

# EXAMPLES OF ADVICE

## From the Integrity Commissioner



**1** A Member of Council has been asked by a community organization to sell tickets for an upcoming fundraising event, with all proceeds going to the not for profit activity.

It was the Commissioner's opinion that the Member should not accept tickets for events, the acceptance of which is based on the understanding that the Member will "sell" tickets or blocks of tickets for the event organizer or group. In June 2017, the Council Expenditure and Code of Conduct Task Force Chair, Councillor Marilyn Iafate, submitted on behalf of the Task Force, amendments to the Code, which included a codified version of the recommendations by the Integrity Commissioner that Members not "sell" fundraising tickets on behalf of a group.

**2** A Member wanted to use their Councillor Expense budget for distribution of their Councillor newsletter in a local newspaper.

It was the Commissioner's advice that any action that a Councillor carries out must be made with a view to upholding the key principles that underpin the Code of Conduct, which are:

- To serve and be seen to serve your constituents in a diligent manner;
- Performing your functions with integrity and transparency
- Not to extend or be perceived to extend preferential treatment to family, groups of friends that you would not extend to all other residents of the City

In keeping with the principles of the Code, a Councillor's newsletter should not be a veiled attempt to promote oneself. Communication by way of a Councillor Newsletter, through any media, should follow the format and contain the content of Councillor/City business or relevant regional business, as a means of informing the community.

Based on the information provided to the Commissioner, the fact that the newspaper distribution boundaries are not the same as the Ward boundaries, is relevant. However, the possibility that some may suggest a Ward Councillor should only provide their Newsletter to their Ward residents is not a consideration that supersedes the overarching Code principle at play here, which is serving a Member's constituents in a conscientious manner by communicating and informing them of relevant City/Regional business in the most cost-effective way.

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**3** A Member was asked by residents in their community to host a community Movie Night. The Member asked the Commissioner if they could use their elected official title to promote the community Movie Night.

The Commissioner advised that this was a permissible activity under the Code. Rule 2.3 of the Code of Conduct allows Members to lend their support to and encourage, community donations to not-for-profits groups. Further, rule 2.3 of the Code states that nothing included herein affects the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy section relating to Community Expense Events...
- ii. ...
- iii. ...
- iv. Collaborate with the City of Vaughan and its agencies to hold community events as long as a member does not handle any funds on behalf of any charitable organization or Community group and remains at arm's length from the financial aspects of these community and external events.

**4** A Member was provided with 2 tickets to a fundraising gala. The Member will not be attending but will be giving the tickets to family members. Is there still a Code obligation to declare the receipt of a gift?

Rule 2 of the Code, is the only rule that deems the actions of a family member to be that of the Member. Rule 2 states "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.

As a result, if a Member of Council receives a gift or benefit (in this case, tickets to a fundraising dinner) and the Member's spouse attends, for the purposes of the Code, the gift is seen to have been provided to the Member. If the value of the tickets exceeds the Code threshold, the Member is required to complete a Councillor Information Statement and submit the declaration to the Integrity Commissioner.

**5** A Member and their family attended the opening event for a new restaurant in the Member's ward. The Member did not incur any cost at the event. The Member asked the Commissioner if the meals should be declared as a gift under Rule 2 of the Code.

It was the Commissioner's advice that as the restaurant is in the Member's ward, provided that the value of the dinner was reasonable and this was the first such invitation the Member received from the restaurant, the event falls under the recognized exception, as outline in rule 2(g) of the Code: (g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:

1. attendance serves a legitimate public duty purpose; and
2. the value is reasonable and the invitations infrequent.

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**6** A community organization is applying for funding from a government agency, and has asked a Member of Council to write a letter in support of its application. The Member asked the Integrity Commissioner if writing a letter of support would constitute an improper use of influence or otherwise contravene the Code of Conduct for Members of Council.

It was the Commissioner's opinion that since the agency was a quasi-judicial body, writing letters of support or recommendation on behalf of a community organization could be viewed as an improper use of influence of office. A general letter could be provided if the letter was written in such a way that it could not be construed that the Member was seeking preferential treatment from the agency decision makers as a result of the Member's official City status and if the Member limits their comments to stating that: the organization has been operating in Vaughan/partnering with Vaughan for a number of years and has been a vital part of the community or that the organization has successfully completed work under contract at the City stating the year, duration and nature of the work.

**7** A Member was asked by a constituent group to meet regarding a matter that was under the jurisdiction of an agency of another level of government.

The Commissioner advised that a Member can meet with constituents to discuss Ward matters. However, the Member should be careful to not give the impression that she/he has the authority to take further steps as an individual Member of Council, to further the constituents' cause. An individual Members of Council should not intervene on matters at another level of government that have an established process or procedure. The Commissioner advised that if allowed under the City's procedural by-law, the Member may consider raising the issue at an appropriate Committee of Council for discussion by Council.

**8** A Member was invited by an organization to attend an educational trip. The invitation was extended to women in politics at different levels of government with the purpose of encouraging women to consider participating in public office.

It was the Commissioner's opinion that accepting the gift fell within recognized exception of rule 2(f) of the Code, which states the exception to the prohibition of the acceptance of gifts and allows:

(f) food, lodging, transportation...provided by provincial. Regional and local governments or political subdivisions of them...or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event