

**BY-LAW NUMBER 58-2016**

**OF**

**THE REGIONAL MUNICIPALITY OF DURHAM**

**being a by-law** to authorize the Region of Durham to appoint Guy W. Giorno as the Integrity Commissioner for the Regional Municipality of Durham (Regional Integrity Commissioner).

**WHEREAS** pursuant to Section 8 of the Municipal Act 2001 S.O. c. 25 provides in part that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority;

**AND WHEREAS** pursuant to Section 223.4 to 223.8 of the Municipal Act, 2001 provides that an Integrity Commissioner has certain powers and protections during investigations;

**AND WHEREAS** Regional Council passed a Code of Conduct and Complaint Procedure for Regional Council on September 16, 2016 contained in Report 2016-COW-6 (Code of Conduct);

**AND WHEREAS** Council for the Regional Municipality of Durham passed a resolution at its meeting of December 14, 2016 to authorize the execution of an agreement with Fasken Martineau that Guy W. Giorno be appointed the Regional Integrity Commissioner and for Fasken Martineau to provide services to facilitate the delivery of services for the Regional Integrity Commissioner.

**NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED** as a by-law of The Regional Municipality of Durham through its Council as follows:

1. That the Regional Chair and Regional Clerk are hereby authorized and instructed to execute on behalf of the Regional Municipality of Durham an agreement with Fasken Martineau for the appointment of Guy W. Giorno as the Regional Integrity Commissioner and also to provide the required services for Regional Integrity Commissioner (the Agreement) on such terms and conditions as were presented in the Request For Proposals and such other terms and conditions as may be required and approved by the Commissioner of Corporate Services to give effect to the Agreement.
2. That the Agreement provide that Guy W. Giorno be appointed for a term from the date of January 1, 2017 to the end of the current term of Regional Council and the entire subsequent term of a subsequent Regional Council.
3. That an agreement with Fasken Martineau and Guy W. Giorno being appointed as the Regional Integrity Commissioner provide the following roles and provide the following services:

**ROLE:**

- (a) The role of the Regional Integrity Commissioner is to advise Members of Council to ensure that they are performing their functions in accordance with the Code of Conduct and other applicable legislation, procedures, rules or policies governing their ethical behaviour. The Integrity Commissioner will provide no legal advice as it relates to conflict of interest matters and just provide general consultative advice and guidance.
- (b) The Regional Integrity Commissioner will serve the public interest and is granted authority under the Municipal Act, 2001 to educate, advise and investigate the conduct of Members of Council.

## **DUTIES**

The Regional Integrity Commissioner shall cause to perform, in an independent manner, the functions of an Integrity Commissioner pursuant to Part V.1 of the Municipal Act, 2001 with respect to the application of the Code of Conduct for Members of Council of the Regional Municipality of Durham, including any legislation, procedures, rules and policies of the Region of Durham governing the ethical behaviour of the Members of Council. The mandate of the Regional Integrity Commissioner will include:

- (a) Provisions of advice and education upon request by a Member of Council or by Council as a whole, regarding ethical obligations and responsibilities under their Code of Conduct, and any other legislation, rules or policies governing their ethical behaviour; and
- (b) Receiving, assessing and investigating where appropriate, complaints made by Council, a member of Council, a member of staff, or a member of the public respecting an alleged breach of the Code of Conduct for the Members of Council of the Regional Municipality of Durham through the provisions of the Code of Conduct and the Complaints Protocol.
- (c) Giving advice on policy issues and the workings of the Regional Integrity Commissioner's office.

## **REPORTING TO COUNCIL**

- (a) The Regional Integrity Commissioner will report directly to Regional Council via the Committee of the Whole or the calling of a special meeting with a report containing the results of investigations and one annual report summarizing the year's activities, observations and any resulting general recommendations.
- (b) The Integrity Commissioner may recommend that Regional Council impose penalties in accordance to the Municipal Act, 2001 if in the opinion of the Regional Integrity Commissioner, a Member of Council has contravened the Code of Conduct.

## **OTHER GENERAL PROVISIONS**

- (a) That should the Regional Integrity Commissioner conduct an investigation or provide any other service, it shall do so in accordance to the terms and conditions of the Agreement executed between it and the Regional Municipality of Durham and shall adhere to all applicable laws, applicable statutes and established Regional policies.
- (b) That any local municipality within the geographic region of the Regional Municipality of Durham desirous to retain the Regional Integrity Commissioner to provide Integrity Commissioner services for their municipality that they may execute the Agreement with the Regional Municipality of Durham and shall pay the Regional Integrity Commissioner for services in accordance to their hourly fee in accordance to the terms of the Agreement provided they have obtained the required approvals to do so.
- (c) That should the Regional Municipality of Durham or any local municipality desire any further services from the Regional Integrity Commissioner outside what is outlined in this by-law, the Regional Integrity Commissioner may oblige in providing such other services, so long as the respective Council of the municipality requesting such other service has passed a resolution through their respective Council to authorize the Regional Integrity Commissioner to provide such other service. If authorized to do so, the Regional Integrity Commissioner will charge their hourly fee in accordance to the Agreement for such other services to the municipality requesting such other services.

BY-LAW read and passed this 14<sup>th</sup> day of December 2016.

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R. Anderson, Regional Chair & CEO

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D. Wilcox, Regional Clerk