

The Corporation of the Town of Tecumseh

By-Law Number 2023-030

Being a by-law to appoint Robert J. Swayze as the Integrity Commissioner for The Corporation of the Town of Tecumseh pursuant to Sections 9, 10, 11 and 223.3 of the Municipal Act, 2001 S.O. 2001, c.25, as amended

Whereas effective January 1, 2008, Section 223.3 of the *Municipal Act, 2001, S.O. 2001, c.25* as amended (*Municipal Act, 2001*) requires a municipal council to appoint an Integrity Commissioner who is responsible for performing, in an independent manner, functions related to the Code of Conduct of members of council and local boards, and the *Municipal Conflict of Interest Act 2017, c.10*;

And Whereas such services shall be undertaken by an Integrity Commissioner appointed by the Council of The Corporation of the Town of Tecumseh (Town), pursuant to Section 223.3-223.8 of the *Municipal Act, 2001*;

And Whereas the Town entered into Agreements with Robert J. Swayze for Integrity Commissioner services for the years 2015 - 2019;

And Whereas the Town extended an agreement with Robert J. Swayze for Integrity Commissioner services until March 31, 2023.

And Whereas the Town and Robert J. Swayze are desirous of entering into extending the agreement for the term April 1, 2023 – March 31, 2024 under a written agreement in the form and of the content attached as Schedule “A” hereto;

And Whereas pursuant to Section 5(3) of the *Municipal Act, 2001*, the powers of the municipality shall be exercised by by-law;

Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:

1. **That** Robert J. Swayze is hereby appointed as Integrity Commissioner for the Town to perform those functions set forth in Section 223.3 through 223.8 of the *Municipal Act, 2001* including but not limited to:
 - a. Advice as to the application of the Code of Conduct and *Municipal Conflict of Interest Act*, and any related procedures, rules, and policies governing the ethical behavior of members of council and local boards;

- b. Conducting inquiries in respect of any requests alleging contravention of the Code of Conduct, Municipal Conflict of Interest Act and/or any other procedures, rule or policy governing the ethical behavior of members of council and local boards;
 - c. Reporting to the Council for the Town as to activities as Integrity Commissioner, including but not limited to reports as to the results of any inquiry into alleged contravention and/or an annual report of activities as Integrity Commissioner;
 - d. Conducting inquiries upon complaint or own initiative for Municipal Conflict of Interest Act matters;
 - e. Provide educational information in writing to the public, municipality and Members of Council and local boards about the Code of Conduct and Municipal Conflict of Interest Act;
2. **That** the Mayor and the Clerk be authorized to execute the Agreement attached hereto as Schedule "A" between Robert J. Swayze and The Corporation of the Town of Tecumseh, and such other or any documents necessary to give effect to the Agreement.

Read a first, second, third time and finally passed this 14th day of March, 2023.

Gary McNamara, Mayor

Robert Auger, Clerk

Schedule "A"

Agreement Extending Term of the Integrity Commissioner

Dated as of: March 14, 2023.

Between:

The Corporation of The Town of Tecumseh

(Hereinafter Referred to as the "Municipality")

-And-

Robert J. Swayze, Integrity Commissioner

(Hereinafter referred to as the "Integrity Commissioner")

Whereas the Integrity Commissioner was appointed and retained by the Municipality pursuant to an Agreement dated November 24, 2015, (the "Agreement"), the term of which was extended twice on the same terms and conditions and finally expiring on March 31, 2023, which agreement is attached hereto as Schedule "B";

And Whereas the parties wish to amend the Agreement by extending the term of the Agreement to expire on March 24, 2024, to add an annual retainer fee and to change the hourly rate paid by the Municipality.

Now Therefore the parties agree as follows:

1. The term of the Agreement is hereby extended to March 24, 2024.
2. The Agreement is hereby amended to add an annual retainer fee of \$1,000 paid in advance, which will include 3 hours of docketed time each year and to change the hourly rate from \$235 per hour to \$280 per hour.
3. This Agreement shall enure to the benefit of and bind the parties and their respective heirs, successors and permitted assigns. This Agreement is not assignable by the Integrity Commissioner.

In Witness Hereof both of the parties hereto have executed this agreement as of the 14th day of March, 2023.

Signed, Sealed & Delivered

The Corporation of the Town of Tecumseh

Per: _____
Gary McNamara - Mayor

Per:: _____
Robert Auger - Clerk

Witness

Robert J. Swayze, Integrity Commissioner

Schedule “B”

By-Law Number 2025-077

Being a by-law to appoint Robert J. Swayze as the Integrity Commissioner for The Corporation of the Town of Tecumseh pursuant to Sections 9, 10, 11 and 223.3 of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended.

View the by-law [here](#)