



By-Law No. 2018-29


Being a By-law to authorize the execution of a letter of engagement between Expertise for Municipalities (E4m) and the Corporation of the Township of Dubreuilville to appoint an Integrity Commissioner

WHEREAS the Corporation of the Township of Dubreuilville deems it necessary to enter into a services agreement with E4m to provide integrity commissioner services on an as needed basis;

BE IT THEREFORE RESOLVED THAT the Council of the Corporation of the Township of Dubreuilville enacts as follows:

1. That the Mayor and the CAO/Clerk be authorized to execute a letter of engagement between the Corporation of the Township of Dubreuilville and E4m in accordance with Schedule "A" attached to this By-Law.
2. That this By-Law shall come into force and take effect upon its reading and being passed.

Read a first, second and third time and finally PASSED this 13th day of June, 2018.


MAYOR


CAO-CLERK

Expertise for Municipalities

Chris Wray, AMCT
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The Corporation of the Township of Dubreuilville
23, rue des Pins P.O. Box 367
Dubreuilville, Ontario
P0S 1B0

Via Email – scasey@dubreuilville.ca

Attention: Ms. Shelley Casey - CAO / Clerk

May 28, 2018

Dear Ms. Casey:

RE: LETTER OF ENGAGEMENT – Integrity Commissioner

The following outlines the considerations pursuant to our appointment as Integrity Commissioner for the Township of Dubreuilville:

1. Undertaking

The Township of Dubreuilville is contracting the services of Expertise for Municipalities; hereinafter referred to as E⁴m, as Integrity Commissioner as set out in Section 223.3(1) of the *Municipal Act, 2001, R.S.O. 1990*; hereinafter referred to as the “Act”.

As Integrity Commissioner for the Township of Dubreuilville, E⁴m shall carry out the roles and responsibilities of the Office as outlined in the “Act”, (as amended) and Bylaw 2018-29 of the Township of Dubreuilville.

2. Fees and Payments¹

Fees will be based on time spent in connection with carrying out the duties and responsibilities of the Office of Integrity Commissioner as outlined in the “Act” and Bylaw 2018-29 of the Township of Dubreuilville.

Investigations will be conducted at a rate of \$125 per hour. While it is likely that most investigations can be conducted remotely, if attendance in Dubreuilville is a necessity of any investigation, all travel and accommodations would be in addition to the hourly fee. Travel time in excess of three (3) hours would be charged at a rate of \$50 per hour.

Written advice will be provided at a rate of \$100 per hour. It is our opinion that providing written advice, for the most part can be provided remotely so there would be no additional travel or accommodation cost.

¹ All rates are subject to HST if applicable.

Educational sessions conducted in a workshop setting for Council or Local Board orientation or similar purposes will be invoiced at a cost of \$1,000 per day plus travel, accommodation and other costs. These workshops would be limited to one E⁴m presenter. Additional presenters can be added for an additional cost which would be negotiated on an as needed basis.

Every effort will be taken to keep disbursements to a minimum using technology when appropriate. Disbursements incurred in connection with providing advice, any investigation or workshop include; postage, deliveries, travel expenses, photocopying and other reasonable expenses and office charges.

Accommodation costs will be on expenses incurred and mileage will be billed at a rate equivalent to the Treasury Board of Canada; adjusted annually or as adjusted by the Treasury Board. The current rate is 55.5 cents per kilometre.

In the event our participation is required in any legal proceeding; our hourly investigative rate (\$125 per hour) will apply for preparation and participation. Should such a circumstance arise a new Letter of Engagement will be necessary.

An invoice will be delivered by email to the attention of the Chief Administrative Officer or designate on the first of every month for work carried out during the previous month and immediately after the completion of any final report; as necessary.

E⁴m reserves the right to increase investigative, advisory and workshop rates annually to keep pace with the Consumer Price Index (CPI) for Ontario. Any and all changes will be communicated in writing to the Chief Administrative Officer or designate at the time of change.

3. Product

Documents, workshop presentations, voice recordings, handwritten notes and any draft reports are the property of E⁴m and will be retained as part of our file.

Any work product that is not considered confidential, may not be reproduced without prior permission.

4. Confidentiality

In keeping with Section 223.5 of the "Act", as amended, any work as well as any and all information obtained during the course of any investigation will be kept strictly confidential and not disclosed except as may be required by law.

5. Indemnity

E⁴m can confirm that it currently carries Professional Liability Insurance covering all work and services in the amount of \$2 million (\$2,000,000) and shall continue to carry this amount for twelve months following the completion of all work.

As of March 1, 2019, Section 223.3 (6) of the “Act” provides:

A municipality shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority.

As of March 1, 2019, the Township of Dubreuilville agrees to indemnify E⁴m, as required under the “Act”, against any and all claims, demands, suits or other proceedings for costs, damages, losses, liabilities, and expenses including reasonable legal fees that may be incurred in defending any claims that may be made against E⁴m by a third party arising out of this agreement or any of the duties of the Office of Integrity Commissioner except where costs, damages, liabilities and expenses result directly from negligent, dishonest or fraudulent acts committed by E⁴m in the course of any undertaking.

6. Termination of Services

Written notice is required to terminate services by either party. Should events arise prohibiting E⁴m from carrying out our obligations under this agreement, in keeping with professional standards, E⁴m reserves the right to terminate our services.

If the Township of Dubreuilville terminates our services, or if services are withdrawn, fees up to the termination date will be invoiced and owing.

7. Reporting

All reporting will be conducted in keeping with the applicable sections of the “Act” and Bylaw 2018-29 of the Township of Dubreuilville.

Progress reporting for any responsibility of the Office of Integrity Commissioner will be done on a bi-weekly basis or as otherwise arranged. Such reporting will be limited to details as to what has transpired and not judgements as to the merit of the allegation, nor identity of witnesses or witness statements/information (in the case of an investigation). Should

you have questions or pertinent information respecting any investigation
please bring these matters to my attention as soon as possible.

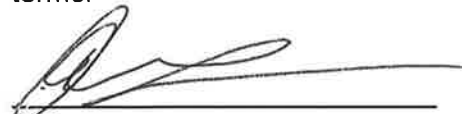
I look forward to working with you and the Township of Dubreuilville.

Respectfully,



Chris Wray
Partner

On behalf of the Township of Dubreuilville, I agree to the terms of the letter of
engagement and by signing below confirm that I am authorized to accept said
terms.



Signature

I have authority to bind the Corporation

Alain Lacroix, Mayor

Title

June 13, 2018

Date



Signature

I have authority to bind the Corporation

Shelley B. Casey, CAO-Clerk

Title

June 13, 2018

Date

COUNCIL RESOLUTION



Moved By: Beverly

DATE: June 13, 2018

Seconded By: Martin

Resolution No. 18-196

Whereas that By-Law No. 2018-29, being a By-law to authorize the execution of a letter of engagement between Expertise for Municipalities (E4m) and the Corporation of the Township of Dubreuilville to appoint an Integrity Commissioner, be adopted.

✓

<u>Carried</u>	<u>Defeated</u>	<u>Deferred</u>
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RECORDED VOTE:	YES	NO
Councillor Beverly Nantel	_____	_____
Councillor Hélène Perth	_____	_____
Councillor Martin Bergeron	_____	_____
Councillor Léandre Moore	_____	_____
Mayor Alain Lacroix	_____	_____

Declaration of Pecuniary Interest and General Nature Thereof: