

Municipality of Lakeshore – Report to Council

Strategic & Legal Affairs

Civic Affairs



To: Mayor & Members of Council

From: Kristen Newman, Corporate Leader-Strategic & Legal Affairs

Date: January 12, 2022

Subject: Continuation of Integrity Commissioner Services

Recommendation

Direct the Clerk to read By-law 8-2022 appointing Bruce Elman as the Municipality's integrity commissioner and authorizing the Mayor and Clerk to execute the necessary instruments to extend the contract for services with Bruce Elman until such time as a successor is appointed and the appointment takes effect; and,

Proceed with Option ____ as described in the report of the Corporate Leader-Strategic & Legal Affairs presented at the January 18, 2022 Council meeting.

Background

The *Municipal Act, 2001* ["MA, 2001"] requires that municipal councils appoint an Integrity Commissioner effective March 1, 2019 for the following responsibilities in relation to municipal councils:

- the application of the code of conduct for members;
- the application of any procedures, rules and policies governing the ethical behaviour of members;
- the application of provisions of the *Municipal Conflict of Interest Act* to members;
- requests from members for advice respecting a member's obligations under the code of conduct;
- requests from Council Members for advice respecting their obligations under a procedure, rule or policy governing the ethical behaviour of members;
- requests from Council Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*; and
- educating members, 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*.

On February 19, 2019, Council passed resolution #92-02-2019 directing the following:

Administration prepare[s] a report to Council regarding the use of the City of Windsor's Integrity Commissioner and the use of LAS as a Closed Meeting Investigator for the Town of Lakeshore.

At the February 19, 2019 meeting, Council adopted By-law 22-2019 establishing the Office of the Integrity Commissioner.

On July 16, 2019, Council passed resolution #346-07-2019 which states:

The Council of The Corporation of the Town of Lakeshore adopt By-law 85-2019 appointing Bruce Elman as the Town's integrity commissioner and authorizing the Mayor and Clerk to execute an agreement with Bruce Elman to retain interim integrity commissioner services;

And that Administration approach the City of Windsor and Town of Amherstburg to negotiate a proposal to the City of Windsor and Town of Amherstburg for a joint integrity commissioner services agreement for 2020, as described in the report of the Director of Legislative & Legal Services presented at the July 16, 2019 Council meeting.

On July 16, 2019, Council passed By-law 85-2019 appointing Bruce Elman as the integrity commissioner until December 31, 2019. Administration arranged, pursuant to section 223.3(1.1) of the MA, 2001, for Mr. Elman to continue to provide integrity commissioner services pending further direction from Council as to how it wishes to proceed with respect to the provision of integrity commissioner services.

Comments

In the fall, City of Windsor Administration sought out Lakeshore Administration's plans with respect to the options it planned to put to Council regarding the appointment of an integrity commissioner. Further to Council's 2019 direction regarding the use of the City of Windsor's integrity commissioner, Administration indicated that Lakeshore Administration wished to be able to present Council with an option to appoint the integrity commissioner procured through the City of Windsor's procurement process. Principles Integrity was the successful applicant for the role for Windsor and will be commencing active services July 1 after working through a six-month transition period with the current Integrity Commissioner. The City of Windsor's Expression of Interest is attached as Attachment "A" to this report.

Principles Integrity indicated that it would be willing to present a proposal to Lakeshore following the Windsor EOI process. Principles Integrity's proposal is attachment "B" to this report.

Option A: Mr. Elman has indicated his willingness to continue to provide services until December 31, 2023 or until such time as transition to an alternative service provider were to occur. Mr. Elman would continue with a monthly retainer of \$300 and an hourly rate of \$300. Should the Town of Amherstburg continue with the services of Mr. Elman

there may be opportunity to continue to share the costs of joint advisory bulletins where applicable. Amherstburg's decision with respect to services is forthcoming.

Option B: Principles Integrity proposes a 3 year term contract that includes a \$1,000 annual retainer, a \$1750 per diem block fee for preparation and attendance at Workshops, Training/Orientation Sessions (half-day per diems) and a \$275 hourly rate for all other services.

Principles Integrity indicated that it could assume service provision in the spring or summer of 2021 which would ensure a smooth transition prior to the election. This timing would provide an opportunity for Principles to review and prepare any Code of Conduct recommendations and develop an orientation for the next term of Council. Administration could also arrange an overlap to ensure a period for smooth transition.

Finally, as noted above and notwithstanding which option Council chooses (A or B), Administration recommends appointing Mr. Elman as the integrity commissioner. This appointment would be retroactive to January 1st formalizing the services arranged with Mr. Elman. Administration will then take the necessary steps to implement the option that Council wishes to pursue (of options A and B above).

Others Consulted

Mr. Bruce Elman

Principles Integrity

City of Windsor

Town of Amherstburg

Financial Impacts

Integrity Commissioner services are budgeted on an annual basis. The 2022 budget includes \$11,700 for integrity commissioner services. This amount is anticipated to cover integrity commissioner services. In the event that the budgeted amount is not sufficient, Administration will review other funding sources and seek direction from Council with respect to funding.

Attachments

A-1 – City of Windsor Expression of Interest

B – Principles Integrity Commissioner Proposal

Report Approval Details

Document Title:	IntegrityCommissionerAppointment.docx
Attachments:	A – City of Windsor Expression of Interest.pdf B – Principles Integrity Commissioner Proposal.pdf
Final Approval Date:	Jan 14, 2022

This report and all of its attachments were approved and signed as outlined below:

Justin Rousseau

Truper McBride