

PFC2015-0378 INTEGRITY COMMISSIONER - PROPOSED TERMS OF REFERENCE AND RECRUITMENT STRATEGY

**Priorities & Finance Committee
2015 April 21**

Presented By:
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Glenda Cole, Q.C., City Solicitor

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 TRADITIONS ROOM

APR 21 2015

ITEM: PFC2015-0378
Distribution
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BACKGROUND

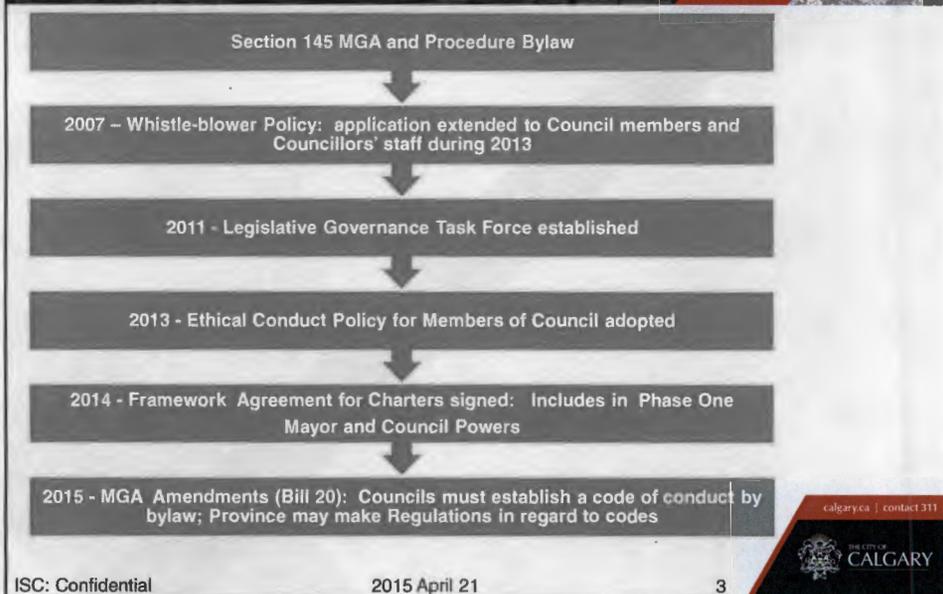
- 2014 December 15: Council directed Administration and the City Auditor to explore options to investigate and enforce allegations of Councillors' misconduct, such options to include establishing an integrity officer
- 2015 February 09: Council approved in principle the establishment of an Integrity Commissioner and requested a report outlining a proposed terms of reference and recruitment strategy
- Council is poised to become the first Council in western Canada to appoint an Integrity Commissioner

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COUNCIL'S INITIATIVES TO DATE



RESEARCH AND CONSULTATION

- Researched roles of municipal, provincial and federal Integrity or Ethics Commissioners
- Consulted with: Integrity Commissioners for Toronto, Hamilton and Vaughan, the Province of Alberta's Ethics Commissioner, the City Solicitors for Toronto and Mississauga and Toronto's City Manager's Office
- Met with each member of Council to solicit views on the mandate and competencies for the Integrity Commissioner, the length of his or her term, whether the term should be renewable, investigation, reporting and sanctioning processes and a recruitment strategy

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4

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SUMMARY OF COUNCIL MEMBERS' INSIGHTS

- **Mandate:** Independent; appointed by Council; education, advisory, investigative and adjudicative responsibilities; initially limited to advising on and addressing concerns relating to Council members' conduct; need to review Ethical Conduct and other Council policies
- **Term:** Part-time; 3 to 5 years; less certainty on whether term should be renewable.
- **Experience:** Legal, ethics, governance, conflict of interest, human resources; must be highly respected and approachable
- **Recruitment:** Use an external firm

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5

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SUMMARY OF COUNCIL MEMBERS' INSIGHTS

- **Complaint and investigation processes:** Clearly defined and fair processes required
- **Reporting to Council:** Substantiated findings to be reported to Council and made public; less certainty on whether initial discussion should be in camera
- **Sanctions:** Recommendations for sanctions to be made to Council

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6

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MATTERS REQUIRING FURTHER CONSIDERATION

- Competencies, compensation, resources, renewable term, whether Council members should serve on committee to short list candidates
- Whether mandate should include campaign and election issues
- Whether anonymous concerns should be addressed
- Role clarity vis-à-vis City Manager, Solicitor, Clerk and Whistle-Blower Office
- Freedom of Information and Protection of Privacy Act considerations

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7

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RECOMMENDATIONS

ADMINISTRATION RECOMMENDATIONS:

That the Priorities and Finance Committee:

1. Recommend that Council approve the initial terms of reference in the Attachment;
2. Recommend that Council direct the City Manager and Director of HR to retain an external search firm and report back to Council with further information no later than 2015 July 27;
3. Forward PFC2015-0378 to the 2015 April 27 Council meeting as an item of urgent business; and
4. Recommend that Council keep PFC2015-0378 and the Attachment confidential until Council's decision.

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8

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