

MANAGEMENT REPORT

Date: March 19, 2024
To: Finance and Labour Relations Sub-committee
From: Tatiana Dafoe, City Clerk
Report Number: FIN24-010
Attachments: None

Title: Integrity Commissioner Services and Request for Proposal

Objective: To obtain direction on the issuance of a request for proposal for integrity commissioner services for the City.

Background: The Municipal Act, 2001, requires all municipalities to appoint an Integrity Commissioner. Broadly, the role of an Integrity Commissioner is to ensure adherence to the Code of Conduct for Members of Council and Designated Boards as well as the Municipal Conflict of Interest Act (MCIA). Further, the Integrity Commissioner provides advice and education to Members of Council on the rules contained within each. The Integrity Commissioner may conduct inquiries regarding whether a Member of Council or a local board has contravened the Code of Conduct or certain Sections of the MCIA.

Section 223.3 (1) of the Municipal Act, 2001, identifies that the Integrity Commissioner reports to Council and is responsible for independently performing duties as assigned by the Municipality including:

- Applying the Code of Conduct for Members of Council and Designated Boards and any other procedures, rules and policies of the municipality related to governing ethical behaviour;
- Applying certain Sections of the MCIA which relate to the requirements and processes for disclosing pecuniary interests;
- Responding to requests from Members of Council or a local board for advice on their obligations under the Code of Conduct, procedures, rules or policies of the municipality and the MCIA; and
- Providing educational information on Codes of Conduct and the MCIA.

Through the Municipal Act, 2001, the Integrity Commissioner is further provided the ability to conduct inquiries into whether a Member of Council or a local board has contravened the Code of Conduct or sections of the MCIA related to pecuniary interest. The Integrity Commissioner has a strict requirement to preserve confidentiality but may provide reports to Council and such reports shall be made available to the public. Finally, the Municipal Act further states that the Integrity Commissioner is not required to be a municipal employee.

At the August 8, 2022, Regular meeting, Council adopted the following resolution:

THAT the agreement dated December 18, 2018 between Robert J. Swayze and The Corporation of the City of Stratford for provision of Integrity Commissioner services be authorized for extension for up to a one year term to December 9, 2023;

AND THAT a draft request for proposals for the provision of Integrity Commissioner Services for the City of Stratford be presented to the Finance and Labour Relations Sub-committee for review.

The purpose of this report is to determine whether Council would like to proceed with issuing a request for proposal for integrity commissioner services or maintain the contract with the City's current integrity commissioner.

In 2018, the City appointed Robert J. Swayze as the City's Integrity Commissioner who remains under contract.

Analysis: Should Council wish to proceed with issuing a request for proposal for integrity commissioner services for the City, staff recommend the following requirements be mandatory:

- The successful bidder will have at least ten (10) years of legal or quasi-judicial experience, or senior municipal management; and
- Minimum of 3 references for whom the proponent has satisfactorily provided Integrity Commissioner services in the past 5 years.

Staff recommend the term of the contract be from date of signing in 2024 to December 31, 2026 with an option to renew for two years at the sole discretion of the City of Stratford. Continuation of the agreement will require approval by Council.

The role of the integrity commissioner and the services to be provided are those outlined in section 223.3 (1) of the Municipal Act, 2001, specifically:

- In accordance with section 223.3(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25., the Integrity Commissioner shall carry out the following functions:
 - i. the application of the City's Code of Conduct for Members of Council and the City's Code of Conduct for Members of Local Boards;
 - ii. the application of any procedures, rules and policies of the municipality and Local Boards governing the ethical behaviour of Members of Council and of Local Boards;
 - iii. the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50, to Members of Council and of Local Boards;
 - iv. requests from Members of Council and of Local Boards for advice respecting their obligations under the City's Code of Conduct applicable to the member;
 - v. requests from Members of Council and of Local Boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the Local Board, as the case may be, governing the ethical behaviour of members;
 - vi. requests from Members of Council and of Local Boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*, RSO 1990, c M.50; and,
 - vii. the provision of educational information to Members of Council, members of Local Boards, the municipality and the public about the City's Codes of Conduct for Members of Council and members of Local Boards and about the *Municipal Conflict of Interest Act*, RSO 1990, c M.50.
- The duties of the Integrity Commissioner with respect to Municipal Council are to:
 - i. provide advice to Members of Council on the application of the City's Code of Conduct for Members of Council and any procedures, rules and policies of the municipality governing the ethical behaviour of Members of Council;
 - ii. provide advice to Members of Council on the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50;

- iii. receive and conduct such formal or informal processes as may be appropriate (including inquiries or mediations), concerning complaints by the Council, or any person that a Member of Council has contravened the City's Code of Conduct for Members of Council, the *Municipal Conflict of Interest Act*, RSO 1990, c M.50, or rules and policies of the municipality governing the ethical behaviour of Members of Council;
 - iv. report to Council, in writing, where an inquiry has been conducted and the Integrity Commissioner is of the opinion that a Member of Council has contravened the City's Code of Conduct for Members of Council and/or include any recommendations with respect to the inquiry for the Council to consider;
 - v. report to Council annually, in writing, summarizing any activities undertaken and advice given; and,
 - vi. provide such training and written reference materials, upon the request of Municipal Council, for distribution to and use by Members of Council and the public regarding the role of the Integrity Commissioner, the obligations and responsibilities of Members of Council under the City's Code of Conduct for Members of Council and under the *Municipal Conflict of Interest Act*, RSO 1990, c M.50, the meaning of the City's Code of Conduct for Members of Council and any procedures, rules and policies of the municipality governing the ethical behaviour of Members of Council under the City's Code of Conduct for Members of Council and the *Municipal Conflict of Interest Act*, RSO 1990, c M.50.
- The duties of the Integrity Commissioner with respect to Local Boards are to:
 - i. provide advice to Members of Local Boards on the application of the City's Code of Conduct for Local Boards and any procedures, rules and policies of the Local Boards governing the ethical behaviour of Members of Local Boards;
 - ii. provide advice to Members of Local Boards on the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50;
 - iii. receive and conduct inquiries into requests by Local Boards, a Members of the Local Boards or a member of the public about whether a Member of a Local Board has contravened the City's Code of Conduct for Local Boards;
 - iv. receive and conduct inquiries or initiate inquiries about whether a Member of a Local Board has contravened the *Municipal Conflict of Interest Act*, RSO 1990, c M.50, in accordance with sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50;

- v. report to the Local Board, in writing, where an inquiry has been conducted and the Integrity Commissioner is of the opinion that a Member of the Local Board has contravened the Code of Conduct for Members of Local Boards and include any recommendations with respect to the inquiry for the Local Board to consider;
- vi. report to Local Boards, annually, in writing, summarizing any activities undertaken and advice given; and
- vii. provide such training and written reference materials, upon the request of Local Boards, for distribution to and use by Members of Local Boards and the public regarding the role of the Integrity Commissioner, the obligations and responsibilities of Members of Local Boards under the City's Code of Conduct for Members of Local Boards and under the *Municipal Conflict of Interest Act*, RSO 1990, c M.50, the meaning of the City's Code of Conduct for Members of Local Boards and any procedures, rules and policies of the Local Boards governing the ethical behaviour of Members of Local Boards under the City's Code of Conduct for Members of Local Boards and the *Municipal Conflict of Interest Act*, RSO 1990, c M.50.

Financial Implications:

Financial impact to current year operating budget:

The current hourly rate for the current integrity commissioner is \$280.00. Funds are included in the annual budget for integrity commissioner services. Should a request for proposal be issued the annual rate could change.

Financial impact on future year operating budget:

Funds are included in the annual budget for integrity commissioner services.

Legal considerations:

The City is required to appoint an integrity commissioner in accordance with the Municipal Act, 2001.

Alignment with Strategic Priorities:

Not applicable: The City is required to appoint an integrity commissioner under the Municipal Act, 2001.

Alignment with One Planet Principles:

Not applicable: The City is required to appoint an integrity commissioner under the Municipal Act, 2001.

Staff Recommendation: THAT direction be given on whether a request for proposal is to be issued in 2024 for integrity commissioner services;

AND THAT direction be given on any terms or conditions to be included in the request for proposal.

Prepared by: Tatiana Dafoe, City Clerk

Recommended by: Karmen Krueger, CPA, CA, Director of Corporate Services
Joan Thomson, Chief Administrative Officer