



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Jana Nethercott, Clerk
Date: 2022-06-23
Subject: Integrity Commissioner/Closed Meeting Investigator/Ombudsman

Recommendation:

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Integrity Commissioner/Closed Meeting Investigator/Ombudsman for information purposes; and

That West Elgin partner with the County of Elgin and interested Local Municipal Partners in the Joint RFP to secure a new service provider to fulfill the transparency and accountability roles of Integrity Commissioner, Closed Meeting Investigator and Municipal Ombudsman.

Purpose:

The purpose of this report is to inform Council that Independent Resolutions Inc., through its representative Mark McDonald, has provided notice to the County of Elgin and its Local Municipal Partners as of September 30, 2022.

The *Municipal Act, 2001* requires that all municipalities have an Integrity Commissioner.

Background:

Bill 68, Modernizing Ontario's Conflict of Interest Act was introduced on November 16, 2016 and advanced through the legislative process requiring municipalities implement requirements for codes of conduct, conflict of interest and integrity commissioner services by March 2019.

In October 2017, a Request for Proposal (RFP) was jointly issued by Elgin County and Middlesex County seeking an Integrity Commissioner, Closed Meeting Investigator and Ombudsman. Elgin County's Municipal Partners were invited to participate in this agreement. Through Council resolution, the Township chose to utilize the service of Independent Resolutions Inc., represented by Mark McDonald for these services. The original agreement term was set to expire ending on December 31, 2020 and was extended for another two years to expire on December 31, 2022. Mark McDonald recently provided notice, in conformance with the requirements of the Agreement, that Independent Resolutions Inc. will no longer provide services to County and Municipal Partners after September 30, 2022.

Combining the transparency and accountability of these three roles: Integrity Commissioner, Closed Meeting Investigator, and Municipal Ombudsman, will provide one point of contact for Council, members of the public, and staff.

Integrity Commissioner

The Integrity Commissioner is an independent accountability officer given authority under the *Municipal Act, 2001*, including Ontario Regulation 55/18 Codes of Conduct and the *Municipal Conflict of Interest Act, 1990*. Municipalities are required to at all times have an Integrity Commissioner. The Integrity Commissioner is responsible for administering relevant portions of Council's Code of Conduct. This includes conducting investigations in an independent manner, in accordance with the accountability and transparency provisions of the *Municipal Act, 2001* and the Council Code of Conduct Policy, for both Council and Boards.

The Integrity Commissioner has a statutory right to delegate tasks to qualified person(s) which may include the provision of legal advice, particularly where the Integrity Commissioner is not licensed to practice law.

Closed Meeting Investigator

The Closed Meeting Investigator is responsible for investigating complaints relative to Section 239.2 of the *Municipal Act, 2001*, in an independent manner, as to whether the municipality has complied with the open meeting requirements of the *Municipal Act, 2001* or a Municipal Procedural By-Law in respect of a meeting or part of a meeting that was closed to the public. The Closed Meeting Investigator's duties include reporting on the investigation.

Municipal Ombudsman

The Municipal Ombudsman is responsible for investigating and reporting to Council in an independent manner on any decision or recommendation made or act done or omitted in the course of the administration of the municipality and its local boards in accordance with section 223.13(1-2) of the Act. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.

The County will take the lead in developing a joint RFP for Elgin County and interested Local Municipal Partners. The County will take the lead in developing and issuing the RFP in consultation with participating LMPs. In addition to creating a workflow efficiency on behalf of local municipalities who are interested in this approach, a jointly issued RFP for multiple participating municipalities is likely to provide a greater response to the RFP. Jointly retained services will also support our efforts to maintain similar standards for service throughout Elgin County.

The successful proponent(s) to the RFP would be required to execute separate agreements with each LMP. The previous agreements included a retainer that was covered by the County and each LMP was responsible for the payment of the hourly rate on an as needed basis, and it is anticipated that a similar arrangement will continue with a new proponent.

Financial Implications:

Revised pricing will be presented to Council once the results of the RFP have been received.

Policies/Legislation:

Municipal Act, 2001