



Staff Report for Council Meeting

Date of Meeting: February 12, 2018

Report Number: SRCFS.18.005

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: **SRCFS.18.005 – Recruitment of an Integrity Commissioner**

Purpose:

To seek approval to recruit an Integrity Commissioner for the Town.

Recommendation(s):

- a) That staff report SRCFS.18.005 be received.
- b) That staff be directed to recruit an Integrity Commissioner using a Request for Proposal (RFP) process as generally described in staff report SRCFS.18.005.
- c) That staff be authorized to negotiate and execute a contract for the provision of Integrity Commissioner services with the proponent selected through the RFP process.
- d) That staff be directed to present any by-laws required to appoint the successful proponent as Integrity Commissioner at a future Council meeting.

Contact Person:

Stephen M.A. Huycke, Director of Legislative Services/Town Clerk, extension 2529.

Report Approval:

Submitted by: Mary-Anne Dempster, Commissioner of Corporate and Financial Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

In October 2013, Council appointed Amberley Gavel Ltd. as interim Integrity Commissioner (“IC”). On February 23, 2015 Council extended the contract by adopting the following recommendations:

- a) That the current contract with Amberley Gavel Ltd. for the provision of integrity commissioner services be extended until Council has completed its review of the Council Code of Conduct and has awarded a contract and an Integrity Commissioner has been retained;
- b) That staff proceed with an RFP process to identify potential candidates to fill the role of ‘Integrity Commissioner’ for the Town of Richmond Hill; and
- c) That staff arrange a selection process with members of Council once the RFP closes.

Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017* (“Bill 68”) was introduced in the Legislative Assembly of Ontario on November 16, 2016. Bill 68 included significant amendments to the Municipal Act rules related to Codes of Conduct and Integrity Commissioners. As a result of Bill 68 the Code of Conduct update and recruitment of an IC was placed on hold.

Bill 68 received Royal Assent on May 30, 2017. However, the Bill 68 amendments to the Municipal Act related to Codes of Conduct and Integrity Commissioners will only come into force on March 1, 2019. Additionally, the Government of Ontario announced in November 2017 a proposal to regulate what Council will be required to include in any updated Code of Conduct. There remains, therefore, uncertainty about what Council will need to do to implement the changes to the rules related to Codes of Conduct and Integrity Commissioners.

What is certain, however, is that the amendments to the Municipal Act related to Integrity Commissioners and Codes of Conduct are extensive. For example, when in force, the amendments to the Municipal Act will require Integrity Commissioners to be responsible for investigating allegations that a Member of Council has breached the *Municipal Conflict of Interest Act* (“MCIA”). As another example, Council will be required to adopt and impose a Code of Conduct on the Board of Directors of the Village of Richmond Hill Business Improvement Area (“BIA”). Given the significant changes to the accountability framework in the Municipal Act and Municipal Conflict of Interest Act staff recommend that Council authorize the recruitment of a permanent and experienced IC. A permanent Integrity Commissioner will be able to assist Council in updating the Council Code of Conduct, implementing a Code of Conduct for the BIA, and implementing new IC procedures to deal with such matters as allegations of breaches of the MCIA.

Recruitment Process

Staff recommend that the Integrity Commissioner be selected using a public Request for Proposal (“RFP”) process. RFP’s ensure that persons or companies selected to provide services to the Town are chosen in an objective, fair and transparent manner. The RFP will set out the scope of work for the IC (as discussed below), and require proponents to provide evidence of their experience and understanding of the services to be provided.

The successful Integrity Commissioner will be selected based on the total points they receive as part of a standardized evaluation process. The RFP submissions will be evaluated in stages. The first stage of the evaluation is based on a number of rated criteria. The second stage of the evaluations will include interviews with the top 2 or 3 proponents based on the points received in first stage. The final stage of the evaluation will include a review of the proponent’s price proposal.

Scope of Work and Rated Criteria

For the Integrity Commissioner RFP, the scope of work will generally be described as:

- To fulfill all of the responsibilities of an IC as set out in the Municipal Act;
- To provide advice to Members of Council on their obligations under the Council Code of Conduct, policies applying to Members of Council and, beginning on March 1, 2019, the MCIAC;
- Beginning March 1, 2019, to provide Local Board Members advice on their obligations under the code of conduct to be adopted for local boards and the MCIAC;
- To investigate complaints that Members of Council or Members of a local boards have violated the applicable code of conduct;
- To provide an annual report to Council on the activities of the IC;
- To recommend updates to the Council Code of Conduct and the implementation of a Code of Conduct for Local Boards; and
- To conduct education and training sessions as required.

Proponents who submit responses to the RFP will be evaluated based on the following general criteria:

- Current and past experience with providing Integrity Commissioner services in a municipal setting;
- Understanding of the scope of work and ability to complete it;
- Experience in conducting fair and impartial investigations;
- Experience in providing Members of Council with sound advice on ethical behaviour and codes of conduct;
- Experience in recommending updates to Codes of Conduct to address legislative and other legal changes;
- Experience with maintaining confidentiality and privacy; and
- A work plan describing how they will deliver the services in fair, efficient and timely manner.

RFP submissions received will be evaluated by staff based on the above criteria (Stage 1).

Interview and Price Evaluation

The top 2 or 3 proponents, based on the points received in Stage 1, will be invited to participate in an interview (Stage 2). The purpose of the interview will be to further understand the proponent's knowledge and experience with the scope of work and services of an Integrity Commissioner, and to obtain any clarification required as a result of the evaluation of the RFP submissions in Stage 1. Each proponent who participates in the interview will receive a score based on the interview. These points will be added to the points received in Stage 1. In keeping with best practices in public sector procurement, the staff team that completed the Stage 1 evaluation will form the interview panel. Although not recommended due to best practices in procurement, Council could provide direction that up to 3 Members of Council can participate in the interview panel.

Following the interview, the price proposals of each of the proponents that have successfully completed the Stage 2 evaluation will be scored (Stage 3), with the price proposal with the lowest costs to the Town receiving the highest points.

Contract Negotiations and Appointment

The proponent that receives the highest number of points by adding the points received in each of Stage 1, 2 and 3 will be invited to enter into negotiations with the Town to finalize a contract for the provision of Integrity Commissioner services. If contract negotiations are not successful, the Town normally reserves the right to negotiate with the proponent who received the second highest points total. The terms of any negotiated agreement will be for an initial one (1) year period, with up to four (4) optional one (1) year terms. This will permit the 2018-2022 Members of Council to evaluate, as needed, the services provided by the IC selected by RFP. Following conclusion of negotiations, staff will present any by-laws required by the Act to appoint the new Integrity Commissioner at a Council meeting.

Financial/Staffing/Other Implications:

The current annual budget for Integrity Commissioner Services is \$33,000. It is expected that the services provided by a permanent Integrity Commissioner will be accommodated within this budget. The RFP documents will make any potential Integrity Commissioner aware of the Council approved budget.

Relationship to the Strategic Plan:

The appointment of an Integrity Commissioner aligns with Goal One of the Strategic Plan: Stronger Connections in Richmond Hill, and the strategy of fostering stronger social networks by keeping lines of communication open and assisting in building stronger links and relationships with Council and members of the public in order to maintain accountability and transparency.

Conclusion:

To assist Council in implementing significant changes to the Municipal Act rules related to Codes of Conduct and Integrity Commissioners, staff recommend that the Town proceed to recruit a permanent IC by means of a public RFP.

Attachments:

None

Report Approval Details

Document Title:	SRCFS.18.005 - Recruitment of an Integrity Commissioner.docx
Attachments:	
Final Approval Date:	Feb 2, 2018

This report and all of its attachments were approved and signed as outlined below:

MaryAnne Dempster - Feb 2, 2018 - 12:53 PM

Neil Garbe - Feb 2, 2018 - 1:00 PM