
A G E N D A

Special Council South Stormont Town Hall Tuesday, November 6, 2018 9:00 A.M.

Call to Order

Confirmation of Agenda

Disclosure of Pecuniary Interest

Approval of Minutes

Delegations

Staff Reports

By-law No. 2018-092 to Appoint an Interim Integrity Commissioner

Discussion of Additional Items

Unfinished Business

Closed Meeting

Personal Matters

Specifically: Employees

Adjournment by Resolution

Township of South Stormont
ACTION REQUEST



To: Council
Date of Meeting: November 6, 2018
Subject: By-law No. 2018-092 Appoint an Interim Integrity Commissioner

Recommendation:

That By-law No. 2018-092, being a by-law to appoint an interim Integrity Commissioner, be read and passed in open Council, signed and sealed this 6th day of November, 2018.

Executive Summary:

Council passed By-law No. 2018-050 in June, 2018 adopting a Council Code of Conduct in conjunction with SDG municipalities. The adopted policy allows for the appointment of an Integrity Commission effective March 1, 2019.

Due to the receipt of a request for review by an Integrity Commissioner and due to the limitation as per By-law No. 2018-050, the Township has secured the services of William Robert Hunter, Vice and Hunter, LLP to act as an interim Integrity Commissioner.

Background:

SDG municipalities have reviewed potential options for the appointment of an Integrity Commissioner. All SDG municipalities have adopted like Council Codes of Conduct and intend to appoint the same Integrity Commissioner as provided for in the Municipal Act. This appointment is not intended to begin until the new year.

A request has been received for an Integrity Commissioner review in advance of this appointment. Due to potential conflict of interest, an outside party has been recommended as an interim Integrity Commissioner for this particular request only.

Options:

1. That Council adopt By-law No. 2018-092 to appoint an interim Integrity Commissioner.
 2. That Council appoint another Integrity Commissioner.
 3. Do nothing.
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Financial Impact:


The scope of services and costs associated are described in the attached schedule.

Others Consulted:
Cunningham Swan

Recommended By:

Reviewed & Approved By:

Recommended By



Reviewed and Approved by:
Debi Lucas Switzer
Chief Administrative Officer

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2018-092

BEING a by-law to appoint an interim Integrity Commissioner for the Township of South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS Council has passed By-law No. 2018-050, being a by-law to adopt a Council Code of Conduct with implementation of Integrity Commissioner duties effective March 1, 2019;

AND WHEREAS Council deems it necessary to appoint an interim Integrity Commissioner and authorize an agreement therefor in response to a specific request for an Integrity Commissioner review.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That William Robert Hunter, of Vice & Hunter, LLP, be hereby appointed as interim Integrity Commissioner for the Township of South Stormont to address a specific request.
2. The Mayor and Chief Administrative Officer of the municipality are hereby authorized and directed on behalf of the Township of South Stormont to execute the Agreement attached hereto as Schedule "A" forming part of this by-law.
3. That any by-law inconsistent with this by-law is hereby repealed.

READ AND PASSED in open Council, signed and sealed this 6th day of November, 2018.

Mayor

Clerk

Terms of Appointment

Schedule "A"

To

By-law Number 2018-092

William R. Hunter
Vice and Hunter LLP
85 Plymouth Street
Suite 101
Ottawa, ON K1S 3E2

Dear Mr. Hunter:

As discussed with you on October 30, 2018 The Corporation of the Township of South Stormont believed there may be a need of an Integrity Commissioner to review a complaint, if received. The Integrity Commissioner Complaint Review Request was received on October 31, 2018.

Pursuant to the requirements under the Municipal Act, S.O. 2001 as amended and the Township's Code of Conduct for Members of Council the Township is seeking services of an Integrity Commissioner under the following terms:

- 1) William R. Hunter will serve as an Integrity Commissioner (Commissioner) appointed by the Township of South Stormont (Township) for the purpose of reviewing and reporting on matters pertaining to one (1) complaint received on October 31, 2018.
- 2) The Township will appoint William R. Hunter as Integrity Commissioner by By-law and this letter, outlining Terms of the Appointment, shall be attached as Schedule "A" to the By-law.
- 3) The Commissioner is appointed pursuant to Subsection 223.3 of the Municipal Act, S.O. 2001, as amended.
- 4) The Commissioner shall have all the powers set out in the Municipal Act, S.O. 2001, as amended, Section 223.1 to 223.8.
- 5) The Commissioner is independent of the Township's administration and shall report directly to Council.
- 6) The Commissioner acknowledges the Township is an institution for the purposes of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). As such, the Integrity Commissioner undertakes to not disclose information subject to the MFIPPA except as may be necessary in the proper discharge of his duties and responsibilities pursuant to the terms of this Agreement and in accordance with MFIPPA.
- 7) The Commissioner will review the complaint, investigate as necessary and applicable pursuant to the Township's Council Code of Conduct, By-law No. 2018-050 and all appropriate policies, by-laws and legislation governing the actions of Council members.
- 8) Upon completion of the investigation the Commissioner will provide Council with a comprehensive report and recommendations.

- 9) The work will commence within an agreeable timeframe on the day following the adoption of the By-law and will extend no longer than 180 days, unless terminated by either party with 30 days written notice.
- 10) Compensation for the work will be based on the hourly rate of \$355.00 for William R. Hunter and \$185.00 for our paralegal, if required (travel time at ½ rate), plus applicable expenses, invoices shall be sent to the attention of the Chief Administrative Officer.
- 11) The work and responsibilities outlined by this Agreement shall not be transferred to any other party without the express written consent of the Township.
- 12) The Township hereby agrees to indemnify and save harmless the Commissioner and his delegates from and against any and all liabilities, losses, expenses, costs (including legal costs), demands, damages, suits, judgements, penalties, expenses and liabilities of any kind or nature whatsoever arising out of carrying out by the Commissioner and his delegates in good faith of their duties and responsibilities under this Agreement, including but not limited to, any alleged breach of this Agreement, any procedural defect or other breach of the relevant statutory provisions.
- 13) The Commissioner shall indemnify and hold the Township harmless from and against any alleged breach of this Agreement, any procedural defect or other breach of the relevant statutory provisions. Further this indemnity shall hold the Township harmless from and against any liability, loss, claims, demands, costs (including legal costs), damages, suits, judgements, penalties, and expenses including reasonable legal fees, occasioned wholly or in part by any negligence, acts or omissions whether willful or otherwise by the consultant, their agents, officers, employees or other persons for whom the Commissioner is legally responsible.

The Parties agree to the terms and conditions set out in this letter.

For the Township of South Stormont

William R. Hunter, Vice and Hunter LLP

Name:

Name:

Signature

Signature

Date

Date

W. R. Hunter
November 5, 2018