



**Date:** January 29, 2024  
**To:** Mayor and Council  
**Author:** Ashley Nogueira, Paralegal  
**RE:** Integrity Commissioner Contract Renewal

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## **RECOMMENDATION**

That Council **APPOINT** Mary Ellen Bench (Bench Municipal Law + Governance) as the Town's Integrity Commissioner and Closed Meeting Investigator effective April 12, 2024, for a five (5) year term, ending April 12, 2029;

And that Council **AUTHORIZE** the Mayor and the Clerk to execute the written agreement between the parties on behalf of the Town.

## **BACKGROUND**

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; and
- The provision of educational information to members regarding codes of conduct, and the *MCIA*.

The Integrity Commissioner acts independently and is not a member of Council or Administration.

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 and, if one is not appointed, those complaints are investigated by the Ombudsman.

On or about April 12, 2021, the Town effectively and efficiently consolidated these positions into a single contract with Ms. Bench to administrate these services.

## **DISCUSSION**

Ms. Bench has expressed an interest and intent to sign a five (5) year renewal, which shall be effective from April 12, 2024 until April 12, 2029.

In the past, and as per the nature of the role, a majority of the services provided by Ms. Bench continue to be executed remotely without the need to incur additional travel and accommodation costs. However, Ms. Bench is also available to attend meetings and training sessions in Kingsville when required.

## **FINANCIAL CONSIDERATIONS**

There is no annual or monthly retainer associated with the extension and all amounts quoted in the past by Ms. Bench were competitive at that time. Ms. Bench is not requesting an update to her fee schedule for the extension of her contract.

Ms. Bench would continue to bill the Town on a per service invoice.

Integrity Commissioner and Closed Meeting Investigator fees will be funded through the legal services – professional fees Operation Budget to cover costs associated with these services.

## **CONSULTATIONS**

CAO, John Norton;  
Acting Clerk, Angela Toole  
Manager of Finance, Margaret Schroeder  
Director of Finance and Corporate Services/ Treasurer Financial Services Department,  
Ryan McLeod

PREPARED BY:

*Ashley Nogueira*

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Ashley Nogueira, Paralegal

REVIEWED BY:



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John Norton  
Chief Administrative Officer