

REPORT

Council

Meeting Date: June 19, 2023

FROM: Clerk's Department

DATE: June 6, 2023

SUBJECT: Appointment of Integrity Commissioner, By-law 2023-079

WARD: Town-wide

Page 1

RECOMMENDATION:

1. That Suzanne Craig, be appointed as the Corporation of the Town of Oakville's Integrity Commissioner in accordance with Section 223.3 of the *Municipal Act, 2001*, as amended, for a term to commence August 1, 2023, and conclude December 31, 2027, as set out in the report from the Clerk's department entitled Appointed of Integrity Commissioner, dated June 6, 2023.
2. That By-law 2023-079, being a by-law to appoint Suzanne Craig as the Corporation of the Town of Oakville Integrity Commissioner pursuant to Section 223.3 of the *Municipal Act, 2001*, as amended, and to repeal By-law 2018-095, be passed.
3. That an agreement be executed with Suzanne Craig in accordance with By-law 2023-079, consistent with this report in form and content satisfactory to the Town Solicitor.
4. That any costs incurred by the Integrity Commissioner within the established scope of duties for local boards, which are not within the administration of the Town, be charged back to such boards.
5. That the updated Integrity Commissioner – Inquiries/Advice Procedure (G-GEN-009-002) be reviewed by staff, and any required updates be brought back to Council for approval.
6. That Principles *Integrity*, through its principals Jeffrey A. Abrams and Janice Atwood-Petkovski, be thanked for their services provided to the Town of Oakville as its Integrity Commissioner since August 2018 and that their services be discontinued effective as of July 31, 2023.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Sections 223.3-223.8 of the *Municipal Act, 2001*, as amended, authorize a municipality to appoint an Integrity Commissioner who reports to Council in an independent manner on the application of codes of conduct and other rules and procedures governing the ethical behaviour of its Members.

- The Town's current Integrity Commissioner, Principles *Integrity*, was appointed in 2018 for a four-year term, and extended for a period of up to one year at the Council meeting of December 19, 2022.
- Following the issuance of a Request for Proposal (RFP) by the Region of Halton for the services of an Integrity Commissioner and the completion of the RFP process, the Region of Halton Council have approved the appointment of Suzanne Craig as their Integrity Commissioner for a term to commence July 1, 2023, and conclude December 31, 2027.
- Staff recommend the appointment of Suzanne Craig as Integrity Commissioner for the Town of Oakville for a term to commence August 1, 2023, and conclude December 31, 2027.

BACKGROUND:

Section 223.3 (1) of the *Municipal Act, 2001*, as amended, authorizes municipalities to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the Town with respect to, but not be limited to:

- acting as an advisor to Council;
- providing assistance on potential amendments to the Council Code of Conduct;
- guidance on the application of and obligations of Members under the Council Code of Conduct;
- conducting investigations of alleged breaches of the Council Code of Conduct;
- providing advice to individual Members on the Council Code of Conduct and policies and legislation governing ethical behaviour; and
- providing education and training.

The Integrity Commissioner is also required under provincial legislation to provide guidance on the applicability of the *Municipal Conflict of Interest Act*.

The Town of Oakville's current Integrity Commissioner, Principles *Integrity*, is a two-person firm that acts for several municipalities across Ontario. Principles *Integrity* was initially appointed in 2018 through a joint procurement process with the Halton local municipalities, and for a term to expire on December 31, 2022. An extension was authorized to allow time for the Inaugural meeting, adoption of the 2023 budget, Council orientation, and other early term matters to be considered, and to allow for a procurement process leading to the choice of an Integrity Commission to serve for the current term of Council.

Halton Region, on behalf of the Halton Cooperative Purchasing Group (HCPG), issued the Request for Proposal for Integrity Commissioner services, joined by the Towns of Halton Hills, Milton and Oakville. Halton Region, on behalf of the HCPG, issued the Request for Proposal for Integrity Commissioner services on March 20, 2023, which closed on April 6, 2023. There are a limited number of firms that provide this service to municipalities in Ontario. One submission was received.

A staff committee consisting of the Regional Clerk, Deputy Regional Clerk and the Clerks from the three Local Municipalities evaluated the submission. A two-envelope method was used to evaluate the proposal submissions. The technical proposal submission was analyzed and evaluated by the committee, based on the following technical proposal evaluation criteria: Investigative Experience, Knowledge of Ontario Municipal Law and General Municipal Experience, Community/Media Relations and Education, Interview, and References. The technical proposal from the sole proponent, Suzanne Craig, passed the minimum technical score of 70% and had the related cost proposal opened and evaluated. The score for the cost proposal was then added to the technical proposal score in order to obtain the total score.

COMMENT/OPTIONS:

On May 24, 2023, Regional Council approved the recommended that Suzanne Craig be appointed as the Integrity Commissioner for the Region of Halton and that an agreement be entered into (Appendix A – Regional Council Report No. LPS32-23).

Suzanne Craig has served as an Integrity Commissioner since 2009 and is at present the Integrity Commissioner for the following municipalities in Ontario: City of Barrie, City of Vaughan, District of Muskoka, Town of Muskoka Lakes, Town of Bracebridge, Town of Huntsville, Town of Lake of Bays, Town of Gravenhurst, Town of Georgian Bay and Town of Seguin, along with the Ottawa-Carleton District School Board, York Region District School Board and Waterfront Toronto.

Staff recommend that Town of Oakville Council pass By-law 2023-079 (Appendix B) to appoint Suzanne Craig as Integrity Commissioner for the Town of Oakville and authorize staff to enter into an agreement with Suzanne Craig satisfactory to the Town Solicitor for the provision of Integrity Commissioner services for a term to commence August 1, 2023, and conclude December 31, 2027. The extent of services to be provided will be formalized as part of the agreement with Suzanne Craig. This appointment is proposed to end one year into the term of the Council elected in 2026 so the new Council may have the opportunity to appoint its own Integrity Commissioner (or approve a renewal of the incumbent's term) clear of initial Inaugural and other considerations.

Staff recommend that the Integrity Commissioner – Inquiries/Advice Procedure (G-GEN-009-002) be reviewed by staff and Suzanne Craig, once retained, to maintain a consistent process that is compliant with legislation. Any recommended amendments to the procedure will follow the established corporate policy process and be brought to Council at a future meeting.

The Town's current integrity Commissioner, Principles *Integrity*, through its principals Jeffrey A. Abrams and Janice Atwood-Petkovski, should be thanked for

their services provided to the Town of Oakville since August 2018. They will be provided with a letter of termination of their contract effective July 31, 2023.

CONSIDERATIONS:

(A) PUBLIC

The Integrity Commissioner is provided for under the *Municipal Act*, as amended to address potential improvement to the transparency and accountability of municipalities to the public. The retention of an Integrity Commissioner would provide an independent body to address any public requests for investigations into any alleged violation of ethical practices by any member of Council or its local boards.

(B) FINANCIAL

The annual cost of the Integrity Commissioner service varies as it depends on the services that they are called upon to perform, which is driven by requests for advice, education information, and other supports, as well as inquiries into complaints received. Any costs incurred by the Integrity Commissioner within the established scope of duties for local boards, which are not within the administration of the Town, are to be charged back to such boards.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All departments would be required to assist an Integrity Commissioner in providing information as required under an inquiry process.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal to be accountable in everything we do.

(E) CLIMATE CHANGE/ACTION

This matter does not impact climate change.

APPENDICES:

Appendix A – Region of Halton Report No. LPS32-23

Appendix B – By-law 2023-079 - A by-law to appoint Suzanne Craig as the Corporation of the Town of Oakville Integrity Commissioner pursuant to Section 223.3 of the Municipal Act, 2001, as amended, and to repeal By-law 2018-095.

Prepared by:

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Submitted by:

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