

2017 Operating Budget

Presentation to Budget Committee

Valerie Jepson, Integrity Commissioner

December 20, 2016

Duties of the Integrity Commissioner

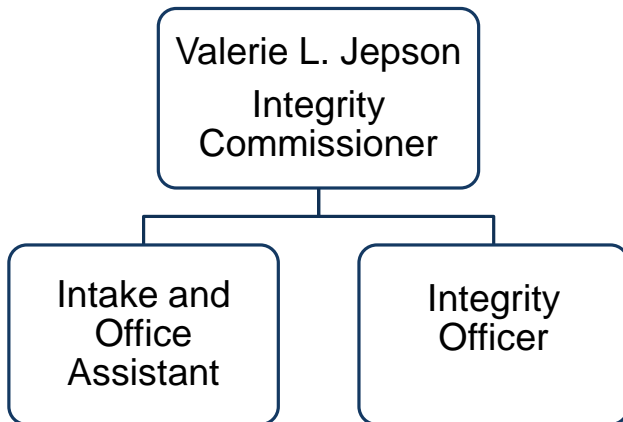
- Provide timely, accurate, consistent and practical responses to requests for advice (policy and compliance) from Members of Council and local boards (~1000 people).
- Carry out investigations in a fair and appropriately thorough manner to respond to formal complaints.
- Provide and deliver education and outreach to stakeholder groups.
- Provide resources for all stakeholders that are consistent, accessible, practical and clear.

Operational goals

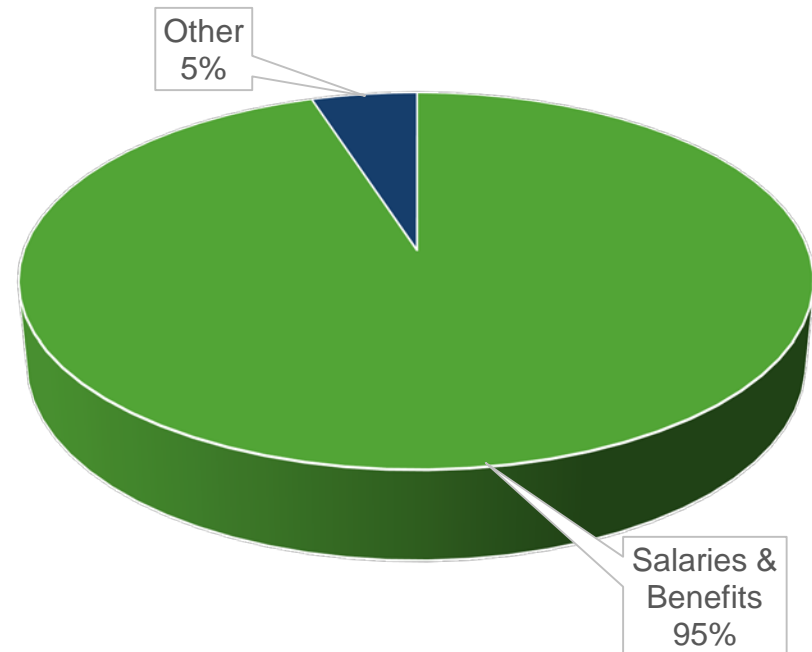
- Perform all duties in as transparent a manner as possible, consistent with the principles of open government, while respecting the secrecy obligations imposed by the *City of Toronto Act, 2006*.
- Maintain and build on the Office's reputation as thought leader in the field of ethics and integrity for elected officials.
- Maintain and build on the Office's reputation as a key resource within the City of Toronto for advice, information and guidance about ethics and integrity.
- Develop the Office's institutional structures for long term sustainability.

Current resources

Staff

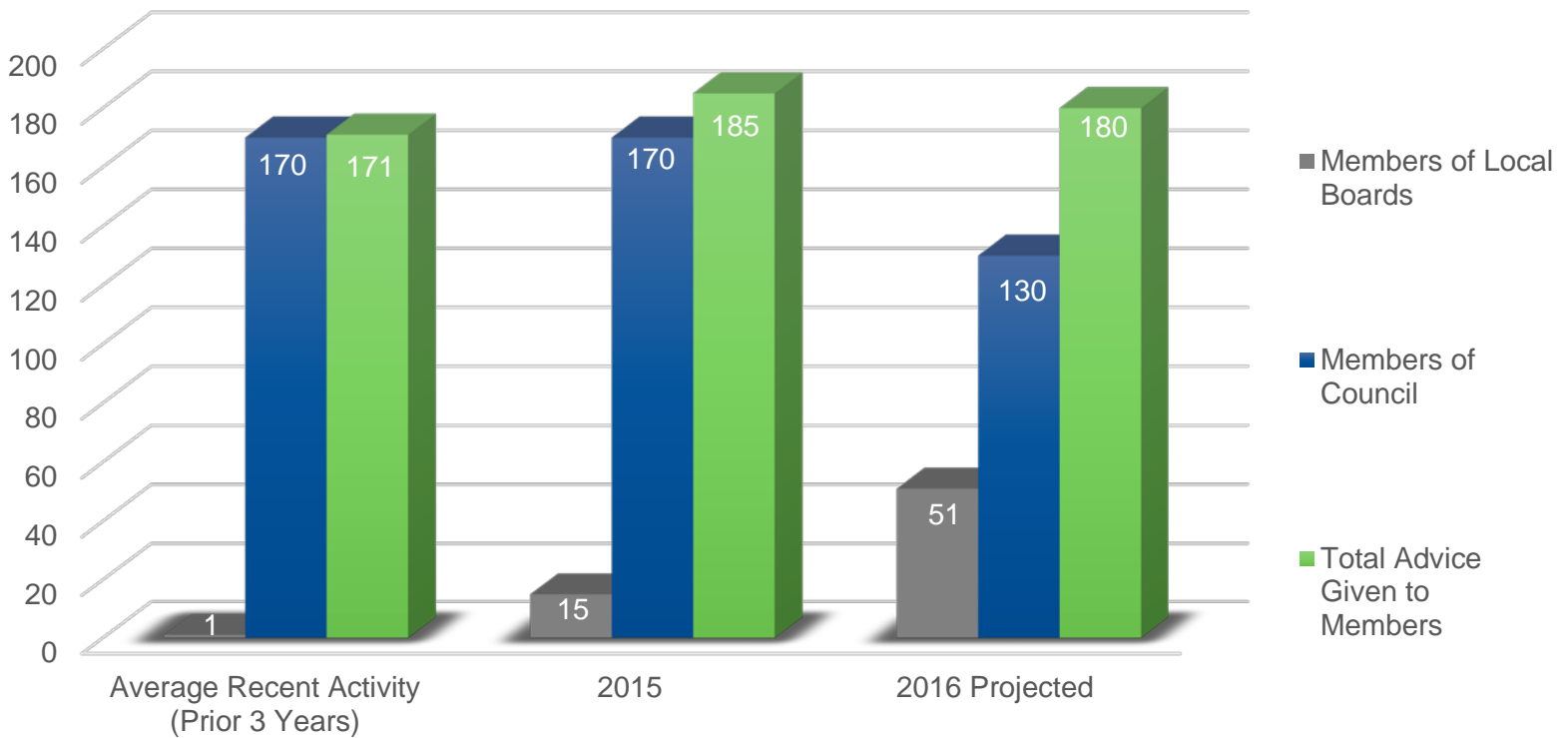


Resource Allocation



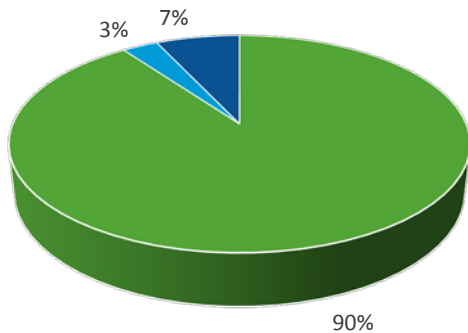
Total 2016 Budget: \$484,834.04

Requests for advice



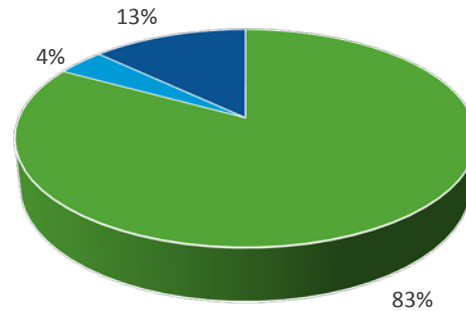
Advice response time

Advice to Members of Council -
2016 Year to Date



- Advice Provided in 2 days or less
- Advice Provided in 3 days
- Advice Provided in 4 Days or more

Advice to Members of Local Boards -
2016 Year to Date



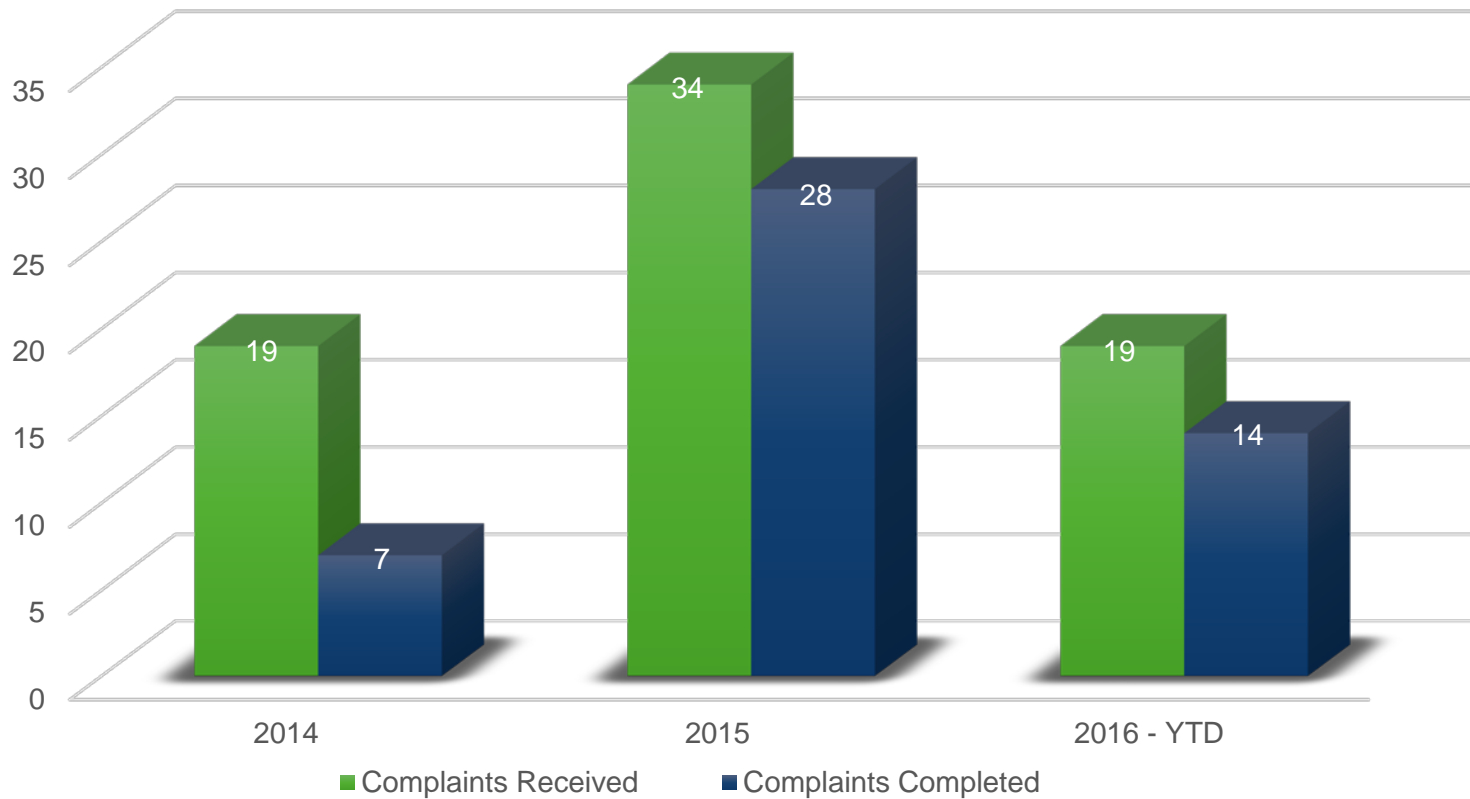
- Advice Provided in 2 days or less
- Advice Provided in 3 days
- Advice Provided in 4 Days or more

Formal complaints

Formal Complaints Received			
	2016	2015	Average (2011 - 2014)
Number of Complaints	21	34	24

Average Time Taken to Complete Complaints (January 01, 2015 Onwards)	
Complaint Type	Number of Days
Investigated Complaints	200
Dismissed without Investigation	42

Efficiency rate – formal complaints



Outreach and policy projects

- Education and Outreach
 - Meetings and presentations with staff, councillors, local boards, external groups. (2016: 17 initiatives.)
- Policy activities or initiatives, such as:
 - Bill 68 - *Modernizing Ontario's Municipal Legislation Act, 2016*
 - Guidance for Use of Social Media
 - Guidance for interaction with the Toronto Local Appeals Body
 - Consultation about the Civic Theatre Board Ticket Policy
 - Records Retention Project
 - Procedure for Local Boards to receive Integrity Commissioner Reports

2017 Operating budget summary



(In \$000s)	2016		2017 Operating Budget Request				2017 Request vs. 2016 Budget Changes	
	Approved Budget	2017 Base	2017 Reduction	2017 New/Enh.	2017 Budget Request			
	\$	\$		\$	\$	\$	%	
Gross Expenditures	484.8	506.6	0.0	70.0	576.6	91.7	18.9%	
Revenue	0.0	0.0	0.0	0.0	0.0	0.0	0.0%	
Net Expenditures	484.8	506.6	-	70.0	576.6	91.7	18.9%	
Approved Positions	3.0	3.0	0.0	0.0	3.0	0.0	0.0%	

Key cost drivers

(In \$000s)	Total Base Changes	
	\$	Position
Gross Expenditure Changes		
Prior Year Impacts		
Salary budget to actual adjustments	(6.2)	0.0
Economic Factors		
Non-payroll	0.3	0.0
COLA and Progression Pay		
COLA & Progression Pay	12.3	0.0
Benefit adjustments	15.3	
Total Gross Expenditure Changes	21.7	0.0
Revenue Changes (Increase) / Decrease		
	0.0	0.0
Total Revenue Changes	0.0	0.0
Net Expenditure Changes	21.7	0.0

Resource levels must be maintained

- The Office is a lean operation and has no buffer to deal with high case volumes or complex cases in a timely manner.
- Budget reductions will harm the ability of the Integrity Commissioner to carry out duties.
- Reductions will:
 - Increase response times to provide advice.
 - Increase time taken to complete cases.
 - Harm the independence of the Office by precluding its ability to seek adequate legal advice when necessary.
 - Prevent the Office from preparing adequately for significant changes arising if Bill 68 (*Modernizing Ontario's Municipal Legislation Act, 2016*) passes.

Resource levels should be increased

- While the Office has cleared a backlog, the average time to complete cases is unacceptable.
- The Office requires additional resources to properly deal with high volumes and complex cases through external support.
- Current resource levels will be insufficient to deal with new duties arising from Bill 68.
- Toronto has been a role model for other jurisdictions in the field of ethics and integrity. Current resource levels are insufficient to maintain a leadership role.

Request overview

- Total proposed budget for 2017: **\$576.6** thousand
 - Base budget pressures of **\$21.7** thousand
 - Enhancements of **\$70** thousand
- Enhancements:
 - External legal and investigative support
- Request is **0.006%** of the City's 2017 Preliminary Budget of **\$10.46** Billion.

Appendix A – Key changes if Bill 68 is passed

- Minister of Municipal Affairs and Housing can create minimum standards for Codes of Conduct.
- Integrity Commissioner is required by the *City of Toronto Act* to perform in an independent manner the function assigned by City Council with respect to *all* of the following duties:
 - Application of the Code of Conduct for members of City Council and local boards (restricted definition).
 - Application of any procedures, rules and policies of the City and local boards (restricted definition) governing ethical behaviour of members of City Council and local boards.
 - The application of section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of City Council and local boards (restricted definition).
 - The conducting of, on the Commissioner's own initiative, inquiries about whether a member of City Council or a local board has contravened the Code of Conduct or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.
 - Requests from members of City Council and local boards respecting their obligations under the Code of Conduct, ethical policies and procedures, and the *Municipal Conflict of Interest Act* (this will be a new requirement in COTA, but already exists in Chapter 3 of the Municipal Code).
 - The provision of educational information to members of Council and members of local boards about the Code and the MCIA.

Appendix A – Key changes if Bill 68 is passed

- The Commissioner receives complaints from any person for an inquiry into whether section 5, 5.1 or 5.2 of the MCIA has been contravened; such applications must be made within six weeks and be *completed within 180 days*. The Commissioner can then apply to a judge to seek a determination under the MCIA about whether the MCIA has been contravened.
- The MCIA is amended to:
 - Include a preamble.
 - Permit a member to participate (but not vote) when Council is considering to suspend the member's pay pursuant to section 160(5) of the City of Toronto Act, 2006 (i.e. a Code of Conduct contravention).
 - Require written statements of disclosure of pecuniary conflicts of interest and a publicly accessible registry.
 - Broaden the types of decisions that councillors with pecuniary interests are precluded from influencing.
 - Broaden the penalties available to a Judge to include reprimands and suspension of pay.
 - Expressly recognize that a reviewing court can consider whether a member "disclosed the pecuniary interest and all relevant facts... to the Integrity Commissioner ... and acted in accordance with the advice..."