



Tracking Status

- [City Council](#) adopted this item on June 10, 2014 with amendments.
- This item was considered by [Executive Committee](#) on May 27, 2014 and was adopted with amendments. It will be considered by City Council on June 10, 2014.

City Council consideration on June 10, 2014

EX42.3	ACTION	Amended		Ward:All
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Strengthening Public Service Governance - A Public Service By-law for Toronto

Committee Recommendations

The Executive Committee recommends that:

1. City Council establish a new Toronto Municipal Code Chapter for the public service reflecting the provisions outlined in sections 4 to 12 of the report (May 12, 2014) from the City Manager and summarized in Appendix A to the report (May 12, 2014) from the City Manager including adopting updated provisions for: (1) Conflict of Interest in Appendix C to the report (May 12, 2014) from the City Manager, (2) Political Activity in Appendix E to the report (May 12, 2014) from the City Manager, and (3) Disclosure of Wrongdoing and Reprisal Protection in Appendix F to the report (May 12, 2014) from the City Manager as amended by Recommendation 14 below.
2. City Council, subject to the adoption of Recommendation 1, rescind the Conflict of Interest Policy, Employee Participation in Municipal Election Campaigns Policy, Fraud Prevention Policy and the Whistle Blower Protection Policy previously adopted by City Council and replace with the provisions in Appendices C, E and F to the report (May 12, 2014) from the City Manager as amended by Recommendation 14 below, effective December 31, 2015.
3. City Council extend the application of the public service provisions summarized in Appendix A to the report (May 12, 2014) from the City Manager to the City Agencies listed in Appendix B to the report (May 12, 2014) from the City Manager including provisions related to: (1) Conflict of Interest in Appendix C to the report (May 12, 2014) from the City Manager and (2) Political Activity in Appendix E to the report (May 12, 2014) from the City Manager and direct the Agency Boards to implement these provisions.
4. City Council require the City Agencies listed in Appendix B to the report (May 12, 2014) from the City Manager to adopt and implement disclosure of wrongdoing and reprisal protection provisions pursuant to the minimum requirements outlined in section 11F of the report (May 12, 2014) from the City Manager and summarized in section 8 of Appendix A to the report (May 12, 2014) from the City Manager.

5. City Council authorize the City Solicitor to prepare and introduce in Council any bills required to enact the public service provisions, generally in accordance with the report recommendations and provisions described in sections 4 to 12 of the report (May 12, 2014) from the City Manager and summarized in Appendices A, C, E and F to the report (May 12, 2014) from the City Manager as amended by Recommendation 14 below.
6. City Council direct that the by-law changes come into force on December 31, 2015 for the Toronto Public Service and the City Agencies listed in Appendix B to the report (May 12, 2014) from the City Manager.
7. City Council authorize the City Manager to amend Relationship Frameworks in place for the City Agencies listed in Appendix B to the report (May 12, 2014) from the City Manager to align with the provisions of the Toronto Public Service By-law as required.
8. City Council amend the Toronto Atmospheric Fund's Relationship Framework to require the Toronto Atmospheric Fund to adopt and implement conflict of interest and political activity provisions consistent with the City of Toronto, and to adopt and implement disclosure of wrongdoing and reprisal protection provisions meeting the minimum requirements established for City Agencies.
9. City Council request the Toronto Police Service Board and the Toronto Library Board to review their ethical policies pertaining to conflict of interest, political activity and the disclosure of wrongdoing and reprisal protection, and adopt provisions consistent with the City of Toronto.
10. City Council, acting as the Shareholder, direct the City Manager to amend existing Shareholder Directions to include, and to ensure all future Shareholder Directions include the following clause:

“Subject to Law, the Corporation shall and shall direct its Subsidiaries to conduct their affairs and govern their operations in accordance with such rules, policies and directives or objectives as directed by City Council from time to time.”
11. City Council, acting as the Shareholder, direct City Corporations to adopt policies related to conflict of interest, political activity and disclosure of wrongdoing and reprisal protection.
12. City Council amend Toronto Municipal Code Chapter 3, Accountability Officers to:
 - a. require the Accountability Officers and their staff to comply with the Conflict of Interest provisions in Appendix C to the report (May 12, 2014) from the City Manager;
 - b. require the Accountability Officers and their staff to comply with the City's Political Activity provisions in Appendix E to the report (May 12, 2014) from the City Manager and affirm the right of the Accountability Officers and their staff to vote and attend all-candidates meetings in elections, but restrict the Accountability Officers and their staff from engaging in political activity;

- c. extend reprisal protection pursuant to section 13 of the Disclosure of Wrongdoing and Reprisal Protection provisions in Appendix F to the report (May 12, 2014) from the City Manager as amended by Recommendation 14 below, to the Accountability Officer's staff; and
 - d. establish a mechanism for the investigation and reporting of allegations of wrongdoing for the Accountability Officer's and their staff pursuant to section 16C of the Disclosure of Wrongdoing and Reprisal Protection provisions in Appendix F to the report (May 12, 2014) from the City Manager as amended by Recommendation 14 below.
13. City Council amend Toronto Municipal Code Chapter 140, Lobbying to require City employees involved in the City's procurement processes to report breaches of the Lobbying By-law to the Lobbyist Registrar for investigation and resolution.
14. City Council:
- a. delete Appendix F, Section 3 "Responsibilities of the Auditor General", Bullet 3 of the report (May 12, 2014) from the City Manager and replace it with the following new Bullet 3:

May provide oversight to investigations led by the City Manager or designate.
 - b. delete Appendix F, Section 9 "Investigations", second paragraph, first sentence of the report (May 12, 2014) from the City Manager and replace it with the following two sentences:

The Auditor General's Office may provide oversight of alleged wrongdoing investigations led by the City Manager or his or her designate. The responsibility to ensure such investigations are appropriately conducted remains with the City Manager, as set out in Section 4, Responsibilities of the City Manager.

Background Information (Committee)

(May 12, 2014) Report and Appendices A to F from the City Manager on Strengthening Public Service Governance - A Public Service By-Law for Toronto

<http://www.toronto.ca/legdocs/mmis/2014/ex/bgrd/backgroundfile-69449.pdf>

(May 27, 2014) Presentation from the City Manager on Strengthening Public Service Governance - A Public Service By-law for Toronto

<http://www.toronto.ca/legdocs/mmis/2014/ex/bgrd/backgroundfile-69621.pdf>

Background Information (City Council)

(June 6, 2014) Supplementary report from the City Manager on Strengthening Public Service Governance - a Public Service By-law for Toronto (EX42.3a)

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-70336.pdf>

Appendix A - Revised Summary of Key Provisions for Toronto's Public Service By-law

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-70362.pdf>

Appendix D - Revised Summary of Permitted and Restricted Political Activity for Some Public Servants

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-70340.pdf>

Appendix E - Revised Political Activity Provisions

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-70363.pdf>

Appendix F - Revised Disclosure of Wrongdoing and Reprisal Protection Provisions

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-70341.pdf>

Communications (Committee)

(May 27, 2014) Letter from Richard Majkot, COTAPSA (EX.New.EX42.3.1)

<http://www.toronto.ca/legdocs/mmis/2014/ex/comm/communicationfile-47755.pdf>

(May 27, 2014) Submission from Tim Maguire, CUPE Local 79 (EX.New.ex42.3.2)

<http://www.toronto.ca/legdocs/mmis/2014/ex/comm/communicationfile-47756.pdf>

Motions (City Council)

1a - Motion to Amend Item moved by Councillor Glenn De Baeremaeker (Carried)

That City Council adopt the following recommendation contained in the supplementary report (June 6, 2014) from the City Manager [EX42.3a]:

1. City Council amend the Executive Committee recommendations contained in the report, EX 42.3, Strengthening Public Service Governance – A Public Service By-law for Toronto considered at its meeting on May 27, 2014 to replace Appendix A, E and F with the revised Appendix A, E and F attached to this report.

Vote (Amend Item)

Jun-11-2014 10:05 AM

Result: Carried	Majority Required - EX42.3 - De Baeremaeker - motion 1a only as it pertains to Chapter 3
Yes: 35	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Mike Del Grande, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Peter Leon, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam
No: 0	
Absent: 9	Raymond Cho, John Fillion, Doug Ford, Rob Ford, Chin Lee, Giorgio Mammoliti, Peter Milczyn, John Parker, Anthony Perruzza

Vote (Amend Item)

Jun-11-2014 10:07 AM

Result: Carried	Majority Required - EX42.3 - De Baeremaeker - motion 1a - on the balance of the motion
Yes: 35	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Mike Del Grande, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Peter Leon, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam

No: 0	
Absent: 9	Raymond Cho, John Fillion, Doug Ford, Rob Ford, Chin Lee, Giorgio Mammoliti, Peter Milczyn, John Parker, Anthony Perruzza

1b - Motion to Amend Item (Additional) moved by Councillor Glenn De Baeremaeker (Carried)
 City Council request the Province of Ontario to create a Toronto Public Service Act that embeds expectations and standards for the purpose, role and responsibilities of its public servants.

Vote (Amend Item (Additional)) Jun-11-2014 10:08 AM

Result: Carried	Majority Required - EX42.3 - De Baeremaeker - motion 1b
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Mike Del Grande, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Peter Leon, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam
No: 1	Janet Davis
Absent: 9	Raymond Cho, John Fillion, Doug Ford, Rob Ford, Chin Lee, Giorgio Mammoliti, Peter Milczyn, John Parker, Anthony Perruzza

Motion to Adopt Item as Amended (Carried)
 Adopt the item as amended only as it pertains to Chapter 3

Vote (Adopt Item as Amended) Jun-11-2014 10:08 AM

Result: Carried	Majority Required - EX42.3 - Adopt item as amended only as it pertains to Chapter 3
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Mike Del Grande, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Chin Lee, Peter Leon, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam
No: 0	
Absent: 8	Raymond Cho, John Fillion, Doug Ford, Rob Ford, Giorgio Mammoliti, Peter Milczyn, John Parker, Anthony Perruzza

Motion to Adopt Item as Amended (Carried)
 Adopt the balance of the item as amended

Vote (Adopt Item as Amended) Jun-11-2014 10:09 AM

Result: Carried	Majority Required - EX42.3 - Adopt the balance of the item as amended

Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Mike Del Grande, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Chin Lee, Peter Leon, Gloria Lindsay Luby, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Karen Stintz, Michael Thompson, Kristyn Wong-Tam
No: 0	
Absent: 8	Raymond Cho, John Fillion, Doug Ford, Rob Ford, Giorgio Mammoliti, Peter Milczyn, John Parker, Anthony Perruzza

Executive Committee consideration on May 27, 2014

Source: Toronto City Clerk at www.toronto.ca/council