

# Building Public Trust: Transparency and Integrity at the Municipal Level



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It has also undermined the public's confidence in eHealth Ontario, and for this, I believe the people of the province are owed an apology.



London, on May 12, 2009. British Prime Minister Gordon Brown has apologised after days of embarrassing revelations about lawmakers' expenses, as a poll Tuesday suggests public support for the main parties is taking a hit.



Governor Bill Richardson withdrew as Obama's nominee for commerce Secretary after questions about alleged pay-to-play government contracts in his home state.



**Toronto Computer Leasing Inquiry. Justice Bellamy releases scathing report**



Treasury Secretary Timothy Geithner was grilled in the Senate over his own income-tax lapse. One of his new duties is overseeing the IRS.

**Elected officials are trustees for  
the public and there is an  
expectation that they:**

**Act as surrogates for the public with fairness toward  
all and not to any specialized interest group**

**Avoid any interest or activity which is in financial and  
personal conflict with officials duties**

**Responsibly oversee management of the public  
purse and accept that all monies held by the  
municipality are for the official duties**

**Facilitate complete, understandable and timely  
access to information by the public**

# Transparency and meetings

- Things happen in municipal councils where there is no access to information. The Bill 130, municipal council meetings have to held in the open, but the legislation provides no standards for openness, no guarantees, and no definition of what is a “meeting”.
- Andre Marin, Ontario Ombudsman, Discussion paper: “Transparency or Puffery?”

**Whether a code  
of ethical conduct  
is built on moral  
beliefs or  
fundamental  
tenants of  
democracy, there  
will always be  
some basic  
common values.**



A nation or a culture cannot endure for long unless it is undergirded by common values such as valor, public spiritedness, respect for others and for the law; It cannot stand unless it is populated by people who will act on the motives superior to their own immediate interest.



Chuck Colson, *Against the Night*



Michael Josephson, in Chapter 1 of **Ethical Issues in the Practice of Accounting**, describes the “**Ten Universal Values**: “Honesty, integrity, promise keeping, fidelity, fairness, caring, respect for others, responsible citizenship, pursuit of excellence, and accountability.”

# City of Vaughan

- On September 21, 2009 Vaughan City Council adopted the City's Code of Ethical Conduct for Members of Council to ensure that:
  - City decisions and policy be made through the proper processes of municipal government structure
  - Public office not be used for personal gain
  - The public have confidence in the integrity of municipal government

# City of Vaughan Code of Ethical Conduct: Why now?

- Rule No. 2: Gifts and Benefits
- Rule No. 3: Confidential Information
- Rule No. 4: Use of City Property, Services...
- Rule No. 5: Election Campaign Work
- Rule No. 9: Transparency & Openness in Decision Making and Member's Duties
- Rule No. 20: Compliance with the Code
- Rule No. 21: Implementation

# Prevailing Confidentiality

- Section 53(1) MFIPPA:
  - This Act prevails over a confidentiality provision in any other Act unless the other Act or this Act specifically provides otherwise
- Section 223.5(3) Municipal Act:
  - This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act . 2006, c. 32*
  - Section 181(4) of the City of Toronto Act:  
This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act. 2006*

# IPC Order M0-2439

- In the IPC Order concluding the City of Toronto Appeal MA08-106, the senior adjudicator states:
  - Their very existence would remain secret without *any* outside scrutiny of whether section 181 even applies, based on an apparently unreviewable decision by City officials. This completely contradicts the legislative objective of “transparency and accountability,” which is the title of Part V of the *COTA*, the part of the statute that includes section 181

# IPC Order MO-2439

- “Rather than taking the blanket approach that it did, the precise meaning and effect of section 181 of the *COTA* ought to have been the focus of the City’s response to the appellant’s request...”
- “...I also conclude that while section 53(1) may limit the application of [*MFIPPA*] based on a confidentiality provision in another statute, any record in the custody or under the control of an institution, whether or not it is covered by a confidentiality provision that prevails over the access and disclosure provisions of [*MFIPPA*] ...remains subject to the processes established under [*MFIPPA*]”