

Extension of Appointment of the Integrity Commissioner

Date	May 13, 2020
To	Executive Committee
From	City Manager's Office
Service Area	Office of the City Clerk
Item No.	EX20-11

RECOMMENDATION

The Executive Committee recommends that City Council:

1. Delegate the authority to the City Solicitor to negotiate and approve the necessary amendments to the current agreement to extend the appointment of the Integrity Commissioner, Mr. Randall Langgard, for a further period of up to four years;
2. Authorize the City Clerk to execute any necessary amendments to the agreement with the Integrity Commissioner in a form approved by the City Solicitor; and
3. Approve these recommendations at its April 29, 2020 meeting.

ISSUE

The current Integrity Commissioner's appointment expires on December 31, 2020 so it is necessary to either undertake a process to find and appoint a new Commissioner or to extend the current Commissioner's appointment and agreement.

IMPACTS

Using an Integrity Commissioner process to investigate and adjudicate Council member code of ethics violations ensures impartiality and independence.

The Cities Act requires Council to have a code of ethics violation process. As *The Code of Ethics Bylaw*, Bylaw 2017-4, currently includes using an Integrity Commissioner for this

purpose it is necessary for Council to appoint a new Integrity Commissioner or extend the appointment of the current Commissioner.

In the current contract, there is a set annual fee paid to secure these services. In addition, the Integrity Commissioner charges the City an hourly rate subject to a cap on his fee for educational sessions as well as a cap on his fees for doing other presentations or preparing annual reports. If the contract is extended, the City would look at negotiating a similar arrangement. The City Clerk's Office includes \$50,000 a year in its budget for these services.

There are no environmental, risk/legal or other implications or considerations.

OTHER OPTIONS

Option 1: Advertise for a new Integrity Commissioner. This is not recommended as Administration is pleased with Mr. Langgard's services and Council has been pleased with the educational sessions he has provided, and his initial contract term was only for 2 ½ years. Mr. Langgard is also acting as the Integrity Commissioner for the City of Saskatoon.

Option 2: Amend Bylaw 2017-4 to remove the requirement for an integrity commissioner and instead have Council members investigate and adjudicate ethics violations. This was considered originally when Bylaw 2017-4 was passed but Council did not wish to police its own members. It is difficult for Council members to investigate and render impartial judgement on fellow members. Further, the public is likely to distrust the process if they feel that it is not independent or transparent. This option is not recommended for these reasons.

COMMUNICATIONS

Mr. Langgard will be advised of Council's decision and the City will update the public on Regina.ca.

DISCUSSION

In October 2016, amendments to *The Cities Act* and *The Cities Regulations* came into force that required all cities to adopt a code of ethics and have a process for dealing with violations of the code of ethics by Council members. To comply with this legislative requirement, City Council passed Bylaw 2017-4 on January 30, 2017.

In addition to passing Bylaw 2017-4, Council authorized the City Solicitor, with agreement of the City Clerk, to negotiate and engage the services of an integrity commissioner or commissioners for a period of up to four years. The integrity commissioner services include:

- advising Council members on questions of compliance with the code of ethics bylaw;
- assessing, investigating and conducting inquiries as to whether a member has contravened the code of ethics bylaw;

- determining and reporting to Council as to whether a member has violated the code of ethics bylaw; and
- making recommendations on appropriate sanctions where there is a violation.

As a result of this delegation, the City Solicitor and City Clerk undertook a process to advertise the position and interview candidates. Under this process, Mr. Langgard was selected.

Mr. Langgard has practiced law since 1981 with experience in both the public and private sector. He has practiced with three private law firms over his career and has worked within the Provincial Government as an Executive Director for the Ministry of Tourism, Parks, Culture and Sport and as a Senior Policy Advisor for the Cabinet Planning Unit, Department of Executive Council where he provided education on ethics. Mr. Langgard also has a Master of Public Administration degree from Johnson Shoyama School of Public Policy from the University of Regina and is a trained mediator. In addition to this work experience and education, Mr. Langgard was a Regina City Councillor from 1985-1994 and has direct council experience which is useful in this role.

Since being appointed Integrity Commissioner for the City of Regina, he has also been appointed the Integrity Commissioner for the City of Saskatoon.

While the Integrity Commissioner has not had any formal complaints to investigate and adjudicate since his appointment commenced, he has provided advice to individual Council members on the code of ethics as well as provided educational sessions to Council. Further, he has provided advice to the City Clerk on the Council Website Content Governance Policy when requested. Mr. Langgard also presented at the Saskatchewan Urban Municipalities Association annual conference in February 2019 on council ethics and his role as integrity commissioner.

It is recommended that Mr. Langgard's appointment be extended for the following reasons:

- Administration is pleased with his services and availability;
- the Council educational sessions have been well received;
- the Commissioner is acting for some other Saskatchewan municipalities, so he is gaining experience and expertise in this area; and
- the Commissioner's initial contract was only for 2 ½ years so it is not unreasonable to extend this for up to four more years.

The City has contacted the current Integrity Commissioner about his willingness to extend his services for a further term if approved by Council. He has advised that he would be interested.

DECISION HISTORY

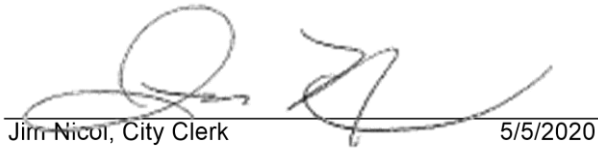
As a result of report CR17-6, Council adopted a code of ethics and delegated authority to

the City Solicitor to appoint an Integrity Commissioner to deal with violations of the code. This report seeks further authorization to extend the current appointment and agreement with Mr. Langgard.

At the March 11, 2020 private Executive Committee meeting, the Committee considered report E20-8 from the City Manager's Office.

Respectfully submitted,

EXECUTIVE COMMITTEE


Jim Nicol, City Clerk 5/5/2020