MUNICIPAL ACCOUNTABILITY & TRANSPARENCY: THE WATCHDOGS – A PRACTICAL PERSPECTIVE

The City of Toronto Experience

The Auditor General (www.toronto.ca/audit/)

- Jeff Griffiths appointed as Auditor General on May 23, 2002, for a non-renewable 7 year term.

Mandate

The mandate for the Auditor General's Office was approved by Council and empowers the Auditor General to assist 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. It establishes that the Auditor General shall be responsible for carrying out financial (excluding attest), compliance and performance audits of all programs, activities, functions of all City departments, agencies, boards, and commissions, and the offices of the Mayor and members of Council.

The Auditor General's Office effects its mandate by developing and carrying out a work plan which identifies and ranks projects to be completed based on a number of risk factors. In addition, it responds to requests from City Council, subject to the request being approved by a 2/3 majority resolution of Council.

The Integrity Commissioner (www.toronto.ca/integrity)

- David Mullan assumed duties as Canada's first municipal Integrity Commissioner on September 1, 2004.

- in July 2007, Council extended Mr. Mullan's appointment to September 2008.

Duties of Integrity Commissioner

Advisory: Providing written and oral advice to individual members of Council about their own situation respecting the Code of Conduct and other by-laws and policies governing the ethical behaviour of members, including general interpretation of the Municipal Conflict of Interest Act; and providing the full Council with specific and general opinions and advice respecting compliance by elected officials with the provisions of governing Acts, and other conduct policies;

Complaint Investigation: Having the power to assess and investigate complaints against elected officials from members of the public, City staff, and Councillors or on reference from the whole Council;

Complaint Adjudication: Determining whether a member of Council has violated a City protocol, by-law or policy governing their ethical behaviour except that (as in the provincial model) Council makes the final decision on whether any penalty recommended by the Commissioner is imposed on the member found in contravention; and

Educational: Publishing an annual report on findings in typical advice and complaint cases; providing outreach programs to members of Council and staff on legislation, protocols, and office procedures emphasizing the importance of ethics for public confidence in municipal government; and disseminating information available to the public on the City's website.

The Lobbyist Registrar (www.toronto.ca/lobbying)

- Marilyn Abraham appointed on February 6, 2007 as Canada's first municipal Lobbyist Registrar.

- Council approved a Lobbyist Control Framework on February 6, 2007.

- The framework requires that lobbyists register before they begin lobbying and comply with a code of conduct when communicating with City officials. The by-law also provides for specific exemptions from the registration requirement. The bylaw provides for several specific exemptions. These include:

    - communications between governments
    - communications by constituents with their Member of Council on general neighbourhood or public policy issues
    - communications that involve filing an application (such as a planning application), and
    - participating in the staff review of that application

- Lobbyists will be required to register on-line through a web-based registration system and the public will be able to view the registry through a web-based search feature. The registry system is being developed and its launch date will be announced later this year.

- the Lobbyist Registrar will put in place a lobbyist registry, develop and enforce a lobbyist code of conduct and establish clear rules for the interaction between lobbyists and the City, including Council members, City staff and most local boards of the City.

- at June 2007 Council meeting, Lobbyist Registrar's report requesting 2007 Operating Budget of $802,000 and estimating 2008 budget (full year) at $1,069,400 was referred to the Budget Committee.

- at July 2007 meeting, Council considered a revised operating budget proposal of $711,304 for 2007 and estimated 2008 budget at $950,616.

- Council approved budget for Office of Lobbyist Registrar in the same amount as that for a City councillor:

office budget	$53,100
staff budget	$199,049
staff benefits	$41,800
salary	$ 95,000
1/44 general administration	$ 15,000
	$366,949

- Lobbyist Registrar submitted a report to July 2007 Council meeting recommending changes to Lobbyist By-law – as a result of Council's decision on the Operating Budget, Lobbyist Registrar withdrew her report as the registration system was predicated on proposed budget being passed, the substantial reduction in the approved Operating Budget will require further changes to reflect the change in resources.

The Ombudsperson

- July 2007, Council considered a report from the City Manager to establish the Toronto Ombudsman and to begin recruitment to fill the position.

- Council deferred to October 22 meeting and requested City Manager to write to Provincial government requesting funding for this position.

The Investigator

- December 2006, Council delegated authority to City Manager to select and enter into an agreement with a qualified person from faculty of law at a Toronto university to serve as an interim investigator to handle any public complaints about improperly closed meetings.