

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2019-77

A By-law to establish the Office of the Integrity
Commissioner

WHEREAS the *Municipal Act, 2001*, as amended (the "Municipal Act") provides that the powers of a municipal corporation are to be exercised by its Council through the adoption of by-laws;

AND WHEREAS the Municipal Act authorizes Council to establish codes of conduct for members of council and its designated local boards and to appoint an Integrity Commissioner who reports to Council;

AND WHEREAS an Integrity Commissioner is responsible for performing in an independent manner the functions assigned by the municipality;

AND WHEREAS as of March 1, 2019, the Municipal Act, pursuant to Part V.1, Accountability and Transparency, obliges all municipalities in Ontario to appoint an Integrity Commissioner to perform the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of 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 of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act.;

AND WHEREAS by the adoption of resolution number 2019-XXX Council deems it expedient to appoint John E. Fleming, as the Town of Caledon's Integrity Commissioner to perform the functions, powers and duties recited above and as may be set out in the Municipal Act from time to time.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Caledon enacts as follows:

1. That the Office of the Integrity Commissioner is hereby established;
2. That Council shall appoint an individual to be the Integrity Commissioner for a fixed term of office, such term to be established by Council at the time of appointment;
3. That the Integrity Commissioner may be retained by the Town of Caledon on a Term contract as an independent contractor and receiving remuneration on a "fee for service" basis;
4. That John E. Fleming is hereby appointed as the Town of Caledon's Integrity Commissioner pursuant to Part V.1, Accountability and Transparency, of the Municipal Act.

5. That upon appointment John E. Fleming will have all the functions, powers and duties of an integrity commissioner as set out in Part V.1, Accountability and Transparency, of the Municipal Act, and in addition such functions, powers and duties as may be assigned by Council from time to time.
6. That the Town of Caledon hereby indemnifies and save harmless the Integrity Commissioner or any person acting under the instructions of the Integrity Commissioner for costs reasonably incurred in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a function, duty or authority under Part V.1 of the Municipal Act, or a by-law passed thereunder, or an alleged neglect or default in the performance in good faith of the function, duty or authority.
7. That all actions taken and required to be taken by the Mayor and Town Clerk on behalf of the Corporation of the Town of Caledon to complete this matter including the execution of the Agreement and any other associated documentation are hereby authorized, confirmed and ratified.

Enactment

This By-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 17th day of December, 2019.

Allan Thompson, Mayor

Carey Herd, Town Clerk