

CORPORATION OF THE TOWNSHIP OF MCNAB/BRAESIDE

BY-LAW NO. 2019-19

Being a By-Law to appoint an Integrity Commissioner and
Closed Meeting Investigator

WHEREAS, the Municipality is authorized, pursuant to Subsection 223.3 of the Municipal Act, 2001 (the Act), as amended, to appoint an integrity commissioner (the "Integrity Commissioner") who has the function to investigate in an independent and confidential manner, a complaint made to him or her by any person, as to whether a member of council or a member of a local board has complied with the Code of Conduct or other ethics related policies, rules or procedures, and to report on the investigation;

AND WHEREAS, the Municipality is authorized, pursuant to Subsection 239.2 of the Act to appoint an investigator who has the function to investigate in an independent and confidential manner, a complaint made to him or her by any person as to whether council has complied with the Act with respect to a closed meeting, and to report on the investigation;

AND WHEREAS Council deems it desirable to appoint **Tony Fleming** as an independent Integrity Commissioner and Closed Meeting Investigator for the Municipality to investigate all requests on behalf of the Municipality and its Local Boards for a two year fixed term and renewing automatically. Either party may terminate this appointment upon giving sixty (60) days' notice in writing to the other party;

NOW THEREFORE the Council of the Corporation of the Township of McNab/Braeside hereby enacts as follows:

THAT pursuant to section 223.3 and 239.2 of the Municipal Act, 2001, as amended, (the "Act") Council hereby appoints **Tony Fleming** as the as an independent Integrity Commissioner and Closed Meeting Investigator for the Municipality;

1. To investigate in accordance with the legislation all requests for an investigation of the Council and Committees of the Municipality and the Local Boards and their Committees of the Municipality. For the purposes of this By-Law "committee" and "local board" shall have the meaning as defined in section 238 of the Act.
2. The appointment shall be for a term of two years commencing March 1, 2019 may be renewed for subsequent two years unless sixty (60) days written notice is given by either party.
3. **Tony Fleming** shall, in carrying out the functions of the Integrity Commissioner and closed meeting investigator, have regard to, among other matters, the importance of the Commissioner's credibility, the independence, impartiality and confidentiality with respect to the investigative process.
4. The Commissioner may hear or obtain information from such persons as the Commissioner thinks fit, and may make such inquiries as Commissioner thinks fit and it is not necessary for the Investigator to hold any hearing.
5. Subject to section 6, no person is entitled as of right to be heard by the Commissioner.
6. If at any time during the course of an investigation it appears to the Commissioner that there may be sufficient grounds for a report or

recommendation that may adversely affect the municipality, a local board or any other person, the Commissioner shall give him, her or it an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

7. After conducting an investigation, the Commissioner shall report to the municipality or in the case of a local board, to the local board and the municipality. The report shall include an opinion and the reasons for it and may make such recommendations as the Commissioner thinks fit.
8. Every request for an investigation by a person shall include all of the following:
 - a. be directed to the CAO/Clerk;
 - b. be in writing;
 - c. include reasons for the request;
 - d. be signed; and
 - e. Include an address and telephone number of the person making the request.
9. That this By-Law forms a contract between the Township of McNab/Braeside and **Mr. Tony Fleming**.
10. That the Mayor and CAO/Clerk are authorized to enter into a professional Services Agreement with **Tony Fleming of the legal firm of Cunningham, Swan, Carty, Little & Bonham LLP (Cunningham Swan)**.
11. This By-Law shall come into force and take effect on the 1st day of March 2019.

BE IT FURTHER ENACTED, that all By-Laws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.


READ a first time this **5th day of March, 2019**.

READ a second time this **5th day of March, 2019**.

READ a third and final time and passed this **5th day of March, 2019**.



MAYOR



CAO/CLERK



A request *must be in writing, dated, signed,* and delivered to the CAO/Clerk. The written request must include the following (where applicable):

1. Location of incident or concern.
2. Date incident or concern occurred.
3. Details about incident or concern.
4. Requesters name, address and phone number.
5. Signature of requester.

Process

1. The complaint will be reviewed by the Integrity Commissioner
2. All written requests will be dealt with expediently, or as appropriate to the circumstances.
3. A report will be provided when the integrity Commissioner has conducted the investigation in accordance with Section 223.3 and 239.2 as required of the Municipal act 2001, as amended.



INTEGRITY COMMISSIONER and CLOSED MEETING INVESTIGATOR REQUEST FORM

Person Making the Request:

Name:*	Address:*	
Phone Numbers: *		

I hereby request the Integrity Commissioner AND Closed Meeting Investigator to commence investigation under the appropriate legislation on behalf of the Township in accordance with By-Law 2019-19. I hereby further declare that if required, I will provide or present evidence in support of this request.

Requesters Signature: *	Date:*
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Nature of Request: (Please attach additional information as required)*

Office Use Only:

Date Received:	Time:
Date Forwarded:	
Notes:	

*Indicates Mandatory Field