

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK20119-009

Date: February 19, 2019

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Appointment of an Integrity Commissioner

Description: As prescribed under Section 239 of the Municipal Act

Author and Title: Ron Taylor, Chief Administrative Officer and
Cathie Ritchie, City Clerk

Recommendation(s):

That Report CLK2019-009, **Appointment of an Integrity Commissioner**, be received; and

That Council hereby authorizes a by-law to appoint Charles A. Harnick, ADR Chambers Inc. as the City of Kawartha Lakes' Integrity Commissioner fulfilling all statutory requirements pursuant to the Municipal Act and the Municipal Conflict of Interest Act.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

“Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017”, received royal assent on May 30, 2017 amending the Municipal Act, 2001, the Municipal Conflict of Interest Act and minor changes to several other Acts. Among other requirements Bill 68 stipulates that all municipalities shall have an Integrity Commissioner.

The province has stated that the intent of the legislation is to “enhance local government accountability and integrity across the province by requiring municipalities to have a code of conduct for members of municipal councils and local boards” and to “ensure the public and municipal councillors have access to integrity commissioners with a broadened role related to conflicts of interest and municipal codes of conduct.”

An Integrity Commissioner reports to council and is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. 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.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. 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.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

On January 10, 2019, an RFP was issued through the City's procurement process. Two qualifying proposals were evaluated by the Chief Administrative Officer, Director of Corporate Services and the Clerk.

The purpose of this report is to recommend to Council a by-law to appoint Charles A. Harnick, ADR Chambers Inc. Integrity Commissioner for the City of Kawartha Lakes effective February 28, 2019.

Rationale:

The City of Kawartha Lakes is committed to accountability and transparency to its residents and businesses, as well as other levels of government. In keeping with these principles and to comply with legislation, staff recommends that an Integrity Commissioner be appointed by by-law.

Mr. Harnick and the ADR Chambers Team have 11 years' of investigative experience with over 20 municipal clients, providing the expertise that the City of Kawartha Lakes is seeking. Their team specializes in alternative dispute resolution and investigation services and has committed to providing education and training to Council Members. The ADR Chambers Inc. has the reputation of being impartial, accountable and transparent while managing sensitive inquiries and maintaining confidentiality.

The Integrity Commissioner is to receive and assess complaints related to Council and Local Board Codes of Conduct and Municipal Conflict of Interest. The Integrity Commissioner Reports are directly to Council.

Other Alternatives Considered:

If the City does not appoint a Commissioner the municipality shall make arrangements for all of the responsibilities to be provided by a Commissioner of another municipality.

Financial/Operation Impacts:

The 2019 Operating Budget provides for the annual estimate under the Clerk's Division - Contracted Services.

A report with the costs associated with the integrity commissioner services will be provided to Council to inform future budgets.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Appointing an Integrity Commissioner for the City of Kawartha Lakes is in keeping with the City's Values of collaboration, continuous improvement, excellence, innovation and results.

Our values guide us in how we work, interact with each other and make decisions.

Review of Accessibility Implications of Any Development or Policy:

The City is committed to the highest possible standard for accessibility. Therefore the Integrity Commissioner must be capable to recommend and deliver, as appropriate for each requirement consistent with the Ontario Human Rights Code (OHRC), and in accordance with the Accessibility for Ontarians with Disabilities Act.

Unless determined by the City as not practicable, contractors shall ensure that any information, products, deliverables and/or communication (as defined in the Integrated Regulation) produced pursuant to a Contract shall be in conformity with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and shall be provided in accessible format upon request.

Consultations:

Financial Services, Purchasing
Director of Corporate Services

Attachments:

Appendix A – By-law 2019-XXX To Appoint an Integrity Commissioner



By-law 2019-XXX to
Appoint an Integrity Commissioner

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Department Head: Ron Taylor, CAO