

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016**

Item 5, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 19, 2016.

**5 INTEGRITY COMMISSIONER'S OFFICE ANNUAL REPORT 2015**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Integrity Commissioner, dated October 5, 2016:

**Recommendation**

The Integrity Commissioner recommends:

1. That the attached report, Integrity Commissioner's Annual Report 2015 be received.

**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 21, 2016 and this staff report has been posted on the City of Vaughan's public website.

**Purpose**

To report the activities of the Integrity Commissioner's Office for the period ending December 31, 2015.

**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**

N/A

**Attachment**

1. Integrity Commissioner's Annual Report 2015

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016**

Item 5, CW Report No. 34 – 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.)

**INTEGRITY COMMISSIONER'S OFFICE ANNUAL REPORT 2015**

**Recommendation**

The Integrity Commissioner Recommends:

1. That the attached report, Integrity Commissioner's Annual Report 2015 be received.

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1. Integrity Commissioner's Annual Report 2015

**Report prepared by:**

Suzanne Craig  
Integrity Commissioner

Respectfully Submitted,

Suzanne Craig  
Integrity Commissioner



# **OFFICE OF THE INTEGRITY COMMISSIONER'S ANNUAL REPORT**

VAUGHAN CITY HALL

**JANUARY 2015 – DECEMBER 2015**

**To: Honourable Maurizio Bevilacqua, Mayor of Vaughan and  
Members of Vaughan City Council I submit this Annual Report  
to the Mayor and Members of Council of the City of Vaughan**

This Report covers the period January 1, 2015 to December 31, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Suzanne Craig', with a stylized, flowing script.

Suzanne Craig  
Integrity Commissioner



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# FOREWORD

This Annual Report was scheduled to be tabled in June 2016. The Report covers the 2015 reporting year, a period in which this Office faced the extraordinary constraint challenge of operating without the necessary and professional administrative support vital to an

effective accountability office while conducting the investigation of a significant Code complaint.<sup>(1)</sup> The lack of an appropriate level of administrative support significantly impeded the timely reporting obligations of this Office.

## 1.1 VAUGHAN AT THE CROSSROADS

### a) A glance at the past, a vision for the future:

2015 marked a decade of change for Vaughan and many other municipalities in Ontario. 10 years ago, the Province of Ontario amended the Municipal Act, adding a new opportunity for increasing the accountability and transparency of municipal councils across the province.

A handful of municipalities quickly took the opportunity to become a more mature level of government, and boldly created offices of local integrity commissioners for their residents.

The City of Toronto was the first out of the gate, primarily because the City of Toronto Act (2006) required the City to add three new accountability officers to the already existing Office of the Auditor General. The additions were the Offices of the Ombudsman, the Lobbyist Registrar and the Integrity Commissioner.<sup>(2)</sup> This brought full circle a process that began in 2004, when Professor David Mullan was appointed as the City of Toronto's Integrity Commissioner, making him the first Integrity Commissioner at the municipal level in Ontario. Professor Mullan deftly navigated the uncharted waters of an independent ethics officer at the municipal level, and created a thoughtful Code of Conduct for Toronto City Council that has served as a model for all the municipal Council Codes that have followed.

The City of Vaughan began an accountability revival in 2008 with the appointment of its first Integrity Commissioner William Weissglas, who began work on the new Code of Conduct.

With my first appointment as Vaughan's Integrity Commissioner, the City used the new accountability provisions in the Municipal Act to create a new oversight mechanism for Council. The now defunct Accountability and Transparency Committee<sup>(3)</sup> took on the difficult but necessary task of holding up a mirror to the activities of the City's Members of Council to develop a Code of Conduct along with an interpretative commentary in order to invite adherence not just to the letter of the law, but also to the intent of accountability rules. Between June and September 2009, the City invited its residents to give their opinion on what worked, what was needed and what didn't work, ushering in a participatory way of doing business and governance at the City of Vaughan.

Vaughan City Council approved the Code of Ethical Conduct for Members in December of 2009. This was the first municipal Code to contain an interpretative commentary to assist in the understanding and application of the rules. Since then, several municipalities have added commentary to their Codes of Conduct adopting the City of Vaughan Code commentary as a model.<sup>(4)</sup>

During the period between 2010 and 2014, the City of Vaughan achieved a position of recognized leadership in the promotion of accountability, transparency and ethical-decision making at the municipal level. As Integrity Commissioner for the City of Vaughan, I welcomed the opportunity and committed myself to building on this extraordinary decision to create an accountability framework, notwithstanding critics who believed that the City once defined as the "City Above Toronto" would remain the "City Above the Law".



## b) Office Operation cost pressures:

The Office of the Integrity Commissioner has been in place since 2008 following the amendments made in 2006 to the Municipal Act 2001. In 2009, Council approved an Office budget to fund a part-time Integrity Commissioner and general office operating costs. General office operating costs included administrative support, general supplies, and external investigative and legal support for Formal Complaints. The Office of the Integrity Commissioner has been located at Tigi Court since the creation of the Office.

Tigi Court was a satellite office for numerous departments during the construction of the current City Hall. When the Office of the Integrity Commissioner was established and located at Tigi Court, the lease payments for the space were paid through the Building and Facilities budget.

At the completion of new City Hall in 2011, City departments relocated to new City Hall and the Office of the Integrity Commissioner remained at Tigi Court. It was decided that due to the confidentiality requirements of the function of the Office, the Tigi Court location would be better equipped to provide this type of office space. Once the move was completed, and the Integrity Commissioner remained at Tigi Court, the lease cost was transferred to the Integrity Commissioner's Office operating budget. The operating budget of the Office was not amended to reflect this additional cost, until May of this year. As has been seen with many Integrity Commissioner offices across Ontario, the precarious funding model, coupled with the absence of adequate indemnification prohibits independence of the office. It is well understood in administrative law that, in order to achieve independence of office and protection from coercion, an accountability officer requires a statutory indemnification provision, in addition to an appointment time-frame that allows for security of tenure.

"...in order to achieve independence of office and protection from coercion, an accountability officer requires a statutory indemnification provision, in addition to an appointment timeframe that allows for security of tenure"

In bringing this operational challenge to the attention of the Administration, I received full support from the City Treasurer and staff in the Finance department in negotiating a more sustainable situation which has led to the positive outcome of full time support to this Office. In addition to these significant issues listed above, a provincial review of the Municipal Act in 2015 resulted in significant changes to the function of municipal integrity commissioners in Ontario.<sup>(5)</sup>

## c) Ongoing issues

"the perception of real or apparent conflicts of interest will significantly erode the public's confidence in how elected officials discharge their duties of office"

In my last Annual Report, I pointed to the activities of Council Members in community events as an issue that required Council's attention. These activities include their participation in fundraising events and in events sponsored by community groups about local issues. I stated that fundraising plays an integral part in the City's support to groups in the community and their ability to respond to local issues. However, I emphasized that the perception of real or apparent conflicts of interest will significantly erode the public's confidence in how elected officials discharge their duties of office.

I also stated in my last Report that given the statutory limitations that the Municipal Act and the City by-laws imposed on the Integrity Commissioner, there is currently no way for me to review or report in detail issues about decisions or omissions about the administration of City Council. However, Bill 8 ushered in a new era of greater municipal accountability on January 1, 2016, by making the Ontario Ombudsman the

default review officer for municipalities in the absence of an appointed local accountability officer.

“Members of the public and staff continue to seek an open, transparent and reprisal-free process for the investigation of complaints about matters outside of my jurisdiction”

Through the work of the Council Expenditure and Code of Conduct Review Task Force, the City has made some advances and Council has begun to address some of the ongoing accountability issues highlighted in my previous Report. However, the September 2015 Internal Audit Report - Anonymous Reporting System found that there still exists on the part of staff, a “reluctance to report due to fear of reprisal”. In addition, my Office continues to receive a significant number of queries and complaints,

the subject of which are beyond the scope of the mandate of my Office. As a result, I have been unable to dedicate time to further develop ethics policy and deliver training, which I believe is an important function of the Office of any Integrity Commissioner.

However, neither the new investigative and oversight powers of the Provincial Ombudsman nor the possibility of a York Regional Ombudsman give the public or City staff in Vaughan a local channel through which they can currently bring forward issues of concern. As a result, these categories of complaints<sup>(6)</sup> continue to come to my Office despite the lack of any legal authority afforded me to investigate them. Members of the public and staff continue to seek an open, transparent and reprisal-free process for the investigation of complaints about matters outside of my jurisdiction.

## 2.1 ACTIVITIES OF THE OFFICE OF THE INTEGRITY COMMISSIONER IN 2015

In 2015, the Office received 14 informal complaints in relation to the Code of Ethical Conduct for Members. There were 4 formal complaints filed against Members of Council under the Code in 2015. In December 2014, my Office received a formal complaint under the Code that took up a significant portion of the resources of the Office. Since Code of conduct Complaint #0114 was submitted in December 2014, it is included in this report. In the period between January and June 2014, leading up to the 2014 election, I received 32 inquiries from the public in relation to the Vaughan Code, 52 inquiries from City staff and 20 inquiries

from Members of Council. This represented a significant increase in the number of inquiries from City staff. This Office received 153 inquiries that were not related to the Code and rejected as beyond the jurisdiction of the Integrity Commissioner. This was up slightly from 147 for 2013. However, the increase is significant when viewed within the context of the reporting timeframe (6 months).<sup>(7)</sup>

## INTEGRITY COMMISSIONER ACTIVITIES CODE COMPLAINTS AND INQUIRIES

Formal complaints

5\*

Informal complaints

14

### Inquiries on Code application

From the public

123

From City staff

80

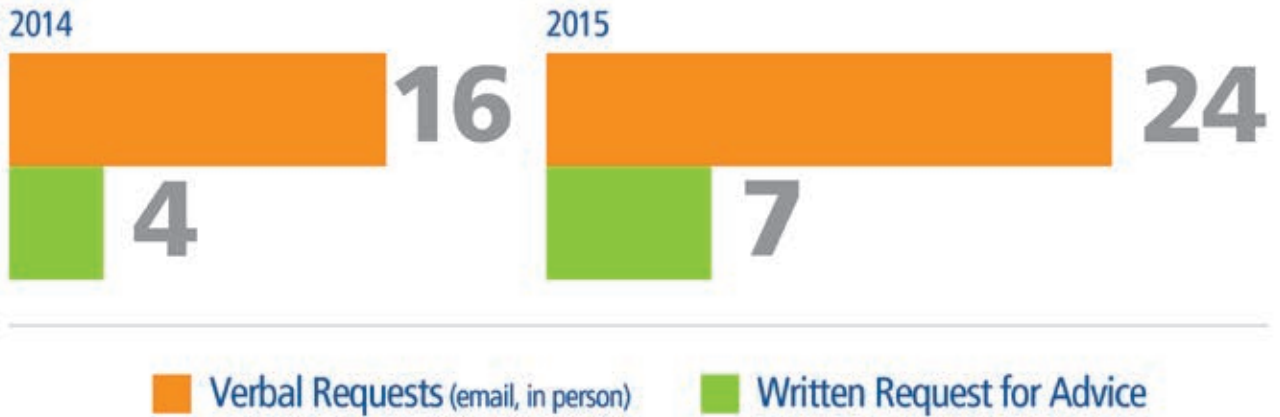
From Members of Council

31

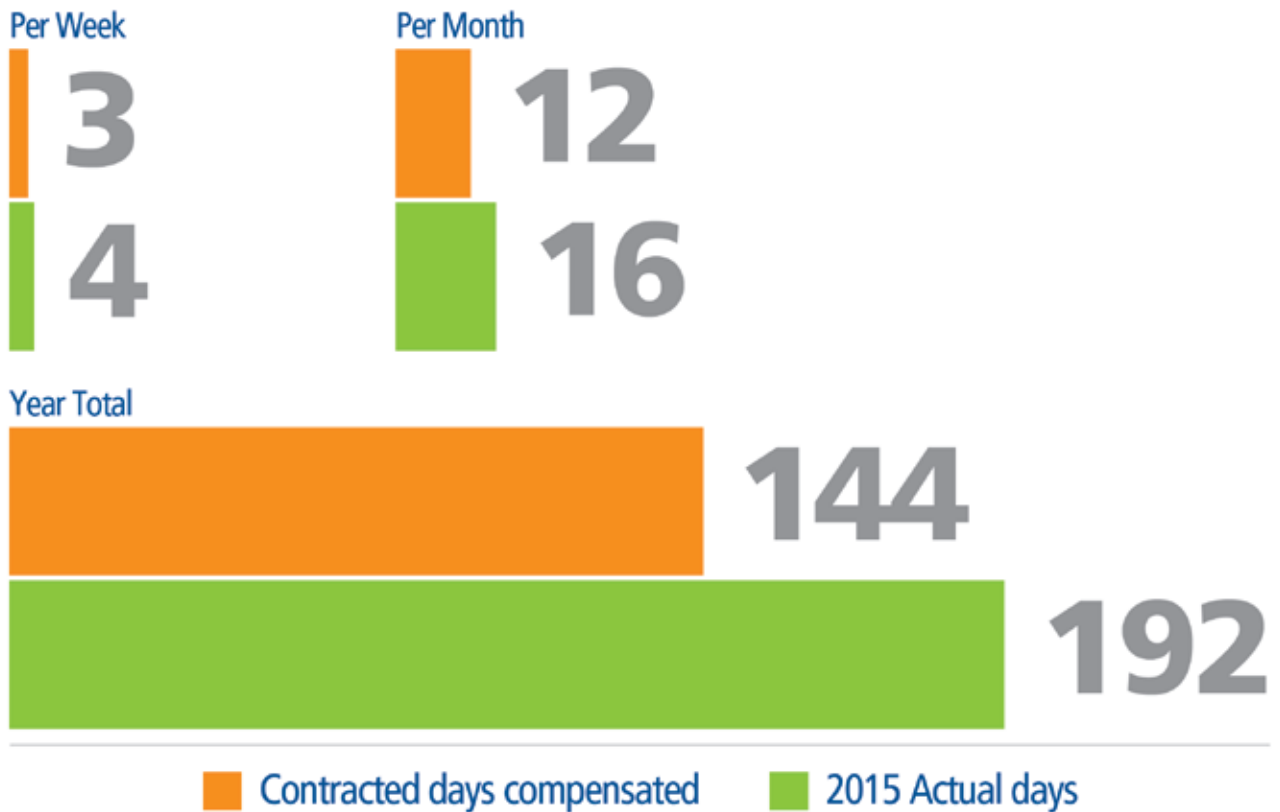
{ Total Code-related  
252 }

\* Complaint #0114 received December 3, 2014 was carried forward into 2015

## MEMBERS OF COUNCIL CODE ADVICE REQUESTED



## INTEGRITY COMMISSIONER SERVICES\*



\*The current contractual agreement of the Integrity Commissioner provides that services rendered will be remunerated at a cap of no more than 3 days a week.

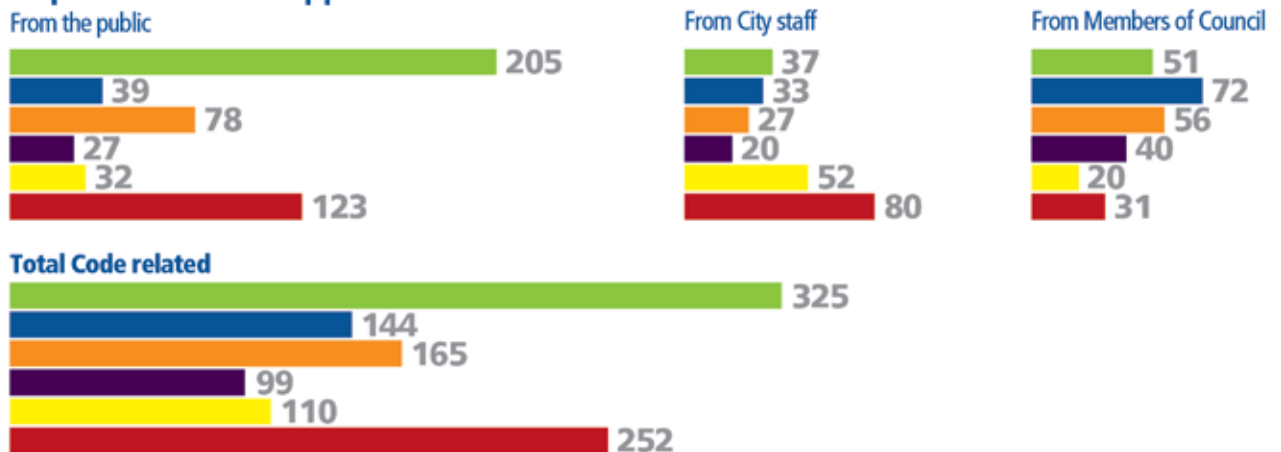
## COMPLAINTS RECEIVED BY THE INTEGRITY COMMISSIONER 2009 -2015



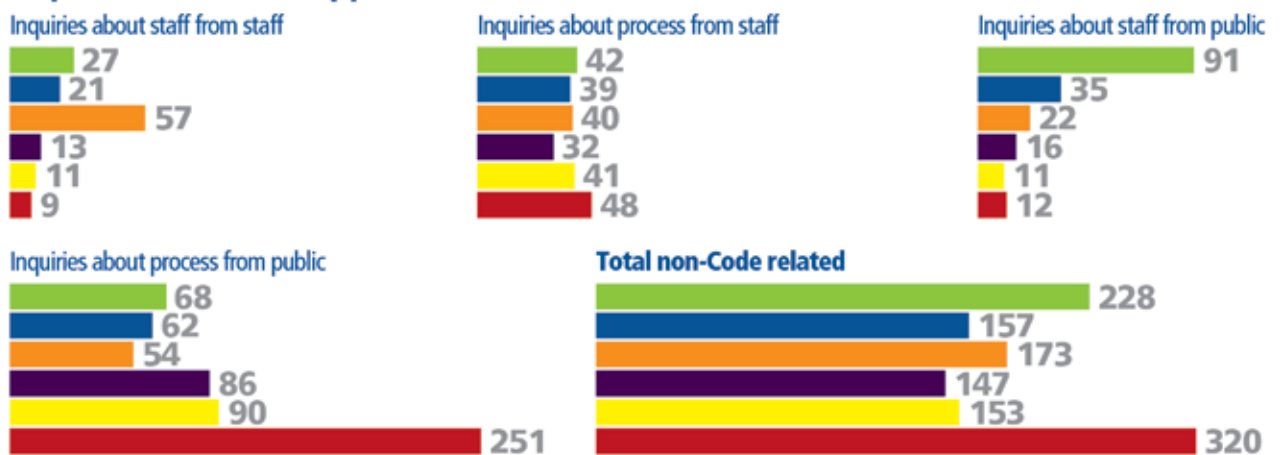
# ACTIVITIES OF THE CITY OF VAUGHAN OFFICE OF THE INTEGRITY COMMISSIONER 2009 - 2015



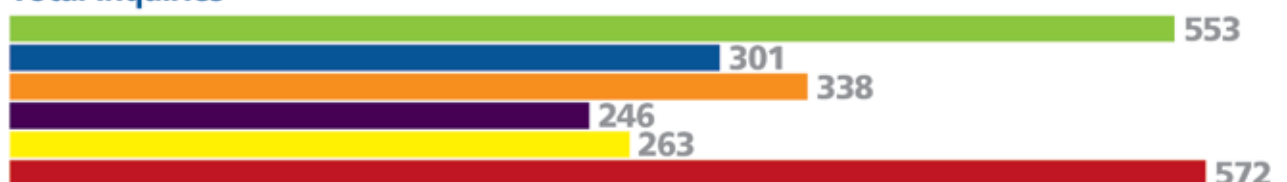
## Inquiries on Code Application



## Inquiries Non-Code Application

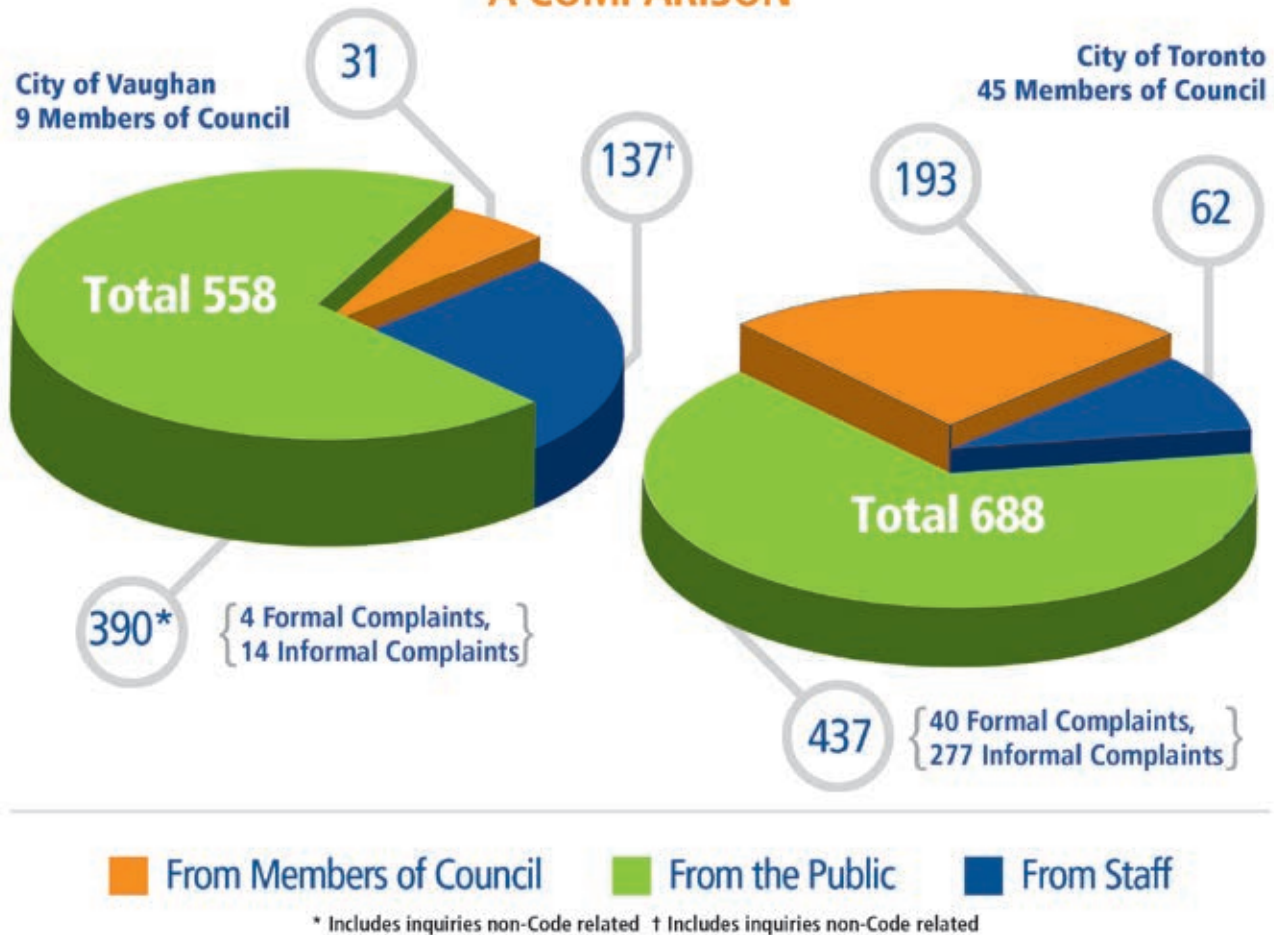


## Total Inquiries





## INQUIRIES TO TORONTO AND VAUGHAN INTEGRITY COMMISSIONER IN 2015 A COMPARISON



**Toronto City Council has 62% more members than Vaughan City Council**

Statement of Expenditures - 2015	
Salaries and Benefits	122,297
Mileage	460
Cellular Line Charges	315
General Line Charges	3
Seminars & Workshops	756
Office Supplies	526
Copier/Fax Lease Charges	3,020
Copier/Fax Supplies	204
Office Lease	20,667
Professional Fees**	25,420
Sundry Expenses	40
Trf to Expend. Res	26,900
<b>Total Operating Costs</b>	<b>200,609</b>

\*\* Code complaint 0114

## 2.2 SIGNIFICANT ISSUES

### i) City of Vaughan Code Complaint #0114

– December 3, 2014 to April 27, 2015

This Office dedicated considerable time and resources in 2015 to the investigation of Code Complaint #0114. This matter is subject of a judicial review and is currently before the courts. I stated in my investigation report to Council that my role was to apply the rules of the Code to the facts gathered in the investigation when evaluating the integrity and ethical conduct of the Member of Council. When making decisions on what is acceptable conduct, Members of Council are to follow the rules of the Code which provide them with a reference guide and a supplement to the legislative parameters within which they must operate.

*“some businesses and individuals did business with the City in a way that relied more on who you knew rather than how you completed your tender documents”*

My investigation report stated that the Respondent's actions on procurement matters, the perception of influence, and the improper conduct towards staff had seriously undermined the purpose of the Code. I found during my investigation that some businesses and individuals did business with the City in a way that relied more on who you knew rather than how you completed your tender documents. In the report I found that the actions of the Respondent had left the City open to financial liability and public criticism and questioning of the ethics of procurement.

In my Report, I stated that “each Member of Council is part of the decision-making body that is elected by the public to collectively consider the well-being and interests of the municipality”. Members of Council are representatives of the public and have a right and an obligation to ask the hard questions, especially at budget time. “However, when

the preponderance of questions at Council or Committee meetings come from one Member of Council who appears to disproportionately probe not only the decisions of particular staff who cooperated with my Office during a complaint investigation, but also queries openly why these staff were hired by the City of Vaughan in the first place, these questions can only be deemed to be acts of reprisal against individuals who had provided information to me under the Code investigation”.

The investigation report concluded by stating the actions of one Member of Council during my investigation should “not paint all of Council with the brush of unethical behavior”. I also outlined what I believed the steps the City of Vaughan should take to mitigate the risk of these types of breaches occurring in the future.

I suggested that one way to prevent the prohibited behaviour subject of Complaint #0114, is to adopt rules to regulate lobbying at the City of Vaughan. Lobbying is generally defined as consisting of “activities that can influence the opinions or actions of a public office holder”. “One city by-law defines it this way:

*“lobbying is communicating with a public office holder on a range of subjects including decisions on by-laws, policies and programs, grants, purchasing, and applications for services, permits, licenses or other permission.”*

*Lobbying also generally involves communicating outside of a public forum such as a council meeting or a public hearing. It is often, but not always, done by people who are paid or compensated in other ways for their efforts. Lobbying is one way stakeholders can help public office holders make informed decisions. When transparent to the public and in accordance with the by-laws of the public institution, lobbying is a legitimate and potentially helpful activity.*

Council is supreme at the municipal level. Individual Members of Council often have knowledge and information gained through their years of experience in the community. Members often want to communicate this information to help their residents be more informed about their City. However, that knowledge must be received in a transparent way and be part of a rule-based process or there is the risk that communication of information may be perceived as self-promotion, bias or preferential treatment in favour of one group or business.

Lobbying is a common and legitimate activity. I point out in my Report recommendations that having a Lobbyist Registry allows both public office holders and the public to know who is attempting to influence municipal government. That is why the Ontario legislature included provisions for the establishment of a lobbyist registry and registrar in its 2006 amendments to the Municipal Act. Granted, not all municipalities are required to enact such elaborate rules and systems. However, the basis for the 2006 amendments was the intent to develop rules around ethical conduct for municipal elected officials so that they may carry out their duties with impartiality and equality of service for all residents of their City.

*“Lobbying is a common and legitimate activity”*

Some Ontario municipalities have created a Lobbyist Registry, after instances where Councillors inserted themselves into the procurement process in contravention of City policies.<sup>(8)</sup> The registry allows the public to see who is communicating with public office holders about governmental decisions. The City of Ottawa, which showed leadership in governance and accountability, appointed an individual to serve as a combined Integrity Commissioner and Lobbyist Registrar, without having had a governance scandal to pre-empt this accountability development.<sup>(9)</sup> Both Justices Bellamy and Cunningham have recommended in their inquiry reports, the creation of lobbyist registries to ensure transparency in procurement at the municipal level.

*“Both Justices Bellamy and Cunningham have recommended in their inquiry reports, the creation of lobbyist registries to ensure transparency in procurement at the municipal level”*

I am pleased to see that in December 2015 Vaughan City Council voted to begin the process of developing a mandatory lobbyist registry. It is my understanding that at the June 7, 2016 Council meeting, Council approved the recommendations as set out below:

Committee of the Whole (Working Session)  
Item 9, Report No. 26 – Regulation of Lobbyist Activities

- a. That a by-law substantially in the form [set out by staff] be enacted to establish a voluntary Lobbyist Registry for the City of Vaughan;
- b. That the final by-law for the voluntary Lobbyist Registry be in force on January 1, 2017;
- c. That staff be directed to provide options, and a recommendation, for the retention of a Lobbyist Registrar and that considerations for the retention of a Lobbyist Registrar form part of the budget proposals for 2017; and
- d. That specific mechanisms for the establishment of a mandatory Lobbyist Registry be developed for implementation in 2018.

## **ii) Community Events Organized by Council Members**

I am pleased to see that Council has approved the formation of the Council Expenditure and Code of Conduct Review Task Force. It appears that this Task Force was intended to fill a gap in the discussion of accountability policy that was created when the City disbanded the Accountability and Transparency Committee of Council at the end of the 2006 Council term.<sup>(10)</sup> While the Task Force has been called to review various subjects of overlap between the Council Expense Policy and the Council Code of Conduct, what remains outstanding from the time of my

last Annual Report is any decision of Council around the development of policy to strengthen the protection of confidential information in the custody and under the control of the City of Vaughan and Member-Organized or Member-Sponsored Community Events.

“what remains outstanding from the last Annual Report is any decision by Council around the development of policy to strengthen the protection of confidential information in the custody and under the control of the City of Vaughan”

Members of Council have multi-faceted roles, one of them being a representative of their community. In particular, they are governors of the City, making decisions on behalf of the residents. But they are also leaders in their community and participate in various forms of public engagement and provide support for community organizations and community development activities.

From time to time, Members of Council sponsor or organize community events. Rule 2.3 (e) i. of the Code allows a Member of Council to use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy.

The Code contemplates and recognizes that Members of Council, as leaders, will be asked to help a community group, because the Member of Council has a long-standing relationship with the organization, or the initiative needs the presence of the Member to get public recognition in order to succeed. However, Members of Council must strike a balance between an appropriate use of their office, name recognition and image (photos) and participation in activities which may reasonably give rise to the perception of self-promotion and that donations are being given to curry favour or gain special consideration, treatment or advantage with the City.

“Members of Council must strike a balance between an appropriate use of their office, name recognition and image and participation in activities which may reasonably give rise to the perception of self-promotion and that donations are being given to curry favour or gain special consideration, treatment or advantage with the City”

The key principles found in Rule 1 of the Code provide the specifics that identify an appropriate use of a Member's office. A careful consideration of the key principles will further assist Members of Council in determining the types of community events and activities that can be carried out as part of their official City duties and that will foster and enhance respect for municipal government.

Currently, the following activities all legitimately fall within allowable activities, in which a Member may participate under the Code:

- a Member organized community event that has been authorized or endorsed by Council;
- a City organized community event in which the Member participates and lends his/her support;
- an event that is not a City event, but rather an event driven and organized by a charitable, community or ward group.

The Code sets out rules that Members of Council have collectively agreed to follow to regulate their behaviour. The application of the rules and the investigation of contraventions is handled by the Integrity Commissioner, an independent third party. The Integrity Commissioner does not set the rules of the Code in respect to community events organized by Council Members. The Integrity Commissioner applies the rules set by Council that determine the standards of conduct that will be used to measure Members' actions and behaviour and hold them accountable. In assessing a complaint, the Integrity Commissioner must determine if a Member's activity or behaviour is in compliance with the Code. The evaluation of a Member's behaviour is fact specific. However, in applying the rules of the Code to the actions



and behaviour of a Member of Council, the Integrity Commissioner will be guided by the key principles contained in Rule 1 of the Code.

Currently in Vaughan, donations to Members of Council for community events they organize or sponsor are not considered gifts or benefits if given directly to the community organizers. Councillors are required to complete a Councillor Information Statement only when they directly receive a monetary or in-kind contribution for an event they organize or sponsor that exceeds the monetary threshold in the Code. The Code clearly states in the Commentary to Rule 2.3 that:

*“Official duties” or “functions” has the following meaning:*

*For Members of Council, it includes those activities that are reasonably related to a Member’s office, taking into consideration the different interests, the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.*

*Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other.*

As in all Ontario municipalities, community support and fundraising in the City of Vaughan must strike a balance between a) accommodating a valuable social function and b) the potential risk to a Members’ integrity that may come from a perception that donations are being given to curry favour or gain special consideration, treatment or advantage with the City. In order to enhance transparency and avoid any real or perceived personal gain, Members of Council must use the principles of the Code and apply them to their proposed actions. It is not possible to develop an exhaustive list of what is and is not allowable under the Code. Rather 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, and

determine if the actions they are considering are of the highest ethical ideals and will bear the closest public scrutiny. I recommend that the important issues that have consistently been the subject of numerous informal Code complaints be included in the City’s update to the Council Expense Policy and set out in a clear and principle based way so that support to one’s community and laudable community activities can be distinguished from activities that risk being perceived as self-promotion.

### **iii) Councillors’ public comment on matters before Council:**

Several informal complaints that I have received and, for which I have been asked to facilitate a resolution, have involved the subjects of both Councillors’ public comment on matters before Council and the parameters of the role of an individual Member of Council.

*“the rules of the Code were not put in place to stifle the opinions of Members of Committee or Council, but rather to ensure the avoidance of undue influence and fairness in decision-making”*

The rules of the Code were not put in place to stifle the opinions of Members of Committee or Council, but rather to ensure the avoidance of undue influence and fairness in decision making. The fundamental principles of the Code require a Member of Council to make every effort to participate diligently in Committee and Council discussions with good faith and care.

The Commentary to Rule 10 of the Code states that:

*A Member of Council may state that he or she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about Members of Council and Council’s processes and decisions.*

While each Member of Council has a right to speak on a matter with conviction and state their

own position, the Member should not denigrate a decision of Committee or Council. A Member of Council should clearly distinguish their own personal views from the position of Committee or Council. While Parliamentary privilege grants law makers in certain legislatures a protection against civil or criminal liability for statements made in the course of their legislative duties and while the Code was not put in place to infringe on free speech, an individual Member of Council must refrain from making disparaging comments about Members of Council, processes and decisions, or the actions of staff.

“Members of Council must refrain from making disparaging comments about Members of Council, processes and decisions, or the actions of staff”

#### iv) The role of an individual Member of Council

In October 2011, the Honourable Justice Cunningham released his report on the Mississauga Judicial Inquiry. Entitled Updating the Ethical Infrastructure, the Commissioner provided several recommendations to ensure ethical decision-making and behaviour for municipal elected officials.

Commissioner Cunningham notes in his report that “...those who are fortunate enough to enjoy

friendships with the [member of council] have derived benefits from those relationships”. <sup>(11)</sup>

Whether discussing the appropriate level of participation of a Member of Council in a procurement decision of the City, or an elected official's role in the support of community events, elected officials do not come to a position on Council without interests, personal perspectives or political support from community members or businesses. In fact, it is this spectrum of knowledge and viewpoints that make the coming together of individual Members of Council as one decision-making body, a strength for the community. However, an elected official must avoid real or perceived bias in the exercise of their official duties.

If the explanation for interference, into the professional decision-making of the administration of the City is that a Member is representing their constituents and believes his or her actions to be a constituency matter, Members are encouraged to remember that there is no recognition of authority of an individual councillor in the Municipal Act. The effect of this authority vested in Council and not individual councillors is that decisions are to be made by Council and the legitimate route through which matters must come before Council for discussion and decision, is according to approved City procedure.

## CLOSING REMARKS

In Commissioner Cunningham's report, he spoke about “friendships with the [member of council]” and how those businesses with this status have “derived benefits from” the friendships. Activities of individual councillors and their direct involvement in staff responsibilities, can be perceived as having bias or giving preferential treatment towards certain businesses and community groups in contravention of the Code rules on favoritism.

“The Code recognizes that the decision-making authority for the municipality lies with Council, not any individual Councillor”

The Code recognizes that the decision-making authority for the municipality lies with Council, not any individual Councillor. Members of Council must respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities but this does not mean broad stroke access by individual Members of Council to any information they feel is necessary for them to make decisions, especially not in the area of procurement. Individual Members of Council also recognize that the information that they



receive at closed meetings of Council is subject to the confidentiality and disclosure rules of the closed meeting provisions of the Municipal Act and City of Vaughan by-laws. I have stated in my previous Annual Reports how critical it is for individual Members of Council to ensure that confidential information, including discussions at closed meetings of Council and legal matters, is not to be shared with constituents or third parties until the information becomes public.

“Registering lobbying activities does not prohibit individuals and business from interacting with government officials in an effort to have their ideas considered: it brings these activities into the light and allows the public to legitimately weigh who is talking with whom so that the reasons for government decisions are transparent”

In 2006, the drafters of the amendments to the Municipal Act, included provisions for the establishment of a lobbyist registry and registrar. While not all municipalities are required to enact elaborate rules and systems, it is important to underscore that at the foundation of the 2006 amendments was the intent of the Ontario legislature to recognize the general trend in municipal government to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and transparency.

Lobbying is a legitimate activity that facilitates Council’s receipt of information necessary to make effective decisions that are responsive to the needs of their community. The City has taken a positive step towards strengthening

accountability by approving the development of specific mechanisms for the establishment of a mandatory Lobbyist Registry in 2018. However, in the interim period leading up to the implementation of the mandatory Lobbyist Registry, I believe that the absence of clearly communicated rules to the business community for lobbying, as well as an absence of robust monitoring of compliance and penalties associated with non-compliance for both lobbyists and Members of Council, will mire in secrecy otherwise legitimate discussions between elected officials and lobbyists (whether they are businesses, individuals or special interest groups). As I have stated in Code investigation reports and commentary to informal reviews, there is a need to ensure a transparent governance paradigm and avoid real or perceived preferential treatment in matters of significant financial importance for the City, I strongly recommend that Vaughan City Council continue the work begun on this file, to ensure implementation of a robust and well communicated accountability framework to allow public scrutiny and full transparency in relation to persons lobbying public office holders.

Respectfully submitted,



Suzanne Craig  
Integrity Commissioner

## Appendix A

# A COMPARISON OF VAUGHAN AND TORONTO'S INTEGRITY COMMISSIONERS

## Activities of the City of Vaughan's Integrity Commissioner 2009 - 2015

	2009-10	2011	2012	2013	2014	2015
Formal complaints	11	0	0	0	1*	4*
Informal complaints	21	0	4	12	5	14
<b>Inquiries on Code applications</b>						
From the public	205	39	78	27	32	123
From City staff	37	33	27	20	52	80
From Members of Council	51	72	56	40	20	31
<b>Total Code related</b>	<b>325</b>	<b>144</b>	<b>165</b>	<b>99</b>	<b>110</b>	<b>252</b>
<b>Inquiries non-Code applications</b>						
Inquiries about staff from staff	27	21	57	13	11	9
Inquiries about process from staff	42	39	40	32	41	48
Inquiries about staff from public	91	35	22	16	11	12
Inquiries about process from public	68	62	54	86	90	251
<b>Total non-Code related</b>	<b>228</b>	<b>157</b>	<b>173</b>	<b>147</b>	<b>153</b>	<b>320</b>
<b>Total</b>	<b>553</b>	<b>301</b>	<b>338</b>	<b>246</b>	<b>263</b>	<b>573</b>

*(1) City of Vaughan Code Complaint #0114*

*This Annual Report covers the activities of my Office from January 1, 2015 to December 31, 2015.*

*(2) The City of Toronto Act required that there be a Lobbyist Registry, but did not require a Lobbyist Registrar*

*(3) Committee of the Whole, June 8, 2007 recommends that Council directed that the Accountability and Transparency Committee be composed of the following members:*

*Mayor or designate, 1 Local and Regional Councillor, 1 Ward Councillor, 2 Members of the public (one with a legal background and one with ethics background strongly recommended), City Manager, City Solicitor, City Clerk, a member of the local media*

*(4) Brampton Staff Report - January 27, 2016, Item 8.1 - Report from P. Fay, City Clerk, Corporate Services, re: New City Council Code of Conduct - Public Comment and Final Approval*

*(5) On March 24, 2014 the Hon. John Milloy introduced Bill 179, Public Sector and MPP Accountability and Transparency Act, 2014 into the Legislative Assembly. The Bill received second reading on April 9, 2014 and came into force on January 1, 2016. Schedule 8, significantly expanded the role of the provincial Ombudsman. This new jurisdiction creates the unique scenario whereby officers who are parliamentary or legislative officers are looking at exactly the same sets of problems. In particular, both local integrity commissioners at the municipal level and the Provincial Ombudsman now have jurisdiction to receive and review complaints against elected Members of Council.*

*(6) Employee Code of Conduct concerns, Community development and environmental concerns, City budgetary concerns*

*(7) Under section 11 of the Code of Conduct Complaint Protocol, any complaints received after June 30th of an election year will be held in abeyance until after the Inaugural Meeting of the new Council.*

*(8) The Honourable Madam Justice Denise E. Bellamy, Commissioner, 2005 Report - City of Toronto Computer Leasing Inquiry, Toronto External Contracts Inquiry*

*(9) The City of Ottawa's Integrity Commissioner has been appointed as the Integrity Commissioner and Lobbyist Registrar and is responsible for:*

*Overseeing the City's Lobbyist Registry, Ensuring compliance with the Lobbyist Registry and the Lobbyist Code of Conduct, investigating complaints, and imposing sanctions, Acting as the City's Meeting Investigator, Assisting in the creation of a Code of Conduct, Expense Policy and Gifts Registry for Members of Council and providing education and advice to Members of Council on the application and interpretation of the Code of Conduct and other ethics-related policies.*

*(10) Sept 24, 2007 Staff Report – Accountability and Transparency Committee*

*(11) Report of the Mississauga Judicial Inquiry, the Honourable J. Douglas Cunningham, p. 187*

# VAUGHAN CITY HALL



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