


TO: GENERAL COMMITTEE


SUBJECT: INTEGRITY COMMISSIONER APPOINTMENT

WARD: ALL

PREPARED BY AND KEY CONTACT: D. MCALPINE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES/CITY CLERK, EXT. 4421 

SUBMITTED BY: D. MCALPINE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES/CITY CLERK

GENERAL MANAGER APPROVAL: E. ARCHER, CMA, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That Suzanne Craig be retained and appointed to act as the City of Barrie's Integrity Commissioner related to the Council and Committee Member Code of Conduct for to:
 - a) Provide information to Council/Committee members as to their obligations under the Code of Conduct;
 - b) Provide advice to individual members regarding specific situations as they relate to the application of the Code;
 - c) Provide advice to Council/Committee members on other policies and procedures that relate to the ethical behavior of members;
 - d) Provide information to the public regarding the Code and the obligations of members under the Code;
 - e) Conduct investigations regarding alleged breaches of the Code; and
 - f) Provide an annual report to Council on the activities of the Integrity Commissioner.
2. That the Mayor and City Clerk be authorized to execute an Agreement between Ms. Suzanne Craig and The Corporation of the City of Barrie to provide Integrity Commissioner Services for an initial period ending in January 2015.
3. That the Chief Administrative Officer be delegated authority to authorize an extension(s) to the Integrity Commissioner Services Agreement between Ms. Suzanne Craig and The Corporation of the City of Barrie and the Mayor and City Clerk be authorized to execute such extension(s) to the Integrity Commissioner Services Agreement.

PURPOSE & BACKGROUND

4. The purpose of this report is to provide a recommendation concerning the appointment of an Integrity Commissioner to provide advice to members of Council/Committee members and to address complaints related to the Council Code of Conduct.

5. On August 23, 2010, City Council adopted motion 10-G-306 concerning a Council Code of Conduct as follows:
 - "1. That the draft policy concerning the Code of Conduct for members of Council, Local Boards and Council Committees attached as Appendix "A" to Staff Report CLK010-10 be adopted to become effective December 1, 2010 and copies be provided to each member of Council and its Advisory/Reference/Special Committees.
 2. That staff report back to General Committee with a recommendation related to the appointment of an Integrity Commissioner to:
 - a) Provide information to Council/Committee members as to their obligations under the Code;
 - b) Provide advice to individual members regarding specific situations as they relate to the application of the Code;
 - c) Provide advice to Council/Committee members on other policies and procedures that relate to the ethical behavior of members;
 - d) Provide information to the public regarding the Code and the obligations of members under the Code;
 - e) Conduct investigations regarding alleged breaches of the Code; and
 - f) Provide an annual report to Council on the activities of the Integrity Commissioner.
 3. That the Code of Conduct be reviewed after the first eighteen months of implementation and a report be provided to General Committee concerning any recommended changes to the Code."
6. In accordance with motion 10-G-340 adopted by City Council on August 30, 2010, John Craig was appointed as the City of Barrie's first Integrity Commissioner.
7. In late 2013, Mr. Craig advised that he was scaling back on his consulting contract obligations and would not be seeking an extension of his contract.

ANALYSIS

8. Upon receipt of Mr. Craig's notice that he would not be seeking an extension to his contract, a Request for Proposals (RFP) for Integrity Commissioner Services was issued. RFP CLK2013-002P closed on October 25th, 2013, with only three submissions. The Evaluation Committee, comprised of the Chief Administrative Officer, General Manager of Community and Corporate Services and Director of Legislative and Court Services/City Clerk, determined after a review of the limited submissions that the RFP process would be closed and a new process undertaken.
9. In January 2014, four respected Integrity Commissioners were contacted to determine their interest in submitting an informal proposal for the provision of Integrity Commissioner Services for Barrie City Council and its Committee members. All four of the individuals provided an expression of interest/informal proposal for the service.
10. The Evaluation Committee reviewed the informal proposals and interviewed Ms. Suzanne Craig as the preferred candidate. It should be noted that Ms. Craig is not related to John Craig.

11. Ms. Craig is the current Integrity Commissioner for the communities of Vaughan, St. Catharines, Pickering, Orillia, Parry Sound, and Newmarket. She has provided training on Codes of Conduct, developed best practices and conducted complaint investigations as well as prepared complaint investigation reports submitted to Council.
12. Ms. Craig is a former lawyer with experience in the public, corporate and legal sectors. She held the position of Executive Director Corporate Access and Privacy for the City of Toronto and Special Projects Advisor at the Ontario Ministry of the Environment. She has held legal positions at the Ontario Ministry of Labour and the Ministry of the Attorney General as well as with the private sector both in Ontario and internationally. Ms. Craig is a member of the Integrity Commissioners of Ontario, an organization that provides training and support for its members who are involved in conducting investigations.
13. Ms. Craig's proposal provided the lowest retainer rate for Integrity Commissioner Services of any of the informal or formal proposals received. The hourly rate provided was also equal to the lowest rate provided in any of the informal or formal proposals received.
14. Should the recommended motion be adopted, Ms. Craig would be appointed for an initial term expiring in January 2015 and the term. The Chief Administrative Officer would be delegated the authority to extend the Integrity Services Agreement beyond the initial term. Should Ms. Craig and the Chief Administrative Officer extend the term of office, training on the Code of Conduct for members of Council and Committee members would be provided by Ms. Craig.

ENVIRONMENTAL MATTERS

15. There are no environmental matters related to the recommendation.

ALTERNATIVES

16. The following alternatives are available to General Committee with respect to the recommendation:

Alternative #1

General Committee could choose to issue another RFP for the retention of an Integrity Commissioner.

An initial RFP was issued for the provision of Integrity Commissioner Services with limited response. After the initial RFP was closed, four additional Integrity Commissioners were contacted to determine their interest in the provision of services for the City of Barrie. Ms. Craig is a well respected member of the Integrity Commissioners of Ontario and is currently providing this service to several municipalities. She possesses the skills, expertise and abilities as well as the impartiality, credibility and independence required for this appointment.

Alternative #2

General Committee could choose to appoint one of the other interested individuals to the position of Integrity Commissioner.

The Evaluation Committee believes that Ms. Craig has the experience, expertise and skills to perform Integrity Commissioner Services on behalf of the City of Barrie. The Committee also believes that Ms. Craig's proactive approach to the role of Integrity Commissioner Services will be well suited to the position in Barrie.

Alternative #3

General Committee could choose not to appoint an Integrity Commissioner.

This alternative is not recommended as Codes of Conduct lack "teeth" without an Integrity Commissioner. Although some municipalities have appointed a staff member to fulfil this role, it places staff in a challenging position and they can be seen by complainants as partial to the members of Council because of their interaction as part of their staff role.

FINANCIAL

17. Ms. Craig is currently offering Integrity Commissioner Services under the following rate structure:
 - a) an annual retainer fee of \$1,500.00; and
 - b) an hourly rate of \$150/hour for the provision of advice prior to undertaking an action (if required) or actual investigations, plus expenses
18. Ms. Craig has indicated that she would anticipate her retainer fee providing for any initial advice or guidance associated with the Code for the period ending with the 2010-2014 Municipal Council and would only charge the hourly rate for any investigations conducted. The retainer fee also covers the costs associated with the provision of an annual report to Council with respect to the Integrity Commissioner's activities including education and advice, as well as any investigations.
19. Funds have been included in the Council Contracted Services Account (01-06-0950-0000-3560) for the retainer fee associated with the Integrity Commissioner Services. Funds associated with training for members of Council and Committees related to the Code is anticipated to be undertaken in late 2014 and have been included within the 2014 Business Plan.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

20. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan. However, the appointment of an Integrity Commissioner responds to City Council's expressed interest in accountability and transparency. The City of Barrie's 20 year Community Based Strategic Plan included as one of its eight key elements, Governance and Service Excellence. The Governance and Service Excellence element was identified to ensure an efficient, accountable and cost effective government for the taxpayer.