



PORT COLBORNE

Subject: Amending Agreement - Integrity Commissioner Appointment

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2024-229

Meeting Date: December 10, 2024

Recommendation:

That Office of the Chief Administrative Officer – Clerk’s Division Report 2024-229 be received;

That Council appoint Michael L. Maynard of ADR Chambers Inc. as the Integrity Commissioner effective January 1, 2025 for The Corporation of the City of Port Colborne, for remainder of the term expiring February 25, 2027; and

That the Mayor and Acting City Clerk be authorized to execute the amending agreement with ADR Chambers Inc. for the purpose of appointing Michael L. Maynard as Integrity Commissioner to replace Edward T. McDermott who is resigning for personal reasons on December 31, 2024; and

That a By-law authorizing entering into the amending agreement with ADR Chambers Inc. be brought forward.

Purpose:

The purpose of this report is to recommend amending the agreement with ADR Chambers Inc. to appoint Michael L. Maynard as the Integrity Commissioner for The Corporation of the City of Port Colborne for the remainder of the four-year term, expiring February 25, 2027.

Background:

The *Municipal Act, 2001* authorizes a municipality to appoint an Integrity Commissioner who reports to Council, and who is responsible for performing in an independent

manner, the functions assigned by the municipality. If a municipality has not appointed a Commissioner, the municipality must make arrangements for all the responsibilities set out in that Act to be provided by a Commissioner of another municipality.

The Integrity Commissioner is appointed to act in an independent manner on the application of the Code of Conduct and other rules and procedures governing the ethical behaviour of members of Council. The Integrity Commissioner provides an independent body to address public requests for investigations into any alleged transgressions of ethical behavior by any member of Council or its local boards and improves the transparency and accountability of municipalities to the public.

On February 25, 2019, By-law No 6646/10/19 was passed appointing Edward T. McDermott of ADR Chambers Inc. (ADRC) as the Integrity Commissioner for The Corporation of the City of Port Colborne, for an initial term of four years. On February 14, 2023, By-law 7062/07/23 Being a By-law to Authorize Entering into an Amending Agreement with ADR Chambers Inc. to provide for Integrity Commissioner Services was passed to renew for another four years with the same terms and pricing as the existing contract.

Discussion:

ADRC has been operating an Office of the Integrity Commissioner since 2011 and provides services to municipal clients under the *Municipal Act, 2001* and Municipal Conflict of Interest Act, as Integrity Commissioner and Ombudsman. ADRC provides Integrity Commissioner services for several municipalities including, Fort Erie, Welland, Grimsby, Niagara Region, and Niagara-on-the-Lake.

On December 2, 2024, Mr. McDermott provided a letter to staff and the Mayor indicating that he is resigning his mandate as Integrity Commissioner for the City of Port Colborne effective December 31, 2024 for personal reasons. He noted that he has initiated similar action for other municipalities where he is appointed as Integrity Commissioner. In his letter, he signifies that his colleague, Mr. Michael Maynard, is prepared to provide the City of Port Colborne with assistance as Integrity Commissioner on a going forward basis. Mr. Maynard is also the Integrity Commissioner for municipalities such as the Niagara Region, Grimsby, Welland etc. A copy of Mr. McDermott's letter is attached as Appendix A.

There are currently no outstanding matters before the Integrity Commissioner involving the City of Port Colborne and so the transition between Mr. McDermott and Mr. Maynard should be seamless.

Staff recommend that Council amend the agreement with ADR Chambers Inc. to appoint Michael L. Maynard as the Integrity Commissioner for The Corporation of the City of Port Colborne for the remainder of the four-year term expiring February 25, 2027.

Financial Implications:

There are no financial implications associated with this specific report. There are no additional changes to the agreement with ADRC apart from Michael L. Maynard's appointment as Integrity Commissioner.

As previously mentioned, there are currently no outstanding matters before the Integrity Commissioner involving the City of Port Colborne.

As per the original agreement, ADRC's fee structure is \$350/hour for principal services and \$275/hour for associate services. Additional costs will be incurred for mileage, training, and eventually for a review of the City's Code of Conduct. Costs will be driven by volume of requests for advice, educational information, and other supports as well as inquiries into complaints received. There is no annual retainer fee.

Any cost incurred for Integrity Commissioner services will be funded through the approved legal fees operating budget.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making
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Conclusion:

Staff recommend appointing Michael L. Maynard of ADR Chambers Inc. as the Integrity Commissioner for The Corporation of the City of Port Colborne, replacing Edward T. McDermott who will be resigning on December 31, 2024 for personal reasons. If approved, the appointment would be effective as of January 1, 2025. As a result of this change, staff also recommend entering into an amending agreement with ADRC for the remainder of the four-year term. A copy of the draft by-law and amending agreement are attached as Appendix B.

Appendices:

- a. Letter from Edward T. McDermott
- b. Draft By-law and Amending Agreement

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.