

**INTEGRITY COMMISSIONER RECOMMENDATIONS ON AMENDMENTS TO RULES 2, 3 10 AND 14 OF THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

**Recommendation**

The Integrity Commissioner recommends:

1. That the definitions as outlined in Attachment 1 be included in the Code;
2. That the language in the Code and the language contained in any amendments to the Councillor Expense Policy provisions in relation Council authorized events, be aligned;
3. That the caption to Rule 2.1 to address all Member-organized or sponsored community events under Rule 2.3 of the Code, as outlined in Attachment 1, be added to the Code;
4. That the caption to Rule 10 as outlined in Attachment 1, be added to the Code;
5. That the following be added to Rule 3 Confidential Information of the Code:

Members of Council must not post content on social media that discloses confidential information or information that was discussed or distributed in camera or other confidential meetings; and

6. That the following be added to Rule 14 Harassment of the Code:

The City shall forward any harassment complaint received against Members of Council, to the Integrity Commissioner and advise the complainant of this requirement.

**Contribution to Sustainability**

The Integrity Commissioner recommendations contribute to the City of Vaughan's commitment to the accountability provisions of the *Municipal Act*, 2001, Part V.1

**Economic Impact**

There is no economic impact associated with this report.

**Communications Plan**

N/A

**Purpose**

To provide the Code of Conduct Review Task Force with recommended amendments to Rules 2, 3, 10 and 14 of the Code of Conduct for Members of Council ( the "Code").

**Background - Analysis and Options**

At the February 28, 2017 Code of Conduct Review Task Force meeting, Members requested that the Integrity Commissioner bring back recommendations on amendments to Rules 2, 3 10 and 14 of the Code of Conduct for Members of Council.

### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

This report supports the following priority set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to advance a culture of excellence in governance

### **Regional Implications**

No regional implications

### **Conclusion**

The City policies and/or rules of the Code cannot develop an exhaustive list of what actions are allowable or not for the purposes of adherence to the Rules of the Code. It is a recognized principle of accountability regimes that the ethical decision-making is left up to the individual Member of Council who must balance the needs of the community against the key principles contained in Rule 1 of the Code, to determine the most appropriate actions.

The recommendations contained in this report will give greater clarity to Members of Council on what they should consider in order to comply with the Rules of the Code.

### **Attachments**

1. Integrity Commissioner's comments and recommended Amendments to the Code of Conduct.

### **Report prepared by:**

Suzanne Craig, Integrity Commissioner

Respectfully submitted,

Suzanne Craig

## **RECOMMENDED AMENDMENTS TO THE CODE OF ETHICAL CONDUCT**

In order to enhance transparency and avoid any real or perceived personal gain, it is the responsibility of individual Members of Council to take a principle view of Code and apply the key principles to their proposed actions. The City policies and/or rules of the Code cannot develop an exhaustive list of what is allowable or not for the purposes of the Code, but rather ethical decision-making is left up to the individual Member of Council to balance the needs of the community against the key principles contained in Rule 1 of the Code, to determine if the actions they are considering are of the highest ethical ideals and will bear the closest public scrutiny.

The role of the Integrity Commissioner is not to determine how a Member best serves his or her community, what format of communication should be used and in what activities he or she should participate. The role of the Commissioner is to apply the Code to the day to day situations of Members through a textual and intentional application of the rules.

**Recommendation 1:** To provide clarity for Members of Council, it is recommended that the Task Force include:

### **Definitions:**

- in the Code of Conduct – Definitions, a definition of *official capacity* and *official event*, and
  - 7. *Official capacity*: means, in the exercise of the role directly related to the “official duties”:
  - 8. *Official duties*: means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the City’s jurisdiction, and which are done for the purpose of providing good government with respect to those matters.
  - 9. *Official event*: means where Council has authorized or endorsed an event.
  - 10. *Member Hosted Social Community Event*: means an event organized by a Member of Council for the community. If the Council Member is raising funds, receiving donations, services-in-kind or goods-in-kind, the event should be authorized or endorsed by Council (Rule 2.1 (j)) and in accordance with Attachment 2: of the October 27, 2016 Council Expenditure and Code of Conduct Task Force – Standard Operating Procedure: Member Hosted Social Community Events.
  - 11. *Member Sponsored Social Community Event*: means an event organized by a charitable group, other organization, or residents in the community or a Ward.

- in the Code of Conduct - Rule 2. Gifts and Benefits - Commentary

### **Rule 2. Gifts and Benefits:**

#### **Commentary:**

*Community support and fundraising in the City of Vaughan, like all Ontario municipalities must strike a balance between accommodating a valuable social function and the potential or perceived risk to Members’ integrity and the perception that donations are being given to curry favour to extend special consideration, treatment or advantage in future dealings with the City.*

*Acceptance of tickets to a community or other event is an allowable activity under the Code. If the attendance is not part of the Member’s official duties or is at an official event, the acceptance of*

*the ticket(s) will engage the requirements of the Councillor Information Statement set out in Rule 2.1.*

*Members cannot accept tickets for events, the acceptance of which is based on the understanding that the Member will “sell” tables or blocks of tickets for the event organizer or group.*

**Recommendation 2:** It is recommended that the Task Force align the language in the Code with the language contained in the amendments to the Councillor Expense Policy provisions in relation Council authorized events.

To provide greater clarity, it is recommended that the Task Force add the below captioned to Rule 2.1 to address all Member-organized or sponsored community events under Rule 2.3 of the Code.

**Rule 2.1 (k)**

A Member of Council may use her or his office expense budget for Councillor activities or community events subject to the terms of Attachments 1, 2 and 3 of the October 27, 2016 Council Expenditure and Code of Conduct Task Force Report

The use of the Member's title in the event name is allowable if requested by the group or organization or residents. However, the display of banners or the distribution of other items with the Member's image is not an allowable activity.

**Recommendation 3:** It is recommended that the Task Force include in the Code of Conduct, the below captioned addition to Rule 2.3.

**Rule 2.3**

A Member shall not provide gifts or donations (i.e. Pizza, or other food items, or otherwise) to a *Member Hosted Social Community Event* or *Member Sponsored Social Community Event* except in accordance with Attachments 1, 2, and 3 of the October 27, 2016 Council Expenditure and Code of Conduct Task Force Report.

Given the existence of the Lobbyist Registry, there should be language regarding acceptance of support in any form from applicants with any pending planning conversion, demolition or variance application, where the Member of Council is aware that the individual has a matter pending before Council for which a decision of the City must be made. (Lobbying provision).

**Rule 2.4**

Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff. Before accepting any donation, A Member of Council shall confirm whether or not the donor is registered in the Lobbyist Registry. If the sponsor or donor is registered in the Lobbyist Registry, the donation must be declined.

**Recommendation 4:** It is recommended that the Task Force include in the Code of Conduct the below captioned Commentary to Rule 10:

## **Rule 10**

### Commentary

*Council Member social media use has the potential to trigger several rules of the Code. While a personal Facebook page or Twitter handle allows a Member to have a private profile distinct from their City of Vaughan sites, using a Member's official title, official contact information, the City of Vaughan logo or other resources of the City will engage the application of the Code of Conduct.*

*In relation to Rule 2 Gifts and Benefits, a Member is prohibited from posting the following:*

- a) content that promotes or appears to promote a third-party interest, products, services or goods;*
- b) content that promotes any candidate or political party in any election at the municipal, federal or provincial level, including leadership campaigns.*

*However, it is recognized that Members of Council have representative duties and therefore, regularly participate in local events and activities with constituents, including local businesses. It is therefore, allowable for Members of Council to use their City of Vaughan social media to inform residents about federal, provincial and City initiatives.*

*Therefore, the following are allowable posts on social media:*

- a) content that raises awareness of local events and activities, including if there is a visiting official from another jurisdiction or a political party, if the official is participating in the local event;*
- b) content that raises awareness of federal and provincial government programs;*
- c) content that publicizes the Member's attendance at a ceremony, event or activity that is otherwise permissible under the Code of Conduct;*
- d) content that publicizes the member's interactions with constituents, including local businesses.*

**Recommendation 5:** The Integrity Commissioner recommends the following addition to Rule 3 of the Code of Conduct. Given the immediacy of social media and its ease of access, the Code Rule commentary should include language around Members of Council not using social media in any form during *in camera* or other confidential meetings.

## **Rule 3 Confidential Information:**

Members of Council must not post content on social media that discloses confidential information or information that was discussed or distributed *in camera* or other confidential meetings.

## **Recommendation 6:**

### **Rule 14 Harassment:**

4. The City shall forward any harassment complaint received against Members of Council, to the Integrity Commissioner and advise the complainant of this requirement.