



Subject: Appointment of the City's Integrity Commissioner

Report to: Thorold City Council

Recommendations

1. That Report CLK 6-2023, **BE RECEIVED** for information purposes.

Key Facts

- The purpose of this report is to seek Council's direction on process for appointing an integrity commissioner for the remainder of the 2022-2026 term of Council.
- On February 19, 2019, City Council appointed Aird & Berlis LLP to act as the City's Integrity Commissioner for a term ending in 2023.
- In accordance with the *Municipal Act, 2001*, Council must have an Integrity Commissioner appointed or shall make arrangements for all of the responsibilities under Section 223.3(1) of the Act, to be provided by a Commissioner of another municipality.
- This Report provides Council with three options to pursue to remain in compliance with the Act, and staff will require a motion from Council to proceed with one of them.

Budgetary Status

Integrity Commissioner services are billed to the City on an hourly rate when utilized and vary depending on how often the services are used. This arrangement would likely remain the same with any of the options described herein.

Expenditures incurred for investigations, advice and/or reports by the Integrity Commissioner are submitted through the Clerk's Office regularly and applied to the Council operating budget.

Analysis

The role of the Integrity Commissioner is set out in Part V.1 of the Municipal Act, 2001 (the Act). In addition to enforcing and providing advice related to the Code of Conduct for Members of Council and Local Boards and Public Members on Region Committees, the Integrity Commissioner is also responsible for investigations related to conflicts of pecuniary interest in accordance with Section 223.4.1(1) of the Act and to provide advice to members of Council and Local Boards regarding the Municipal Conflict of Interest Act. The Integrity Commissioner is required to report to Council and is responsible for performing, in an independent manner, the functions assigned by the municipality with respect to the application of the applicable codes of conduct.

The term for the City's Integrity Commissioner is at and end at Council has three options for appointing an Integrity Commissioner for the remainder of this term of Council.

Option 1 – Renewal

Renew the Aird & Berlis LLP as the City's Integrity Commissioner.

Option 2 – Request For Proposal

Being a Request for Proposal process to seek proposals for Integrity Commissioner Services. With this option, it would be necessary to extend the services of Aird & Berlis LLP until Council appoints the successful proponent of the RFP process.

Option 3 – Shared Services

At its meeting of September 22, 2022, Niagara Regional Council appointed Michael L. Maynard of ADR Chambers Inc. as the Integrity Commissioner for the Regional Municipality of Niagara. This appointment was made following a Request for Proposals (RFP) process through which ADR Chambers Inc. was the highest scoring proponent. The term of the appointment concludes on March 31, 2024, with an option to extend from April 1, 2024 to October 31, 2027. The Region's RFP included a clause that allows local area municipalities to contract directly with the successful proponent at rates included in their submission. The report to Regional Council recommending the appointment is included as Appendix 1.

In accordance with the City's procurement policy, the City could utilize the Region's Integrity Commissioner at the same negotiated rate at the Region.

Alternatives Reviewed

City Council must provide staff direction on this matter to ensure the continuation of Integrity Commissioner Services.

Relationship to Strategic Plan

- n/a as this is a legislative requirement.

Other Pertinent Reports

Prepared and Recommended by:
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City Clerk

Approved and Submitted by:
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Chief Administrative Officer

Appendices

Appendix 1 Niagara Region Report CLK 6-2022 – Award of Request for Proposal for Integrity Commissioner Services