

Authority: Policy and Finance Committee Report No. 7, Clause No. 1, as adopted by City of Toronto Council on May 21, 22 and 23, 2002; Policy and Finance Committee, Report No. 15, Clause No. 1, as adopted by City of Toronto Council on November 26, 27 and 28, 2002, and Notice of Motion J(1), moved by Councillor Balkissoon, seconded by Councillor Jones, as adopted by City of Toronto Council on November 26, 27 and 28, 2002
Enacted by Council: November 28, 2002

CITY OF TORONTO

BY-LAW No. 1076-2002

To amend Article VI, City Auditor, Chapter 169, Officials, City, of the City of Toronto Municipal Code to establish the position of an independent Auditor General, to delineate certain duties and responsibilities of the Auditor General and to make consequential amendments to Article I, Chief Administrative Officer, Chapter 169 Officials, City; Chapter 19, Business Improvement Areas; Chapter 71, Financial Control; Article II, Heritage Toronto, Chapter 103, Heritage; Chapter 179, Parking Authority; Article III, Acquisition of Non-Governmental Records, Chapter 219, Records, Corporate, and Article II, Yonge-Dundas Square Board of Management, Chapter 636, Public Squares, of the Municipal Code.

WHEREAS City Council wishes to establish the position of Auditor General and to delineate certain duties and responsibilities of the Auditor General;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended as follows:
 - A. By repealing Article VI, City Auditor, of Chapter 169, Officials, City.
 - B. By adding the following as a new Article VI, Auditor General, of Chapter 169, Officials, City.

§ 169-29. Independence.

The Auditor General is appointed by City Council and is independent of the City administration. The Auditor General is responsible for assisting City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in City operations.

§ 169-30. Responsibility.

The Auditor General shall:

- A. Have full carriage and control of and be fully responsible for the conduct of the Auditor General's office.

- B. Be responsible for carrying out financial (excluding attest), compliance and performance audits of all programmes, activities and functions of all City departments, agencies, boards, and commissions and corporations and the offices of the Mayor and members of Council.

§ 169-30.1 Annual Audit Plan.

- A. The Auditor General shall submit an annual audit plan to Council.
- B. No deletions or amendments to the annual audit plan shall be made except by the Auditor General
- C. Exception.

Despite § 160-30.1B, Council may add to the annual audit plan by a two-third's majority vote.

§ 169-30.2. Appointment; term.

The Auditor General shall:

- A. Be appointed by Council in accordance with the recommendation of a special committee of Council.
- B. Be appointed for a non-renewable term of 7 years.
- C. Exception.

Despite § 169-30.2B the current Auditor General shall hold office until the expiry of the current term and any renewals of that term.

§ 169-30.3 Compensation.

The Auditor General shall:

- A. Be compensated in accordance with the recommendations of an independent external review.
- B. Shall not receive any performance bonus.

§ 169-30.4 Additional powers duties and responsibilities.

The Auditor General shall:

- A. Have authority to appoint, promote, demote, suspend and dismiss, subject to the provisions of any personnel regulations adopted by Council or collective agreements applicable to employees of the City, all employees of the office of the Auditor General.

- B. Disclose to Council any attempts at interference with the work of the Auditor General's office.

§ 169-30.5 Annual External audit.

- A. There shall be an annual external audit of the Auditor General's office.
- B. The annual external audit of the Auditor General's office shall not be carried out by the external auditors appointed to audit the financial statements of the City and its agencies, boards and commissions.

§ 169-31. Conflicting provisions.

Where this article conflicts with the provisions of any other by-law setting out the powers and duties of a municipal official, this article prevails to the extent of the conflict.

§ 169-32 Two-thirds majority vote required.

This chapter shall not be amended or repealed except by a two-thirds majority of Council.

- 2. Article I, Chief Administrative Officer, Chapter 169, Officials, City, is amended as follows:
 - A. § 169-5 is amended by adding a comma after "management" and before "and".
 - B. Adding "the Auditor General and staff of the Auditor General's office" after the comma added by § 169-5A and before "and".
 - C. § 169-6 is amended by adding the following:

§ 169-6.1 Exception.

Despite § 169-6 the Chief Administrative Officer shall not recommend the appointment and dismissal of the Auditor General.

- 3. Chapter 19, Business Improvement Areas is amended as follows:
 - § 19-12C is amended by deleting "The City Auditor or his or her designate" and substituting "the City's external auditor".
- 4. Chapter 71, Financial Control is amended as follows:
 - A. Article I, Definitions; Authority; Purpose; applicability is amended by deleting "City Auditor and substituting "Auditor General" in the definition of department head.
 - B. Article II, Budgets, is amended by adding the following:

- F. Despite § 71-8D, the transfer of approved budgets of not more than \$500,000 in respect of each reallocation between programs or services or between programs and services within the office of the Auditor General which do not affect the net operating budget for the office of the Auditor General shall require the approval of the Audit Committee, the Treasurer and Council.
- G. Despite § 71-8E the transfer of approved budgets between programs or services or between programs and services affecting the net operating budget of the office of the Auditor General shall require the approval of the Audit Committee, the Treasurer and Council.
5. Article II, Heritage Toronto, Chapter 103, Heritage is amended as follows:
- § 103-13C is amended by deleting “City Auditor” and substituting “the City’s external auditor”.
6. Chapter 179, Parking Authority, is amended as follows:
- § 179-16 is amended by deleting “Municipal Auditor” and substituting “the City’s external auditor”.
7. Article III, Acquisition of Non-Governmental Records, Chapter 219, Records, Corporate is amended as follows:
- § 219-6 is amended by deleting “City” before “Auditor” and substituting “external” in the definition of non-governmental record.
8. Article II, Yonge-Dundas Square Board of Management, Chapter 636, Public Squares is amended as follows:
- § 636-9D is amended by deleting “City Auditor” and substituting “City’s external auditor”.

ENACTED AND PASSED this 28th day of November, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)