

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

BY-LAW NO. 2015-33

**"A BY-LAW TO APPOINT AN INTEGRITY COMMISSIONER
PERSUANT TO THE MUNICIPAL ACT"**

WHEREAS the Council of the Corporation of the Township of Edwardsburgh/Cardinal has adopted a Council Code of Conduct; and

WHEREAS Section 223.3(1) of the Municipal Act, 2001 authorizes the 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 the application of the Code of Conduct for members of Council; and

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

NOW THEREFORE pursuant to the Municipal Act, 2001 the Council of the Township of Edwardsburgh/Cardinal enacts as follows:

1. By-law 2013-41 of the Corporation of the Township of Edwardsburgh/Cardinal is hereby repealed.
2. Andrew Tremayne is hereby appointed to provide the Integrity Commissioner services in accordance with the Act for all requests for an investigation of an alleged breach of Code of Conduct by a member of the Council of the municipality.
3. Complaint protocols are attached to this by-law as Schedule "A"
4. This by-law comes into force and effect on the passing thereof.

Read a first and second time in open Council this 25th day of May, 2015.

Read a third time and finally passed, signed and sealed in open Council this 25th day of May, 2015.

Mayor



Clerk



SCHEDULE 'A'
BY-LAW 2015-33
INTEGRITY COMMISSIONER COMPLAINT PROTOCOL

Statutory Authority: Sections 223.1 to 223.8 of the Municipal Act 2001, as amended.

Definitions:

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| Code of Conduct: | Shall mean the Township of
Edwardsburgh/Cardinal Council Code of
Conduct. |
| Complaint: | Shall mean a purported contravention of the Township of
Edwardsburgh/Cardinal Council Code of Conduct. |
| Integrity Commissioner: | Shall mean the Integrity Commissioner appointed by the
Township of Edwardsburgh/Cardinal. |
| Frivolous: | Shall mean a little or no weigh, worth or importance; not
worthy of serious notice. |
| Good Faith: | Shall mean accordance with standards of honesty, trust,
sincerity. |
| Vexatious: | Shall mean instituted without sufficient grounds and
serving only to cause annoyance to the defendant. |
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1. A request for an investigation of a complaint that a member has contravened the Code of Conduct shall be in writing.
 2. All complaints must be signed by an identifiable individual (which includes the authorized signing officer of an organization).
 3. A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code of Conduct and include a supporting affidavit that sets out the evidence in support of the complaint.
 4. The request shall be filed with the Municipal Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.
 5. If the complaint is determined not to be a complaint with respect to noncompliance with the Code of Conduct, the complainant shall be advised that the matter is not within the jurisdiction of the Integrity Commissioner to process with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
 6. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
 7. The Integrity Commissioner shall not issue a report finding a violation of the Code of Ethics on the part of any member unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction, provided that comment period after having been notified does not exceed 30 calendar days.

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8. The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
9. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
10. Where the complaint is dismissed, the Integrity Commissioner shall not report to Council, except as part of an annual or other periodic report.
11. A complaint will be processed in compliance with the confidentiality requirements of Section 223.5(1) of the Municipal Act, 2001, as amended.
12. If the Integrity Commissioner reports to Council his or her opinion about whether a member of council has contravened the Code of Conduct, the Commissioner may disclose in the report such matters as, in the Commissioner's opinion, are necessary for the purposes of the report.