

Report to Council

Report Title: Renewal of Integrity Commissioner Agreement

Prepared By: Fiona Hamilton, Clerk

Department: Clerk

Date: December 8, 2020

Report Number: CLK2020-44 **File Number:** C11CL

Attachments: By-law 2017-100 – Appoint Integrity Commissioner

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2020-44 – Renewal of Integrity Commissioner Agreement, prepared by Fiona Hamilton, Clerk for information purposes and directs staff to renew the Agreement for Integrity Commissioner services with Harold G. Elston with the firm of Elston Watt.

Report:

Background:

A few years ago, the Municipal Act, 2001 was amended to authorize municipal councils to appoint an Integrity Commissioner to perform an investigatory and advisory role to Council in relation to Code of Conduct and Conflict of Interest issues.

The Municipality of Brockton entered into an Agreement with Harold G. Elston from Elton Watt lawyers to act as Brockton's Integrity Commissioner in 2018 (the "Agreement"). The Agreement stipulated a three (3) year term with the option for Brockton to renew the Agreement for an additional two years on the same terms. Mr. Elston charges \$250.00 per hour and mileage at a rate of \$0.50 per km.

Mr. Elston acts as the Integrity Commissioner for the County of Bruce and most lower tiers in Bruce County. The County of Bruce and many other lower-tiers have also renewed their Agreements with Mr. Elston.

Analysis:

There are many advantages associated with renewing the Agreement with Mr. Elston. The rate charged by Mr. Elston for Integrity Commissioner services is competitive and there are not many lawyers specializing in this kind of work. The rate is particularly competitive given that it would be five (5) years without a rate increase. If Brockton were to undergo a competitive procurement for the services, it would likely be for a higher rate.

There is also a benefit of continuing with the same person as Council can begin to predict how Mr. Elston would interpret the Code of Conduct which provides Council with a degree of predictability and certainty in this highly sensitive area. The fact that Mr. Elston is the Integrity Commissioner for neighbouring municipalities means that Council has the benefit of reading the reports arising from investigations that may be similar to challenges faced by Brockton as well.

Staff have always found Mr. Elston’s approach to be balanced and the invoices we have received has been reasonable (the total amount paid to Mr. Elston over the entire term of the Agreement has been \$4,747.10). While some other municipalities felt that they were not receiving opinions as quickly as they expected, it should be noted that Mr. Elston has now hired an associate to assist him such that he is able to respond in a timely manner. Mr. Elston is also familiar with the challenges of smaller sized municipalities which is a benefit to Brockton as well.

If the Agreement is renewed, staff will arrange for Mr. Elston to provide a report to Council in the new year with a summary of activities and advice about the recommendations made in the recently released Judicial Inquiry related to the Town of Collingwood, along with an updated Code of Conduct By-law.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- | | |
|---|-----|
| • Do the recommendations help move the Municipality closer to its Vision? | Yes |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | N/A |
| • Do the recommendations contribute to achieving Economic Prosperity? | Yes |
| • Do the recommendations contribute to Environmental Integrity? | N/A |
| • Do the recommendations contribute to the Social Equity? | Yes |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

Funds have been allocated in both the 2020 and 2021 budget for Integrity Commissioner Services.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

A handwritten signature in black ink, appearing to be 'Fiona Hamilton', written in a cursive style.

Fiona Hamilton, Clerk

Reviewed By:

A handwritten signature in black ink, appearing to be 'Sonya Watson', written in a cursive style.

Sonya Watson, Chief Administrative Officer