



Office of the Integrity Commissioner – 2015 Operating Budget

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| Date: | January 7, 2015 |
| To: | Budget Committee |
| From: | Valerie Jepson Integrity Commissioner |
| Wards: | All |
| Reference Number: | |

SUMMARY

This report details information related to the 2015 Operating Budget for the Office of the Integrity Commissioner ("OIC") and recommends a full-year 2015 budget of \$637.2 thousand for consideration by the Budget Committee. This includes base budget pressures of \$39.6 thousand and enhancements of \$298.5 thousand.

RECOMMENDATION

The Integrity Commissioner recommends that:

Budget Committee recommends to Executive Committee that:

1. City Council approve the 2015 operating budget of \$637.2 thousand for the Office of the Integrity Commissioner.

Financial Impact

Approval of the OIC's 2015 operating budget request will result in an inclusion of \$637.2 thousand in the 2015 annual budget of the City of Toronto.

DECISION HISTORY

As provided for by the *City of Toronto Act, 2006* and Chapter 3 of the Toronto Municipal Code, the Integrity Commissioner is independent of the City administration. This report is therefore submitted directly to Budget Committee for consideration and recommendation to Council. (Reference: *City of Toronto Act, 2006*, s. 158(2), s. 159(1); Chapter 3 of the Toronto Municipal Code, s. 3-10.)

ISSUE BACKGROUND

Background

The City of Toronto appointed its first Integrity Commissioner on a part-time basis in 2004. Shortly after the OIC was created, the Honourable Justice Denise E. Bellamy released her report into the Toronto Computer Leasing, and Toronto External Contract, Inquiries. Justice Bellamy commended the decision of City Council to create the position of an Integrity Commissioner but she made several recommendations to enhance the role, including that the Integrity Commissioner be full-time and have sufficient staff to ensure timely advice-giving and investigations.

Notwithstanding the recommendations made by Justice Bellamy, the position of Integrity Commissioner remained part-time until September 2014 and was staffed by a single administrative assistant (who was part time until 2013). For 2014, the OIC had a non-salary budget of \$21.1 thousand or 7.1% of its total operating budget of \$299.1 thousand.

Acting on a recommendation of former Integrity Commissioner Janet Leiper, Council approved a full-time Integrity Commissioner commencing in September 2014.

The move to a full-time Integrity Commissioner was a necessary and important change. However, the base budget of the OIC is not sufficient to enable the OIC to fully complete its statutory duties, particularly in relation to Local Boards (Restricted Definition). The Integrity Commissioner therefore requests:

- creation of two new positions: an Investigator/Analyst and an Outreach Coordinator; and,
- a budget for contingency funding for external investigative and legal support.

The above enhancements build on the decision of Council to transition to a full-time Integrity Commissioner and are modest when one considers the scope of work required to be undertaken by the OIC, the full program envisioned by Justice Bellamy and the present state of resources.

Duties of the Integrity Commissioner

The *City of Toronto Act, 2006* and Chapter 3 of the Municipal Code require the Integrity Commissioner to perform four main duties:

1. provide confidential advice to 45 members of council and approximately 1000 appointees to Local Boards (Restricted Definition);
2. provide education and outreach to members of council and more than 100 Local Boards (Restricted Definition) about the standards of conduct;
3. provide comprehensive policy reports to council and more than 100 Local Boards (Restricted Definition) on matters of integrity and ethics; and,
4. complete investigations when there are allegations of breach.

In addition to the above duties, the Integrity Commissioner and the Administrative Assistant respond to informal inquiries and requests for information from members of the public and other interested groups.

The volume of work for the OIC has steadily increased in recent years. (See Appendix 1 for a summary of statistical information relating to the work of the OIC.)

What will the proposed enhancements achieve?

Timely Advice and Investigations

When advice is sought or a complaint is filed, it should be resolved in a timely manner. At present, the Integrity Commissioner – a single person – is required to carry out every task and function in relation to the four core duties with modest administrative support. This includes corporate responsibilities, such as human resources and budgeting. There is no buffer in the current budget (through staff or external services) to properly respond to high volumes, large or complex cases or issues, or time sensitive matters. If the Integrity Commissioner turns her attention to one matter or task, it necessarily means that the other matters will be delayed. The current model is no longer sustainable.

To ensure that the OIC can effectively carry out the statutory duties, the Integrity Commissioner recommends that the non-salary budget be increased to allow for use of external investigation and legal support, an Investigator/Analyst position be created to provide the Integrity Commissioner with substantive assistance in relation to the advice and investigation functions; and, an Outreach Coordinator position be created to improve awareness among the Local Boards (Restricted Definition).

The new positions and the ability to utilize external resources would ensure that multiple functions can occur at once, will allow the Integrity Commissioner to

focus her time on core duties such as investigations and advice giving (rather than planning and coordinating outreach activities, uploading information to the OIC website, etc.).

Establishing a non-salary budget for external support is critical because of the difficulty associated with predicting the number of investigations or the complexity of same. It will allow the Integrity Commissioner to draw on outside resources to quickly respond to major or complex investigations.

Creating an Investigator/Analyst position will allow the Integrity Commissioner to develop internal staff expertise to deal with routine or frequent matters and draw on necessary external expertise when required. It is envisioned that the Analyst/Investigator will:

- provide direct advice to requestors on routine matters and appropriately triage and escalate requests for advice to the Integrity Commissioner
- assist the Integrity Commissioner with file management of investigation cases including carrying out preliminary investigation steps (i.e. pleadings exchange, responding to procedural inquiries), evidence and records management, coordination related to investigative steps and (when necessary) liaising with external investigation supports
- provide research assistance to enable the OIC to keep current with other jurisdictions and best practices and to respond to requests for policy advice from council and local boards (e.g. social media report).

Addressing a gap in awareness among Local Boards (Restricted Definition)

A core function of the Integrity Commissioner is to ensure that members of council and Local Boards (Restricted Definition) are aware of the standards of conduct that apply to them. The proposed enhancements will enable the Integrity Commissioner to improve awareness of the standards among members of Local Boards (Restricted Definition) and it will allow the Integrity Commissioner to be more strategic and comprehensive about outreach activities in general.

There are more than 100 Local Boards (Restricted Definition), which include entities such as the Committee of Adjustment, the Toronto Transit Commission, Toronto Zoo and all of the boards of management of business improvement areas. Considering the high number of Local Boards, there appears to be a very low level of awareness of the standards among Local Boards (Restricted Definition). There have been only three requests for advice from Local Boards (Restricted Definition) in the past three years. This number is out of proportion when one considers that there are approximately 1000 appointees.

The proposed Outreach Coordinator will help the Integrity Commissioner to address this gap by developing strategies and content for outreach in the Local Board (Restricted Definition) sector. This will include recommending web and social media content, maintaining the website, building up necessary outreach

resources (with an initial focus on the needs of Business Improvement Areas), planning and strategizing an outreach approach and managing all of the related logistical and planning functions.

The OIC also faces an acute operational need in relation to its website content. Until recently, the OIC relied on the Information and Technology Division to publish information to its website. During Fiscal 2014, the OIC became solely responsible for maintaining its web content using Web Content Management. Maintaining current information on the website takes time, consideration and is labour intensive. The addition of this function has placed an unsustainable burden on the OIC and immediate additional resources are required to remedy this situation.

COMMENTS

The OIC 2015 Operating Budget request reflects the increased workload of the office and will enable the Integrity Commissioner to fulfill her statutory duties.

The 2015 operating budget is \$637.2 thousand and includes:

- base budget pressures of \$39.6 thousand net, which include, annualization impact for a full-time Integrity Commissioner starting September 2014, reversal of one-time non-payroll budget reduction in 2014, and budgetary provision for COLA and progression pay increase and economic factor adjustments for non-payroll items.
- a budget increase of \$298.5 thousand net, which include enhancements that will enable the OIC to carry out its statutory mandates. The enhancements include 2 positions for 6 months starting July 2015 and \$150k additional budget for external investigative and legal support.

This results in an increase of \$338.1 thousand or 113.0% from the 2014 Approved Operating Budget of \$299.1 thousand net.

CONTACT

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SIGNATURE

(Original signed)

ATTACHMENTS

- Appendix 1 - Statistics
- 2015 Operating Budget – Accountability Officers