

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2023-

**“A BY-LAW TO APPOINT AND ESTABLISH THE POSITION AND DUTIES OF
THE INTEGRITY COMMISSIONER OF THE TOWNSHIP OF EDWARDSBURGH
CARDINAL”**

WHEREAS Section 11(2) of the Municipal Act 2001, S.O 2001, c. 25, as amended, authorizes a municipality to pass by-laws regarding the accountability and transparency of the municipality and its operations; and

WHEREAS Section 223.3 (1) of the Municipal Act 2001, S.O 2001, c. 25, as amended, authorizes a municipality 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 with respect to:

1. The application of the code of conduct for members of council and committee;
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 section 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 provisions 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; and

WHEREAS the municipality deems it advisable that all requests for an investigation be undertaken in the public interest by an appointed independent and impartial investigation (the Integrity Commissioner);

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. DEFINITIONS

In this bylaw,

“Council” means the Municipal Council of the Corporation of the Township of Edwardsburgh Cardinal.

“Integrity Commissioner” means the Integrity Commissioner for the Township of Edwardsburgh Cardinal. The Integrity Commissioner is responsible for providing advice, complaint resolution and education to members of Council and local boards (restricted definition) on the application of the municipality's codes of conduct, the Municipal Conflict of Interest Act (MCIA) and other bylaws, policies and legislation governing ethical behaviour. The Integrity Commissioner also provides policy recommendations to Council, local boards and staff.

“Township” means the Township of Edwardsburgh Cardinal.

2. ESTABLISHMENT OF THE POSITION – INTEGRITY COMMISSIONER

- 2.1 The position of Integrity Commissioner for the Township is hereby established for the purposes of Part V.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, with the statutory duties and functions as set out in Part V.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and in this bylaw.

3. APPOINTMENT OF INTEGRITY COMMISSIONER

- 3.1 Tony Fleming is hereby appointed as the Integrity Commissioner for the Township of Edwardsburgh Cardinal to provide services in accordance with the Part V.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 3.2 The CAO and Clerk shall have authority to negotiate, finalize and execute any necessary extensions to the Integrity Commissioner’s contract and any subsequent renewals, subject to Council approval.
- 3.3 The Integrity Commissioner may report to Council on an annual basis. In their report, they shall report on complaints received and their disposition (including complaints deemed not to be within the jurisdiction of the Integrity Commissioner).
- 3.4 The appointment of a person to the position of Integrity Commissioner may be suspended or revoked only by a two-thirds majority vote of all members of Municipal Council.

4. RESPONSIBILITIES

- 4.1 The Integrity Commissioner is appointed as the Integrity Commissioner in accordance with Section 223.3 of the Municipal Act, 2001.
- 4.2 The Integrity Commissioner shall have all the powers and duties of the Integrity Commissioner set out in Part V.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, bylaws respecting the Code of Conduct for Members of Council and Committee, Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, and as otherwise assigned by the Township.

5. MEETINGS INVESTIGATOR

- 5.1 The Integrity Commissioner is appointed as the Meetings Investigator in accordance with Section 239.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended. As Meeting Investigator, the Integrity Commissioner is independent of the Township administration and may report to Council on an annual basis.
- 5.2 The Integrity Commissioner has the powers and duties of the Meetings Investigator as set out in Section 239.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended

6. ACCESS TO INFORMATION

- 6.1 In accordance with subsection 223.4 (4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the Integrity Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary or an inquiry.

7. DUTY OF CONFIDENTIALITY

- 7.1 The Integrity Commissioner and any person acting under their instructions shall be subject to the duty of confidentiality provided in Section 223.5 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

8. IMMUNITY FROM TESTIMONY

- 8.1 Neither the Integrity Commissioner nor any person acting under the instructions of the Integrity Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under Part V.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, or of this bylaw.

9. INDEMNITY

- 9.1 The Township shall indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of the Integrity Commissioner for any and all liabilities, losses, expenses, costs, demands, damages, suits, judgements, penalties, expenses and liabilities of any kind or nature whatsoever reasonably incurred by either of them in connection with the defense 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 the Municipal Act, 2001, and/or under this bylaw; an alleged neglect or default in the performance in good faith of the duty or authority; or, any procedural defect or other alleged breach of the relevant statutory or bylaw provisions.

10. GENERAL

- 10.1 That Bylaw 2022-43 and all other by-law previously passed that are inconsistent with the provisions of this by-law are hereby repealed.
- 10.2 That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27 day of February, 2023.

Read a third and final time, passed, signed and sealed in open Council this 27 day of February, 2023.

Mayor

Clerk