



ADDENDUM

SEPTEMBER 14, 2021

COUNCIL MEETING

(1) Administration/Finances & Personnel

Chair: Joe Nowak

[A./F. & P. 29/2021](#) – Integrity Commissioner Renewal Agreement –
Motion Required

1 – 4

(2) Read By-Laws First and Second Time:

30/2021 – Grieve Drain Repair, Branch B 2020 – Actual Costs

[31/2021](#) – To Appoint an Integrity Commissioner

[32/2021](#) – Confirming

Recommendation: That By-Law No. 30/2021, 31/2021, and 32/2021 be read a first and second time.

(3) Pass First and Second Readings:

30/2021, 31/2021, and 32/2021

Recommendation: That By-Law 30/2021, 31/2021, and 32/2021 pass a first and second reading.

(4) Read By-Laws Third Time, Pass, Sign, and Seal:

30/2021, 31/2021, and 32/2021

Recommendation: That By-Law 31/2021, 31/2021, and 32/2021 be read a third time and passed and the Mayor and Clerk be authorized to sign and seal the By-Law under the Corporate Seal.



ADMINISTRATION/FINANCE & PERSONNEL REPORT

To: Council

Meeting Date: September 14, 2021

Prepared by: Grace Kosch
Municipal Clerk

Date Prepared: September 14, 2021

Subject: Integrity Commissioner Renewal Agreement

Recommendation:

That the Council of the Township of Wellesley approve the agreement renewal for integrity commissioner services for the Township of Wellesley from ADR Chambers Inc. commencing September 1, 2021 through to September 1, 2023; and further,

That the Mayor and Clerk be authorized to execute the necessary Professional Services Agreement between The Township of Wellesley and ADR Chambers Inc., for Integrity Commissioner Services.

Summary:

Upon passage of Bill 68, Modernizing Ontario's Legislation Act, 2017, all municipalities in Ontario were required to appoint an Integrity Commissioner for both council and its boards.

Section 223.3 (1) of 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.

In 2017, the Township of Wellesley appointed ADR Chambers Inc. as the Township of Wellesley's Integrity Commissioner and authorized the Mayor and Clerk to sign the agreement.

Report:

The Township of Wellesley entered into an agreement for a two-year term with an option to extend the agreement for an additional two years with ADR Chambers Inc. to provide integrity commissioners services on a fee for service basis. This term has expired.

ADR Chambers has now moved from a fee for service basis only to a retainer based process in addition to a fee for service, as follows:

- i. an annual retainer of \$2,000.00 plus H.S.T. payable upfront to cover the administrative support associated with providing the Services and the preparation of the annual report;
- ii. an hourly fee of \$275.00 plus H.S.T. for the Services provided by the Acting Integrity Commissioners for processing Formal Complaints, responding to requests for advice from members of the Township’s Council, Advisory Committees and Local Boards and,
- iii. an hourly fee of \$250.00 plus H.S.T. for the Services provided by any Investigators, where so delegated by the Integrity Commissioner, in accordance with section 223.3(3) of the Act;

The Township also has the unilateral option to renew for an additional two-year period on the same terms and pricing (2023-2025).

ADR Chambers Inc. has provided a roster of 5 individuals who may potentially provide IC services depending on availability.

Township Strategic Plan:

This initiative aligns with the Township of Wellesley Strategic Plan Customer Service Goal to ensure quality and accountability in providing effective and efficient customer services that match or exceed expectation.

Financial Implications:

The fees associated with this agreement consist of an annual retainer of \$2,000 plus an hourly rate of \$250.00 to \$275.00 plus applicable taxes and expenses, which require approval prior to being incurred. Mileage reimbursement at a rate of \$0.60 per km. The annual costs to the Municipality would be dependent on the number of potential investigations, which could vary from year to year. This fee is comparable with other Integrity Commissioner’s hourly rates. Funds to be taken from the Legal Fees Account which currently has a balance of \$15,646.63.

Other Department / Agency Comments:


N/A

Legal Considerations:

N/A

Attachment(s):

Draft Appointment By-law – ADR Chambers Inc.

Department Head:	_____
Treasurer:	_____
Corporate Management Team (date):	September 14, 2021 _____
<u>Approved by:</u>	
Chief Administrative Officer:	_____

The Corporation of The Township of Wellesley

By-Law No. XX/2021

A By-law to Appoint an Integrity Commissioner for the Township of Wellesley

Whereas the *Municipal Act, 2001*, as amended (the "Municipal Act") provides that the powers of a municipal corporation are to be exercised by its Council through the adoption of by-laws; and

Whereas the Municipal Act authorizes the Township to establish codes of conduct for members of Council and to appoint an Integrity Commissioner who reports to Council; and

Whereas Township of Wellesley Council has adopted a Code of Conduct in March of 2017-02 and

Whereas an Integrity Commissioner is responsible for performing in an independent manner the functions assigned by the municipality; and

Whereas the Municipal Act, pursuant to Part V.1, Accountability and Transparency, will oblige all municipalities in Ontario to appoint an integrity Commissioner to perform the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*; and

Whereas Council deems it expedient to appoint ADR Chambers Inc. as the Township of Wellesley's Integrity Commissioner to perform the functions, powers and duties recited above and as may be set out in the Municipal Act from time to time.

Now Therefore Be It Resolved That the Council of the Corporation of the Township of Wellesley hereby enacts as follows:

1. That ADR Chambers Inc., is hereby appointed as the Township of Wellesley's Integrity Commissioner pursuant to Part V.1, Accountability and Transparency, of the Municipal Act.
2. That upon appointment of ADR Chambers Inc., will have all the functions, powers and duties of an integrity commissioner as set out in Part V.1, Accountability and Transparency, of the Municipal Act, and in addition such functions, powers and duties as may be assigned by Council from time to time.
4. That all actions taken and required to be taken by the Mayor and Clerk on behalf of the Corporation of the Township of Wellesley to complete this matter including the execution of the Agreement and any other associated documentation are hereby authorized, confirmed and ratified.

That first and second time this 14th day of September, 2021.

Mayor, Joe Nowak

Clerk, Grace Kosch

Read a third and final time and passed this 14th day of September, 2021.

Mayor, Joe Nowak

Clerk, Grace Kosch

The Corporation of The Township of Wellesley

By-Law No. 31/2021

A By-law to Appoint an Integrity Commissioner for the Township of Wellesley

Whereas the *Municipal Act, 2001*, as amended (the "Municipal Act") provides that the powers of a municipal corporation are to be exercised by its Council through the adoption of by-laws; and

Whereas the Municipal Act authorizes the Township to establish codes of conduct for members of Council and to appoint an Integrity Commissioner who reports to Council; and

Whereas Township of Wellesley Council has adopted a Code of Conduct in March of 2017-02 and

Whereas an Integrity Commissioner is responsible for performing in an independent manner the functions assigned by the municipality; and

Whereas the Municipal Act, pursuant to Part V.1, Accountability and Transparency, will oblige all municipalities in Ontario to appoint an integrity Commissioner to perform the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*; and

Whereas Council deems it expedient to appoint ADR Chambers Inc. as the Township of Wellesley's Integrity Commissioner to perform the functions, powers and duties recited above and as may be set out in the Municipal Act from time to time.

Now Therefore Be It Resolved That the Council of the Corporation of the Township of Wellesley hereby enacts as follows:

1. That ADR Chambers Inc., is hereby appointed as the Township of Wellesley's Integrity Commissioner pursuant to Part V.1, Accountability and Transparency, of the Municipal Act.
2. That upon appointment of ADR Chambers Inc., will have all the functions, powers and duties of an integrity commissioner as set out in Part V.1, Accountability and Transparency, of the Municipal Act, and in addition such functions, powers and duties as may be assigned by Council from time to time.
4. That all actions taken and required to be taken by the Mayor and Clerk on behalf of the Corporation of the Township of Wellesley to complete this matter including the execution of the Agreement and any other associated documentation are hereby authorized, confirmed and ratified.

That first and second time this 14th day of September, 2021.

Mayor, Joe Nowak

Clerk, Grace Kosch

Read a third and final time and passed this 14th day of September, 2021.

Mayor, Joe Nowak

Clerk, Grace Kosch

CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NUMBER 32/2021

BEING A BY-LAW TO CONFIRM ALL ACTIONS AND PROCEEDINGS OF COUNCIL.

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c.25 and amendments thereto provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act; and

WHEREAS Subsection 2 of Section 11 of the Municipal Act, S.O. 2001, c.25 and amendments thereto provides that a lower-tier municipality and an upper-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction described in the Table to Subsection 2 subject to certain provisions; and

WHEREAS Section 5 of the Municipal Act, S.O. 2001, c.25 and amendments thereto provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 shall be exercised by its council and by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS the Council of the Corporation of the Township of Wellesley deems it expedient to confirm its actions and proceedings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLESLEY hereby enacts as follows:

1. That all actions and proceedings of the Council of the Corporation of the Township of Wellesley taken at its meeting held on the 14th day of September, 2021 be confirmed as actions for which the municipality has the capacity, rights, powers and privileges of a natural person.
2. That all actions and proceedings of the Council of the Corporation of the Township of Wellesley taken at its meeting held on the 14th day of September, 2021 be confirmed as being matters within the spheres of jurisdiction described in Subsection 2 of Section 11 of the Municipal Act, S.O. 2001, c.25 and amendments thereto.
3. That all actions and proceedings of the Council of the Corporation of the Township of Wellesley taken at its meeting held on the 14th day of September, 2021 except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.
4. That this by-law shall come into force and take effect as of the final passing thereof.

Read a first and second time this 14th day of September, 2021.

Read a third and final time and passed this 14th day of September, 2021.

Mayor Joe Nowak

Clerk, Grace Kosch