



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 19, 2024

Report Number: LCS-2024-06

Subject: Appointment of an Integrity Commissioner

Recommendations

It is recommended:

That Report LCS-2024-06 entitled "Appointment of an Integrity Commissioner" be received;

That Michael Maynard of ADR Chambers Inc. **be appointed** as the Integrity Commissioner for The Corporation of the Town of Tecumseh (Town) for a four year period commencing March 25, 2024 and ending March 30, 2028 pursuant to the terms of a Service Agreement to be negotiated and agreed to in consultation with the Town Solicitor and to be duly authorized and executed by the Mayor and Clerk; and

That By-Law 2024-021 being a by-law to appoint an Integrity Commissioner for The Corporation of the Town of Tecumseh **be considered** for first, second, third and final readings.

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 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.

In 2016 and continuing to current the Town appointed Robert J. Swayze as the Town's Integrity Commissioner and authorized the execution of an agreement for Integrity Commissioner Services. Subsequent extension agreements were approved for two year terms in 2018 and 2020. In March 2023, Council approved the recommendations in Report LCS-2023-05 which authorized the extension of the agreement for a one year term that expires on March 24, 2024; and further, to ensure good governance and best practices, authorized Administration to proceed with a Request for Proposal ("RFP") for Integrity Commissioner Services.

Comments

The Request For Proposal (RFP) documents for Integrity Commissioner Services were posted on the Town's Bids and Tenders portal on February 1, 2024, with a closing date of February 22, 2024. The RFP documents included the scope of work pursuant to the powers and duties set out in the *Municipal Act* and the *Municipal Conflict of Interest Act*.

Four proposals were received on February 22, 2024 and were virtually opened in the presence of the Town's Purchasing Officer. The proposal results are summarized as follows:

Company Name	Service Proposal Fee based on price per hour of service
Aird & Berlis LLP	\$475 - \$875
ADR Chambers Inc.	\$350
Boghosian + Allen LLP	\$295
Seabrook Workplace Law	\$300

All proposals received were from private practice law firms situated in Toronto, Ontario. Our current appointed Integrity Commissioner did not submit a proposal. The evaluators reviewed the tenders based on the requirements of understanding the scope of work, qualifications, relevant experience and pricing. Administration, in consultation with the CAO, recommends that Council award the Town's Integrity Commissioner Services RFP to ADR Chambers Inc. with the appointment of its lawyer, Michael Maynard, as the Town's appointed Integrity Commissioner.

ADR Chambers Inc. (ADR) has been providing Integrity Commissioner Services across the province since 2011 with a roster of approximately sixty (60) experienced professionals who currently act as or assist in the delivery of integrity commissioner and other municipal, investigatory and dispute resolution services. ADR currently represents or acts as Integrity Commissioner for 41 municipalities including the Municipality of Leamington and ranging from small to large municipalities. Mr. Maynard, in particular, is currently appointed as Integrity Commissioner to 19 of the 41 municipalities that ADR represents and is an associate investigator for several other municipalities on behalf of ADR. Mr. Maynard's services are further enhanced with access to a dedicated support staff that includes (2) two other lawyers and a law clerk/paralegal. He is very familiar with the interpretation and application of municipal legislation and codes of conduct, as well as the workings, issues, and challenges facing municipal governments.

Currently, the local area municipalities have the following appointed Integrity Commissioners:

Municipality	Integrity Commissioner
Town of Amherstburg	Bruce Elman
County of Essex	Aird & Berlis LLP: Laura Dean
Town of Essex	Bruce Elman
Municipality of Lakeshore	Principles Integrity: Jeffrey A. Abrams/Janice Atwood
Town of LaSalle	Davis How LLP: Robert G. Miller
Municipality of Leamington	ADR Chambers Inc.: Charles A Harnick
City of Windsor	Principles Integrity: Jeffrey A. Abrams/Janice Atwood
Town of Kingsville	Mary Ellen Bench
Chatham-Kent	SC Consulting : Suzanne Craig

Consultations

Chief Administrative Officer

Financial Implications

The 2024 Budget contains a provision in the Legislative & Clerk Services Department Professional Fee – Other for \$13,000 for Integrity Commissioner fees for a service retainer and funds in the event of an investigation.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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:

Jennifer Alexander, AOMC, MPA
Deputy Clerk & Manager Legislative Services

Reviewed 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