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**Date:** March 24, 2021

**To:** Mayor and Council

**Author:** Jennifer Astrologo, Director of Legislative Services

**RE:** Appointment of Integrity Commissioner and Closed Meeting Investigator

**Report No.:** LS-2021-03

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## **AIM**

To recommend that Council appoints Ms. Mary Ellen Bench as the Town's Integrity Commissioner and Closed Meeting Investigator in accordance with the terms outlined in the Request for Proposal that was issued by the Town, and authorize the Director of Legislative Services to execute the requisite agreement with Ms. Bench on behalf of the Town.

## **BACKGROUND**

On or about January 18, 2021, the Town issued a Request for Proposal ("RFP") for the provisions of a combined Integrity Commissioner/Closed Meeting Investigator.

In accordance with the *Municipal Act, 2001* (the "Act"), municipalities are required to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner a number of functions assigned by the municipality, including but not limited to:

- The application of the Code of Conduct for Members of Council, Local Boards and Committees Policy ("Code of Conduct") and of sections 5, 5.1, and 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") to members
- Request from members for advice regarding their obligations under the MCIA and the Code of Conduct
- The provision of educational information to members regarding codes of conduct, and the MCIA.

Additionally, the *Act* sets out the process whereby a person may request an investigation into whether a municipality properly held a meeting closed to the public. There is no requirement for the municipality to appoint an investigator to conduct that investigation, however, if one is not appointed, those complaints are investigated by the Ombudsman.

Currently, the Town manages these appointments through two separate contracts; Mr. Paul Watson is the Integrity Commissioner and the Town participates in the Closed Meeting Investigation Program provided by Local Authority Services (LAS). Consolidating these positions into a single contract allows for the effective and efficient administration of these services.

## **DISCUSSION**

The RFP issued by the Town provided a detailed listing of the services that the Town requires as related to the dual role of Integrity Commissioner and Closed Meeting Investigator. Attached as Appendix A is the listing of services outlined in the RFP. As part of the submission, proponents were asked to provide details of their qualifications generally as related to the list of services and also to provide more specific detail of their knowledge and experience as it relates to conflict resolution and investigation, municipal government, the applicable legislation and the roles of Integrity Commissioner and Closed Meeting Investigator.

Finally, the RFP required that each proponent provide information related to work plans and response time to complaints and member inquiries, references supporting their application, and a fee schedule outlining the costs associated with the provision of services. The contract is for an initial period of three years, with the option to extend for an additional two years.

In response to the RFP, the Town received six submissions:

- Aird & Berlis LLP
- Bench Municipal Law and Governance
- Investigative Solutions Network Inc.
- Munro Strategic Perspective
- Paul D Watson Law Office
- SAGE Analytics Inc.

After review of the RFPs, Administration recommends that Council appoint Ms. Mary Ellen Bench of Bench Municipal Law and Governance as the Town's Integrity Commissioner and Closed Meeting Investigator. Ms. Bench has over 30 years' experience working as senior in-house legal counsel in municipalities, is the former City Solicitor for the City of Mississauga, a position she held for 18 years. She is familiar with the dynamics and workings of local government, the applicable legislation and the expectations of the roles of Integrity Commissioner/Closed Meeting Investigator. Attached for your convenience, as Appendix B, is Ms. Bench's resume.

There is no annual or monthly retainer associated with the engagement and all amounts quoted by Ms. Bench were competitive. Given the nature of the role, it is expected that a majority of the services will be provided remotely without the need to incur additional travel and accommodation costs.



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#### **LINK TO STRATEGIC PLAN**

No direct link to the Strategic Plan.

#### **FINANCIAL CONSIDERATIONS**

Administration set aside \$5,000.00 in the 2021 Operating Budget to cover costs associated with these services.

#### **CONSULTATIONS**

CAO, John Norton

#### **RECOMMENDATION**

That Council appoint Mary Ellen Bench as the Town's Integrity Commissioner and Closed Meeting Investigator effective April 13, 2021, and adopt the necessary appointing by-law;

And That Council authorize the Director of Legislative Services to execute the written agreement between the parties on behalf of the Town.

*Jennifer Astrologo,*

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Jenifer Astrologo, B.H.K. (hons), LL.B  
Director of Legislative Services, Town Solicitor, Clerk