
ADVISORY BULLETIN

REGARDING GIFTS AND BENEFITS

Bruce P. Elman
Integrity Commissioner
15 June 2018

PURPOSE OF THE BULLETIN

- [1] This Bulletin is intended to assist Council Members (“Members”) in understanding their obligations regarding Gifts and Benefits under the **Code of Conduct for Members of Council and Local Boards (“Code of Conduct”)**.
- [2] The Office of the Integrity Commissioner is a confidential resource available to Council Members for clarification and advice regarding the receiving and disclosure of gifts and benefits pursuant to the provisions of the **Code of Conduct**. Pursuant to Part II (Framework and Interpretation) of the **Code of Conduct**, advice that is general in nature cannot be relied upon to the same extent as advice given in writing and based upon specific facts. General advice is subject to change when applied to specific facts that become known after the time when the general advice was provided. Failure to follow the guidelines set out in this Bulletin may lead to a finding that a Member has contravened the **Code of Conduct**.

THE CODE OF CONDUCT

- [3] Gifts and benefits are often received by Members in the course of their duties. These “perks” can be signs of respect and admiration for the Member, but can also be seen as instruments of influence or manipulation. This provision of the **Code** prohibits the acceptance of gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- [4] Personal integrity and sound business practices require that relationships with developers, vendors, contractors, and any other party doing business with the City be such that no Member is perceived as showing favouritism or bias.
- [5] Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Member chooses to decline a gift as well as when a Member is considering keeping a gift.

- [6] Each Member of Council or Member of a Local Board is individually accountable to the public and shall keep a list of all gifts and benefits received, with estimated values, for review by the Integrity Commissioner in the event of a Complaint. (Rule 3.2)

THE GENERAL RULE AND DISCLOSURE STATEMENTS

- [7] Rule 3.0 of the **Code of Conduct for Members of Council and Local Boards** states that no member shall accept a commission fee, advance, gift, gift certificate, bonus, reward, or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the following exceptions:
- [a] compensation authorized by law;
 - [b] such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligations;
 - [c] a political contribution otherwise reported under the *Municipal Elections Act*;
 - [d] services provided without compensation by persons volunteering their time;
 - [e] a suitable memento of a function honouring the Member;
 - [f] food, lodging, transportation, and entertainment provided by provincial, regional, and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country;
 - [g] food and beverages consumed at banquets, receptions or similar events, if:
 - i. attendance serves a legitimate business purpose
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitation infrequent;
 - [h] communication to the offices of a Member, including subscriptions to newspapers and periodicals.
- [8] In cases of categories (b), (e), (f), (g), and (h), if the value of the gift or benefit exceeds **\$300.00**, or if the total value received from any one source during the course of a calendar year exceeds **\$300.00**, the Member shall file a Disclosure Statement with the Integrity Commissioner within 30 days of receipt of the gift or reaching the annual limit. (Rule 3.3)
- [9] Except in the case of category (f), a Member may not accept a gift or benefit worth in excess of **\$500.00** or gifts and benefits from one source during a calendar year worth in excess of **\$500.00**. (Rule 3.8)
- [10] For the purposes of this **Code**, any commission, fee, advance, gift, gift certificate, bonus, reward, or personal benefit provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. (Rule 3.1)

[11] **Please Note:** Any Disclosure Statement is a matter of public record. (Rule 3.5)

[12] The completed and signed Disclosure Statement should be submitted to:

Integrity Commissioner
c/o Council Secretariat
350 City Hall Square W., Suite 220
Windsor, ON N9A 6S1

[13] The Disclosure Statement form to be completed by Council Member is found on the next page.

FURTHER INFORMATION

This Advisory Bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, Members of Council must seek written advice consistent with the provisions of Rule 19 of the **Code of Conduct**. If you have any questions or wish to seek written advice on this matter, please contact:

Office of the Integrity Commissioner
c/o 350 City Hall Square West
Windsor, Ontario N9A 6S1
Tel: (519)-990-0166
Email: integrity@citywindsor.ca

DISCLOSURE STATEMENT

INFORMATION TO BE COMPLETED BY COUNCIL MEMBER

Name: _____

Nature of Gift or Benefit: _____

Source of Gift: _____

Date of Receipt: _____

Estimated Value: _____

What do you intend to do with the gift? _____

Will the gift be left with the City of Windsor? _____

Any Additional Information:

NOTE: ANY DISCLOSURE STATEMENT IS A MATTER OF PUBLIC RECORD.

Signature: _____ Date: _____