

Staff Report

Report To: City Council
Report From: Bradey Carbert, Manager of Corporate Services
Meeting Date: October 23, 2023
Report Code: CR-23-091
Subject: Integrity Commissioner Services Agreement Extension

Recommendations:

THAT in consideration of Staff Report CR-23-091 respecting the Integrity Commissioner Services Agreement Extension, City Council directs staff to bring forward a by-law to authorize the Mayor and Clerk to execute a 5-year extension of the Professional Services Agreement with Principles Integrity.

Highlights:

- [Bill 68](#), the Modernizing Municipal Legislation Act, 2017, requires all Ontario municipalities to have an Integrity Commissioner.
- Section 223.3 of the *Municipal Act, 2001* authorizes municipalities to appoint an Integrity Commissioner.
- The current agreement with *Principles Integrity* expires on December 31, 2023.

Strategic Plan Alignment:

This report supports the delivery of Core Service.

Climate and Environmental Implications:

There are no anticipated climate or environmental impacts.

Previous Report/Authority:

[CR-18-030](#) Re: Appointment of an Integrity Commissioner

Background:

Legislative Framework

[Bill 68](#), the Modernizing Municipal Legislation Act, 2017, requires all Ontario municipalities to have an Integrity Commissioner.

The [Municipal Act, 2001](#) Section 223.3 outlines the role of the Integrity Commissioner:

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. 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.
3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. 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.
6. Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. The provision of educational information to members of council, members of local boards, the municipality, and the public about the municipality's codes of conducts for members of council and members of local boards and about the Municipal Conflict of Interest Act.

The current Integrity Commissioner secured by the City is Principles Integrity. Principles Integrity is operated by Jeffrey Abrams and Janice

Atwood-Petkovski, two experienced municipal lawyers with over 30 years of experience each in various Ontario municipalities.

Analysis:

The City executed a Professional Services Agreement with Principles Integrity with a term effective March 19, 2018, expiring December 31, 2023. Section 6.4 of the current agreement states that the "agreement may be extended or renewed upon mutual agreement of the Parties."

Staff have engaged Principles Integrity, who confirmed their willingness to execute a 5-year extension of the current Professional Services Agreement. Several Grey County municipalities have also engaged Principles Integrity to have preliminary conversations respecting a contract extension.

Principles Integrity has provided a Professional Services Agreement previously executed by the Mayor and Clerk. Staff are proposing no changes to the agreement., and the key points are as follows:

- Agreement is for a 5-year extension expiring December 31, 2028;
- Agreement can be terminated at any time with notice provided by either party;
- Duties of Integrity Commissioner outlined as per legislative requirements;
- Clerk to be notified if any conflicts arise;
- City to provide code of conduct and complaint process information on website;
- Fees include \$1,200 for an annual retainer (increase of \$200 from the previous executed agreement) and \$275/hour for other services (increase of \$45/hour from the previous executed agreement), though per diem caps are provided for training and Code of Conduct review;
- City must indemnify and save harmless the Integrity Commissioner pursuant to the statutory requirement; and
- Integrity Commissioner to maintain errors and omissions insurance.

Financial Implications:

The annual cost to retain Principles Integrity is \$1,200.00, which is included in the 2024 operating budget. There will be ongoing budget needs for the costs of investigations, reports and information provided to members, which

will be charged at \$275 per hour. These costs will be paid from the City's existing legal budget.

Communication Strategy:

Communication with Principles Integrity will be ongoing as City policies are updated.

Updates to the code of conduct or complaints process will be brought to Council for approval.

Consultation:

City Clerk
Principles Integrity

Attachments:

None.

Recommended by:

Bradey Carbert, Manager of Corporate Services
Kate Allan, Director of Corporate Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Bradey Carbert, Manager of Corporate Services, at bcarbert@owensound.ca or 519-376-4440 ext. 1240.