



County Council

Meeting Date: December 13, 2022

Submitted by: Marci Ivanic, Legislative Services Manager/Clerk
Wayne Meagher, County Barrister and Solicitor

SUBJECT: Municipal Ombudsman, Closed Meeting Investigator and Integrity Commissioner

BACKGROUND:

In accordance with subsections 223.3(1), 223.13(1), 239.2(1) of the *Municipal Act, 2001*, municipalities in Ontario are authorized to appoint a Municipal Ombudsman, Closed Meeting Investigator and Integrity Commissioner who will be responsible for administering the Council Code of Conduct, the *Municipal Conflict of Interest Act*, the Closed Meeting Provisions of the *Municipal Act, 2001*, and investigating, in an independent manner, any decision or recommendation made or act done or omitted in the course of the administration of the appointing municipality.

In January 2018, the firm of Independent Resolutions Inc., represented by Mark McDonald was appointed as the Integrity Commissioner, Closed Meeting Investigator and Ombudsman for the County of Middlesex. Since 2018, Independent Resolutions Inc., has provided exemplary service to the County.

The appointment held by Independent Resolutions Inc. ended on September 30, 2022. Prior to the end of this appointment, the County issued Request for Proposals ADM-2022-001 to procure the services of an Integrity Commissioner, Closed Meeting Investigator and Ombudsman in accordance with the County's Purchasing Policy (Finance Policy 2.01). The County received zero (0) responses to this RFP.

Independent Resolutions Inc., represented by Mark McDonald, is willing to continue as Municipal Ombudsman, Closed Meeting Investigator and Integrity Commissioner in accordance with the proposed agreement attached to this report as *Schedule "A"*.

ANALYSIS:

In accordance with the proposed agreement, the appointment of Independent Resolutions Inc., as Municipal Ombudsman, Integrity Commissioner and Closed

Meeting Investigator would take effect on January 1, 2023 for a term of 1 year, with a 2 year renewal option.

Sections 4.1 and 4.2 provide for an annual retainer of \$5000 plus applicable taxes and a \$200 per hour investigation rate. Section 4.3 provides for a \$3000 annual reimbursement for chartered accountant, book maintenance, and insurance maintenance.

Sections 6.3 and 6.4 confirm that the Municipal Ombudsman, Integrity Commissioner and Closed Meeting Investigator is a statutory officer and that the *Municipal Act, 2001* statutory immunity applies to this appointment. These sections also provide the Integrity Commissioner with indemnification from the County for the Integrity Commissioner's defence against judicial or other investigations, proceedings or hearings (including commercially reasonable defence preparation and legal costs) and against all costs, claims, etc. potentially recovered in any such proceeding or hearing.

The agreement may be terminated by either party with 90 days' notice.

FINANCIAL IMPLICATIONS:

The annual retainer plus reimbursement for chartered accountant, book maintenance and insurance maintenance will total approximately \$8,000. Investigations will be conducted at a rate of \$200.00 per hour.

ALIGNMENT WITH STRATEGIC FOCUS:

N/A.

RECOMMENDATION:

THAT a by-law be introduced at the December 13, 2022 meeting of Council to:

- (a) Appoint the firm of Independent Resolutions Inc., represented by Mark McDonald as the Municipal Ombudsman, Integrity Commissioner, and Closed Meeting Investigator for the County of Middlesex effective January 1, 2023;
- (b) Approve the Memorandum of Agreement with Independent Resolutions Inc., attached to the staff report as *Schedule "A"*;
- (c) Authorize the Warden and the Clerk to execute the Agreement; and
- (d) Repeal By-law #6886.

Attachments