

Code of Conduct Complaint Protocol

s. 2(3) Formal Complaint Procedure

Please note that signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46, and also to civil liability for defamation.

Affidavit

AFFIDAVIT OF Dave Meslin

I, Dave Meslin, of the City of Toronto in the Province of Ontario MAKE OATH AND SAY [or *AFFIRM*]:

1. I have personal knowledge of the facts as set out in this affidavit, because I attended the June 15th 2016 meeting of City Council’s Planning and Growth Management Committee.

2. I have reasonable and probable grounds to believe that a member of Toronto City Council, John Burnside, has contravened section XV (Failure to adhere to Council policies and procedures) of the Code of Conduct for Members of Council (the “Code of Conduct”). The particulars are as follows:

- a. Section XV of the Code of conduct states that “*Members of Council are required to observe the terms of all policies and procedures established by City Council.*”
- b. My concern is in regard to the “*Donations to the City of Toronto for Community Benefits Policy*” which is designed to “*ensure that donations occur at arm’s length from any City decision-making process*”.

Please see attached Schedule A (✓)

This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or *AFFIRMED*] before me at

the City of Toronto)
 in the Province of Ontario on)
 _____)
 _____)
 [Signature of commissioner])
 A Commissioner for taking affidavits, etc.)

[Signature]

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Schedule A

To the affidavit required under subsection 21(3) of the Formal Complaint Procedure

- c. The policy states that:
 - i. 1.2.1 *“applicants seeking an approval, permit or license shall not concurrently offer or make voluntary donations to the City or an agency, board or commission for community benefits.”*
 - ii. 1.5 *“There is a blackout period in planning approval processes during which discussions about voluntary donations for community benefits are not permitted and voluntary donations may not be offered, solicited, or accepted.”*
- d. Outfront Media is currently in the process of seeking an amendment to the Sign By-law to implement area-specific regulations to allow for one electronic third party ground sign (digital commercial billboard) at 1073 Millwood Avenue, the Leaside Memorial Gardens Arena.
- e. Outfront Media is also, at the same time, offering to increase their payments to the Leaside Memorial Arena by \$40,000 annually, conditional upon being granted the amendment. The applicant has lobbied members of the Arena’s Board of Management as well as members of Council and has solicited public support from the community by presenting an online survey asking local residents if *“Generating 4 times as much revenue for Leaside Memorial Gardens is important to me”* or if *“A digital billboard that would generate revenue for LMG is a good idea”*.

This is Schedule A referred to in the affidavit of Dave Meslin
Sworn [*or Affirmed*] before me on this _____ day
of _____, _____.

A Commissioner for taking affidavits, etc.

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To the affidavit required under subsection 21(3) of the Formal Complaint Procedure

- f. The fees being offered by Outfront Media billboard are a direct source of revenue from the applicant, providing a community benefit, tied directly to the outcome of the application, and contingent on approval of the application. This seems to violate *“the integrity of municipal decision-making processes”*, as described in the Community Benefits Policy.
- g. The application from Outfront Media was rejected by City Staff because the proposed digital billboard would *“represent a significant conflict with the goals and objectives of the Sign Bylaw”*.
- h. During the recent discussion and vote at PGM, where the staff recommendation to *“refuse”* the application was replaced with a motion to *“approve”* the application, the topic of increased revenue from the applicant (Outfront Media) was mentioned frequently by both Councillors and deputants.
- i. Councillor Burnside stated at the PGM meeting that he was supporting the application because *“It will bring much needed funds to the community”*. He said he’s *“very comfortable”* overturning the staff recommendation *“given that the Community will benefit to the tune of \$60,000 a year”*. Again, this seems to be a direct violation of the rules, intent and spirit of the Community Benefits Policy.
- j. The Community Benefits Policy is designed explicitly to preserve the integrity of complex planning decisions by removing anything that could be interpreted as an external financial incentive to support the application, especially when that revenue is coming from the applicant themselves.

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Schedule A

To the affidavit required under subsection 21(3) of the Formal Complaint Procedure

- k. Letters were sent to Councillors in support of the staff recommendation from eleven residents associations representing over 20,000 households including the Leaside Property Owners' Association which represents the neighbourhood directly affected.
- l. Councillor Burnside, nonetheless, urged the Committee to reverse the staff recommendation and to support the application from Outfront Media, in order to secure \$40,000 of community benefit revenue directly from the applicant themselves.
- m. Councillor Burnside accepted 24 meeting invitations from a registered lobbyist to discuss the bylaw amendment on behalf of Outfront Media, while concurrently the applicant was publicly offering an increase in cash revenue to the city's arena. An additional 17 lobbyist meetings are registered with the Councillor's staff, regarding this item.
- n. I raised this issue with Councillor Burnside's office on June 21 2016, by e-mail, and received no response.
- o. Please note that this item is going to City Council for ratification on July 12th.

This is Schedule A referred to in the affidavit of Dave Meslin
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AFFIDAVIT OF Dave Meslin

I, Dave Meslin, of the City of Toronto in the Province of Ontario MAKE OATH AND SAY [or *AFFIRM*]:

1. I have personal knowledge of the facts as set out in this affidavit, because I attended the June 15th 2016 meeting of City Council’s Planning and Growth Management Committee.

2. I have reasonable and probable grounds to believe that a member of Toronto City Council, John Campbell, has contravened section XV (Failure to adhere to Council policies and procedures) of the Code of Conduct for Members of Council (the “Code of Conduct”). The particulars are as follows:

- a. Section XV of the Code of conduct states that “*Members of Council are required to observe the terms of all policies and procedures established by City Council.*”
- b. My concern is in regard to the “*Donations to the City of Toronto for Community Benefits Policy*” which is designed to “*ensure that donations occur at arm’s length from any City decision-making process*”.

Please see attached Schedule A (✓)

This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

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[*Signature of commissioner*])
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To the affidavit required under subsection 21(3) of the Formal Complaint Procedure

- c. The policy states that:
 - i. 1.2.1 *“applicants seeking an approval, permit or license shall not concurrently offer or make voluntary donations to the City or an agency, board or commission for community benefits.”*
 - ii. 1.5 *“There is a blackout period in planning approval processes during which discussions about voluntary donations for community benefits are not permitted and voluntary donations may not be offered, solicited, or accepted.”*
- d. Outfront Media is currently in the process of seeking an amendment to the Sign By-law to implement area-specific regulations to allow for one electronic third party ground sign (digital commercial billboard) at 1073 Millwood Avenue, the Leaside Memorial Gardens Arena.
- e. Outfront Media is also, at the same time, offering to increase their payments to the Leaside Memorial Arena by \$40,000 annually, conditional upon being granted the amendment. The applicant has lobbied members of the Arena’s Board of Management as well as members of Council and has solicited public support from the community by presenting an online survey asking local residents if *“Generating 4 times as much revenue for Leaside Memorial Gardens is important to me”* or if *“A digital billboard that would generate revenue for LMG is a good idea”*.

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Schedule A

To the affidavit required under subsection 21(3) of the Formal Complaint Procedure

- f. The fees being offered by Outfront Media billboard are a direct source of revenue from the applicant, providing a community benefit, tied directly to the outcome of the application, and contingent on approval of the application. This seems to violate *"the integrity of municipal decision-making processes"*, as described in the Community Benefits Policy.
- g. The application from Outfront Media was rejected by City Staff because the proposed digital billboard would *"represent a significant conflict with the goals and objectives of the Sign Bylaw"*.
- h. Councillor John Burnside (who represents the Leaside neighbourhood) stated at the PGM meeting that he was supporting the application because *"It will bring much needed funds to the community"*. He said he's *"very comfortable"* overturning the staff recommendation *"given that the Community will benefit to the tune of \$60,000 a year"*. Again, this seems to be a direct violation of the rules, intent and spirit of the Community Benefits Policy.
- i. Councillor Campbell moved a motion stating
"That Recommendation 1 be amended by deleting the word "refuse" and replacing it with "approve" so that it now reads: "City Council approve the application to amend the Sign By-law to implement area-specific regulations to allow for..... one electronic third party ground sign at 1073 Millwood Avenue (Leaside Memorial Community Gardens)"
- j. The Community Benefits Policy is designed explicitly to preserve the integrity of complex planning decisions by removing anything that could be interpreted as an external financial incentive to support the application, especially when that revenue is coming from the applicant themselves.

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To the affidavit required under subsection 21(3) of the Formal Complaint Procedure

- k. Letters were sent to Councillors in support of the staff recommendation from eleven residents associations representing over 20,000 households including the Leaside Property Owners' Association which represents the neighbourhood directly affected.
- l. Councillor Campbell, nonetheless, moved the motion to reverse the staff recommendation and to support the application from Outfront Media, in order to secure \$40,000 of community benefit revenue directly from the applicant themselves.
- m. Councillor Campbell accepted a meeting invitation from a registered lobbyist to discuss the bylaw amendment on behalf of Outfront Media, while concurrently the applicant was publicly offering an increase in cash revenue to the city's arena.
- n. I raised this issue with Councillor Campbell's office on June 21 2016, by e-mail, and received no response.
- o. Please note that this item is going to City Council for ratification on July 12th.

This is Schedule A referred to in the affidavit of Dave Meslin
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Code of Conduct Complaint Protocol – Members of Local Boards (Restricted Definition)

s. 1(3) Formal Complaint Procedure

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Affidavit

AFFIDAVIT OF Dave Meslin

I, Dave Meslin, of the City of Toronto in the Province of Ontario MAKE OATH AND SAY [or *AFFIRM*]:

1. I have personal knowledge of the facts as set out in this affidavit, because I attended the June 15th 2016 meeting of City Council’s Planning and Growth Management Committee.

2. I have reasonable and probable grounds to believe that a member of a local board (restricted definition), Raymond J. White, Chair, Leaside Memorial Community Gardens, Board of Management, has contravened section XV (Failure to adhere to Council policies and procedures) of the Code of Conduct for Members of Local Boards (Restricted Definition) (the “Code of Conduct”). The particulars are as follows:

- a. Section XV of the Code of conduct states that “*Members are required to observe the terms of all policies and procedures established by the local board and any City Council policies and procedures that apply to the local board or its members*”
- b. My concern is in regard to the “*Donations to the City of Toronto for Community Benefits Policy*” which is designed to “*ensure that donations occur at arm’s length from any City decision-making process*”.

Please see attached Schedule A (✓)

This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

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 [Signature of commissioner])
 A Commissioner for taking affidavits, etc.)

[Signature]

Code of Conduct Complaint Protocol – Members of Local Boards (Restricted Definition)

s. 1(3) Formal Complaint Procedure

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Schedule A

To the affidavit required under subsection 1(3) of the Formal Complaint Procedure

- c. The policy states that:
 - i. 1.2.1 *“applicants seeking an approval, permit or license shall not concurrently offer or make voluntary donations to the City or an agency, board or commission for community benefits.”*
 - ii. 1.5 *“There is a blackout period in planning approval processes during which discussions about voluntary donations for community benefits are not permitted and voluntary donations may not be offered, solicited, or accepted.”*
- d. Outfront Media is currently in the process of seeking an amendment to the Sign By-law to implement area-specific regulations to allow for one electronic third party ground sign (digital commercial billboard) at 1073 Millwood Avenue, the Leaside Memorial Gardens Arena.
- e. Outfront Media is also, at the same time, offering to increase their payments to the Leaside Memorial Arena by \$40,000 annually, conditional upon being granted the amendment. The applicant has lobbied members of the Arena’s Board of Management as well as members of Council and has solicited public support from the community by presenting an online survey asking local residents if *“Generating 4 times as much revenue for Leaside Memorial Gardens is important to me”* or if *“A digital billboard that would generate revenue for LMG is a good idea”*.

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- f. The fees being offered by Outfront Media billboard are a direct source of revenue from the applicant, providing a community benefit, tied directly to the outcome of the application, and contingent on approval of the application. This seems to violate *“the integrity of municipal decision-making processes”*, as described in the Community Benefits Policy.
- g. The application from Outfront Media was rejected by City Staff because the proposed digital billboard would *“represent a significant conflict with the goals and objectives of the Sign Bylaw”*.
- h. The Community Benefits Policy is designed explicitly to preserve the integrity of complex planning decisions by removing anything that could be interpreted as an external financial incentive to support the application, especially when that revenue is coming from the applicant themselves.
- i. Mr White’s presentation to the Committee stated that the members of the Leaside Gardens Board of Management *“find that this proposal does indeed offer significant public good and community benefits”* including *“A \$40,000 increase in revenue”*. *“The revenue to be generated by this sign upgrade will impact directly on user fees in a positive way.”*

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- j. The Leaside Memorial Gardens Board of Management accepted meeting invitations from four registered lobbyists to discuss the sign bylaw amendment on behalf of Outfront Media, while concurrently the applicant was publicly offering an increase in cash revenue to the board.
- k. I raised this issue with the Board of Management on June 21 2016, by e-mail, and received no response.
- l. Please note that this item is going to City Council for ratification on July 12th.

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