



## BY-LAW 2013-135

### Integrity Commissioner By-law

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WHEREAS the Municipal Act, 2001 authorizes municipalities to appoint an Integrity Commissioner who reports to Council and is responsible for performing, in an independent manner, the application of a Code of Conduct for Members of Council, as well as, the application of any procedure, rule and policy of the municipality governing the ethical behaviour of Members of Council;

AND WHEREAS sections 223.4 to 223.8 of the Municipal Act, 2001 provide that an Integrity Commissioner has certain powers, duties and protections during an investigation;

NOW THEREFORE the Council of the Corporation of the City of Markham ENACTS AS FOLLOWS:

#### 1. APPOINTMENT

- (1) Council hereby establishes the position of Integrity Commissioner, and appoints **ADR Chambers Inc.** to fulfill the role of Integrity Commissioner for the City of Markham, with all powers, duties and protections provided under the Municipal Act, 2001.

#### 2. ROLE

- (1) The role of the 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.
- (2) The 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.

#### 3. DUTIES

- (1) The Integrity Commissioner shall cause to perform, in an independent manner, the functions of 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 City of Markham, including any legislation, procedures, rules and policies of the City governing the ethical behaviour of the Members of Council. The mandate of the Integrity Commissioner will include:
  - a. Provisions of advice and education upon request by a Member of Council or by Council as a whole, regarding their 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 City of Markham.

4. REPORTING TO COUNCIL

- (1) The Integrity Commissioner will report directly to City Council via the appropriate Standing Committee.
- (2) The Integrity Commissioner may recommend that Council impose penalties in accordance with the Municipal Act, 2001 if, in the opinion of the Integrity Commissioner, a Member of Council has contravened the Code of Conduct.

5. BUDGET FOR THE OFFICE OF THE INTEGRITY COMMISSIONER

- (1) The annual budget for the Office of the Integrity Commissioner shall be submitted to Council for approval as part of the City's budget process.
- (2) The Integrity Commissioner will be retained by Council on an as-needed fee for service basis.

6. SHORT TITLE

- (1) This By-law may be referred to as the "Integrity Commissioner By-law".

7. IN FORCE

- (1) This By-law comes into force on the day it is passed.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
26<sup>TH</sup> DAY OF JUNE, 2013.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR