

THE CORPORATION OF THE TOWN OF LAKESHORE

BY-LAW NO. 22-2019

**BEING A BY-LAW OF THE CORPORATION OF THE
TOWN OF LAKESHORE TO ESTABLISH A OFFICE OF
AN INTEGRITY COMMISSIONER**

WHEREAS section 223.1 of the *Municipal Act, 2001*, provides that the council of a municipality shall establish an office of the integrity commissioner;

AND WHEREAS Council deems it advisable to establish such commissioner;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25 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 conduct of municipal council members and local board members;

AND WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular, subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

AND WHEREAS Town Council wishes to establish the office of the Integrity Commissioner and to define certain duties and responsibilities of the Integrity Commissioner;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LAKESHORE ENACTS AS FOLLOWS:

Definition

1. In this by-law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“Code of Conduct” means the Town’s Council Member Code of Conduct and any successors thereto;

“Town Council” means the municipal council of the Town;

“Integrity Commissioner” means the Integrity Commissioner appointed by the Town;

“Integrity Commissioner Complaint Protocol” means the complaint protocol passed respecting complaints to the Integrity Commissioner adopted by Town Council;

“Privileged Information” means any privilege existing at law, including solicitor-client and litigation privilege; and

Appointment or Removal of Integrity Commissioner

3. The appointment of a person to the position of Integrity Commissioner may be effected, suspended or revoked by a two-thirds majority vote of Council.

Accountability

4. The office of the Integrity Commissioner shall be independent of the Town administration and Town Council.
5. The Integrity Commissioner shall report to Town Council.

Responsibilities

- 6.-(1) The Integrity Commissioner has all the functions, powers and duties of an Integrity Commissioner as set out in Part V.1, Accountability and Transparency, of the Act and in addition, such functions, powers and duties as may be assigned by Town Council from time to time.
- (2) The Integrity Commissioner shall receive, manage and dispose of complaints in accordance with the Integrity Commissioner Complaint Protocol.
- (3) The Integrity Commissioner shall not call into question or review the merits of the policies and objectives of Council.

Access to Information

- 7.-(1) When conducting an inquiry in accordance with section 223.4 of the Act, the Integrity Commissioner shall have 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 Town that the Integrity Commissioner believes to be necessary for an inquiry.
- (2) Requests for the access to records described in subsection (1) shall be made in writing.
- (3) Town personnel shall assist and cooperate with the Office of the Integrity Commissioner to enable the access described in subsection (1).
- 8.-(1) Despite section 7, where the Integrity Commissioner requires access to Privileged Information in the custody or control of the Town, the Integrity Commissioner shall direct a request for access in writing to the Director of Legislative & Legal Services.
- (2) Where the Integrity Commissioner is granted access to Privileged Information by the Director of Legislative & Legal Services:
 - (a) Disclosure of the Privileged Information shall be deemed not to constitute a waiver of the privilege;
 - (b) The Privileged Information may be used for the purpose of conducting the inquiry and for no other purpose; and

under this Part except as expressly permitted by law or required by law in a criminal proceeding.

Annual Report

10.-(1) On or before September 30th of each year, the Integrity Commissioner shall submit, to the Clerk, a written annual report to Town Council for information that summarizes the activities of the Office of the Integrity Commissioner completed in the previous calendar year.


(2) The requirement in subsection (1) for the Integrity Commissioner to submit an annual report to the Audit Committee shall commence on March 1, 2019.

Authority to Delegate

11.(1) In the event that the Integrity Commissioner's conduct should create an actual or apparent conflict of interest, the Integrity Commissioner may, in writing, delegate its duties under the Act and this by-law to a service provider that the Integrity Commissioner deems competent to act as the Integrity Commissioner.

12.-(1) This By-law shall come into full force and effect on December 1, 2018.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
19th DAY OF FEBRUARY, 2019.**



**TOM BAIN
MAYOR**



**KRISTEN NEWMAN
DIRECTOR OF LEGISLATIVE &
LEGAL SERVICES**

KN/km