more than one interpretation. During the investigation, the Councillor offered to meet with the complainant to explain the intention behind the remark. This offer was refused. The complaint was dismissed.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-report-complaint2.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2005-7-council.pdf>

On July 19, 2005, Council received a report from the Integrity Commissioner on a complaint of discreditable conduct by Councillor towards a member of the public. The member of the public complained that the Councillor had not taken action on a matter and that during a telephone conversation had spoken to him/her in an abusive manner. The Councillor provided information concerning the actions taken on behalf of the complainant, and denied speaking abusively to him/her. The constituency assistant to the Councillor who had been involved in the call confirmed that there had been no abusive language used. The complaint was dismissed.

Link to the Report of the Integrity Commissioner:

<http://www.toronto.ca/integrity/pdf/nom-report-complaint1.pdf>

Link to Council Decision:

<http://www.toronto.ca/integrity/pdf/2005-8-council.pdf>

XV. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, members of Council are required to observe the terms of all policies and procedures established by City Council.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

Failure to Adhere to Council Policies and Procedures: Samples of Advice from the Integrity Commissioner

Q. May a Councillor provide a letter of reference for a member of his/her ward who is seeking employment with the City of Toronto?

A. According to the reference policy adopted by Council on July 25, 26 and 27, Councillors should only provide references for a position or office with the City of Toronto where the Councillor has had a “relevant relationship” with the person requesting the reference, either as an employer, a teacher or some other relationship that would provide them with the experience and ability to provide a reference. The principle in play is to ensure that the Councillor's function is as a knowledgeable reference and not as a person of influence, who is using their title, or position, to provide an advantage to a candidate for a position.

Council Policies

Councillor Expense Policy:

Note: Amendments to this policy were made by Council on July 11, 12 and 13, 2012. A new version is pending. For information, please contact the office of the Integrity Commissioner directly.

http://www.toronto.ca/city_council/pdf/councillor-expense-policy.pdf

City Council's Council Member-Organized Community Events Policy:

<http://www.toronto.ca/integrity/pdf/council-org-comm-events-policy.pdf>

Provision of Reference Letters Policy:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060725/pofcl017a.pdf>

Hiring of Relatives Policy:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060523/pof4rpt/cl001.pdf>

Participation in the Procurement Process Policy

http://insideto.toronto.ca/purchasing/pdf/policy_access_to_info.pdf

City of Toronto Corporate Identity Policy

http://insideto.toronto.ca/cip/assets/pdf/1_5identitypolicy.pdf

XVI. REPRISALS AND OBSTRUCTION

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

XVII. ACTING ON ADVICE OF INTEGRITY COMMISSIONER

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

XVIII. COMPLIANCE WITH THE CODE OF CONDUCT

Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, subsection 160(5) of the *City of Toronto Act, 2006*, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Conduct*:

1. A reprimand; or
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

Other Actions

The Integrity Commissioner may also recommend that Council or a local board (restricted definition) take the following actions:

1. Removal from membership of a Committee or local board (restricted definition).
2. Removal as Chair of a Committee or local board (restricted definition).
3. Repayment or reimbursement of moneys received.
4. Return of property or reimbursement of its value.
5. A request for an apology to Council, the complainant, or both.