



## Report Overview

The purpose of this report is to provide information for Council to appoint an Integrity Commissioner for the Municipality of Clarington.

### 1. Legislative Authority

- 1.1 [Subsection 223.3 \(1\) of the \*Municipal Act, 2001\*, as amended](#), grants the authority to municipalities 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.

### 2. Previous Agreement

- 2.1 Arising out of Report LGS-013-22, Clarington joined the retainer agreement with the Region and appointed Principles Integrity to provide Integrity Commissioner services on the payment of an annual retainer and hourly fee for service basis. Principles Integrity was appointed by [By-law 2022-039](#) for a term ending November 14, 2026.

### 3. Integrity Commissioner Responsibilities

- 3.1 The Integrity Commissioner shall have the following responsibilities outlined under subsection 223.3 of the Municipal Act:
  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.
- 3.2 As part of the reporting process, the Integrity Commissioner may recommend that Council impose penalties in accordance with the *Municipal Act, 2001* if, in the opinion of the Integrity Commissioner, a Member of Council has contravened the Code of Conduct.
  - 3.3 The volume of calls/complaints cannot be predicted.
  - 3.4 [Clarington's Code of Conduct Complaint Procedure](#) detail the steps for receipt, investigation, and resolution of complaints pursuant to the Code of Conduct. These procedures are contained in Appendix A to the Council Code of Conduct and our [Accountability and Transparency webpage](#), including the [Complaint Form](#).

## 4. Code of Conduct

- 4.1 The Council Code of Conduct helps to ensure that Members of Council engage and debate using acceptable conduct. These standards should serve to enhance public confidence that the Municipality's elected representatives conduct Council Business in a civil and courteous manner. [By-law 2017-020](#), as amended, establishes the current Clarington Code of Conduct.
- 4.2 There are currently no plans to review the Code of Conduct pending the Province's review and proposed changes regarding the Code of Conduct and Integrity Commissioners. The Province had proposed legislation on several occasions but has not passed any, as of the writing of this report. [Bill 9, Municipal Accountability Act, 2025](#), was sent to third reading on October 20, 2025 and proposes the following changes:
  - Currently, the Act provides that municipalities shall establish codes of conduct. Re-enacted section 223.2 of the Act provides that the Lieutenant Governor in Council may make regulations prescribing a code of conduct for members of councils of municipalities and of local boards.
  - New section 223.3.1 of the Act requires the Integrity Commissioner of Ontario to perform certain functions with respect to Integrity Commissioners, including providing education and training to Commissioners.

- New section 223.4.0.1 of the Act provides that after conducting an inquiry under section 223.4 of the Act, a Commissioner may make a recommendation to the Integrity Commissioner of Ontario regarding whether the seat of the member who is the subject of the inquiry be declared vacant. New section 223.4.0.2 of the Act sets out the responsibilities of the Integrity Commissioner of Ontario upon receiving such a recommendation, including the responsibility to conduct an inquiry. Subsection 223.4.0.2 (4) of the Act sets out the actions the Integrity Commissioner of Ontario is required to take upon completion of their inquiry.
- New section 223.4.0.3 of the Act sets out the consequences where the Integrity Commissioner of Ontario refers a matter back to the Commissioner. New section 223.4.0.4 of the Act sets out the consequences where the Integrity Commissioner of Ontario recommends that a member's seat be declared vacant, including requiring the council of the municipality to vote on such recommendation.

## **5. Discussion**

### **Region's Appointment**

- 5.1 The process to secure integrity commissioner services for the next term of Council followed the Region's Consultant and Professional Services Contracting Procedure.
- 5.2 The appointment of an Integrity Commissioner was a coordinated effort between the Region of Durham and the local municipalities.
- 5.3 The Region chose a "selection process", similar to the practice in 2022, following the Region's Consultant and Professional Services Contracting Procedure. All Lower-tier municipalities reviewed the Consulting Services Agreement (CSA) invitation letter and provided input. Invitations to enter into a consulting and professional services contract with the Region were sent to individuals/firms. Three proposals were received and evaluated by Regional Staff. Respondents also participated in the presentation, and interview sessions, which were evaluated by Regional Staff and representatives from some of the Durham Region Clerks.
- 5.4 Similar to the previous two agreements, Durham's lower-tier municipalities were offered the opportunity to "piggyback" on the Region's agreement, which will result in individual agreements with the municipalities and the Integrity Commissioner. The lower-tier municipalities are under no obligation to appoint the same Integrity Commissioner as the Region. However, appointing the same Integrity Commissioner as the Region allows the Region and Municipality to undertake coordinated efforts to review the Council Codes of Conduct, and for the Mayor and Regional Councillors to seek advice from one source for matters that may come before both lower-tier and Regional Council.

- 5.5 The Region has stated that “the overall scores between the three proponents were incredibly close and references from existing clients were considered in the final selection process. The interview panel concluded that each proponent, including the Region’s current Integrity Commissioner, Principles Integrity, were capable of delivering exceptional service in a vital transparency and oversight role.”
- 5.6 Based on the technical presentation, demonstration, and financial evaluation of the compliant bid proposals submitted to the Region of Durham, Boghosian Allen LLP achieved the highest combined score and was recommended for award.

## 6. Financial Considerations

- 6.1 The budget for the Integrity Commissioner is part of the “Administration-Professional Fees” account for Legislative Services, which has \$25,000 budgeted for 2026 and 2027. Exact costs incurred on an annual basis depend on frequency of requests for advice and number of investigations undertaken.
- 6.2 The following table shows the budgeted and actuals for this account in recent years.

2022 Budget	2022 Actual	2023 Budget	2023 Actual	2024 Budget	2024 Actual	2025 Budget	2025 Actual
\$20,000	\$22,974	\$25,000	\$14,458	\$25,000	\$6,564	\$25,000	\$2,322

- 6.3 There is no cost for an annual retainer fee. It is anticipated that the Integrity Commissioner will be called upon to provide at least one educational session.

## 7. Timing

- 7.1 The Region of Durham plans to take their report to Regional Council in April. As a result of the timing of the Region’s recommendation report, Staff are recommending an effective date tied to the Region’s decision.
- 7.2 The current Integrity Commissioner Agreement expires on November 14, 2026. If no Integrity Commissioner is appointed, as per s. 223.3(1.1), “the municipality shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality.”

## 8. Strategic Plan

Not applicable.

## 9. Climate Change

Not Applicable.

## 10. Concurrence

This report has been reviewed by the Deputy CAO/Treasurer who concurs with the recommendations.

## 11. Conclusion

It is respectfully recommended that Boghosian Allen LLP be appointed as the Integrity Commissioner for the Municipality of Clarington for the term ending November 14, 2030, subject to the Region appointing same.

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Staff Contact: June Gallagher, Municipal Clerk, 902-623-3379 ext. 2102 or  
jgallagher@clarington.net.

Attachments:

Attachment 1 – By-law to Appoint an Integrity Commissioner

Interested Parties:

The following interested parties will be notified of Council's decision:

Alexander Harras, Regional Clerk/Director of Legislative Services, Region of Durham  
Principles Integrity  
Boghosian Allen LLP