
Subject: Extension of Integrity Commissioner Contract

Report to: Regional Council

Report date: Thursday, January 17, 2019

Recommendations

1. That an extension to March 31, 2023 of the contract with ADR Chambers Inc. for Integrity Commissioner services (2017-RFP-15) **BE APPROVED**;
2. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute an amending agreement with ADR Chambers Inc. for Integrity Commissioner services from April 1, 2019 to March 31, 2023, in a form satisfactory to the Director, Legal and Court Services; and,
3. That the necessary by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Key Facts

- The purpose of this report is to seek Council's approval for a contract extension with ADR Chambers Inc., for Integrity Commissioner services.
- On July 6, 2017 Council approved ADR Chambers Inc. as the Integrity Commissioner for The Regional Municipality of Niagara for an initial term concluding March 31, 2019.
- The Request for Proposal allows for an extension for the period April 1, 2019 to March 31, 2023, provided services have been performed to the satisfaction of the Niagara Region in the initial term.
- ADR Chambers Inc. has acknowledged via their Proposal submission and through the interview process that their services could be utilized by lower tier municipalities and local boards and agencies at the rates provided in their Financial Proposal submission
- To date there have not been any concerns with the Integrity Commissioner services provided by ADR Chambers Inc.

Financial Considerations

Financial considerations are unknown as they are dependent on the number of complaints that require investigation and/or reports. The rates below are those charged by ADR Chambers Inc. and would remain the same:

Principal Services - \$350.00 per hour
Associate Services - \$275.00 per hour

In addition, given the expanded powers of the Integrity Commissioner under section 223.1 of the *Municipal Act, 2001*, to be implemented on March 1, 2019, to provide advice respecting members' obligations under the code of conduct and under the *Municipal Conflict of Interest Act*, it is conceivable that the amount of expenditures may increase going forward.

Expenditures incurred for investigations and/or reports by the Integrity Commissioner are expensed through the Clerk's Office yearly operating budget.

Analysis

The *Municipal Act, 2001* provides, in part, authority for a municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to 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.

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2016, provides amendments to the *Municipal Act, 2001*, effective March 1, 2019 including:

- Requirement that municipalities establish codes of conduct for members of municipal council and local boards;
- Provisions that the public and municipal councillors have access to integrity commissioners either by appointment or through a commissioner of another municipality;
- Broadened powers to Integrity Commissioners to investigate complaints, provide advice and initiate investigations related to conflicts of interest and the municipality's code of conduct

Currently our Integrity Commissioner through ADR Chambers Inc., is Edward T. McDermott.

Mr. McDermott is an investigator, mediator and arbitrator with ADRC. He has over 35 years of negotiation, mediation, arbitration and legal experience. Mr. McDermott retired as a senior partner with Osler, Hoskin and Harcourt LLP, where he built an active labour and employment law practice from 1974 to 2009.

As part of his Ombudsman and Integrity Commissioner work, Mr. McDermott has conducted numerous mediations, investigations and workplace restoration projects in both the private and public sectors.

Mr. McDermott was the Deputy Integrity Commissioner for the Office of Integrity Commissioner for the City of Brampton and is on their rosters for the provision of Integrity Commissioner services and municipal Ombudsman services.

Mr. McDermott received his B.A. from the University of Toronto in 1964, and his LL.B. from Osgoode Hall in 1967. He was called to the Bar in 1969, and was then appointed to and served as law clerk to the Chief Justice of the High Court for the Supreme Court of Ontario. Mr. McDermott has previously been named as one of Canada's top 500 lawyers in Lexpert/American Lawyer Media Guide to the Leading 500 Lawyers in Canada.

Alternatives Reviewed

Council could decide to not approve an extension of the current contract with ADR Chambers Inc. for Integrity Commissioner services and decide to issue a new Request for Proposal for Integrity Commissioner services.

Relationship to Council Strategic Priorities

The appointment of an Integrity Commissioner is authorized by legislation.

Other Pertinent Reports

GM 02-2017	Award of Request for Proposal for Integrity Commissioner Position for the Niagara Region
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Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with J. Mulligan, Manager, Strategic Resourcing.

Appendices

Appendix 1	CL-C 57-2018 Niagara Region Integrity Commissioner Annual Report
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