



Staff Report

To: Warden Janice Jackson
Members of the Executive Committee

From: Derrick Thomson, Chief Administrative Officer

Date: September 15, 2022

Re: Integrity Commissioner Resignation and Appointment

Recommendation:

That a by-law be introduced to appoint the law firm Aird and Berlis, LLP as Integrity Commissioner for the County of Bruce.

Background:

Mr. Harold Elston has served as Integrity Commissioner for the County of Bruce since 2018. The County reappointed Mr. Elston in 2020 for a three-year term expiring December 31, 2023. The attached letter from Mr. Elston dated August 18, 2022 informs Council of his plans to retire as Integrity Commissioner.

Mr. Elston offers the option to delegate his authority as Integrity Commissioner to the law firm of Aird and Berlis, LLP for the remainder of the term of the contract, being December 31, 2023. The delegation of authority can be made under section 223.3(3) of the *Municipal Act, 2001, S.O. 2002, c.25* which states: *“That Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner’s powers and duties under this Part”*.

Staff have met with Mr. John Mascarin and Ms. Meghan Cowan, partners in the law firm of Aird and Berlis to discuss the transition. As outlined in the attached Proposal, Aird and Berlis is the Integrity Commissioner for approximately 50 public sector entities in Ontario and have the *“requisite experience, capacity and expertise to serve as a knowledgeable, efficient and cost-effective Integrity Commissioner”*.

It is recommended that a new contract be entered into with Aird and Berlis for the remainder of the term which expires on December 31, 2023. This arrangement will allow staff to review the service provided and make a recommendation to extend the contract or issue a Request for Proposal for the Integrity Commissioner services commencing 2024.

In accordance with Section 223.3(1) of the Municipal Act, the Integrity Commissioner reports directly 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).

Financial/Staffing/Legal/IT Considerations:

There is no retainer associated with providing the Integrity Commissioner service. The annual cost incurred will depend on the number investigations and advice provided throughout the year.

Interdepartmental Consultation:

There was no interdepartmental consultation.

Link to Strategic Goals and Elements:

None identified.

Report Author:

Linda White, Clerk

Approved for Submission:

Derrick Thomson
Chief Administrative Officer