

Process map – Member soliciting/facilitating donations to the City

Broadly speaking, the new process under the proposed Donation Procedures for Members of Council would include the following general steps for Members to consider/undertake during donation-related activity:

1. Consider **applicability** of the new procedures to the proposed donation.
2. Consider **limitations/restrictions** that may apply (including the **blackout periods** for planning and procurement processes).
3. Consider **allocation requirements** (including a prohibition on ward-specific accounts for cash donations).
4. Consult the **Integrity Commissioner** (on matters including **Lobbyist Registry** requirements and **Code of Conduct for Members of Council** implications) and **City staff**, as required.
5. Consider **communication** requirements with the potential donor, as required.
6. Receive **staff concurrence** or **Committee/Council** direction to accept a donation, as required.
7. Use the **templated Memorandum of Understanding (MOU)** to finalize and accept a donation (staff review and execute the MOU).

The process map below compares the current approach with the proposed new process. The Donation Procedures for Members of Council should be reviewed for details relating to the matters summarized below.

Matter	Current approach	New procedures (general summary)
<p>1. Applicability of new procedures</p>	<ul style="list-style-type: none"> • N/A • The current process is ad hoc, guided by a joint memorandum of January 5, 2024, from the former Interim City Clerk/City Solicitor and Integrity Commissioner. The Code of Conduct for Members of Council applies to a Member’s activities. 	<p>The new procedures would generally apply to donation activities, but would not apply to the following matters, which would continue in accordance with existing formal processes or past practice:</p> <ul style="list-style-type: none"> • Donations that directly benefit residents or specific groups outside of the corporation of the City of Ottawa, such as: <ul style="list-style-type: none"> ○ Donations of temporary aid and/or assistance in emergency situations affecting residents in the

		<p>Member’s ward (e.g., natural disasters, weather events, etc.).</p> <ul style="list-style-type: none"> ○ “Social contracts” and other benefits a third party may provide to residents (regarding matters such as tenant housing, providing transit passes to future occupants of a development, etc.). • Donations and sponsorships for Member-organized community events and supporting benevolent events (already covered by the existing Community, Fundraising and Special Events Policy). • Donations and/or contributions governed by formal statutory and/or policy processes and requirements (e.g., Community Benefits Charges). • Various general matters largely aligned with non-applicable matters under the existing Donations to the City for Community Benefit Policy. <p>The Code of Conduct for Members of Council continues to apply.</p>
<p>2. Limitations / restrictions</p>	<ul style="list-style-type: none"> • No specific and consistent limitations/restrictions outside of joint memorandum/Code of Conduct requirements. 	<ul style="list-style-type: none"> • Decision-making processes – Generally, Integrity Commissioner approval is required if Member has a current or foreseeable role in any decision-making process involving the donor. • Blackout periods (planning and procurement) if the Member has a role in an outstanding approval

		<p>involving the donor. Limited exceptions are possible with approval from the Integrity Commissioner (e.g., the donation is unrelated to the approval matter, etc.).</p> <ul style="list-style-type: none"> • Election year – A Member seeking re-election shall not solicit/facilitate donations in their capacity as an elected official between Nomination Day and Voting Day. • Active registrations in the Lobbyist Registry – A Member shall not solicit/facilitate a donation from a lobbyist or their clients or their employees with active registrations without approval from the Integrity Commissioner. • General limitations/restrictions – Matters such as donor being in ‘good standing’ with municipality, unethical and unlawful activity, discriminatory practices, etc. (largely based on the existing Donations to the City for Community Benefit Policy).
<p>3. Allocation requirements</p>	<ul style="list-style-type: none"> • No specific and consistent allocation requirements. 	<ul style="list-style-type: none"> • In-kind and service donations (such as projects, assets or activities): Provided to the ward specified by the donor, unless the donor advises the intent of the donation is City-wide or multiple wards. • Cash donations: Members are not permitted to allocate cash donations to ward-specific accounts. Cash donations shall be allocated by staff under delegated authority as follows:

		<ul style="list-style-type: none"> ○ If the donor specifies purpose – Deposited in a City-wide fund for the relevant program, for allocation by the relevant General Manager or designate, unless Member seeks Council approval for specific purpose. ○ If donor does not specify purpose – Allocated to City’s general revenue unless Member seeks Council approval for specific purpose.
<p>4. Contacts for consultation or approvals</p>	<ul style="list-style-type: none"> • Members are encouraged to consult with the Integrity Commissioner, who may provide guidance in matters relating to the Code of Conduct for Members of Council and/or <i>Lobbyist Registry By-law</i>. • Members may consult with staff. There is no express requirement to do so, although acceptance of a donation may require staff to be involved. Staff may use the existing Donations to the City for Community 	<p>Members <u>must</u> consult with:</p> <ul style="list-style-type: none"> • Integrity Commissioner regarding any active Lobbyist Registry registrations. • Integrity Commissioner for approval of any exemption to decision-making process restrictions, blackout periods or Lobbyist Registry requirements. • Planning/procurement staff where there is a reasonable expectation that the potential donor may have an outstanding planning/procurement application/process with the City. • Departmental staff for written concurrence to accept a donation (see below). <p>Members <u>may</u> consult with:</p> <ul style="list-style-type: none"> • Integrity Commissioner generally regarding requirements under the Code of Conduct for Members of Council and/or <i>Lobbyist Registry</i>

	<p>Benefit Policy to guide their response.</p>	<p><i>By-law. This is recommended in all instances</i> (and required in certain cases, as noted above).</p> <ul style="list-style-type: none"> • City Clerk and City Solicitor, or their designate(s), regarding the applicability of any limitations and/or restrictions to a donation. • City Clerk or designate for any inquiries/guidance with respect to the procedures.
<p>5. Communication with potential donor</p>	<ul style="list-style-type: none"> • No formal guidelines. • The Integrity Commissioner recommends the Member clearly communicate that any such contribution is completely voluntary, and has stated that Members must not misrepresent the voluntary nature of the contribution. 	<ul style="list-style-type: none"> • Member must clearly communicate that any donation is completely voluntary, and must not misrepresent the voluntary nature of the donation. • Solicitation guidelines are provided as Appendix A to the procedures.
<p>6. Staff concurrence</p>	<ul style="list-style-type: none"> • No express requirement to receive staff concurrence, although staff involvement may be required depending on the nature of the donation. 	<ul style="list-style-type: none"> • Member must seek written concurrence from the General Manager or designate for the recipient department. • The General Manager or designate considers a proposed donation (assesses effects in various areas as noted in Appendix C to the procedures). • If concurrence is not received, the Member may bring the matter forward in a Councillor’s report to Committee/Council.

<p>7. Finalizing and accepting a donation</p>	<ul style="list-style-type: none"> • Ad hoc: May be accepted by staff; Member may choose to bring forward a motion/Councillor's report to Committee and/or Council. 	<ul style="list-style-type: none"> • The General Manager or designate of the recipient department and Legal Services reviews the completed mandatory MOU (Appendix B to the procedures) for an accepted donation to ensure compliance with any statutory, legal and administrative/policy requirements. • Legal Services and the City Clerk execute the MOU. • Staff address any donor receipt/recognition requirements under delegated authority.
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After a donation is accepted

<p>Donation management</p>	<ul style="list-style-type: none"> • No express requirements for donations solicited/facilitated by Members. 	<ul style="list-style-type: none"> • Donation is managed by the recipient department under delegated authority. • Relevant General Manager or designate has delegated authority with respect to administration, prioritization and implementation of the donation, in consultation with the Ward Councillor and the Member who solicited/facilitated the donation, as applicable.
<p>Public disclosure requirement</p>	<ul style="list-style-type: none"> • No express requirements for donations solicited/facilitated by Members. 	<ul style="list-style-type: none"> • MOUs for accepted donations are disclosed on ottawa.ca on a quarterly basis.
<p>Reporting requirements</p>	<ul style="list-style-type: none"> • No express requirements for donations solicited/facilitated by Members. 	<ul style="list-style-type: none"> • Logs and reports to Council required under the existing Donations to the City for Community Benefit Policy would include reference to all donations solicited/facilitated by

		Members, regardless of value, including the Member's name.
Status updates regarding accepted donations	<ul style="list-style-type: none"> No express requirements for donations solicited/facilitated by Members. 	<ul style="list-style-type: none"> Members receive updates twice per year regarding the status of donated projects, assets or activities solicited/facilitated by Members.
Complaint process		
Monitoring / Contraventions	<ul style="list-style-type: none"> If anyone believes that, in seeking a contribution, or in undertaking any other action, a Member has contravened the Code of Conduct for Members of Council, they may file a complaint with the Integrity Commissioner. 	<ul style="list-style-type: none"> All complaints routed to the Integrity Commissioner, who decides whether the matter is within the Integrity Commissioner's jurisdiction. If the Integrity Commissioner determines the matter is outside their jurisdiction and falls under the procedures, the City Clerk or designate will address the matter in consultation with Legal Services and other staff as required upon receipt of a written complaint. Staff will consider matters such as the donation's usefulness, present and ongoing financial and operational impacts, and any exposure to risk and/or liability. Failure to comply with the procedures may result in a loss of the donation.