



STAFF REPORT ACTION REQUIRED

Amendment to the Fixed Terms of the Ombudsman and Lobbyist Registrar Functions

Date:	March 10, 2015
To:	Executive Committee
From:	City Manager
Wards:	All

SUMMARY

This report recommends amending the Toronto Municipal Code Chapter 3, Accountability Officers to provide a non-renewable fixed seven (7) year term for the Ombudsman and Lobbyist Registrar function. A non-renewable term is consistent with what is already in place for Toronto's Auditor General and Integrity Commissioner.

The terms of the Ombudsman and Lobbyist Registrar are currently five (5) years, renewable once for an additional five (5) years. The recommended term amendments will come into effect with future Ombudsman and Lobbyist Registrar appointments.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council amend Article IV, Section 3-24 of the Toronto Municipal Code Chapter 3, Accountability Officers to change the term of the Lobbyist Registrar to a seven (7) year non-renewable term;
2. City Council amend Article V, Section 3-28 of the Toronto Municipal Code Chapter 3, Accountability Officers to change the term of the Ombudsman to a seven (7) year non-renewable term; and
3. City Council direct that the term changes for the Ombudsman and Lobbyist Registrar come into effect for future Ombudsman and Lobbyist Registrar appointments.

Financial Impact

There are no financial implications resulting from the implementation of the recommendations in this report.

DECISION HISTORY

City Council at its meeting on August 25, 2014, directed the City Manager to report back on the necessary amendments to Chapter 3, Accountability Officers, for the Ombudsman to be appointed for one 5 or 7 year term that does not include the possibility of extension. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX44.58>

ISSUE BACKGROUND

Toronto Municipal Code Chapter 3, Accountability Officers sets out the independence and accountability features for Toronto's Accountability Officers including the Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman.

The Chapter also establishes the appointment, renewal and removal processes for the Accountability Officers, among other things, including fixed terms to provide protection of tenure and as an accountability mechanism back to the appointing body.

COMMENTS

Toronto Municipal Code Chapter 3, Accountability Officers sets out fixed terms for Toronto's Accountability Officers including:

- A seven (7) year non-renewable term for the Auditor General;
- A five (5) year non-renewable term for the Integrity Commissioner;
- A five (5) year term for the Lobbyist Registrar, renewable once for an additional five (5) year term; and
- A five (5) year term for the Ombudsman, renewable once for an additional five (5) year term.

City Council requested the City Manager to report back on necessary amendments to Toronto Municipal Code Chapter 3, Accountability Officers to establish a fixed term for the Ombudsman with no renewal.

City staff undertook research across a range of jurisdictions to benchmark fixed terms for the Ombudsman function. Fixed terms generally range between 5 and 7 years with some jurisdictions providing an option for renewal (such as Ontario and British Columbia) while other jurisdictions provide no option for renewal (such as New Zealand, and New South Wales).

With respect to Lobbyist Registrar function, fixed terms range between 5 and 10 years with some jurisdictions providing an option for renewal (such as Ontario and Canada) while other jurisdictions provide no option for renewal (such as British Columbia).

This report recommends amending Toronto Municipal Code Chapter 3, Accountability Officers to establish a seven (7) year fixed term with no renewal for the Ombudsman and Lobbyist Registrar. A term with no renewal is consistent with Toronto's Auditor General and Integrity Commissioner.

This amendment will result in the Auditor General, Integrity Commissioner and Lobbyist Registrar all having seven (7) year fixed terms with no renewal. This report does not recommend any changes to the fixed five (5) year term with no renewal for the Integrity Commissioner given the nature of the function and degree of interface with Members of City Council.

The changes to the terms for the Ombudsman and Lobbyist Registrar come into effect with future appointments.

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SIGNATURE

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