



SUBJECT: Integrity Commissioner RFP/Contract Approval

TO: Mayor and Members of Council

FROM: Office of the City Clerk

Report Number: CL-30-22

Wards Affected: Not applicable

File Numbers: 110-03

Date to Committee: Not applicable

Date to Council: July 12, 2022

Recommendation:

Re-Appoint Principles Integrity as the Integrity Commissioners for the City of Burlington and its local boards pursuant to section 223.3(1) of the Municipal Act for a term to December 31, 2026.

Authorize the Mayor and City Clerk to execute an agreement and any ancillary documents between the City of Burlington and Principles Integrity for integrity commissioner services, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

PURPOSE:

The purpose of this report is to appoint an Integrity Commissioner for the City of Burlington, pursuant to section 223.3 of the *Municipal Act, 2001, S.O. 2001, c. 25* (the Act).

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation
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Background and Discussion:

What is an Integrity Commissioner?

In 2017, Bill 68 proposed the creation of municipal accountability officers, including the integrity commissioner role within the Act. The Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent on May 30, 2017.

In accordance with the Act, the Integrity Commissioner is an accountability officer who is appointed by Council to provide independent advice, and complaint resolution to both members of Burlington Council and members of select local boards on the application of the Burlington Code of Good Governance, the Code of Conduct for Local Boards, and the *Municipal Conflict of Interest Act*. Their authority comes from the Act, by way of sections 223.3 through to 223.8, an extract of the Act is attached as Appendix A.

Our Current Integrity Commissioner

On June 18, 2018, Council approved a recommendation in CL-14-18 and enacted By-law 45-2018 to appoint Principles Integrity as the Integrity Commissioners for the City of Burlington. This firm was selected through a joint request for proposals (RFP) coordinated by Halton Region, with Halton's lower tier Clerks participating in the evaluation process. Principles Integrity has been the Integrity Commissioner for all municipalities in Halton Region since 2018.

The 2022 Procurement Process

On March 22, 2022, Council approved the recommendations contained in City Manager report [CM-08-22](#) directing the City Clerk to proceed with developing a request for proposals (RFP) for an Integrity Commissioner. The rationale for issuing a separate RFP from the Region was to avoid firms conflicting out of submitting a proposal due to previous commitments with any of the five participating municipalities.

RFP 22-217 for integrity commissioner services was issued on May 19, 2022 and closed on June 16, 2022 (extended one week due to limited response). When the bid closed, Principles Integrity was the only firm to have submitted a proposal. Therefore, in accordance with the RFP, and the procurement process, staff proceeded directly to the negotiations of the agreement with the proponent.

Strategy/process

A team of staff including, City Manager, and members from the following departments, Human Resources, Legal Services, the Office of the City Clerk and Finance-Procurement have been working towards a new agreement with Principles Integrity. Through negotiations, the proposed agreement includes minor fee increases, and including a prominent reference to Schedule B of the Procedure By-law (the Code of Good Governance and its current complaint process) to the agreement.

Report CM-08-22 had included the following policies, these were also included in the RFP for consideration by proponents.

- Code of Good Governance
- Code of Conduct for local boards
- Respect in the Workplace Policy
- Staff/Council Relations Policy

Through the agreement, the policy review agreed upon Principles Integrity is preliminary in nature. Therefore, staff may be as required be utilizing the available budget provision outlined in CM-08-22 to procure external expertise to assist with fulsome reviews, policy drafting and presenting reports to Committee and or to Council in forthcoming years.

In addition, conditional language has been included to permit Principles Integrity to become the Lobbyist Registrar. This may occur after the 2023 public consultation and review by staff and is conditional upon Council appointment. Including permissive language in the agreement, does not bind the municipality to Principles Integrity for these services.

There is no need to approve a new by-law, as upon review By-law 45-2018 did not specify an appointment term and will be relied upon for the ongoing appointment.

Options Considered

Through a review of the matter there were several options that staff considered.

Appointing Principles Integrity for one year. This option would allow for the new Council to select their Integrity Commissioner. Halton Region, and the remaining lower tier Halton municipalities are adopting a similar approval strategy. However, an agreement was not reached with Principles Integrity, on this shorter term and therefore it is not being recommended by staff at this time.

Allow the contract to lapse effective July 31, 2022. Through this option, the municipality would be assuming some risk. The Act authorizes all municipalities to appoint an Integrity Commissioner with functions set out in section 223.3(1) of the Act. Under section 223.3(1.1) of the Act, should Council choose to not re-appoint Principles Integrity, the municipality would be required to make arrangements for all of the responsibilities set out in that subsection to be provided by an Integrity Commissioner of another municipality.

Financial Matters:

Currently the ongoing cost for the Integrity Commissioner services is funded directly from the Contingency Reserve and since commencement of the contract in July 2018, the municipality has expended a total of \$23,626.13 for this service to date.

Total Financial Impact

The appointment of an Integrity Commissioner is a requirement through the Act.

Source of Funding

As stated in CM-08-22 work will be completed to have the Integrity Commissioner costs reflected in the Office of the City Clerk budget.

Other Resource Impacts

Not applicable.

Climate Implications

Not applicable.

Engagement Matters:

Not applicable.

Conclusion:

In accordance with section 223.3 the appointment of an Integrity Commissioner is required through the Act.

Respectfully submitted,

Kevin Arjoon

City Clerk

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Appendices:

- A. Extract of pertinent sections from the *Municipal Act, 2001*, S.O. 2001, c. 25 as it relates to the Integrity Commissioner

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.