

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: March 1, 2022
Subject: Transition of Integrity Commissioner Services

Recommendation

Direct the Clerk to read By-law 24-2022 appointing Principles Integrity as the Municipality's integrity commissioner commencing July 1st and transitional integrity commissioner for the period of March 8, 2022 through to and including June 30, 2022; and

Authorizing the Mayor and Clerk to execute the necessary instruments to retain Principles Integrity as the integrity commissioner, all as described in the March 7, 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.

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.

On January 18, 2022, Council passed By-law 8-2022 continuing Mr. Elman's appointment as integrity commissioner and authorizing a transition period between Principles Integrity and Mr. Elman. This timing will provide an opportunity for Principles to review and prepare any Code of Conduct recommendations and develop an orientation for the next term of Council. Principles Integrity will also act as a backup integrity commissioner during the transition period in the event that Mr. Elman experiences the need to delegate the services.

Comments

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.

In accordance with Council's January 18, 2022 direction, Administration recommends that Principles Integrity be appointed as the Lakeshore integrity commissioner for a three year term commencing July 1st and transitional integrity commissioner commencing March 8 through to and including June 30th, 2022.

Others Consulted

Mr. Bruce Elman

Principles Integrity

City of Windsor

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.

Report Approval Details

Document Title:	IntegrityCommissionerAppointment2022.docx
Attachments:	
Final Approval Date:	Mar 2, 2022

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

Justin Rousseau

Truper McBride