

STAFF REPORT

Department: Clerk's Office

Date: July 8, 2025

Item: Bylaw 3252, Being a Bylaw to Execute an Agreement Between the Town of Espanola and Aird & Berlis LLP for Integrity Commissioner Services.

Recommendation: Be It Resolved That: Aird & Berlis LLP is hereby appointed as Integrity Commissioner for the Town of Espanola and that Bylaw 3252/25 be adopted, Being a Bylaw to Execute an Agreement Between the Town of Espanola and Aird & Berlis LLP for Integrity Commissioner Services.

Background: The current Integrity Commissioner, Robert J. Swayze, has had to resign. Aird & Berlis LLP has agreed to take on Espanola as a client for Mr. Swayze moving forward. This arrangement was made by Mr. Swayze should we not wish to go out to market for services. A new proposal has been submitted by Aird & Berlis for these services not only for the remaining term of Mr. Swayze (2 years remaining), but on a continuous basis moving forward.

The Integrity Commissioner will provide services in accordance with section 223.3 of the Municipal Act, 2001, S.O. 2001 c.25 (the "Municipal Act, 2001"), which enables a municipality to appoint an integrity commissioner to perform functions related to the application of Council's Code of Conduct, any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards, and the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M. 50 (the "MCIA"). Generally these services include the following duties and responsibilities:

- Assess and conduct investigations regarding alleged breaches of the Council Code of Conduct and the MCIA;
- Provide information to Council and local boards as to their obligations under the Code of Conduct and the MCIA;
- Provide advice to individual members of Council and local boards regarding specific situations as they relate to the application of the Code of Conduct and the MCIA;
- Provide advice to members of Council and local boards on rules, policies and procedures that relate to the ethical behavior of members;



- Provide information to the public regarding the Council Code of Conduct and the MCIA as well as the obligations of members of Council and local boards thereunder;
- Meeting services at the request of Council (including educational presentations and workshops);
- Provide Council and the Town Clerk with an annual report on findings in complaint cases and advice provided for the preceding year.

Analysis: Aird & Berlis LLP under the leadership of Partner John Mascarin is widely regarded as one of the foremost legal firms on municipal issues in Canada including integrity commissioner services. The provision of integrity commissioner services by Aird & Berlis LLP is led by John Mascarin who is supported by 7 other lawyers who all have varying relevant expertise and experience to support the municipality as relates to Conflict of Interest and Council Code of Conduct matters. In the ever-changing context of integrity commissioner services and legislation with the province recently announcing certain changes in this regard, it is staff's recommendation that Council be supported by a highly qualified and reputable firm. The size of the team assigned to our file also ensures that easier simple matters that arise are handled by the team member with a lower hourly rate and reviewed by Mr. Mascarin to keep costs to the municipality lower while still ensuring we have the highest level of service.

In 2023, staff released an RFP to over 40 Integrity Commissioners. At that time, our existing Integrity Commissioner, Mr. Swayze, was the only to submit a proposal. Given staff's confidence in John Mascarin and the team at Aird & Berlis LLP, we are not recommending going to market for these services, but rather sole sourcing the sector's most reputable firm. The full proposal has been circulated to Council confidentially as per appropriate practice for proposals supplied in confidence and containing competitive financial information. Integrity Commissioner Services would be provided on an as needed basis and billed hourly.

Existing Policy: Municipal Act

Strategic Goal: Town Government

Financial Commitment: N/A

Budgeted: Yes ☐ No ☐

Implementation: Upon Council Recommendation

Prepared By: Joseph Burke

Department Manager:

CAO/Clerk: Joseph Burke



Approval of Recommendation: Yes ☒ No ☐

Comments: