

---

# HALDIMAND COUNTY

## Report CLS-03-2019 Appointment of Integrity Commissioner

For Consideration by Council in Committee on February 26, 2019

---



### OBJECTIVE:

To appoint an Integrity Commissioner to provide services to members of Council and local boards.

### RECOMMENDATIONS:

1. THAT Report CLS-03-2019 Appointment of Integrity Commissioner be received;
2. AND THAT Charles Harnick, ADR Chambers Inc., be appointed as Integrity Commissioner for Haldimand County Council and its local boards for a period of four (4) years with the renewal option of two (2) one (1) year term extension periods;
3. AND THAT a by-law to appoint the Integrity Commissioner be presented for enactment.

**Prepared by:** Evelyn Eichenbaum, Manager, Citizen & Legislative Services/Clerk

**Respectfully submitted:** Cathy Case, General Manager of Corporate & Social Services

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

In order to comply with provincial legislation, staff have undertaken a procurement process seeking the services of an Integrity Commissioner to fulfill the requirements laid out in the *Municipal Act, 2001* (Act) and the *Municipal Conflict of Interest Act* (MCIA) as of March 1, 2019. This report outlines the process and the recommended appointment of Charles Harnick of ADR Chambers as Integrity Commissioner (IC) for Haldimand County Council and its local boards.

### BACKGROUND:

In 2006, the Province introduced significant changes to the Act introducing a number of mechanisms to ensure accountability and transparency of municipal government. This included a discretionary authority to establish a code of conduct for members of Council and to appoint an IC to be responsible for providing advice and conducting investigations. Policy 2008-02 Code of Conduct and Complaint Protocol for Members of Council was adopted in 2008 and an IC was appointed in 2010. At the end of the contract period, the IC retired, and as the IC services had not been utilized to that point, the County amended the Code of Conduct to allow for an IC to be engaged by the Clerk on an individual complaint basis. This mechanism was utilized in 2018 upon the submission of two (2) complaints under the Code of Conduct.

When the Municipal Act was amended in 2017, the discretionary authority to establish a code of conduct and appoint an IC became mandatory requirements to be in place as of March 1, 2019. The responsibilities of the IC were also expanded to include additional authority under the MCIA. The IC is to act as an advisor to members of Council and members of local boards (as defined under section

223.1 of the Act) regarding the application of: the Code of Conduct; any procedures, rules and policies governing members' ethical behaviour; and in regards to sections 5, 5.1 and 5.2 of the MCIA.

As Section 223.1 of the Act exempts library boards and police service boards, this framework will likely only apply to the boards of the local Business Improvement Associations.

## **ANALYSIS:**

In order to comply with legislation, staff issued a Request for Proposal (RFP) for the services of an Integrity Commissioner. The RFP was issued on January 8, 2019 and closed on January 29, 2019. Two (2) bids were submitted – one by Aird & Berlis LLP and the other by ADR Chambers Inc. An evaluation committee, consisting of the General Manager, Corporate & Social Services, the Manager, Citizen & Legislative Services/Clerk and the Purchasing Coordinator, reviewed the submissions and met on February 8, 2019 to evaluate the proposals. The submissions were first evaluated on their technical information and as long as they attained a benchmark score of 70 points, their pricing envelope was opened and a price per point was calculated. The proposal with the lowest price per point was ADR Chambers and as such, is determined to be the preferred bidder. Reference checks for ADR Chambers were satisfactory.

Most procurement processes of this value would not come before Council for approval as the authority to approve such bids is delegated to staff through Procurement Policy 2013-02. As the Municipal Act requires that Council appoint an Integrity Commissioner as an independent officer of the municipality to fulfill legislated authority, this matter is presented for Council approval.

## **FINANCIAL/LEGAL IMPLICATIONS:**

A new initiative totalling \$20,000 has been included in the Draft 2019 Tax Supported Operating Budget. This initial amount is a broad estimate of costs to be incurred on an annual basis, and annual budgeting will become more accurate as the County becomes more familiar with the level of service required. There will always be some annual costs associated with required education to members of Council, members of local boards, the municipality and the public and with the development of an annual report, as legislatively required. Additional costs will depend on each member's (Council and local board) individual situation and the potential for requiring advice from the IC. Costs related to submitted complaints will also be incurred as required, and funded from the levy.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

Not applicable.