



## TOWNSHIP OF NORTH HURON

## REPORT

Item No.

**REPORT TO:** Reeve Vincent and Members of Council  
**PREPARED BY:** Dwayne Evans, CAO/Clerk  
**DATE:** 04/09/2018  
**SUBJECT:** Integrity Commissioner, closed Meeting Investigator and Municipal Ombudsman  
**ATTACHMENTS:** [Click here to enter text.](#)

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### **RECOMMENDATION:**

**THAT** the Council of the Township of North Huron hereby receives the report of the CAO/Clerk, dated September 4, 2018 regarding the services of an Integrity Commissioner, Closed Meeting Investigator and Municipal Ombudsman;

**AND FURTHER, THAT** Council directs staff to report back at a future Council meeting.

### **EXECUTIVE SUMMARY**

Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, received Royal Assent on May 30, 2017. Bill 68 amended the Municipal Act, the Municipal Conflict of Interest Act, The Building Code Act, The Planning Act, to name a few. The purpose of the amendments were to: (1) enhance municipal accountability and transparency; (2) promote municipal financial sustainability; and (3) help ensure responsive and flexible municipal governments.

The provision that has received the greatest amount of attention among municipal staff is the requirement for municipalities to appoint an Integrity Commissioner. The purpose of this report is to update Council on the status of a possible Integrity Commissioner, Closed Meeting Investigator and Municipal Ombudsman appointment.

### **DISCUSSION**

Section 239.1 of the Municipal Act states that a person may request an investigation into whether a municipality or local board has complied with Section 239 or a procedure by-law under subsection 238(2) in respect of a meeting or part of a meeting that was closed to the public. This same section states that the investigation is to be completed by the municipality's closed meeting investigator or in the event the municipality has not appointed a closed meeting investigator, the Ontario Ombudsman. There is no charge to municipalities for Ontario Ombudsman services.

With respect to Integrity Commissioner and Municipal Ombudsman services, the Ontario Ombudsman has no jurisdiction to act or be appointed as the Integrity Commissioner or Municipal Ombudsman for municipalities. The reason for this is because the Ontario Ombudsman has the authority to oversee and review the actions of municipal Integrity Commissioners and Municipal Ombudsmen under section 14(4.4) of the Ombudsman Act. The Office of the Ombudsman has also reiterated numerous times that it is not an office of first resort with respect to complaints.

In response to the Integrity Commissioner requirement of Bill 68, the County of Huron sent out an email earlier this year to all lower-tier municipalities asking if there was interest in working together to satisfy this requirement. The response from lower-tier municipalities was positive and as such,

County Council authorized County staff to release a Request for Proposal for the services of an Integrity Commissioner, Closed Meeting Investigator and Municipal Ombudsman. It is the intent that one firm would provide all three services to the County and all interested lower-tier municipalities on an as needed basis.

In preparing the RFP, County staff took the following into consideration:

1. If lower-tier municipalities are interested in soliciting Integrity Commissioner, Closed Meeting Investigator and/or Municipal Ombudsman services from the firm hired by the County, the lower-tier municipalities would have the option to do so. The retainer fee for such services would be charged to the County levy and made available to all lower tier municipalities interested in the services. This approach would ensure there is a common education program and service approach throughout the County and there would be increased citizen awareness of the services across all municipal boundaries;
2. Lower tier municipalities would be responsible for the hourly fees associated with the service(s) accessed; and
3. Lower tier municipalities would not be obligated to appoint the firm hired by the County for the delivery of Integrity Commissioner, Closed Meeting and/or Municipal Ombudsman services. Lower tier municipalities could obtain and pay for their own Integrity Commissioner, Closed Meeting and Municipal Ombudsman's services, if they so desired. If lower tier municipalities appoint the same firm hired by the County, the Integrity Commissioner, Closed Meeting Investigator and Municipal Ombudsman would report to the local CAO and Council on lower tier municipal issues.

The County's RFP was issued in late May with a requested response date of June 20, 2018. Two firms responded. The responses have been reviewed and discussed by staff representatives from the County, Municipality of South Huron, Township of North Huron, Town of Goderich and the Municipality of Morris-Turnberry. After some discussion it was decided one of the firms be invited to make a presentation to the County and all lower-tier municipalities regarding their services. The presentation is scheduled to take place mid-September. North Huron staff will be in attendance. A follow up report will be provided to Council at a future meeting.

#### **FINANCIAL IMPACT**

If Council adopts the firm hired by the County for the provision of Integrity Commissioner, Closed Meeting Investigator and Municipal Ombudsman services, North Huron will be responsible for any hourly fees associated with these services. If there is a retainer fee, the County has agreed to cover this cost through the County levy.

#### **FUTURE CONSIDERATIONS**

If Council decides not to adopt the firm hired by the County, Council will need to direct staff to undertake a process to retain Integrity Commissioner and Municipal Ombudsman services. If Council so desired, Closed Meeting Investigations could be completed by the Ontario Ombudsman.

#### **RELATIONSHIP TO STRATEGIC PLAN**

Goal #4-Our administration is fiscally responsible and strives for operational excellence.

A handwritten signature in black ink, appearing to read "Dwayne Evans". The signature is fluid and cursive, with a large initial "D" and a stylized "E".

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Dwayne Evans, CAO/Clerk