

Type of Decision									
Meeting Date	Tuesday, November 14, 2017				Report Date	Friday, October 27, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE Appoint an Integrity Commissioner									
Report #14/11/17/1202									

Subject:

Appoint an Integrity Commissioner.

RECOMMENDATION:

That Council appoint Cunningham Swan and Tony Fleming as Integrity Commissioner for the purpose of investigating filed Code of Conduct Complaints.

WHEREAS Code of Conduct Complaints against members of Council have been filed with the Clerk;

AND WHEREAS the Municipal policy provides that the Clerk shall conduct research and make a recommendation to Council to have an Integrity Commissioner appointed;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby appoint Tony Fleming of Cunningham Swan of Kingston, Ontario as Integrity Commissioner for the sole purpose of investigating and reporting on Municipal Code of Conduct Complaints against municipal Council members;

AND FURTHER THAT Mr. Fleming be directed by Council to exercise his discretion to dismiss any claims he feels do not warrant investigation or are deemed to be frivolous and vexatious.

BACKGROUND/EXECUTIVE SUMMARY:

It is recommended that in future the CAO and solicitor be delegated the responsibility to hire an Integrity Commissioner without Council involvement to expedite the process. As is investigations can not be initiated until after Council has had an opportunity to review options at a council meeting.

The following criteria will be used. The individual:

- Has previous experience with municipal, procedural and/or ethics;
- Has knowledge of municipal government and the accountability and transparency provisions of the Municipal Act, 2001;
- Has an understanding of Council operations and policies;
- Has the ability to provide the service on an as needed basis;
- Has credibility with the municipal lawyer, Council and staff;
- Has no specific connection or interest with the municipality.

An amendment to the policy will be prepared for future during review of current policies.

At recent AMCTO training in Ottawa, Cunningham Swan was recommended as a credible firm to conduct this type of work. The firm has extensive experience dealing with workplace conflict, conflict resolution and working with local governments.

As per legislation, an Integrity Commissioner has a broad power to decide whether or not to commence an investigation.

Options/Discussion:

Financial Considerations/Budget Impact:

Fees are average for this type of service. Costs will be borne by the municipality as per policy and legislation.

Policy Impact:

As per policy.

Others Consulted:

Municipal law firm
Municipal Code of Conduct Policy
AMCTO training session networking

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith