



**PROPOSAL FOR THE POSITION OF INTEGRITY COMMISSIONER
FOR THE ALMAGUIN MUNICIPLITIES**

Request for Proposal for Integrity Commissioner Services

Thursday, October 27, 2022

Proponent's Name:
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Submitted in two (2) hard copies.

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I. Overview

Thank you for the opportunity to submit a proposal to the Almaguin Municipalities (the “Municipalities”) for the provision of services as Integrity Commissioner for a three-year term.

ADR Chambers Inc. (“ADR Chambers” or “ADRC”) is a corporation with a roster of approximately 60 experienced neutrals who specialize in integrity commissioner, investigations, ombuds services, arbitration, mediation, and other forms of dispute resolution. Founded in 1994, ADR Chambers is today one of the largest providers of dispute resolution and third-party neutral services in North America.

ADR Chambers has an Office of the Integrity Commissioner that is supported by a dedicated team of staff members. The ADR Chambers Office of the Integrity Commissioner is experienced in providing advisory services, education services, and complaint investigation and adjudication services to municipalities and school boards across Ontario. ADR Chambers’ Office of the Integrity Commissioner currently serves as integrity commissioner for the following 25 municipalities and three (3) school boards:

- City of Brantford
- County of Dufferin
- Durham District School Board
- The Town of Fort Erie
- The Town of Georgina
- The Town of Grimsby
- Haldimand County
- The City of Kawartha Lakes
- City of Kitchener
- Township of Larder Lake
- The Municipality of Leamington
- City of Markham
- Township of McGarry
- Regional Municipality of Niagara
- City of Niagara Falls
- The Town of Niagara-On-The-Lake
- County of Norfolk
- The Town of Orangeville
- City of Port Colborne
- City of Richmond Hill
- City of Timmins
- Toronto District School Board
- The Township of Wainfleet
- City of Waterloo
- Waterloo Region District School Board
- City of Welland
- The Township of Wellesley
- Township of Woolwich

ADR Chambers proposes Michael Maynard as Integrity Commissioner for the Almaguin Municipalities, supported by Ellen Fry and Ben Drory as Associate Investigators. The Integrity Commissioner would be able to delegate work to the Associate Investigators as needed, and the Associate Investigators’ time would be billed out at a lower rate. This team approach would likely result in a more efficient and cost-effective provision of services.

Proposed Integrity Commissioner - Michael Maynard

Michael Maynard is an investigator, mediator, and facilitator with ADRC. He obtained a Bachelor of Arts in Law from Carleton University and completed the Legal Administration Program at Durham College. Mr. Maynard is a Workplace Fairness Analyst with the Workplace Fairness Institute, a Licensed Private Investigator, and an external investigator for workplace discrimination and harassment complaints by the Ontario Public Service.

Mr. Maynard has served as the Integrity Commissioner for both the Durham District School Board and the Toronto District School Board. He has also served as Integrity Commissioner for the Regional Municipality of Niagara on an interim basis since June 2021, and as the Integrity Commissioner for the Niagara Transit Commission since May 2022, and is also the Integrity Commissioner for the Town of Grimsby. Mr.

has acted as an investigator for the ADRC Banking and Municipal Ombuds offices and the ADRC Office of the Integrity Commissioner.

Mr. Maynard has significant experience in mediation and has been a practicing mediator for over 15 years. He has conducted over 2,000 mediations and has expertise with alternative dispute resolution system design and training. He developed and instructed a course on alternative dispute resolution at Durham College. He has served as Special Assistant to a member of provincial Parliament and worked as a law clerk supporting the litigation and government relations groups at a large law firm. He is a co-author of a post-secondary academic textbook titled *Choices in Approaching Conflict: Principles and Practice of Dispute Resolution*, published by Emond Publications in 2010 and re-published as a 2nd edition in 2019.

As an alternative dispute resolution professional with more than 15 years of experience, Mr. Maynard builds and maintains strong relationships with stakeholders throughout his practice. His friendly demeanour complements his commitment to fairness and his ability to achieve sensible, supportable results.

Mr. Maynard currently serves as the Integrity Commissioner to the following municipalities and school boards:

- The Town of Grimsby
- Regional Municipality of Niagara
- Niagara Transit Commission
- Durham District School Board
- Toronto District School Board

A copy of Mr. Maynard's CV is attached in Schedule "A".

Proposed Associate Investigators – Ellen Fry and Ben Drory

Ellen Fry

Ms. Fry is an investigator, mediator, and arbitrator for ADR Chambers ("ADRC") and past Ombudsman for the National Capital Commission. She has regulatory experience serving in a quasi-adjudicative role on the Ontario Energy Board and Canadian International Trade Tribunal. She has provided advice as counsel to various federal government departments, including advice on ethics issues. She has practiced law for over 40 years.

Ms. Fry has investigated numerous Code of Conduct complaints for Ontario municipalities, such as the City of Richmond Hill and the Township of Woolwich, through ADR Chamber's Office of the Integrity Commissioner. She has investigated over 200 complaints against major banks and municipalities on behalf of ADR Chamber's Banking Ombuds and Municipal Ombuds Offices. Accordingly, she is very familiar with principles of procedural fairness, and the workings of municipal government.

A copy of Ms. Fry's CV is attached in Schedule "A".

Ben Drory

Ben Drory is a mediator, arbitrator, and investigator with ADR Chambers. He has worked as an investigator with the ADR Chamber's Banking Ombuds and is its current Compliance Officer. He also currently serves as the Lead Investigator for the Office of the Integrity Commissioner for the City of Markham. Mr. Drory earned J.D. and M.B.A. degrees from the University of Toronto, and was called to the Ontario Bar in 2004. He is designated as a Qualified Mediator.

A copy of Mr. Drory's CV is attached in Schedule "A".

Other Team Members

The ADRC Office of the Integrity Commissioner team also includes a lawyer and a law clerk, whose services are offered at no extra cost to the Municipalities. ADR Chambers has a dedicated email account, integrity@adr.ca, for receiving complaints and requests for advice in relation to Integrity Commissioner services.

The Integrity Commissioner and Associate Investigators are supported by Elise Teitler. Ms. Teitler is the Manager of ADR Services at ADR Chambers. Ms. Teitler was called to the bar in 1992 after receiving an LL.B. from Osgoode Hall Law School. She has experience as both a civil litigator and in-house counsel for several large corporations, and has managed complex legal matters in both of these roles. Ms. Teitler is also the Director of ODACC, the Authorized Nominating Authority appointed by the Government of Ontario to oversee and administer construction related adjudication in Ontario, as well as train and certify adjudicators.

AnnaKay Mairs is the Administrative Coordinator (the "Coordinator") responsible for providing senior level administrative support to the Office of the Integrity Commissioner. Some of her duties include monitoring the email account, responding promptly to communications, and tracking the required timelines for the processing of complaints. Ms. Mairs is a licensed Paralegal and high honours graduate of the Law Clerks program. She has several years of experience working at various law firms.

II. PROPOSAL SUBMISSION REQUIREMENTS (Section 3 of the RFP)

a) Understanding of the project scope and requirements

ADR Chambers has over a decade of experience and knowledge with the scope of work described in this RFP. During that time, ADRC has provided Integrity Commissioner services to dozens of municipalities. Similarly, Mr. Maynard, is an experienced Integrity Commissioner, who has provided complaint, advisory, and education services to numerous municipalities. As such, ADRC and Mr. Maynard have a clear understanding of the project scope and requirements. As Integrity Commissioner, Mr. Maynard will provide the following services:

- 1) **Help to ensure that Members of Council perform their duties in accordance with the Council Code of Conduct and other procedures, rules and policies governing their ethical behavior:** As part of his duties as Integrity Commissioner for several municipalities, Mr. Maynard is often required to ensure that Members of Council perform their duties in accordance with the Council's Code of

Conduct and follow procedures, rules and policies governing their ethical behavior. Mr. Maynard does this by providing both advisory and education services to Council and individual Members of Council.

- 2) **Provide advice and rulings on ethical challenges, issues and dilemmas upon request by an Almaguin Municipality's Clerk, Council or Member of Council:** As part of his Integrity Commissioner work for Municipal Councils, Mr. Maynard is frequently asked to advise Council Members on potential conflicts of interest and ethical behaviour. Below are two instances where Mr. Maynard had to apply professional ethics to reach a decision relating to conflicts of interest.

Example One: The sibling of a municipal councillor was a senior executive at a construction firm retained to develop a private commercial property that would be a major economic project in the councillor's ward. The councillor asked if he could attend the planning applications coming before Council. Mr. Maynard responded that his sibling's position, as executive of the construction firm, gave the councillor a deemed pecuniary interest in the project and created a conflict of interest. He advised the councillor to declare a conflict of interest and withdraw from consideration of any project-related matters coming before Council.

Example Two: A Member of Council wanted to know if she could accept an independent consulting role with a company that may, from time to time, have business before Council. Mr. Maynard responded that there was no blanket prohibition in these circumstances. Mr. Maynard advised that if a matter should come before Council that brings her into direct conflict between her role as a management consultant and her role as a municipal councillor, then she would have to declare a conflict of interest at that time and withdraw from consideration.

- 3) **Review a Council Code of Conduct and make recommendations and improvements upon request from an Almaguin Municipality:** Mr. Maynard is always open to reviewing a Council Code of Conduct and making recommendations for improvement. In particular, Mr. Maynard always looks to ensure that codes of conduct are up to date with the latest happenings.
- 4) **Serve as an advisor to individual Members of Council with respect to the Council Code of Conduct, and any procedures, rules, and policies of an Almaguin Municipality governing the ethical behaviour, as well as associated policies and by-laws:** Providing advice with respect to Council Code of Conduct is a fundamental aspect of an Integrity Commissioner's role, and something Mr. Maynard has done numerous times for other municipalities.
- 5) **Function independently from staff and report to each Almaguin Municipality's Council:** As an alternative dispute resolution professional and very experienced mediator, Mr. Maynard understands the importance of independence and impartiality. In his experience as Integrity Commissioner, Mr. Maynard has always maintained neutrality and independence from municipal staff.
- 6) **Investigate complaints and alleged breaches of the Council Code of Conduct:** Investigating Code of Conduct complaints is one of the core responsibilities of an Integrity Commissioner. Mr. Maynard is an experienced investigator. He has conducted seventeen investigations into alleged violations of municipal Codes of Conduct and the *Municipal Conflict of Interest Act* for ten municipalities. He has also conducted numerous municipal and banking Ombuds investigations. He has investigated matters ranging from conflicts of interest to harassment and discrimination, and from exercising undue

influence to breach of procedural rules. Through the course of any investigation, Mr. Maynard's focus is on maintaining procedural fairness through ensuring impartiality, providing an opportunity for participation by the parties, and due consideration of all relevant evidence. Parties are also provided with an opportunity to review and comment on any investigation report and recommendations prior to a report's finalization. Mr. Maynard is also a very experienced mediator and will explore the possibility of resolving complaints through mediation.

Ben Drory, and Ellen Fry are also well-versed in investigative procedures and applicable legal principles. All are qualified lawyers and have extensive experience conducting investigations.

- 7) **Prepare and deliver an annual report to each Almaguin Municipality's Council containing a summary of activities for that Almaguin Municipality, if any, during the previous calendar year:** Mr. Maynard will prepare an annual report for the Municipalities summarizing the advice, education and investigations undertaken during the reporting period and any developments or recommendations of significance related to the Integrity Commissioner role. He will report more frequently than annually if requested.
- 8) **Serve as a proactive educator for Council, staff and the public with respect to ethical behaviour for members of Council within the Almaguin Municipalities:** Providing education services is a crucial part of the Integrity Commissioner role. Mr. Maynard will provide training and reference materials regarding the role of the Integrity Commissioner, the Code of Conduct and Complaint procedure. He is equally available to provide or review website content on these topics or prepare other materials for public distribution.
- 9) **Other work as may be requested by the Almaguin Municipalities, either individually or jointly:** Mr. Maynard and the ADRC team are always available for consultation, and will be open to other requests from the Municipalities.

b) Familiarity and Understanding of Applicable Law and its practice as it relates to the role of an IC

Mr. Maynard has practical knowledge of various municipal statutes and regulations and is very familiar with interpreting and applying the provisions of such statutes, regulations, policies, and other enabling documents. He received a B.A. in Law from Carleton University and completed Durham College's Legal Administration Program. As an Integrity Commissioner and Investigator, Mr. Maynard frequently interprets and applies the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, and various other statutes. He also interprets and applies various codes of conduct, by-laws, and reviews policies and procedures where needed.

c) A detailed outline of the process and procedures that ADRC will utilize in providing the services to the Almaguin Municipalities

For the past eleven years, the ADR Chambers Office of the Integrity Commissioner has provided confidential advice to Members of Council, conducted inquiries into complaints, made recommendations to Council following the completion of investigations, delivered annual reports, and provided educational services on topics such as the *Municipal Conflict of Interest Act*, Codes of Conduct, and the Integrity Commissioner's

role. The following is ADRC's proposed methodology for administering Office of the Integrity Commissioner services:

i) Integrity Commissioner Duties and Responsibilities

ADRC and Mr. Maynard understand that it is important for the Integrity Commissioner to communicate effectively and keep the Municipalities well-informed.

ADRC's teamwork and collaborative model allows the Integrity Commissioner and Associate Investigators to be responsive to all issues that arise. Any communications received from the Municipalities' Clerk (the "Clerk") will be responded to within two business days.

ADRC proposes that communication and coordination between the Clerk and the Integrity Commissioner, ADRC staff, and Associate Investigators take place primarily through email over ADRC's secure network. Teleconference, videoconference and telephone are also available. The Integrity Commissioner, Investigators, and Manager-ADR Services will be available for meetings with the Region when necessary.

ADRC is currently the Integrity Commissioner for 25 municipalities and three school boards in Ontario. Accordingly, ADRC and Mr. Maynard are ready to begin the Integrity Commissioner's work immediately. There will be no start-up work or costs necessary to maintain the Office of the Integrity Commissioner for the Almaguin Municipalities. The infrastructure to support the Office of the Integrity Commissioner is already in place, and ADRC will continue to build on what currently exists.

ii) Intake & Complaint Assessment

ADRC recommends the following process, which has been a successful model for ADRC's Office of the Integrity Commissioner operations.

ADRC recommends that the Almaguin Municipalities adopt a Consent and Confidentiality Agreement (the "CCA"), which would outline the confidential nature of the process and expectations incumbent on the complainant. ADRC also has a Statutory Declaration Form available for the Clerk to review and adopt for use in conflict of interest investigations.

Complaints can be submitted to the Clerk. The complainant will complete and submit the applicable Complaint Form to the Clerk, who will then email it to ADRC. Upon receipt of this form, the ADRC Coordinator will open a file, assign the complaint a file number, and record the complainant's contact information. The Coordinator will then send a CCA to the complainant. The CCA outlines the confidential nature of the process and expectations of the complainant around confidentiality. The complainant will then sign and return the CCA to ADRC.

Mr. Maynard will then examine the information provided in relation to the complaint to determine whether the complainant has provided all the information necessary to initiate a complaint and whether the Office of the Integrity Commissioner has the jurisdiction to investigate it. If information is missing, the complainant will be instructed to provide the requisite information so that the process can continue. Mr. Maynard will investigate only complaints over which he has jurisdiction. Complaints will not be investigated if they are

abusive, vexatious, frivolous, inapplicable, beyond prescribed time limits or dealt with under alternative legislation (or policies), or otherwise outside of the jurisdiction of the Office of the Integrity Commissioner.

If Mr. Maynard concludes that the complaint is outside the Integrity Commissioner's jurisdiction, Mr. Maynard will instruct the Coordinator to advise the complainant and the Clerk of the reasons for this, and the Office of the Integrity Commissioner will then close its file.

If Mr. Maynard determines that he does have jurisdiction, he will then assess whether the allegations, if proven, would constitute a breach of the Code of Conduct or the *Municipal Conflict of Interest Act*.

If the allegations, even if proven, could not constitute a breach of the Code of Conduct, then the Office of the Integrity Commissioner will send the complainant an "Initial View Letter," explaining why an investigation would not be appropriate in the circumstances, and the Office of the Integrity Commissioner will close the file.

If the complaint could constitute a potential breach of the Code of Conduct, the matter will proceed to investigation.

iii) Investigation, Drafting, and Recommendations

Mr. Maynard will conduct an investigation to determine whether the Member of Council has violated the Code of Conduct, the *Municipal Conflict of Interest Act*, or a municipal protocol, by-law, or policy governing ethical behaviour. He will invite the council member to respond to the complaint within ten days of the member's receipt of the request. The council member's response will be sent to Mr. Maynard and then to the complainant. The complainant will be given ten days from receipt to submit a reply.

Mr. Maynard may interview the Member of Council, the complainant, and any other relevant person. He will also request all relevant documents and review the written material.

With the parties' consent (and if he deems it appropriate), Mr. Maynard may explore whether the issue may be resolved by mediation, and can try to mediate a resolution of the issues. Mr. Maynard and the proposed Investigators are trained mediators.

If the matter is not resolved, Mr. Maynard will draft a report when he completes his investigation. His report will include an outline of the complaint and responses, a review of relevant documents, analysis (including a review of applicable policies, bylaws, and legislation), a conclusion, and a recommendation.

If an investigation is conducted by an Associate Investigator, a draft report will be sent to Mr. Maynard for his review and approval. All reports are also subject to the ADRC internal review process. The review process ensures that the conclusions and recommendations are supported by the facts and legislation and are appropriate in the circumstances. The internal review process is conducted by Ms. Teitler. She will review the draft report and, if she deems it appropriate, provide recommendations to Mr. Maynard. Mr. Maynard will then decide whether to accept or reject her recommendations.

The draft report will then be sent to the Member of Council and the complainant for their review. They will be instructed to provide their comments to the Integrity Commissioner within ten days of receiving the draft report.

Mr. Maynard will consider any comments received, and finalize the report. The Office of the Integrity Commissioner endeavours to complete all investigations **within 90 days** of receiving a completed Complaint Form.

If Mr. Maynard decides that there is insufficient evidence to establish a breach of the Code of Conduct or an ethical violation, then the Office of the Integrity Commissioner will close the file, notify the parties and the Clerk of the closure, and provide the Integrity Commissioner's reasons to the Clerk. The Office of the Integrity Commissioner may also close a file where the complaint is determined by the Integrity Commissioner to be frivolous, abusive, or vexatious.

If Mr. Maynard determines that there has been a violation of the Code of Conduct or the *Municipal Conflict of Interest Act*, he may make a recommendation in his final report with respect to an appropriate sanction. The Clerk will distribute the final report to Council. It is then Council's decision whether to impose a sanction based on the recommendation in the final report.

iv) Advisory Duties

Upon receipt of a written request from a Member of Council, Mr. Maynard will provide written advice respecting the recommendations and interpretation of ethical obligations and responsibilities in the Code of Conduct to the councillor. Mr. Maynard's advice will be provided **within 10 days** of his receipt of the request. Mr. Maynard will also respond to questions from Members of Council with respect to potential conflicts under the *Municipal Conflict of Interest Act*.

To avoid potential violations of the Code of Conduct, Mr. Maynard will provide written advice to Members of Council and local boards regarding their obligations under the Code of Conduct and municipal rules governing their ethical behaviour, if requested.

Mr. Maynard will endeavour to provide consistent advice on requests for advice involving similar issues. However, each situation must be examined based on its facts.

Mr. Maynard will consider all the facts and documents presented to him for his request for advice. He will maintain the confidentiality of all requests for advice.

v) Educational Duties

Upon request of Council, Mr. Maynard will provide training and reference materials regarding the role of the Integrity Commissioner, the duties of Members of Council under the Code of Conduct, and any procedures, rules and policies governing the matters covered by the Code of Conduct. On request, he will also prepare or edit content for the Municipalities' websites or other materials for public distribution to aid in the understanding of the role of the Integrity Commissioner and the Code of Conduct.

vi) Reporting Duties

The Code of Conduct is a living document. Mr. Maynard will prepare and deliver an annual report to each Almaguin Municipality's Council containing a summary of his activities, advice and recommendations regarding potential amendments to the Code of Conduct or other policies related to the Code of Conduct. He will report more frequently than annually if requested.

vii) Quality and Cost-effectiveness of the Procedures and Work

While the Integrity Commissioner maintains responsibility for all services provided to the Almaguin Municipalities, the Office of the Integrity Commissioner has administrative staff (the Administrative Coordinator and Manager-ADR Services) who perform a significant amount of work with respect to complaints to reduce the time (and cost) spent by the Integrity Commissioner. For example, all inquiries and complaints are channeled to the Coordinator, who performs a preliminary review. The Coordinator acts as the main liaison between the Municipalities and the Office of the Integrity Commissioner. The Coordinator also prepares the CCA that is forwarded to the complainant. The Manager of ADR Services is responsible for the internal review process. This process ensures that all letters, agreements and reports that are authored by the Integrity Commissioner are edited and reviewed before finalization, and are consistent with each other, where appropriate.

The Coordinator keeps the Municipalities' Clerk informed about the status of open investigations, arranges meetings, training sessions, and other customized services required by each Municipality. Also, the Coordinator is responsible for opening and organizing (by date and type) files received from the Clerk.

viii) Investigating and Responding to Complaints: Timelines and Key steps for Responding to Complaints and Completing Investigations

The chart below illustrates the Office of the Integrity Commissioner's key steps for completing Code of Conduct and *Municipal Conflict of Interest Act* investigations. These steps are adapted to the requirements of each Municipality.

Step #	Time from Receipt Complaint	Description
1	Day 1	<ul style="list-style-type: none">ADRC receives the completed complaint form from the Clerk.

2	Up to Day 8	<ul style="list-style-type: none"> • Within two business days of receiving the complaint form, the Coordinator opens a file and forwards the Consent and Confidentiality Agreement ("CCA") (if one is adopted by the Municipalities) to the complainant for signature. • The complainant has five days from receipt of the CCA to return a signed copy to the Coordinator. • The Coordinator forwards the signed CCA to the Integrity Commissioner.
3	Up to Day 18	<ul style="list-style-type: none"> • Within 10 days of receiving the signed CCA, the Integrity Commissioner determines whether he has jurisdiction to review the complaint and whether further information is required from the complainant. • After determining whether the Integrity Commissioner has jurisdiction, he will either send the complainant an Initial View Letter (explaining why an investigation is not appropriate) or commence an investigation.
4	Up to Day 28	<ul style="list-style-type: none"> • If the complaint requires an investigation, the Coordinator sends the written complaint to the Councillor and invites the Councillor to respond to the allegations. • The Councillor has 10 days from receipt of the written complaint to send a response to ADRC. • The Integrity Commissioner may grant the Councillor an extension if appropriate.
5	Up to Day 38	<ul style="list-style-type: none"> • After receiving the response from the Councillor, the Coordinator forwards the response to the Integrity Commissioner. • The Coordinator also forwards the response to the complainant, who has 10 days from receiving it to provide a reply. • The Integrity Commissioner may grant the complainant an extension if appropriate. • The Integrity Commissioner may attempt to settle the complaint at this stage (or at any point in the process, if the Integrity Commissioner deems it appropriate).

6	Up to Day 63	<ul style="list-style-type: none"> • The Coordinator forwards the complainant's reply to the Integrity Commissioner. • The Integrity Commissioner conducts and completes the investigation within 25 days of receiving the complainant's reply. • Throughout the investigation, the Integrity Commissioner may continue to explore the possibility of settlement.
7	Up to Day 73	<ul style="list-style-type: none"> • The Integrity Commissioner has 10 days from the completion of the investigation to prepare a draft report.
8	Up to Day 78	<ul style="list-style-type: none"> • After the Manager of ADR Services receives the draft report from the Integrity Commissioner, the Manager of ADR Services has five days to review the draft report. • The Manager of ADR Services may send suggested revisions to the Integrity Commissioner for his consideration. • The Integrity Commissioner finalizes the draft report.
9	Up to Day 88	<ul style="list-style-type: none"> • The Coordinator sends the draft report to the Councillor for comment if a contravention of the Code of Conduct is found. • The Councillor has 10 days to provide any comments to the Integrity Commissioner.
10	Up to Day 90	<ul style="list-style-type: none"> • The Coordinator receives any comments on the draft report from the Councillor and forwards the comments to the Integrity Commissioner. • The Integrity Commissioner prepares the final report. • The Coordinator sends the final report to the complainant, the Councillor and the Clerk. • If the Integrity Commissioner concludes that, in his opinion, there has been a violation of the Code of Conduct, the Integrity Commissioner will make a recommendation to Council for an appropriate sanction in the final report. • The Clerk will distribute the report to Council. • Council may decide whether to impose a sanction based on the recommendation in the final report. • If the Integrity Commissioner determines that there is insufficient evidence to conclude there was a breach of the Code of Conduct or an ethical violation, then the Coordinator will close the file, notify the parties and the Clerk of the closure, and provide the Integrity Commissioner's reasons.

d) *Triaging, Prioritizing and Balancing Almaguin Municipality requests against each other and against requests from other clients, including anticipated response times*

The ADR Chambers Office of the Integrity Commissioner uses a team approach to serve clients, reduce costs, and ensure that all requests are looked after in a timely fashion. If Mr. Maynard is unavailable to complete a task in a timely manner, or if he requires assistance with a heavy workload, ADR Chambers has other investigators with extensive experience who can assist with the investigation.

Assisting Mr. Maynard as Associate Investigators on this project will be Ellen Fry and Ben Drory. Both Ms. Fry and Mr. Drory have experience in conducting Integrity investigations by virtue of a section 223.3(3) delegation under the *Municipal Act, 2001*. In consultation with the Municipalities, Mr. Maynard will determine whether he will personally conduct an investigation, or will ask one of the Associate Investigators to conduct the investigation. ADR Chambers recommends this flexible approach to save costs and ensure that all matters are dealt with in a timely manner.

Mr. Maynard would have primary responsibility for providing all advice, education and complaint resolution services. In the event that Mr. Maynard is unavailable or requires assistance, he may call upon Mr. Drory, or Ms. Fry. Their work will be performed under Mr. Maynard's supervision.

While the Integrity Commissioner maintains responsibility for all services provided to Council, ADR Chambers has administrative staff who perform a significant amount of work with respect to complaints, in order to reduce the time (and cost) spent by the Integrity Commissioner.

The Coordinator, AnnaKay Mairs, acts as the main liaison between the Municipal Council and the Office of the Integrity Commissioner. For example, all inquiries and complaints are channeled to the Coordinator, who conducts a preliminary review of complaints to ensure that the complaint is appropriate to pass along to the Integrity Commissioner. The Coordinator also prepares the Consent and Confidentiality Agreement that is forwarded to the complainant by the administrative staff.

The Coordinator keeps Council well informed about the status of open investigations, arranges meetings, training sessions, and other customized services required by Council as they pertain to the role of the Office of the Integrity Commissioner. Also, the Coordinator is responsible for opening and organizing (by date and type) received files from the Municipalities.

The Office of the Integrity Commissioner is also supported by the Manager of ADR Services, Elise Teitler. The Manager of ADR Services assists the Integrity Commissioner with making determinations as to jurisdiction, and is also responsible for the internal review process. This process ensures that all letters, agreements and reports that are authored by the Integrity Commissioner are edited and reviewed before finalization.

Our teamwork model allows the Integrity Commissioner and Associate Investigators to be responsive to all issues that may arise. ADR Chambers proposes that communication and coordination between the Municipal Council and the Integrity Commissioner, Manager of ADR Services, Coordinator and/or Associate Investigators take place primarily through email over a secure network. Teleconference, videoconference and telephone are also available for use if needed. The Integrity Commissioner, the Associate Investigators, and the Manager of ADR Services will be available for meetings with the Council Members when necessary.

e) Proposed Fees and Applicable Costs

As previously mentioned, ADRC is currently the Integrity Commissioner for 24 municipalities and three school boards in Ontario. Accordingly, there will be no start-up work or costs necessary to maintain the Office of the Integrity Commissioner for the Almaguin Municipalities. The infrastructure to support the Office of the Integrity Commissioner is already in place, and ADRC will continue to build on what currently exists.

i) Hourly Rates:

- Michael Maynard: \$350/hr as Integrity Commissioner;
- Ellen Fry: \$275/hr as Associate Investigator;
- Ben Drory: \$275/hr as Associate Investigator.

ii) Retainer: \$3,000/year

iii) Disbursements: At cost

iv) Applicable Mileage Charges: \$0.60/KM

SCHEDULE “A”

CURRICULA VITAE OF MICHAEL MAYNARD, BEN DRORY, AND ELLEN FRY

MICHAEL L. MAYNARD



EDUCATION

Bachelor of Arts (Law),
Carleton University (2009)

Legal Administration Program,
Durham College (2007)

Certificate & Advanced Certificate in Dispute
Resolution,
Durham College (2006)

PROFESSIONAL EXPERIENCE

Integrity Commissioner Services

ADR Chambers Inc. | 2018 – Present

- Integrity Commissioner for Durham District School Board (2021-), Town of Grimsby (2021-), Niagara Region (Interim appointment 2021-) and Toronto District School Board (2022-).
- Investigator and, on occasion, acting Integrity Commissioner pursuant to a delegation for Ontario municipalities including Fort Erie, Georgina, Grimsby, Markham, Niagara Falls, Niagara-on-the-Lake, Niagara Region, Pelham and Port Colborne.

Mediator, Investigator, and Facilitator

ADR Chambers Inc. | 2018 – Present

- Investigator for the ADR Chambers Banking and Municipal Ombuds offices, and the ADR Chambers Office of the Integrity Commissioner.
- Private Investigator License, issued by the Ministry of the Solicitor General, (PSISB) (September 2020).

Mediator, Settlement Officer, and Facilitator

ADR Chambers Inc. | 2012 – 2017

- Conducted over 2,000 mediations as a Mediator and Settlement Officer with the ADR Chambers FSCO project, and as Facilitator with the ADR Chambers Ministry of the Solicitor General PSISB program.

Owner and Principal Mediator

Maynard Mediation & Conflict Management |

2009 – 2012

- Successfully operated an independent dispute resolution firm providing diverse ADR-related services including mediation, system design, and training.

Special Assistant

The Hon. Tracy MacCharles, MPP | 2012

(Pickering-Scarborough East)

- Responsible for community outreach, event planning, speech writing, and constituent case work.

Instructor/Course Developer (Alternative Dispute Resolution)

Durham College | 2006 – 2010

- Delivered instruction on diverse alternative dispute resolution topics and developed new course offerings in dispute resolution and conflict management.

Law Clerk – Litigation and Government Relations

Fasken Martineau DuMoulin LLP | 2007 – 2010

- Researched, analyzed, and applied laws and regulations to solve complex legal and administrative issues.

AWARDS AND ACHIEVEMENTS

- Publication: Ewert C., Barnard G., Laffier J., and Maynard, M.: *Choices in Approaching Conflict: Principles and Practice of Dispute Resolution, Second Edition*. Emond Publications. Toronto, Canada. (2019)
- Durham College President's Award of Excellence in Student Leadership with honorarium (2007)
- Durham College Leadership and Participation Award (2007)
- Durham College Alumni Association Award for Academic Excellence and Community Involvement (2005)
- Qualified Mediator (Q. Med) – ADR Institute of Canada
- Workplace Fairness Analyst (WFA) – Workplace Fairness Institute (Present)
- Private Investigator License, issued by the Ministry of the Solicitor General, Private Security and Investigative Services Branch (PSISB), September 2020.

ASSOCIATIONS AND ACTIVITIES

- Vice Chair, School Community Council – Jeanne Sauvé Public School, Oshawa (2019-2021)
- Assistant Coach – Baseball Oshawa House League (2015-2016)
- President – Federal Political Party Electoral District Association (2012-2015)
- President and Media Spokesperson – Friends of Oshawa's Waterfront Environmental Advocacy Group (2011-2014)
- Member – Durham College Legal Administration Advisory Committee (2007-2010)
- Member – Durham College ADR Graduate Certificate Curriculum Development Team (2009)
- Communications & Media Advisor – Durham College Youth & Crime Symposium Taskforce (2009)
- Guest speaker for Durham College at Paralegal Society of Ontario AGM (2008)
- Co-founder – Campus Mediation Services at Durham College and UOIT (2006)
- Adult Literacy Tutor – Literacy Council of Durham Region (2005)

BEN DRORY



EDUCATION

Juris Doctor (2003)
Faculty of Law, University of Toronto

Master of Business Administration (2003)
Rotman School of Management, University of Toronto

B.A. (Hon.) in Applied Economics (1999)
Queen's University, Kingston

CERTIFICATIONS

Chartered Mediator (C.Med.)
ADR Institute of Canada

Chartered Arbitrator (C.Arb.)
ADR Institute of Canada

Certified Coach Practitioner (C.C.P.)
Certified Coaches Federation

PROFESSIONAL EXPERIENCE

ALTERNATIVE DISPUTE RESOLUTION PRACTITIONER | 2019-Present
Founded an ADR practice in early 2019. Conduct investigations, adjudications, and mediations in a wide variety of sectors and act as a coach in post-secondary ADR and Law programs. Major clients and appointments include:

INVESTIGATOR | 2019-Present
ADR Chambers Ombuds Office and Office of the Integrity Commissioner
Investigate complaints from the public that service standards at major Canadian banks and municipalities were not met, or that elected officials breached the Code of Conduct or *Municipal Conflict of Interest Act*. Thoroughly review documentation and interview parties, issue comprehensive reports with recommendations.

HEARING OFFICER | 2019-Present
Administrative Penalty Tribunal, City of Toronto
Administrative Monetary Penalty System, Kitchener and Waterloo
Administrative Monetary Penalty System, City of Markham
Administrative Monetary Penalty System, Town of Newmarket
Conduct hearings respecting Parking Violation Notices, tree preservation, noise, and property standards issues. Issue fair and efficient decisions, using mediation skill as appropriate.

MEMBER | 2020-Present
Condominium Authority Tribunal, Condominium Authority of Ontario
Conduct online mediations and binding arbitrations respecting condominium disputes.

COACH | 2015-2016, 2018-Present
York University, Toronto
Coach in Dispute Resolution Certificate and Professional LL.M. in Dispute Resolution programs. Guide students in mediation/negotiation role-plays and contribute to plenary discussions regarding key learning points

PANELIST | 2021
Discipline and Fitness to Practice Committee, Ontario College of Teachers
Conducted hearings related to professional misconduct and/or incompetence allegations against Ontario teachers.

WORKPLACE INVESTIGATOR | 2020-2021
Mortimer Khoraych PC, Toronto ON
Conducted external workplace investigations across diverse sectors.

INTEGRITY OFFICER | 2017-2019
Office of the Integrity Commissioner, City of Toronto
Lead investigator in Canada's largest municipal Integrity Commissioner office. Investigated allegations that conduct of Councillors and members of Local Boards did not meet Code of Conduct standards.

ADR CHAMBERS INC. | 2012-2017
Performed various roles including Arbitrator (2015-2017), Investigator - Ombudsman and Integrity Commissioner (2013-2017), Settlement Officer (2013-2014), Mediator (2012-2014) and ADR Professional (2012).

INSTRUCTOR**2013-2014***Humber College, Toronto ON (Part-Time)*

Developed curriculum and taught full-term course in insurance mediation—mandatory course in Humber College's post-graduate ADR certificate program.

- Fully re-designed course from scratch. Compiled comprehensive reading materials using industry-leading writings. Delivered course content through mix of lectures, round-tables, and role plays.

WRITER**2009-2012****SENIOR EDITOR****2006-2009***CCH Canadian Limited, Toronto ON*

Retained by a leading legal, tax, and accounting publisher as a writer specializing in tax publications. Contributed to the improvement of standardization, relevance, and readability of materials. Ensured a consistently high quality of writing across day-to-day work. Promoted from senior editor capacity in 2009.

- Developed a new method for tracking provincial legislation. Proposed key changes to case law presentation to increase relevance and usability. Helped restructure organizational workflows. Managed and wrote content for newsletters. Created an internal legal training module for editors.

PRODUCT WRITER**2004-2005***Thomson Carswell, Toronto ON*

Hired by legal publisher as a writer specializing in estate planning and professional responsibility publications.

STUDENT-AT-LAW**2003-2004***Law Office of Steven C. Borlak, Markham ON*

Articled with legal firm specializing in insurance brokerages law. Prepared and revised corporate/commercial legal documents, including advice letters, directors'/shareholders' resolutions, incorporations, franchising, employment/confidentiality agreements, and purchases/sales. Conducted legal research.

VOLUNTEER EXPERIENCE**COMMUNITY MEDIATOR***St. Stephen's Community House, Toronto ON***2012-2015, 2018-Present***Warden Woods Community Centre, Scarborough ON***2009-2012***Conflict Mediation Services of Downsview, Toronto ON***2008-2011**

Volunteer with community conflict resolution services practising transformative and interest-based mediation. Worked to resolve high-conflict, emotional cases including families, neighbours, and failed business agreements.

COMMITTEE MEMBER**2018-Present****DIRECTOR****2018-2020****WRITER****2012-2016***ADR Institute of Ontario, Toronto ON*

Director of ADR industry's professional membership and standards organization. Member of Governance, Newsletter, and Education committees. Contributed to revamping of organizational governance composition, and development of revised Strategic Plan. Facilitator for "Mediator Mastermind" coaching program. Wrote regular newsletter content.

VOLUNTEER JUDGE/COACH*University of Toronto Faculty of Law, Rotman School of Management,**Osgoode Hall Law School, Toronto ON***2016-Present**

Volunteer judge/coach for mooting and negotiation competitions at Canadian universities. Competitions have included Rotman Negotiation Challenge, U of T Cup (undergraduate mooting), Dentons Cup (Osgoode Hall Law School – negotiation), and Canadian National Negotiation Competition.

MEMBER, ALLOCATION PANEL

2008-2013

United Way of Greater Toronto, Toronto ON

Appointed by Toronto's largest charitable organization as a member of key community-based panel.

- Reviewed intensive agency submissions detailing all aspects of their organizations (financial, strategic, operational), and met with their directors and senior management.
- Collaborated with fellow members to assess governance and determine funding recommendations.

DIRECTOR, VICE-CHAIR

2011-2012

West Toronto Community Legal Services, Toronto ON

Director of poverty law and housing help clinic funded by Legal Aid Ontario and the City of Toronto, serving large catchment area of over 200,000 residents.

- Played key role in organizational strategy and relationship repair during crisis period for organization.

Additional volunteer experience with organizations including *North York Harvest Food Bank, Scarborough Housing Help Centre, Enterprise Legal Services, and Queen's University Arts and Science Undergraduate Society*. Repeat guest on radio program "*Mediation Station*" in Toronto, discussing mediation-related topics.

CONTINUING EDUCATION

Advanced Workplace Restoration and WFA (2019)

Workplace Fairness Institute, Toronto ON

Life Coach & Executive Coach Certification (2011,

2019) Certified Coaches Federation, Toronto, ON

Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs (2017)

Ombudsman Ontario, Toronto ON

Certificate in Adjudication for Administrative Agencies, Boards & Tribunals (2016)

Society of Adjudicators and Regulators, Toronto ON

Ontario Arbitration Course (2014)

ADR Works Canada, Toronto ON

Advanced Certificate in Dispute Resolution (2012)

York University, Toronto ON

Certificate in Dispute Resolution (2007)

York University, Toronto ON

RELEVANT EXPERIENCE FOR INTEGRITY COMMISSIONER SERVICES

1. Conducting Investigations

Mr. Drory has investigated complaints for various municipalities and school boards on behalf of ADR Chambers Ombuds Office and Office of the Integrity Commissioner, including the City of Markham, Niagara Region, Halton Region, Durham Region, City of Burlington, City of Niagara Falls, Toronto District School Board, and Durham District School Board. He is very familiar with assessing evidence and creating comprehensive reports with findings of fact, analysis, conclusions and recommendations. His investigations are based on best practices, including procedural fairness, and treating all parties with professionalism, tact, and impartiality.

2. Adjudicative Experience

Mr. Drory sits on the Condominium Authority Tribunal, and is a municipal Hearings Officer for Toronto, Markham, Kitchener, and Waterloo, and the Town of Newmarket. He was also a full-time arbitrator for three years respecting the Financial Services Commission of Ontario. Accordingly, he is accustomed to acting impartially and independently, hearing submissions from both sides and making fair decisions based on evidence, supported by comprehensive written reasons.

3. Knowledge of municipal government and municipal law, including conflict of interest legislation

Mr. Drory was lead investigator for Toronto's Office of the Integrity Commissioner, has performed investigations for various municipalities on behalf of ADR Chambers Ombuds Office and Office of the Integrity Commissioner, and is a municipal hearings Officer. He is knowledgeable about the workings of municipal government, and the application of municipal law, including the *Municipal Conflict of Interest Act*.

4. Background in law or judiciary experience

Mr. Drory has been a member of the Ontario bar for almost 20 years. He has acquired a range of experience including investigation, mediation, adjudication, legal writing, and teaching. He has extensive experience with applying the law to factual situations as an investigator and arbitrator, and is very familiar with administrative law, including interpreting statutes, regulations, and by-laws in diverse contexts.

5. Excellent oral and written communication skills

Mr. Drory has drafted numerous reports as an arbitrator in the insurance field, investigator for ADR Chambers Banking, Municipal Ombuds and Integrity Commissioner Offices, and lead investigator for Toronto's Office of the Integrity Commissioner. In the latter role, he researched legal and policy recommendations respecting conflicts of interest and ethics, and assisted the Integrity Commissioner with drafting advice and informational bulletins. He was a professional writer for two leading legal publishing houses. His excellent oral communication skills are evidenced by his coaching of college and university students.

6. Advanced mediation skills

Mr. Drory has been a professional mediator since 2012, and is also trained in workplace restoration. He has mediated insurance and commercial disputes, and acted *pro bono* in community disputes. He also taught a mediation course at a community college, and coaches students in mediation at the university level.

ELLEN FRY



EDUCATION

MBA - Queen's University, 1999

LL.B. - University of Ottawa, 1977

B.A. (Honours) - Carleton University, 1974

Advanced mediation training accredited through the University of Windsor Faculty of Law

Member of Law Society of Ontario since 1979

PROFESSIONAL EXPERIENCE

Investigator, Mediator and Arbitrator
ADR Chambers Inc. | 2010 - Present

- Investigated Integrity Commissioner complaints against councillors of three Ontario municipalities in accordance with Codes of Conduct, Integrity Commissioner Procedures, the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*.
- Investigated over 200 complaints against major banks and municipalities; this involved determining whether complainants were treated fairly in accordance with bank/municipality policies and general principles of good services, and mediation in appropriate instances.
- Mediation and arbitration of a range of disputes.

Ombudsman

National Capital Commission (NCC) | 2012 - 2017

- Investigated complaints by individuals against a federal agency with major land holdings; this involved determining whether complainants were treated fairly in accordance with NCC and government policies and regulations and general principles of good services, and mediation in appropriate instances.
- Prepared public reports to the NCC Board of Directors and Annual Reports.

Member of the Ontario Energy Board | 2012 - 2017

- Quasi-judicial adjudication of issues concerning municipal and provincial utilities.

Member of Canadian International Trade Tribunal (CITT) | 2001 - 2010

- Quasi-judicial adjudication of complaints and other issues concerning trade and customs.
- Investigation of complaints concerning major government procurements; this involved determining whether the requirements of the procurement processes were followed.

Legal Counsel and Director of Legal Services

Federal Department of Justice | 1981 - 2001

- Legal advice to government departments, including regulatory, commercial and ethics issues, including
 - Director, Environment Canada Legal Services (1994-1997)
 - Director, Industry Canada Legal Services (1988-1994)
 - Senior Counsel, Transport Canada (1987-1988)
 - Counsel, Department of Regional Industrial Expansion (1981-1987)

Lawyer

Watson & Farber, Ottawa | 1979 - 1980

RELEVANT EXPERIENCE FOR INTEGRITY COMMISSIONER SERVICES

1. Advanced mediation skills

Ms. Fry has been a mediator at ADR Chambers since 2010 and received advanced mediation training accredited through the Faculty of Law at the University of Windsor. During more than 10 years of investigating complaints at ADR Chambers and the National Capital Commission (NCC), Ms. Fry consistently identified situations where mediation was appropriate and addressed those situations productively through mediation.

2. Excellent oral and written communication skills

Since 2001, Ms. Fry has written hundreds of reports, both confidential and public, explaining her determinations in investigations and quasi-judicial decisions.

As Ombudsman of the NCC, she made oral presentations concerning investigations to the NCC Board of Directors and issued public Annual Reports. Ms. Fry has also made presentations on complaint investigation and tribunal processes in a number of venues, including the Forum of Canadian Ombudsman.

3. Conducting Investigations

Ms. Fry has approximately 20 years of experience conducting investigations. At ADR Chambers, she has investigated complaints against municipal councillors for the Office of the Integrity Commissioner in respect of three Ontario municipalities and conducted over 200 investigations of complaints against major banks and municipalities for the Banking Ombuds and Municipal Ombuds Offices. In her 5 years as Ombudsman of the NCC, she investigated complaints by individuals against the NCC. In her 9 years as a Member of the Canadian International Trade Tribunal (CITT), she investigated complaints about major government procurements and trade issues.

4. Adjudicative Experience

Ms. Fry has 14 years of experience as a quasi-judicial adjudicator. As a Member of the Ontario Energy Board, she adjudicated issues concerning municipal and provincial utilities. As a Member of the CITT, she adjudicated issues concerning major government procurements, trade and customs.

5. Background in law or judiciary experience

Ms. Fry has been a lawyer in Ontario for over 40 years, including over 20 years providing advice to various federal government departments. She has 14 years of experience as a quasi-judicial adjudicator, as outlined above under "Adjudicative Experience".

6. Knowledge of municipal government and municipal law, including conflict of interest legislation

As an investigator at ADR Chambers, Ms. Fry has investigated complaints against municipal councillors and governments. This has involved the *Municipal Act, 2001* and *Municipal Conflict of Interest Act*. As a Member of the Ontario Energy Board, Ms. Fry adjudicated issues concerning municipal utilities.

Section 5 – Form of Proposal

The Almaguin Municipalities are inviting proposals for the services of an Integrity Commissioner.

I/We, the Undersigned, having examined this Request for Proposals, do hereby offer to enter into an Agreement with the Almaguin Municipalities to provide services under the terms included in this RFP.

I/We Uri Snir - Arbitrations Manager
(Name-Print) (Position)

of ADR Chambers Inc.
(Company Name)

Dated at Toronto this 24th day of October, 2022.


AUTHORIZED SIGNATURE

180 Duncan Mill Road, 4th Floor
STREET ADDRESS

Toronto Ontario M3B 1Z6
CITY PROVINCE POSTAL CODE

(416) 362-8555 (416) 362-8825 integrity@adr.ca
TELEPHONE NO. FACSIMILE NO. E-MAIL ADDRESS

Receipt of any issued addenda shall be acknowledged by initialing in the space provided below.

Addendum No.1 _____ Addendum No. 2 _____ Addendum No. 3 _____

Signature in the designated space, by an authorized officer of the Bidder's company affirms acceptance of the Request for Proposal requirements set forth in this document, the associated costs attributed to the business arrangement between the Bidder and the Almaguin Municipalities, and hereby certifies that the information supplied in this proposal to be true and complete in all respects.

Company Seal