

To:	Warden Milne and Members of Grey County Council
Committee Date:	October 26, 2023
Subject / Report No:	CCR-CW-13-23
Title:	Integrity Commissioner Agreement Renewal
Prepared by:	Tara Warder, Clerk
Reviewed by:	Kim Wingrove, CAO
Lower Tier(s) Affected:	All
Status:	

Recommendation

1. That report CCR-CW-13-23 regarding the appointment of an integrity commissioner for Grey County be received; and
2. That a by-law be brought forward appointing Principles Integrity as Grey County's Integrity Commissioner for a five year term effective January 1, 2024.

Executive Summary

This report seeks support to re-appoint Grey County's current Integrity Commissioner for a five-year term effective January 1, 2024. The current agreement and appointment with Principles Integrity expires December 31, 2023.

Staff are proposing to single source the service in order to maintain the relationship and level of service that have been established over the current contract term.

Background and Discussion

In 2017, Grey County undertook recruitment for an integrity commissioner. Amendments to the Municipal Act, 2001 authorized municipalities to appoint an integrity commissioner (IC), or required municipalities to make arrangements to utilize another municipality's IC if they didn't appoint their own.

The invitation at the time went out to various ICs in the industry asking if there was interest in taking on the appointment as Grey County's IC and was also sent on behalf of any Grey County local municipalities that wished to follow suit and proceed with appointing the same integrity commissioner. There were benefits to having multiple municipalities engage together,

specifically that the IC would develop a Code of Conduct that would be similar across each municipality and its interpretation would be consistent.

Principles Integrity was the successful candidate in this recruitment and were appointed for a five-year term effective January 1, 2018 by By-law 4999-18. The current appointment and agreement expire December 31, 2023. Any member municipality that was interested in appointing Principles Integrity did so around the same time.

The role of the IC is to act as an independent resource for council members and local board members for the functions that the municipality has assigned to it (see Legislated Requirements below for these assigned functions). The Municipal Act outlines the functions that a municipality can assign to the IC. In order to keep the administration of those functions independent from the municipality, By-law 4999-18 assigned all of these functions to the Integrity Commissioner.

Each year, Principles Integrity attends a Committee of the Whole meeting to provide their annual report which outlines at a high level how many investigations were completed and how much advice was sought. Any reporting around investigations, training on the Code of Conduct and/or the Municipal Conflict of Interest Act (MCIA) are completed on an as needed basis. Staff will be planning an educational session for County Council in 2024 around the MCIA and Code of Conduct as a follow up to that received during orientation in late 2022.

Though the role of the IC is one that is independent of the municipality, it is a benefit to have built relationships with the IC over the term of the contract. They developed the current Code of Conduct and act as IC for Grey County and many of its member municipalities. The Principals bring a wealth of knowledge from across the municipal and legal sectors and aim to resolve complaints through informal resolution wherever possible. Staff have been very satisfied with the services of Principles Integrity and would like to single source their services for another five-year term. Principles Integrity has indicated their interest in another term of a similar length.

Under the Purchasing Policy, single sourcing may be undertaken in specific circumstances, including where a municipality wants to ensure a certain service level or pricing. Any single source less than \$75,000 per year requires approval from the Purchasing Manager with input from the Director of Finance. Historically, the annual fees have fell well below this threshold and as such, staff can proceed with single sourcing this contract. Given how closely the IC works with County Council however, staff felt it appropriate to bring this report forward for your information and as an opportunity to provide any feedback or direction on the approach, should it differ from staff's perspective.

If the recommendation is adopted, staff will prepare a by-law to re-appoint Principles Integrity for a five-year term.

Legislated Requirements

The Municipal Act authorizes a 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 of the following:

1. Application of the Code of Conduct for council members and local boards
2. Application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and local boards

3. Application of sections 5, 5.1, 5.2, and 5.3 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and local boards for advice respecting obligations under the Code of Conduct
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. Providing educational information to members of council and of local boards, the municipality and the public about the codes of conduct and the Municipal Conflict of Interest Act.

If a municipality has not appointed a Commissioner under subsection (1), it shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality.

By-law 4999-18 assigned all of the above functions to Principles Integrity and appointed them as IC for Grey County.

Legal Considerations

There are none.

Financial and Resource Implications

As per Grey County's Purchasing By-law, single sourcing may be permitted for services less than \$75,000 per year under certain circumstances with the approval of the Purchasing Manager and in consultation with the Director of Finance.

The updated annual retainer for Principles Integrity is \$1200.00 and their hourly rate for investigations, annual report preparation and providing advice, etc. is \$275.00 per hour. Mileage for any travel is \$0.54 per kilometre. It is anticipated that the IC will provide an annual report to County Council, occasional advice, as well as educational sessions when requested each year which are all budgeted within the Council operating budget.

Relevant Consultation

- Internal (Purchasing, CAO)
 - AODA Compliance (describe)
 - Contribution to Climate Change Action Plan Targets (describe)
- External

Appendices and Attachments

None.