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Date: February 14, 2019

To: Mayor and Council

Author: Jennifer Astrologo, Director of Corporate Services

RE: Appointment of an Integrity Commissioner

Report No.: CS-2019-07

AIM

To provide Council with information regarding the requirement of the Town to appoint an Integrity Commissioner ("IC") and to recommend the appointment of Paul Watson as the Town's Integrity Commissioner for a two-year term.

BACKGROUND

Back in 2007, Bill 130 came into force. That Bill made substantial amendments to the *Municipal Act, 2001* (the "Act") and introduced an accountability and transparency regime for municipalities. As part of that regime, municipalities were required to establish an accountability and transparency policy and were given the authority to implement several other accountability and transparency options (i.e. codes of conduct for Council, Integrity Commissioner appointment, the appointment of a Closed Meeting Investigator etc.).

Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, builds upon the accountability and transparency initiative and made a number of amendments to the *Act* (and the *City of Toronto Act, 2006*), the *Municipal Conflict of Interest Act*, the *Municipal Elections Act*, and several other pieces of legislation. Of particular importance are the changes with respect to the integrity commissioner regime.

Effective March 1, 2019, not only has the province expanded the responsibilities of an integrity commissioner, it has also established a requirement that municipalities either appoint their own IC or arrange for those services to be provided by an IC of another municipality. With respect to the expanded role, IC's will now be tasked with the responsibility of applying sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* (the "MCIA") to members of Council and local boards, and providing advice to these same individuals with respect to their obligations under the code of conduct, the MCIA, and any other procedure, policy or rule governing their ethical behavior.

Since December of 2015, the Town has had available to it the services of an IC. Mr. Robert Swayze provided integrity commissioner services to the Town from December 2015 to the first quarter of 2017. In and around May 2017, the Town entered into an agreement with Mr. Paul Watson to provide integrity commissioner services until the Town procured the services of an integrity commissioner through a bidding process.

DISCUSSION

A Request for Proposals (“RFP”) was issued January 25, 2019, and closed February 15, 2019, at noon. Attached at Schedule “A” are the services that will be provided by the Town’s integrity commissioner.

With these services in mind, Proponents were requested to provide details of their qualifications, along with a listing of any resources they may have at their disposal to assist in the performance of their responsibilities as an integrity commissioner. Proponents were also requested to supply a proposed work plan outlining:

- How they will carry out their duties and responsibilities in a cost effective and efficient manner;
- The handling of confidential communications, including the forwarding of complaints;
- A plan describing how multiple contracts or concurrent complaints will be handled to ensure projects will be prioritized and completed with equal priority; and
- A plan to avoid potential conflicts of interest that may arise in the course of acting as the Town’s Integrity Commissioner.

Finally, the RFP required that each proponent provide references supporting their application and a fee schedule, outlining the costs associated with the provision of services.

The contract has been advertised as a two-year commitment, with the option to renew for an additional two-year term on consent of both parties.

The Town received three bids in response to the RFP: ADR Chambers Inc., MNP LLP (“MNP”), and Paul Watson (“Watson”). All proponents have experience providing integrity commissioner services to other Ontario municipalities.

After reviewing the proposals, Administration recommends that Council appoint Watson as the Town’s Integrity Commissioner. Watson is a practicing lawyer, is a member of the Municipal Integrity Commissioners of Ontario, and currently serves as the Integrity Commissioner for Chatham-Kent. There is no monthly/annual retainer fee associated with retaining his services. All services provided in conjunction with the contract will be billed at an hourly rate. Further, since Mr. Watson is located in Chatham-Kent, travel costs will be minimal and there will be no associated costs for accommodations.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

The 2019 Operating Budget contains \$8,000.00 toward Integrity Commissioner Services. Since Mr. Watson is not charging a monthly/annual retainer fee, all amounts budgeted can be used toward services actually received in connection with the contract. Moreover, after reviewing the fee structure provided by all three proponents, it appears that Mr. Watson has the most economical fee structure for Kingsville.

CONSULTATIONS

P. Van Mierlo-West, C.A.O.

RECOMMENDATION

That Council appoint Paul Watson as the Town's Integrity Commissioner for a two-year term effective March 1, 2019 until February 28, 2021;

AND THAT Council direct administration to prepare an agreement for execution by the Town and Mr. Watson;

AND THAT Council adopt the necessary by-law at a future meeting of Council.

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (hons), LL.B
Director of Corporate Services/Clerk

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer