

Excerpt from forthcoming document, which is not yet approved for distribution:

Considerations toward Implementing an Ethics Assurance and Integrity Commissioner Practice in Municipal Government in Ontario

10.1. A Choice of Models

Broadly speaking, within the existing legislation, there may be at least two alternative models for handling specific kinds of concerns or complaints by the Integrity Commissioner. The model on the left in this table could take significantly less initiation and processing time and is a model practiced by the Town of Aurora (see [www... insert name of website for Aurora](#)). In other jurisdictions, an informal and formal complaint process is employed (Toronto, Vaughan and Oakville for example)

Table Six: Alternative Integrity Commissioner Models

Investigative or Public Interest Model	Inquiry or Adversarial Model
Investigation is in the public interest and takes place apart from the parties	Investigation involves both parties separately
Integrity Commissioner or municipality “owns” the problem	Integrity officer gives notice to member of council/local board who is subject of complaint and he/she takes time to respond
Largely proactive	Largely reactive
Investigation may involve additional details or violations that were not necessarily alleged in an original, individual case	Member of Council or local board and complainant are parties before the Commissioner's investigation about a specific irregularity
Member of Council or local board may not always know all details unless appropriate	Member of Council/or local board knows accuser and all details of case
Allegations take less time to investigate	Allegations take more time to investigate
Implications are for Council/local board overall	Implications are specific to an individual
Opportunities for mediation and arbitration	Investigation process intensive
Accountability emphasizing education	Accountability through confrontation

Source: EthicScan Canada ©

10.2 Costs and Budgeting

There is not enough experience yet to offer best practice guidance on this matter of **budgets**. The Town of Aurora (population 50,000) which uses the Investigative or Public Interest Model budgets under \$25,000 annually for its function in 2009. The City of Hamilton, Toronto and Vaughan and the Town of Oakville which use the Inquiry or Adversarial Model each budget at least \$100,000 for the function. The Town of Vaughan (population 250,000) has budgeted \$100,000 in 2008, to rise to \$200,000 in 2009 perhaps because of a projected increase in complaints and litigation. The annual budgets at more populous municipalities such as City of Toronto and Hamilton are \$200,000 or more. Typically, supplemental approval can be sought from Council if higher than projected costs of investigations, interpreters or other expenses are necessary.

37. Choosing a complaint model that works best for a municipality.

Broadly speaking, within the existing legislation, section 10.1 introduced the idea that there may be at least two alternative models for handling specific kinds of concerns or complaints by a municipal Integrity Commissioner. There are different strategic resource opportunities inherent in each of the two approaches to the office. These can help inform the recruitment process, the budgets required, and the roles played by the Integrity Commissioner.ⁱ

Table Eight: Resourcing Implications of the Alternative Models

Investigative or Public Interest Model	Inquiry or Adversarial Model
Budget for Integrity Commissioner office required likely \$20,000 - \$50,000 per year	Budget required likely \$100,000 - \$500,000 per year
Low probability of protective lawsuits taken out by individual elected officials	Higher probability of lawsuits taken out by individual elected officials
Conducive to consultant as independent contractor, services provided as needed	Commissioner could be either external services consultant or member of staff
Particular skills expected from Commissioner would be professional ethicist, conflict resolution specialist	Professional skills at a premium are adjudication, municipal law
Errors and omissions insurance for Commissioner not necessary if covered by municipal insurance	Errors and omissions insurance for Commissioner may be necessary apart from coverage under municipal insurance
Ideal engagement a monthly retainer plus fee for complaint investigation	Ideal engagement a flat fee
Higher likelihood that questions are resolved without formal complaint and investigation	Allegations take more time to investigate
Greater opportunities for mediation, arbitration and education, both formal and informal	Focus upon investigative process, compliance
Explicit opportunities for advice in terms of organizational process review and assurance	No explicit mandate for organizational review as this is outside due process and compliance

Source: EthicScan Canada ©

Which specific model is appropriate for your jurisdiction may hinge upon what are the specific needs, expectations and resources in your municipality. In general terms, the proactive approach (the left side of the table) may represent more potential returns on investment in terms of promoting and communicating transparency and accountability in questions about or allegations of ethical mis-behaviour by members of Council and local boards.

ⁱ The Integrity Commissioner is expected to receive many questions, inquiries and concerns, investigate them for candidacy as a legitimate complaint, and make referrals to other bodies where appropriate. In a portion of those inquiries, he or she may feel the complaint has merit within the terms of reference of his or her duties, in which case it is appropriate to initiate a review of the allegation. An example of this decision-making tree is on the Town of Aurora web-site.