

Appendix 1

ACTIVITIES OF THE INTEGRITY COMMISSIONER: JULY 1, 2012 - JUNE 30, 2013

A. POLICY DEVELOPMENT, EDUCATION AND OUTREACH SUMMARY

The duties of the office include consulting on City policies that involve City of Toronto accountability and transparency. During this reporting period, the Integrity Commissioner was involved in a number of activities involving policy consultation, presentations and education sessions including:

Summer Activities - 2012

- July 17, 2012 – “Integrity By Design Project” – Consultation with Dr. Ann Cavoukian (Ontario Information and Privacy Commissioner) and Brian Beamish (Assistant Commissioner, Access Information and Privacy Commissioner/Ontario).
- August 22, 2012 - Amendment to the Donations to the City for Community Benefits Policy - Review of updates to the policy.

Fall Activities - 2012

- September, 2012 – “Best Practices: Informal Complaint Resolution” - Preparation of information template for [New York City's Best Practices](#) website.
- September 10, 2012 – “How can Accountability Officers Work Together? A Municipal Example” – Panel member at the 2012 Lobbyist Registrars and Commissioners Conference hosted by the Lobbyist Registrar, City of Toronto.
- Sept. 28, 2012 - Doing It Right Initiative: Supporting an Ethical Workplace - consultation with City Manager’s Office, Lobbyist Registrar, Auditor General, Human Resources and Strategic Communications.
- October 17, 2012 – “*Public Inquiries Act, 2009* and the Work of Integrity Commissioners” – Presentation at meeting of the Integrity Commissioners of Ontario at York University, Toronto.¹
- October 23, 2012 – “The Foundations of Municipal Ethics in the City of Toronto” – Speaking to Municipal Law class of Humber College at City Hall.

¹ Although the City of Toronto was the first municipality in Ontario to appoint an Integrity Commissioner, many other municipalities across the province have now taken this step. As of June 30, 2013, 30 Ontario municipalities have appointed Integrity Commissioners.

- November 2012 - Constituency Services and Office Budget Policy - Consultation with City Clerk's office on aspects of the new Office Budget Policy.
- November, 2012 - Toronto Public Service By-Law - consultation with the Office of the City Clerk and the City Manager's Office on a proposal for a Public Service By-law.
- November 22, 2012 – “The Role of the Integrity Commissioner” – Presentation at Town Hall meeting of Toronto residents, hosted by Councillor Sarah Doucette.

Winter Activities – 2012 - 2013

- December 2012 - *Public Inquiries Act, 2009* – Meetings with Lobbyist Registrar and legal counsel from July 2012 re independent legal opinion — amendments recommended to Council for the *Code of Conduct Complaint Protocol For Members of Council* and the *Code of Conduct Complaint Protocol for Members of Local Boards (restricted definition) Including Adjudicative Boards*. City Council approved the amendments on October 2, 3 and 4, 2012 to conform to the wording in the *Public Inquiries Act*.
- January 16, 2013 - Human Rights and Anti-Harassment/Discrimination Policy – Review of policy report and amendments to Complaints Procedures by Equity, Diversity and Human Rights Division.
- February, 2013 - Revised Fraud and Waste Prevention Policy – Review and comment as relating to *Code of Conduct Complaint Protocol for Members of Council* - provided to Director Strategic Recruitment, Compensation & Employment Services.
- February 26, 2013 – “A Fine Balance: Municipal Codes of Conduct and the Municipal Conflict of Interest Act” – Joint Presentation with Toronto City Solicitor at Commons Institute, Toronto.
- February 28, 2013 – “The Role of the Integrity Commissioner” – Presentation at Swansea Town Hall AGM meeting, Toronto.

Spring/Summer Activities - 2013

- May 9, 2013 – Integrity Commissioner Interpretation Bulletin – [Legal Fees Incurred By Members of Council Not Covered By the City](#) With invaluable input from the City Clerk's office and the Office of the City Solicitor, the Integrity Commissioner issued an interpretation bulletin to provide clarity and advice for members of Council on various mechanisms for reimbursement for legal fees and the application of the *Code of Conduct*.

- May 21, 2013 - "[Declaration for Travel Paid by Third Party](#)" The Integrity Commissioner and the City Clerk issued a joint memorandum to all members of City Council to provide clarity on how members, in the performance of their duties, can report on travel paid for by a third party sponsor since this expense is not a straightforward gift or benefit. City Clerk's office designed a [Travel Declaration Form](#) for members' use to declare reimbursement for travel expenses exceeding \$300 or over \$300 in a calendar year. This form is in addition to the Donor Declaration Form which is designed for donations to a Council-Member Organized Community Event. Both forms are filed with the Integrity Commissioner via the Office of the City Clerk to ensure compliance with the Gifts and Benefits section of the *Code of Conduct*.
- May 23, 2013 – "IMLA in Canada, 2013" - Toronto – Panel member and presenter on the Role of the Integrity Commissioner and the Application of *Magder v. Ford*, sponsored by International Municipal Lawyers Association in Toronto
- May 31, 2013 - Toronto Public Service By-Law - continued consultation with Office of the City Clerk and the City Manager's Office on a proposal for a Public Service By-law.
- June 4, 2013 – Attendance at the semi-annual meeting of the Integrity Commissioners of Ontario in Waterloo, Ontario.
- June 5, 2013 – Integrity By Design – Meeting with City Clerk and City Solicitor to discuss a framework for a review of the City's ethical infrastructure.

B. THE WORK OF THE OFFICE: "BY THE NUMBERS"

I. ADVICE GIVEN

During 2012-2013 Board members, Councillors and their staff received telephone, e mail and in-person advice, depending on the nature of the inquiry.

TABLE 1

**Members of Council
Members of Local and Adjudicative Boards
Advice Sought and Provided**

	2011-2102	2012-2013
Members who Sought Advice:	38	40
Informal Advice:	60	93
Formal Written Advice:	59	36
Total:	119	129

II. INQUIRIES FROM CITIZENS AND STAFF

Members of the public also continue to use the services of the office. The office handles requests for information about how to make a complaint, delivery of complaints in formal and informal formats, information about the *Code of Conduct*, and where appropriate, referrals to other offices or institutions. Although some calls and correspondence are complaint driven, not every contact with this office by a staff member or a citizen takes the form of a complaint. Many of these conversations are for information, referrals, or to clarify roles and responsibilities.

TABLE 2

Citizen and Staff Inquiries

	2011-2012	2012-2013
Citizen:	276	440
Staff:	53	48
Total:	329	488

III. COMPLAINTS

The *Complaint Protocol* sets out the procedure to follow for informal or formal complaints. The *Complaint Protocol* is available on line at: <http://www.toronto.ca/integrity/pdf/complaint-protocol.pdf>.

Informal complaints are resolved by letter, discussion or meetings without engaging the formal process or requiring a report to Council. In contrast, formal complaints are brought by way of sworn affidavit under Part B of the *Complaint Protocol*. City Council has the responsibility of considering and imposing appropriate sanctions or remedies where it finds that a breach of the *Code of Conduct* has taken place.

TABLE 4

Complaints Received

	<u>2011-2012</u>	<u>2012- 2013</u>
Formal Complaints Received:	20	16
Informal Complaints Received:	46	51
Total Complaints Received:	66	67

The disposition and source of formal complaints received during the last reporting period are shown in Tables 5 and 6.

TABLE 5

**Status of Formal Complaints:
July 1, 2012 to June 30, 2013**

	<u>2011 - 2012</u>	<u>2012 – 2013</u>
Rejected as Beyond Jurisdiction	1	1
Dismissed on the Merits	3	4
Sustained and Reported to Council	1	3
Settled, Withdrawn or Abandoned	4	--
Rejected as Frivolous or Vexatious, Made in Bad Faith or Without Substance	2	3
Still Under Investigation/Deferred	10	12
Total:	21	23

TABLE 6

**Source of Formal Complaints Received During Reporting Period
July 1, 2012 to June 30, 2013**

Complaints by Staff:	--
Complaints by Members of the Public:	15
Complaints by Members:	1
References from Council:	--
Total:	16

TABLE 7

**Formal Complaints Received During Reporting Period
July 1, 2012 – June 30, 2013
By Office**

Complaints About:	
Members of Council and Mayor	15
Members of Local Boards	1
Members of Adjudicative Boards	
Total Complaints Received:	16

IV: WEBSITE VISITS

In addition to receiving direct requests for advice and information, the Integrity Commissioner's website (<http://www.toronto.ca/integrity/index.htm>) continues to be visited. The website provides viewers with access to the *Code of Conduct*, City protocols and policies, annual reports to Council and information for officials. In the past year, there has been an increase of just over 900 visits to the site over last year's visits, and 7889 visits more than 2011. This represents a 17% increase over two years.

TABLE 3

**Office of the Integrity Commissioner Website Tracking
Number of Visits**

2010 – 2011	2011-2012	2012 – 2013
36,876	43,863	44,765