



Staff Report

Report Title: Integrity Commissioner Services– Notice of Retirement and Delegation

Prepared By: Emily Dance, Clerk

Department: Clerk

Date: Sep. 7, 2022

Report Number: CLK-2022-09-85

File Number:

Attachments: Notice – Elston August 18, 2022, Proposal Aird & Berlis

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby approves Report CLK-2022-09-85 prepared by Emily Dance, Clerk AND accepts the resignation of H.G. Elston as the Township of Huron-Kinloss Integrity Commissioner AND FURTHER appoints the Law Firm of Aird & Berlis LLP as Integrity Commissioner for the Township of Huron-Kinloss until December 31, 2023 AND FURTHER approves the appropriate By-Laws coming forward.

Background:

Section 223.3 (1) of the Municipal Act, 2001 requires that Council appoint an integrity commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the Municipality.

On August 18, 2022 the Township received Notice of Retirement from H. G. Elston from the appointment of Integrity Commissioner for the Township of Huron-Kinloss.

Mr. Elston was appointed the Integrity Commissioner for the Township of Huron-Kinloss on October 19, 2020 with his term ending December 31, 2023. Mr. Elston has requested for the remainder of his term, that he delegate his authority under section 223.3 (3) of the Municipal Act, to the law firm of Aird & Berlis, LLP.

Discussion:

The Clerk had a virtual meeting with Mr. John Mascarin of Aird & Berlis LLP to review the request and tentative steps in delegating the appointment.

They indicated they are willing to enter into an agreement with the Township for Integrity Commissioner Services.

Aird & Berlis LLP has provided a proposal that outlines their staff, qualifications, and experience. As per the Municipal Freedom of Information and Protection of Privacy Act certain items related to the fee proposal and references have been redacted.

The services of the integrity commissioner would include

- a) the application of the code of conduct for members of council and local boards (Members);
- b) the application of any procedures, rules and policies for the municipality and local board governing the ethical behaviours of Members;
- c) the application of section 5, 5.1 and 5.2 for the Municipal Conflict of Interest Act to Members;
- d) requests from Members for advice respecting their obligations under the code of conduct applicable to the Member;
- e) requests from members for advice respecting their obligations under a procedure, rule or policy of the municipality or local board, as the case may be, governing the ethical behavior of Members;
- f) requests from Members for advice respecting their obligations under the Municipal Conflict of Interest Act; and
- g) educational information to Members, the municipality and the public about the municipality's code of conduct for members and about the Municipal Conflict of Interest Act.

Staff are recommending that Council enter into an agreement with Aird & Berlis LLP for Integrity Commissioner services until December 31, 2023. Prior to the termination of this agreement, Staff would seek direction from Council to extend this agreement or engage in a competitive process for Integrity Commissioner Services.

Financial Impacts:

The actual costs of Integrity Commissioner Services will depend on the number of investigations and request from members for advice. The hourly rate provided (in confidence) will vary depending on the complexity of the investigation.

Strategic Alignment / Link:

We are an accessible community by being open and transparent.

Respectfully Submitted By:

Emily Dance, Clerk

Approved By:

Mary Rose Walden, Chief Administrative Officer