

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 34, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

34 INTEGRITY COMMISSIONER'S OFFICE ANNUAL REPORT 2012

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Integrity Commissioner, dated June 18, 2013:

Recommendation

The Integrity Commissioner recommendations:

- 1) That the attached report be received by Council for information.

Contribution to Sustainability

N/A

Economic Impact

N/A

Communications Plan

Members of Council have received copies of the attached report. In addition, the report has been placed on the public agenda of the Committee of the Whole meeting scheduled for June 18, 2013 and this staff report has been posted on the City of Vaughan's public website.

Purpose

To report to City Council on the activities of the Integrity Commissioner's Office for the period January 1, 2012 – December 31, 2012

Background - Analysis and Options

As part of the role of the Integrity Commissioner and to ensure transparency, an annual report shall be submitted to City Council to outline the annual activities of the office.

Relationship to Vaughan Vision 2020/Strategic Plan

This report conforms with the Vaughan Vision 2020/Strategic Plan in relation to accountability and transparency in municipal government.

Regional Implications

There are no Regional implications to the recommendations contained in this report.

Attachments

Appendix A – Letter to Hon. Mayor Maurizio Bevilacqua
Appendix B – Integrity Commissioner Annual Report

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 34, CW Report No. 32 – Page 2

Report prepared by:

Suzanne Craig
Integrity Commissioner

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

COMMITTEE OF THE WHOLE JUNE 18, 2013

INTEGRITY COMMISSIONER'S OFFICE ANNUAL REPORT 2012

Recommendation

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Appendix A – Letter to Hon. Mayor Maurizio Bevilacqua
Appendix B – Integrity Commissioner Annual Report

Report prepared by:

Suzanne Craig
Integrity Commissioner

Respectfully submitted,

Suzanne Craig
Integrity Commissioner



June 5, 2013

The Honourable Mayor Maurizio Bevilacqua
Members of Vaughan City Council
City of Vaughan
Vaughan, Ontario

I present to you the Office of the Integrity Commissioner Annual Report 2012 which covers the period January 1, 2012 to December 31, 2012.

Respectfully,

Suzanne Craig
Integrity Commissioner

Office of the Integrity Commissioner's Annual Report -2012

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Commissioner's Remarks

This is the third Annual Report submitted to City Council since I was appointed as Integrity Commissioner for the City of Vaughan in April 2009. It covers the period January 1, 2012 to December 31, 2012.

The Office of the Integrity Commissioner was established in 2008 with the view to developing rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct. The Code of Ethical Conduct for Members of Vaughan City Council (the "Code") came into force on November 2, 2009. The Code has been developed on the basis of the Members Integrity Act of the Province of Ontario, as well as the Code of Conduct for the City of Toronto, which established the first municipal Integrity Commissioner Office in Ontario in 2004. As Vaughan's Integrity Commissioner, I have been asked by numerous jurisdictions to provide expert commentary on the development or enhancement of their Codes of Conduct, as well as, on the development of best practices in creating a culture of ethics and accountability at the municipal level in Ontario.

The mandate of the Integrity Commissioner is to ensure that the code of behaviour and ethics governing elected officials is objectively and effectively applied, which may include:

- Conducting inquiries into requests made by a member of the public, Council, or a Member of Council, into whether a Member of Council has contravened any applicable code of conduct;
- Providing written and oral advice to individual Members of Council about their own situation under the Code and other policies and protocols governing the ethical behaviour of Council;
- Publishing an annual report on the work of the Office of the Integrity Commissioner, including in general terms, the advice rendered and complaints received and disposed of; and
- Providing general advice to Members of Council and City of Vaughan senior administrative staff on issues of ethics and integrity including codes of conduct, policies, protocols and office procedures, and emphasizing the importance of ethics for public confidence in municipal government as part of building an ethical and accountable culture at City Hall.

The Office continues to provide advice and recommendations to Members of Council regarding the application of the Code as a proactive mechanism to avoid conflicts with the Code rules and allow Members to govern their actions such that they engage in activities that will foster and enhance respect for government and above all, demonstrate respect for members of the public. In addition, this Office has continued to provide information to members of the public regarding what actions of Members of Council are covered by Code rules.

I have continued to attend the bi-annual meetings of the municipal Integrity Commissioner of Ontario. There are currently approximately 22 municipal governments that have appointed an Integrity Commissioner and Vaughan was the second municipality in Ontario to create an ethics document and officer.

I would like to take the opportunity to again acknowledge the invaluable contribution to this Office of my Executive Assistant Cathy Passafiume. In December, 2012, Ms. Passafiume joined the City's administration in a new role at the Civic Centre. Her warmth, professionalism and dedication will be sincerely missed by me, however, I rest assured in the knowledge that the City of Vaughan remains an organization where people matter and Cathy Passafiume will be a most valuable addition to the enthusiastic staff in their commitment to excellence for the City of Vaughan.

Activities of the Office of the Integrity Commissioner: January 1, 2012 – December 31, 2012

The Office received 4 informal complaints under the Code rules. It is significant to note that there were no formal complaints filed against any Members of Council under the Code in 2012. In addition, the services of the Office were employed in providing information, advice and recommendations on Code compliance to members of the public, City staff and Members of Council.

In 2012, I received 78 inquiries from the public, 27, inquiries from City staff and 56 inquiries from Members of Council. This activity represented an increase of just over 10% in the number of inquiries that the Office received in relation to the rules regarding the application of the Code in the previous year. While the number of inquiries from the public may have increased in 2012, this number remains significantly less than the number received in 2009-10 when the Code was first enacted (205 inquiries from the public).

TABLE 1
Office of the Integrity Commissioner Code Activities
Code Complaints and Inquiries

	2009-2010 – previous Council	2011	2012
Formal complaints	11	0	0
Informal complaints	21	0	4
Inquiries on Code application			
From the public	205	39	78
From City staff	37	33	27
From Members of Council	51	72	56
Total Code-related	325	144	165

TABLE 2
Members of Council
Advice Requested

	2011	2012
Informal opinions to Members	62	44
Formal opinions to Members	10	12
Total	72	56

Statement of Expenditures

2012	
Salaries and Benefits	148,130 *
Membership/Fees	0
Meals	0
Training and Development	0
Seminars and Workshops	0
Office Supplies	599
Computer Supplies	0
Computer Hardware	0
Copier-Fax Supplies	0
Copier/Fax Lease	2,941
Cellular Hardware	81
Equipment	
Long Distance/Conferencing	0
Printing(internal)	384
Professional Fees	0
Cellular Line Changes	1,867
Sundry Expenses	0
Office Lease	20,587
Total	174,589

*Total for Integrity Commissioner and Administrative Assistant

Jurisdiction: Education and Outreach

The Code of Ethical Conduct (the “Code”) applies to the Mayor and all Members of Council. The mandate of the Integrity Commissioner is to ensure that the rules of the Code governing elected public officials are objectively communicated and applied.

Section 6 of the Complaint Protocol for the Code of Ethical Conduct outlines the direction that the Integrity Commissioner takes when a complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Ethical Conduct.

Although section 6 (3) of the Complaint Protocol indicates that the Integrity Commissioner shall advise a complainant that matters not relating to Code compliance will not be subject of a complaint investigation, the Office continues to receive inquiries that do not fall within the mandate of the Integrity Commissioner’s authority. In response to queries or complaints from the public or staff relating to the City’s administration, I have advised that the Integrity Commissioner’s jurisdiction is limited to the application of the rules of the Code.

A significant portion of the duties of this Office in relation to ensuring that the rules of the Code are objectively communicated related to questions from Members of Council. An analysis of the questions received demonstrates that Members have an informed understanding of the foundational rules of the Code. As new situations arise, in the changing environment of the City, generally speaking, Members have risen to the challenge of ensuring that they seek input from this Office prior to making decisions regarding their day-to-day official duties.

While the punitive element of a Code is not to be overlooked, the real strength of an ethics document can be seen in how effectively it is utilized by stakeholders to ensure the intended outcomes are achieved. The Code’s introduction states that:

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

...

It is the purpose this *Code* to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognizing Members’ accountability for managing City resources allocated to them.

Every jurisdiction is unique in its vision and operational needs. As stated by the Integrity Commissioner of Ontario in her 2010 Annual Report, “[i]ncreasing awareness of the Integrity Commissioner’s work can contribute to confidence in government”. The City of Vaughan Council, under the leadership of Mayor Bevilacqua, has demonstrated a sincere desire to realize the full potential of the City through their commitment to change through conviction and integrity.

While the competing interests of a City often give rise to challenging situations and the need to make difficult decisions, from the perspective of maintaining high standards of ethical conduct, the City of Vaughan's Code of Ethical Conduct continues to be viewed as a benchmark document in Ontario

Sample Comments to Questions from Members of Council

- Q. Can a Member of Council offer to be part of a fundraising prize such as "lunch with the Councillor?"
- A. For the purposes of the Code, there is no prohibition for a Member to "lend their support to and encourage community donations to registered charitable and Not for Profit groups". What this means in the situation of a raffle prize, is that a Member may "lend their support" by agreeing to be at lunch with the winner of the prize "Lunch with ...". as long as the Member does not directly or indirectly manage or control any monies received relating to the charitable organization's fundraising.
- Q. A business in the community had applied for a license to be issued by a regulatory body. Can a Member of Council write a support letter to the regulatory body on behalf of the community business?
- A. The authority to make a decision to grant or not to grant a license, lies with the regulatory body. As a result, a Member of Council should not act as a reference in a government application decision-making process.
- Q. A Member of Council's staff is committed to working with volunteer groups in the community. Is this an appropriate activity under the Code?
- A. A Member's staff continues to be a private citizen though being connected to an elected official's office. As long as the Member's staff conducts the work in the community without using City resources, including time and informs those in the community that he/she is not representing the Member of Council, the Member's staff can continue their volunteer community activity. They should be mindful that should a topic that the volunteer community organization deals with potentially infringe on a matter before Council, they should seek the advice of the Integrity Commissioner.

Closing Remarks

Character:

The qualities that make something clearly different from anything else...

Someone's reputation especially when this shows how honest or reliable they are

MacMillan Dictionary

As the Mayor of Vaughan I have a vision for the city,

I see a City that will be praised for its character and integrity.

Maurizio Bevilacqua, Mayor

This has been a very interesting year in the ambit of municipal government. Many municipal organizations have been the focus of some most eventful occurrences. While I cannot comment on the behavior of Members of other municipal Councils, it has been my personal experience to have observed a high level of decorum at Vaughan City Council.

It is up to Council and not me, to determine how relevant the Code of Conduct will be. My role is to apply the rules of the Code. As I have stated in the past, the absence of formal complaints is not always a measure of Members compliance with the Code. However, it has been my experience that the Members of Vaughan City Council have sought advice on the application of the Code on a regular basis. In short, there has been a continued proactive rather than reactive understanding of the Code. Generally speaking, this activity of seeking to understand their obligations under the Code, in my view, demonstrates the commitment of Members of Council to not only adhere to the rules set by the Code but to also understand the practical application of the same in their day-to-day activities.

There are always exceptions to the rule and it appears that there will be those who will require reminders from time to time, of the imperatives contained in Vaughan's ethics document. However, overall it has been my experience that Members of Council have demonstrated a high level of appreciation for and commitment to the rules of the Code.

Respectfully submitted by:

Suzanne Craig
Integrity Commissioner

Copies of this and other Office of the Integrity Commissioner publications are available by contacting the office at:

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This report is also available in PDF format available at:

http://meetingarchives.vaughan.ca/committee_2013