

March 18, 2022

Peter Fay,
City Clerk,
City of Brampton
2 Wellington St. West
Brampton ON. L6Y 4R2

By email: peter.fay@brampton.ca

Dear Mr. Fay,

RE: Expression of Interest – City of Brampton Integrity Commissioner and Lobbyist Registrar

This is further to our discussion on March 15, 2022 and your correspondence the next day in which you requested that we submit a proposal for the provision of Integrity Commissioner and Lobbyist Registrar services to the City of Brampton pending the issuance of an RFP for those services. At your request we are keeping this submission brief but would be pleased to expand upon our qualifications and approach at your direction.

The principals of Principles *Integrity* have extensive experience as both consumers and providers of Integrity Commissioner and Lobbyist Registrar Services. Established in early 2017, Principles *Integrity* is a partnership operated by its two principals Jeffrey Abrams and Janice Atwood-Petkovski, two experienced municipal lawyers and corporate leaders, with over 35 years of experience each in municipal law and governance. Our unique perspective enhances our ability to provide context-relevant guidance that focuses on the things that matter.

Partnership Profile:

Name: Principles *Integrity*
Principals: Jeffrey A. Abrams, B.A., LL.B and Janice Atwood-Petkovski, B.A., LL.B.
Email: postoffice@principlesintegrity.org
Telephone: (647) 259-8697
Administrative Address: 30 Haddon Street, Toronto ON, M5M 3M9

Principles *Integrity* currently serves as Integrity Commissioner for over 40 municipalities and other public sector organizations across Ontario, and in three of those cases (including the Region of Peel) we serve as Lobbyist Registrar. Our clients are well served by our broad-based experience in developing and implementing codes of conduct and other policies governing ethical behaviours; providing education and training; providing timely, customized confidential advice to elected officials on request; conducting skilled complaint administration with a focus on informal resolution; and publishing clear public reports which emphasize opportunities for lessons-learned and reconciliation.

We also actively participate in our professional associations, the Municipal Lobbyist Registrars of Ontario (MLRO), and the Municipal Integrity Commissioners of Ontario (MICO) where we have led the development of integrity commissioner practices and operating principles.

Principles *Integrity*

The Principles *Integrity* approach

Principles *Integrity* believes that there is one overarching objective for a municipality in appointing an accountability officer such as Integrity Commissioner or Lobbyist Registrar, and that is to raise the public's perception and confidence that their elected officials meet established ethical standards. This is done by helping build a practical ethical policy framework which has a central focus on good governance rather than mere technical compliance; providing timely, reasoned and helpful advice, guidance, and education to the governing body and key members of staff; and where necessary, serving as an independent review mechanism when assertions are made that an elected official has not abided by the relevant ethical standards.

We exercise the authority given to us in a manner that promotes good governance and effective and ethical solutions. When required to respond to a complaint, we exercise restraint and carry a solution-oriented perspective, favouring teaching opportunities over sanctions.

We have substantial expertise in the application of the *Municipal Conflict of Interest Act* and have developed an effective codification of statutory and common law that assists elected officials in avoiding both real and apparent conflicts of interest while enabling them to carry out the duties for which they were elected.

Though our emphasis is on developing a robust ethical framework and providing education and advice to support elected officials in carrying out their duties ethically, complaints are sometimes filed. Exercising independence of judgement, we will be sensitive to the concerns of the community as they are raised, and will seek to resolve matters firstly by informal discussion and review. Informal resolution may be achieved through education, the setting of reasonable expectations for outcomes, referrals to more relevant processes and agencies, and at the very least the articulation and narrowing of issues to be reviewed. No formal reports will be issued as a result of informal resolution, as to do so would interfere with the parties' commitment to resolution of the dispute.

Formal investigations, if they occur, will emphasize procedural fairness, the achievement of public interest objectives, and conclude with public reports which help guide participants in proper ethical practices.

Transition

It is understood that the proposed appointment is for an interim period. We recommend that the interim period should extend beyond the upcoming municipal election to allow for meaningful onboarding; assessment and management of any outstanding complaints; advice and guidance through the election period; and the scheduling and preparation of orientation and training for the newly elected Council. In answer to your query, we are available to serve to July 2023, and beyond.

Principles Integrity

We also confirm our offer to you to serve as the 'caretaker' Integrity Commissioner and Lobbyist Registrar until April 6, 2022, the date on which Brampton Council is expected to consider this proposal. Having a caretaker Integrity Commissioner in place provides technical compliance with section 223.3 (1.1) of the *Municipal Act*. As a caretaker, we would be in position to receive and acknowledge any complaints that may be filed before April 6th, and would inform complainants that their matter will be held in abeyance until it can be processed by the Interim Integrity Commissioner/Lobbyist Registrar soon to be appointed by Council. We would also be in place to respond to any urgent requests for advice that might come to your attention and referred to us.

As the caretaker Integrity Commissioner, we would also be happy to suggest housekeeping amendments to the Code of Conduct that might be necessary to make it compliant with current legislation, so that you can bring those amendments to Council on April 6th while its attention is focused on Integrity Commissioner/Code of Conduct matters.

We would be happy to prepare and share with you our standard agreement for Integrity Commissioner and Lobbyist Registrar services. The only substantive change we would make to the agreement is to require that any termination of our services be subject to a reasonable justification of the non-performance of our responsibilities under the agreement. We believe, given the notoriety of recent circumstances in Brampton, the condition would help to ensure the general public that the Integrity Commissioner is structurally independent from Council.

Thank you for your consideration of this Expression of Interest. We would be pleased to meet with you or any other Municipal representatives to discuss our submission further. Attached as requested is our pricing proposal.

Respectfully submitted,



Principles Integrity,

through its principals:

Jeffrey A. Abrams and Janice Atwood-Petkovski

Principles *Integrity*

Pricing Proposal:

Principles *Integrity* proposes the following fee structure for the services of Integrity Commissioner for the City of Brampton.

\$1,250 Annual Retainer (\$1,000 for Integrity Commissioner Services, \$250 for Lobbyist Registrar Services)

\$1750 Per Diem Block Fee for preparation and attendance at Workshops, Training/Orientation Sessions which we would schedule in consultation with the City Clerk. Half-day per diems would be applied where appropriate.

\$275 Hourly rate for all other services, including:

- Providing advice to Members on the application of the Code of Conduct, policies, procedures and rules, and on their obligations under the *Municipal Conflict of Interest Act*;
- Assessing, and when informal resolution of a complaint is not possible, investigating complaints about a Member under the Code of Conduct and other policies, procedures and rules governing the ethical behaviour of Members; reporting to Council with recommendations on appropriate sanctions, if applicable, and other remedial action;
- Reviewing and providing recommendations on the Code of Conduct, and on the request of Council or the City Clerk, other Municipal policies and procedures.

Disbursements:

Mileage will be charged at \$0.54 per km or at the rate otherwise in place at the City. Other forms of transportation will be considered with the prime focus being minimizing cost to the City. We will not charge for faxes, minor printing, clerical services or long-distance telephone calls. For large printing production, we request the City to provide support. In the alternative, we would arrange these printing jobs and disburse the cost without markup. Given our appointments with the City of Windsor and the Municipality of Lakeshore, there may be opportunities to cost-share disbursements.

Interview Space:

Where the City is unable to provide space, if required, during the course of an inquiry we would arrange for suitable space and disburse the cost without markup. Unless an expense is incurred in the course of a confidential investigation (in the rare event, for example, that process server costs must be incurred), all other disbursements will be pre-approved by the City Clerk and would be at cost, without markup.

Point of Contact:

Subject to other arrangements, it is expected that the City Clerk will be the Integrity Commissioner's on-site point of contact for the receipt of documentation and other administrative interactions.

Term:

Principles *Integrity* acknowledges that the City contemplates only an interim appointment at this time, and that an RFP will be issued for the provision of the services on a longer-term basis. We propose that the initial term of that contract be to at least July 2023.

Our submission is conditional on our interim appointment not being a disqualification for participation in the RFP.

Principles *Integrity*

Principal's Experience:

Because our résumés are not included in our submission (and because résumés do not readily speak to the *applicability* of employment experience and credentials to support the objectives of an appointment process), the following brief summary is provided to assist the City in understanding how the principals' work experiences reflect their qualifications and experience to fulfill the role of the City of Brampton Integrity Commissioner and Lobbyist Registrar.

Jeffrey Abrams and Janice Atwood-Petkovski, the principals of Principles Integrity have:

- each been serving municipalities in various capacities for over thirty-five years, have abundant experience in the application of administrative law, and good governance practices
- have for better than a decade worked in the Integrity Commissioner field – not only are they experienced integrity commissioners, but they have seen and experienced the impact of an integrity commissioner's work from the perspective of municipal staff and elected officials
- each been responsible for the establishment of lobbyist registries in their respective pre-retirement municipalities and now serve as Lobbyist Registrar for several municipalities, including the Region of Peel
- as prominent members of the profession, led the Municipal Integrity Commissioners of Ontario (MICO) project to develop a Statement of Principles to guide integrity commissioners in the practice of their profession, and in the preparation of MICO's submission to the provincial government on the role of integrity commissioners and codes of conduct for municipalities
- developed innovative Code of Conduct provisions to help elected and appointed officials, including provisions endorsed in the November 2020 report of the Collingwood Judicial Inquiry which reconcile an official's obligation to abide by not only the Municipal Conflict of Interest Act but the common law.

Fay, Peter

From: Fay, Peter
Sent: 2022/03/16 9:33 AM
To: postoffice@principlesintegrity.org
Subject: RE: Discussion regarding temporary Integrity Commissioner and Lobbyist Registrar Services to the City of Brampton.

Categories: [SharePoint] This message was saved in 'Accountability and Transparency > Integrity Commissioner > Integrity Commissioner'

Hi Jeff:

It was good speaking with you yesterday regarding this matter.

Further to our discussion, I am inviting Principles Integrity to submit a brief proposal to serve as the City of Brampton's temporary Integrity Commissioner (in accordance with Section 223.2 of the *Municipal Act, 2001*) and Lobbyist Registrar until City Council determines how it wishes to proceed further with these positions and appointments.

Please submit a brief proposal for your services, that can be presented to City Council at its April 6 Council meeting, for consideration. Your services proposal should cover the following matters:

- Interest in providing Integrity Commissioner and Lobbyist Registrar services to the City of Brampton;
- Brief statement about your firm and experience;
- Services offered to the City;
- Availability to provide services up to July 2023 or until the City undertakes a process and appoints a new Integrity Commissioner and Lobbyist Registrar;
- Any terms and conditions of service provision to the City;
- Proposed per diem, activity/event and/or hourly service rates; and
- Other information that may be relevant for Council's consideration of this matter.

If engaged and appointed on a temporary basis by the City, an appropriate service agreement would be executed between Principles Integrity and the City of Brampton.

Please send your brief proposal by reply email by 4:30 pm on Friday, March 25. Apologies for the very short timeline.

If you have any questions or would like to discussion further, please let me know.

Thank you for your consideration and take care,
Peter Fay
Cell 416-806-0564

From: Fay, Peter
Sent: 2022/03/15 12:38 PM
To: postoffice@principlesintegrity.org

Subject: Discussion regarding temporary Integrity Commissioner and Lobbyist Registrar Services to the City of Brampton.

Good Afternoon:

Brampton City Council, at its March 11 Special Meeting, passed the following Resolution:

Resolution C074-2022

1. That the services of the current Council-appointed Integrity Commissioner, Muneeza Sheikh, be ended in accordance with the provisions of the Council Code of Conduct;
2. That the services of the current Council-appointed Lobbyist Registrar, Muneeza Sheikh, be ended;
3. That until such time as a new Integrity Commissioner and Lobbyist Registrar is appointed by Council, that staff explore the possibility to retain on a temporary basis the Integrity Commissioner for the Regional Municipality of Peel Council, to be appointed as the temporary Integrity Commissioner (in accordance with Section 223.2 of the Municipal Act, 2021) and Lobbyist Registrar for the City of Brampton, or another municipal Integrity Commissioner and Lobbyist Registrar, and report back to Council no later than the April 6, 2022 meeting; and
4. That an expression of thanks and appreciation be provided to Muneeza Sheikh, on behalf of Council, for her service to the Council and City of Brampton as Integrity Commissioner and Lobbyist Registrar.

In accordance with Clause 3, I am reaching out to you to schedule some time to explore your firm's availability and interest, as the Integrity Commissioner and Lobbyist Registrar for the Regional Municipality of Peel, to possibly serve as the City of Brampton's Integrity Commissioner and Lobbyist Registrar on a temporary basis at this time.

If you have some time this week, perhaps we can arrange a virtual meeting to discuss this matter.

Thanks and take care,
Peter Fay

Peter Fay
City Clerk
City Clerk's Office
Legislative Services Department
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