



Administrative Report

Office of the Director of Council & Community Services/Clerk

To: Warden Tom Bain and Members of County Council

**From: Mary Birch
Director of Council & Community Services/Clerk**

Date: September 5, 2018

Subject: Integrity Commissioner Services Extension Agreement

Report #: 2018-0905-CCS-R009-MB

Purpose

To recommend that County Council authorize the 1 year extension of an agreement with Robert Swayze for the provision of Integrity Commissioner services for Essex County Council.

Background

In September of 2016, Essex County Council entered into an agreement with Robert Swayze for the provision of Integrity Commissioner Services for a two year period. At that time, the County was able to secure Mr. Swayze's services under an agreement which was a result of an RFP issued by one of the lower tier municipalities in the prior year. That Agreement with the County expires on September 6, 2018.

As presented to County Council on February 21, 2018 ([Report Number 2018-0221-CCS-R002-MB](#)), the enactment of Bill 68 amended the *Municipal Act, 2001* to make it mandatory for all municipalities to make arrangements to have an Integrity Commissioner available to assume specific responsibilities set out in subsection 223.3(1) of the *Municipal Act, 2001* dealing with Council Codes of Conduct by March 1, 2019. Prior to this amendment, the decision for a municipality to appoint an Integrity Commissioner has been optional.

Administrative Report

Page 2

September 5, 2018

Integrity Commissioner Contract Extension.

As a result of the Bill 68 amendments, Integrity Commissioner mandatory services are as follows:

- The application of the code of conduct for members of council and the code of conduct for members of local boards or, of either of them;
- 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 or, of either of them;
- The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council or, of local boards;
- Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member. All requests for such advice and the advice in response thereto, shall be provided in writing;
- 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. All requests for such advice and the advice in response thereto, shall be provided in writing;
- Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act. All requests for such advice and the advice in response thereto, shall be provided in writing;

The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's code of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act.

Discussion

As previously reported, the County participated in a joint RFP with some of the local municipalities earlier in the year for Integrity Commissioner Services, as the contracts with Mr. Swayze had expired or would be expiring before the end of the year. The RFP resulted in very limited proposals being received and attempts to negotiate agreeable terms and conditions were unsuccessful.

As most of the Agreements the local municipalities had with Mr. Swayze expired a year prior to the County's, the unsuccessful RFP for new service providers left them without a current Integrity Commissioner. On a temporary basis some have sought to use the Integrity Commissioners

Administrative Report

Page 3

September 5, 2018

Integrity Commissioner Contract Extension.

currently contracted with either the City of Windsor or Municipality of Chatham-Kent. Others have opted to extend their service contracts with Mr. Swayze with plans to RFP once again in 2019.

The requirement for all municipalities to have an Integrity Commissioner has created an increased demand for qualified individuals/companies specialized in these types of services. New providers are entering the profession and locally, we are having discussions about developing another RFP for Integrity Commissioner Services to be issued in 2019.

The current Essex County Council Code of Conduct does require that complaints related to potential non-compliance with the Code be directed to the Integrity Commissioner for the County of Essex for investigation and deliberation. It is, therefore, necessary to ensure that Integrity Commissioner Services are available for Essex County Council after the expiration of the current contract on September 6, 2018.

Discussions have taken place with Mr. Swayze and he is agreeable to extend his current contract with the County of Essex on the same terms and conditions, for an additional year. That would provide Administration the opportunity to further investigate options for Integrity Commissioner Services in the first six months of 2019.

Financial Implications

As the terms and conditions of the existing contract would be extended for 2019, there would be no additional financial implications. Highlights of the existing contract include:

- No retainer fee
- \$280.00/hour fee for services performed
- Mileage reimbursement at \$0.52/km
- Disbursements charged at cost (copying, etc.)
- Travel and accommodation reimbursement if required to attend here

Recommendation

That Essex County Council adopt By-law #35-2018 authorizing the Warden and Clerk to enter into a one year contract extension agreement with Robert Swayze for the provision of Integrity Commissioner services.

Administrative Report

Page 4

September 5, 2018

Integrity Commissioner Contract Extension.

Respectfully Submitted

Mary Birch

Originally Signed by

Mary Birch Director of Council & Community Services/Clerk

Concurred With,

Robert Maisonville

Originally Signed by

Robert Maisonville, Chief Administrative Officer

Appendix No.	Title of Appendix
Appendix A	Integrity Commissioner Services Extension Agreement