



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: March 14, 2023

Report Number: LCS-2023-05

Subject: Appointment of an Integrity Commissioner

Recommendation

That Report LCS-2023-05 regarding the Appointment of an Integrity Commissioner **be received**;

That Mr. Robert Swayze's appointment as the Integrity Commissioner for The Corporation of the Town of Tecumseh (Town) **be extended** for a further one year period commencing April 1, 2023 and ending March 31, 2024;

And further that By-Law 2023-030 being a by-law to authorize the Mayor and the Clerk to execute an extension Agreement between the Town and Robert Swayze as Integrity Commissioner for the term April 1, 2023 through March 31, 2024 **be recommended for adoption**.

Background

The *Municipal Act, 2001, S.O. 2001, c.25 (Municipal Act)* under Part V.1 requires a municipality to establish a Code of Conduct for Members of Council and local boards, and to appoint an Integrity Commissioner. The Integrity Commissioner reports to Council and 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 conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*, 2017, c. 10, Sched. 1, s. 19 (1).

If a municipality has not appointed a Commissioner, the municipality shall, in accordance with the Act, make arrangements for all of these responsibilities to be provided by a Commissioner of another municipality.

In 2008, Council first adopted a Code of Conduct under By-law No. 2008-47 for Members of Council, Committees and Local Boards (Members), in conjunction with Policy No. 61, and in accordance with Section 223.2(1) of the *Municipal Act*. The purpose of the Code of Conduct is to supplement the legislative parameters within which Members must operate and to:

- a. encourage a high standard of conduct;
- b. ensure that Members share a common basis for acceptable conduct;
- c. protect the public interest and enhance public confidence in Members; and
- d. set out a means of correcting unethical conduct.

In September of 2013, Council appointed John G. Maddox, of JGM Consulting, as the Town's first Integrity Commissioner to provide: advice and opinions to the Members, independent complaint prevention, investigation, adjudication, and resolution for Members of Council and the public; and to provide education on adherence with the Code of Conduct and other procedures, rules and policies governing ethical behavior.

Comments

On November 24, 2015 via By-Law 2015-77 and pursuant to a 2015 Request for Proposal process, Robert J. Swayze was appointed as a successor Integrity Commissioner and retained under an Agreement for a two-year term 2016-2017.

Mr. Swayze is a solicitor practicing in Caledon, Ontario. His practice has primarily been in municipal law. He has held senior positions, including Town and City Solicitor, with various municipalities during his career and has been appointed and serves as the Integrity Officer for a number of municipalities.

By subsequent extension agreements approved in 2018 and 2019, the Town further extended the term of the Agreement with Mr. Swayze to March 31, 2023.

The parties hereto now wish to further extend the term of the Agreement until March 31, 2024 under the terms of proposed By-law 2023-030 and its attached Extension Agreement. The reason for only a one year extension is that it is recommended as part of best practices that in 2024 that an updated and new Request for Proposal process be reviewed, initiated and issued. The current proposed extension will afford administration sufficient time to review and initiate a new RFP process while ensuring the timely continuation of integrity Commissioner Services.

As part of the proposed extension agreement with Mr. Swayze a \$1,000 annual retainer fee (inclusive of 3 hours of docketed time) will be applicable for his services and thereafter an increase in hourly rate from \$235 to \$280.

Mr. Swayze's performance to date has met the requirements of the prior Retainer Agreements. The Town is required to retain an Integrity Commissioner to investigate complaints under the Code of Conduct. Funds are available in the annual budget in the event an investigation is to be conducted.

Consultations

Robert Swayze, Barrister & Solicitor

Financial Implications

The 2023 Budget contains a provision in the Legislative Services & Clerk's Department Professional Fee – Other for \$2,500 for Integrity Commissioner fees in the event of an investigation.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None