



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: April 6, 2021
Prepared by: Robert W Auger, Town Solicitor/Clerk
Report Number: Legal & Legislative Services 2021-07
Subject: Integrity Commissioner Annual Report 2020 and
Extension of Services
Number of Pages: 4

Recommendation(s)

That Legal & Legislative Services 2021-07 entitled Integrity Commissioner Annual Report 2020 and Extension of Services prepared by Robert W Auger and dated April 6, 2021 be received;

That the Integrity Commissioner Annual Report for 2020 attached hereto as Schedule "A" to this Report be received for Council and public information, and

That Council approve the two year extension of the current Integrity Commissioner Agreement up to and including December 31, 2023 or **That** Council does not approve the two year extension of the current Integrity Commissioner Agreement and directs administration as follows: _____.

Purpose

Pursuant to the Municipal Act, 2001, (the "Act") each municipal council is required to appoint an Integrity Commissioner who reports to Council and is responsible for performing in an independent manner the functions assigned by the Act and the municipality with respect to

the application of the Code of Conduct for Members of Council and its Committees and of any procedures, rules and policies of the municipality governing the ethical behavior of members of council and local boards.

This report is to receive the Town of Essex Integrity Commissioners Annual report for 2020 and to further seek Council's approval or further direction in regards to the extension of the current Integrity Commissioners term thereof.

Background and Discussion

Back in 2018 a Request for Proposal (RFP-18-001) following the guidelines as set out in the Town's Procurement By-Law Number 1043 for Integrity Commissioner Services ("RFP") was posted. This RFP specifically expanded the scope of the Integrity Commissioners proposed services to align with the expanded role now prescribed by the Municipal Act.

Council approved via By-law 1783 and awarded RFP-18-001 for Integrity Commissioner Services to Robert J Swayze, Barrister & Solicitor for a term to commence January 1, 2019 and continuing to December 31, 2020 but with an option allowing for the extension (on the same terms and conditions) for a further two year period ending December 31, 2023 . The current Agreement for Integrity Commissioner Services is attached hereto as Schedule "B" to this Report.

In the interests of time, this Agreement was provisionally extended in 2021 on a month to month basis pending receipt of the 2020 Annual Report for information purposes and pending Council's formal approval of such two year extension or its further direction thereof.

The Annual report together with the current agreement and its potential extension is now before Council for its consideration.

If Council decides not to extend the current Agreement then the Town likely will need to engage the RFP process and retain a provisional Integrity Commissioner should those services be needed during the RFP/pre-award process.

Financial Impact

The Agreement provides for an hourly rate of \$235.00 per hour for all services provided. There is no set retainer amount and the fees are based only upon time spent. This hourly rate actually represents a reduction in the rate that was charged (\$280/Hour) prior to 2019. Given the information obtained during the last RFP process this rate continues to be reasonable and appropriate given the expanded role of potential Integrity Commissioner services that can be provided as now prescribed by the Municipal Act.

The Integrity Commissioner Services are funded from the Council operating budget account with current budget at \$20,000.00. In 2020 Integrity Commissioner Services cost the Town \$8,816.27 (not including taxes). This compares with the last number of years as follows:

2019 \$5,277

2018 \$11,552

2017 \$19,416

2016 \$27,600

Consultations

Shelley Brown, Deputy Clerk

Kate Giurissevich, Manager Finance & Business Services

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.