

Code of Conduct - Gifts and Benefits

Recommendation

That Council Services Committee recommend to City Council:

That Administration return to City Council with an amendment to Bylaw 18483, Council Code of Conduct, to delete section 1(g)(ii) of Part L: Gifts and Benefits.

Previous Council/Committee Action

At the February 19/21, 2020, City Council meeting, the following motion was passed:

1. That Administration solicit feedback from members of Council with respect to events or occasions that they were unable to or uncomfortable attending because of the Code of Conduct, and provide the results of this engagement to the Integrity Commissioner and Ethics Advisor.
2. That the Integrity Commissioner and Ethics Advisor review the feedback provided by members of Council with respect to events or occasions that they were unable to or uncomfortable attending because of the Code of Conduct, and return to Council Services Committee with recommendations for potential amendments to the Council Code of Conduct, if required, to provide additional clarity.

Executive Summary

This report includes feedback from Councillors on the Gifts and Benefits section of the Council Code of Conduct (“the Code”) and a recommendation from the Integrity Commissioner to amend the Code to address concerns raised by Councillors.

Report

In February 2020, further to Council direction, Administration solicited feedback from members of Council with respect to events or occasions they were unable to or uncomfortable attending because of the Code of Conduct. The results of this engagement, which were shared with both the Integrity Commissioner and the Ethics Advisor on March 4, are presented in Attachment 1.

At the October 19, 2020, City Council meeting, the Integrity Commissioner presented her annual report to City Council. The report included advice from both the Integrity Commissioner and the Ethics Advisor in relation to the Gifts and Benefits section of the Council Code of Council. Their comments and recommendations are set out below.

In the report, the Integrity Commissioner stated the following:

This past year, there continued to be ongoing questions around how the Gifts and Benefits section of the *Code* operates, as also discussed in the Ethics Advisor section of this report (below). Council asked the Integrity Commissioner and the Ethics Advisor to consider improvements to this section of the *Code*.

In the Integrity Commissioner's view, an amendment to the *Code* that removes the requirement that admission to events be offered by the entity or its representative would be a reasonable and equitable amendment. In the Integrity Commissioner's view, the Gifts and Events section of the *Code* should be interpreted liberally to allow Council Members to fulfill the important role they hold as ambassadors of the City. As well, this provides support for profit and non-profit organizations which is important for the viability of the community and the City as a whole. By removing the current language, the impact on organizations with smaller budgets would result in increased participation and support by Council Members at these events

The contemplated amendment would result in the following deletion from the *Code*:

g) admission to, and food and beverages consumed at, community events and widely attended events such as conventions, conferences, sporting and arts events, banquets, or training and education programs, provided that:

i) the Councillor's attendance serves a legitimate purpose associated with the Councillor's duties;

~~ii) admission is offered by the entity, or a representative or member of the entity, responsible for organizing or presenting the event;~~

iii) the admission is unsolicited by the Councillor; and

iv) the value is reasonable and the invitations infrequent.

Overall, when accepting a gift or admission to an event, it is important for Council Members to consider whether acceptance has the actual or perceived purpose of influencing the Council Member's decision-making on Council.

In the report, the Ethics Advisor stated the following:

Interactions with Councillors or their designated representatives were down slightly during the current reporting period as compared to the last. This is counted for almost exclusively by COVID 19 and the resulting decline in invitations to Councillors to attend events and attractions (and the questions surrounding the suitability of accepting those gifts).

Regardless, Part L of the *Code of Conduct* dealing with "Gifts and Benefits" was still the section of the *Code* generating the most inquiries. Predictably, event attendance continues to generate the most inquiries and also the most confusion. Several Councillors question the purpose of 1 (g) of Part L of the *Code*, which requires a gift of admission to, or food and beverages, at an event to be "offered by the entity or a representative or member of the entity, responsible for organizing or presenting the event."

The purpose behind this prohibition, ostensibly, is to prevent individuals or organizations from purchasing access or influence with elected officials. This prohibition infers that a sponsored ticket, a complimentary ticket or a host ticket is less likely to purchase influence than one that is paid for. This correlation is debatable and perhaps even counterintuitive and seems unintentionally inequitable when applied to the arts community and other non-profit organizations, who may lack the resources to offer complimentary tickets to the events they sponsor and promote.

If it is influence and conflict of interest that the *Code* seeks to prevent, consideration should be given to stating expressly what types of events and what types of offerors are unacceptable, as opposed to the current *Code* which sets out certain conditions which must be met before the acceptance of a gift of an event invitation is appropriate.

The recommendation in this report (CR_8123) is that of the Integrity Commissioner, as expressed in her comments above.

Attachments

1. [Feedback from Councillors](#)

