

Toronto Local Appeal Body Orientation Program

Valerie Jepson, Integrity Commissioner

February 10, 2017

Scarborough Civic Centre Committee Room 1,
150 Borough Drive

Outline

1. Role of the Integrity Commissioner.
2. Discussion of the standards of conduct.
3. Relationship with City Council.
4. Scenarios.



INTEGRITY
COMMISSIONER



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 standards of conduct.
 - Education and Outreach to all entities within jurisdiction.
 - Policy advice to City Council as a whole or local boards, upon request.
 - Investigations in accordance with the complaint protocol into allegations that a standard of conduct has not been met.

Main

Members of City Council

Members of Local Boards
(Restricted Definition)

Members of Adjudicative Boards

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Standards of Conduct for Members of Adjudicative Boards

The public expects the highest standards of conduct from citizen members who are appointed to adjudicative boards by Council. The standards have been written down in the Code of Conduct for Members of Adjudicative Boards.

It is not always easy to know how to act properly and in accordance with the high standards. The Integrity Commissioner is available to members of Adjudicative Boards to answer questions and provide advice about meeting the standards.

It is a sign of strength to ask questions and seek advice about meeting the high standards of conduct expected by the public.

Adjudicative Board appointees can seek advice by calling or emailing the Integrity Commissioner or her Office as follows:

Code of Conduct

[Code of Conduct for Members of Adjudicative Boards, City of Toronto](#)

The Code of Conduct for Members of Adjudicative Boards is a modified version of the Code of Conduct for Members of Council. It is applicable to all members of the quasi-judicial boards of the City which include the Committee of Adjustment, Committee of Revision; Property Standards Committee/Fence Viewers; Rooming House Licensing Commissioner; Toronto Licensing Tribunal and Sign Variance Committee.

Sources of the Standards of Conduct

- Code of Conduct
 - Approved by Council, applicable to appointees of all Adjudicative Boards
- *Municipal Conflict of Interest Act*
 - Provincial legislation applicable to all municipalities in Ontario
 - Deals with voting at meetings
 - IC can provide general advice but not legal advice
- 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 for Members of Adjudicative Boards



- The Toronto Local Appeal Body is an Adjudicative Board.
- A unique Code of Conduct for Adjudicative Boards was adopted in July 2008.
- Modelled after the main Code of Conduct for Members of Council.
- Available on the website of the Office of the Integrity Commissioner
www.toronto.ca/integrity.

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

Key Code of Conduct Provisions

- Members cannot accept **gifts or benefits** connected directly or indirectly with duties unless an exception applies. (Article IV)
- Members must preserve **confidential information** and refrain from using it for personal or private gain. (Article V)
- Members must not **communicate** privately with parties or representatives. (Article VI)
- Members shall refer all **media contacts** to the Chair. (Article VII)

Key Code of Conduct Provisions

- Members must ensure **proper use of city property, services and resources.** (Articles VIII and IX)
- Members must use the **influence** of their office only for the exercise of official duties. (Article X)
- Members must not act as a **paid agent** before an agency, board or commission of the City and its committees. (Article XI)
- Members cannot allow **the prospect of their future employment** to detrimentally affect the performance of their duties. (Article XII)

Key Code of Conduct Provisions

- Members must treat staff, each other and the parties with **respect and act with decorum.** (Articles XIV and XVII)
- There can be **no lobbying** of members in relation to matters that are before or will come before the Toronto Local Appeal Body. (Article XV)
- Members must **adhere to board and city policies.** (Article XVIII)

Key Code of Conduct Provisions

- **Independent Nature of Adjudicative Boards (Article XVI)**
 - Boards are arms-length, quasi-judicial in nature.
 - Members should refrain from seeking advice about their roles from members of City Council.
 - Members should not request Community Councils or other legislative bodies to intervene on applications considered by the Toronto Local Appeal Body.

Seek advice:

Contact Valerie Jepson at 416.397.7770 or vjepson@toronto.ca

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Information Bulletins for Members of Adjudicative Boards

Below are Information Bulletins for Members of Adjudicative Boards published by the Office of the Integrity Commissioner.

Information Bulletins

Procedures for Adjudicative Board Reports

[August 2016 - Receiving Integrity Commissioner Reports about Code of Conduct Matters](#)

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Interpretation Bulletins for Members of Adjudicative Boards

Below are Interpretation Bulletins for Members of Adjudicative Boards published by the Office of the Integrity Commissioner.

Interpretation Bulletins

Social Media

[May 2016 - Use of Social Media by Members of Adjudicative Boards](#)

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Interpretation Bulletin
Code of Conduct for Members of Adjudicative Boards

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.

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Information Bulletin
Local Boards (Restricted Definition)

Receiving Integrity Commissioner Reports about Code of Conduct Matters

Background

Under Part B, section 6 of the *Code of Conduct Complaint Protocol for Members of Local Boards (Restricted Definition) Including Adjudicative Boards*, the Integrity Commissioner may report to a local board (restricted definition) (including adjudicative boards) about a formal complaint regarding a board member's conduct.

Procedures

1. When the Commissioner wishes to report to a board about a formal complaint, the Commissioner will provide the report to the Chair and the person responsible for preparing the board's agendas. If necessary, the Commissioner may provide the report to board members directly.
2. The person responsible for preparing the board's agenda should place the Commissioner's report on the agenda for the next board meeting and should post or circulate the report as an ordinary agenda item in accordance with the board's procedural rules.
3. Consideration of the Commissioner's report is part of the board's regular, open meeting.
4. The Commissioner's report may include recommendations. Board members should be prepared to consider and vote on the Commissioner's recommendations. The board should follow its ordinary procedural rules when considering the report.
5. The Commissioner will attend the board meeting to answer questions from members of the board.
6. The board's decision about the Commissioner's report should be included in the board's minutes.

Cooling off period (Lobbying Bylaw s.140-9)

- Former senior public office holders shall not lobby current public office holders during the 12 months after the date he or she ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health.

Note

- These slides provide a high level overview of the standards of conduct but do not replace or modify the Code of Conduct.

Councillor Conduct in Relation to the Toronto Local Appeal Body

Advice to Council (2016 Report):

- Members of City Council and their staff should not have any discussions with any member of the TLAB.
- Members of City Council and their staff should not appear before or make representations of any kind to the TLAB in relation to a specific matter.

Councillor Conduct in Relation to the Toronto Local Appeal Body

- Members of City Council may represent the public and advance the well-being of the City as it relates to matters that come before the TLAB by participating in decisions about whether the City should take positions for or against matters at the TLAB.
- Members of Council and their staff may provide information to the community about matters coming before the TLAB and about the TLAB's policies, procedures and processes. When communicating about the TLAB members of Council should use care to enhance the public's awareness that the TLAB is independent from City Council and the City Planning Division.
- Next steps?

Scenarios

- After concluding a hearing, you return to your car. The applicant 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.
 - Are you prepared to handle this situation? How?
- A staff person from a Councillor's office makes submissions before you during a hearing. You run into the staff member the following day in the cafeteria.
 - Can you speak to the staffer? What parts of the Code of Conduct can guide your actions?

Our common goals

- Improve public administration.
- Protect the reputation and integrity of the City of Toronto.
- Protect the reputation and integrity of the Toronto Local Appeal Body.
- Increase trust in Toronto's local government and respect for public service.

Practical tips

- Seek advice: Article XX of the Code states, “Any written advice given by the IC to a member binds the IC in any subsequent consideration of the conduct of the member in the same manner as long as all the relevant facts known to the member were disclosed to the IC.”
- Help your colleagues by pointing out possible issues in a respectful way. Listen to your colleagues and seek advice.

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Thank you for your attention.
Let's stay in touch.

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