Authority: Report #2022-A-19

REPEALED by
By-law # 2026-019

By-law Number 41-2022

of The Regional Municipality of Durham

Being a by-law to confirm the appointment of Principles Integrity as the Integrity Commissioner for the Regional Municipality of Durham (Regional Integrity Commissioner).

Whereas pursuant to Part V.1 of the Municipal Act 2001 S.O. c. 25 a municipality is authorized 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;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That the agreement with Principles Integrity as the Regional Integrity Commissioner provide the following roles and provide the following services:

Role:

The role of the Regional Integrity Commissioner is:

1. The application of the Code of Conduct for Members of Council and for members of local boards
2. The application of any procedures, rules and policies of the Region and local boards governing the ethical behavior of Members of Council and local boards.
3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to Members of Council and local boards.
4. Respond to requests from Members of Council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member.
5. Respond to requests from Members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the Region or of a local board, governing the ethical behaviour of members.
6. Respond to requests from Members of Council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. Provide educational information to Members of Council and local boards.

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:

1. 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
2. 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.

3. Receiving, assessing and conducting an inquiry, where appropriate, with respect to requests for inquiry made by an elector or a person demonstrably acting in the public interest concerning an alleged contravention of section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act.

4. Giving advice on policy issues and the workings of the Regional Integrity Commissioner's office.

5. All advice being provided in writing in accordance to the requirements of s. 223.3(2.2)

Reporting to Council

1. The Regional Integrity Commissioner will report directly to Regional Council with a report containing the results of investigations and one annual report summarizing the year's activities, observations and any resulting general recommendations.

2. The Integrity Commissioner may recommend that Regional Council impose penalties in accordance with 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

1. That should the Regional Integrity Commissioner conduct an investigation or provide any other service, it shall do so in accordance with 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.

2. 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.

3. 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.

4. That all services provided by the Integrity Commissioner conform to all the statutory requirements of s. 223.3 to 223.8 of the Municipal Act S.O., 2001

That By-law #11-2019 be repealed effective November 14, 2022.

This By-law Read and Passed on the 29th day of June, 2022, effective as of November 15, 2022.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk