

THE CORPORATION OF THE TOWNSHIP OF JOLY

BYLAW NUMBER 2023-007

BEING A BY-LAW TO APPOINT AN INTEGRITY COMMISSIONER

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5(1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Municipal Integrity Commissioner

Section 223.3 of the *Municipal Act* provides that a municipality appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

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, 5.2 and 5.3 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*.

Preamble

Council is obligated to appoint a Municipal Integrity Commissioner.

Council previously appointed Elston Watt, Barristers and Solicitors as Municipal Integrity Commissioner. The Township was notified that Elston Watt, Barristers and Solicitors would no longer be providing Integrity Commissioner services.

The Township of Joly participated in a joint request for proposal with the Almaguin municipalities and ADR Chambers was recommended to the participating municipalities to be appointed as the Integrity Commissioner.

Decision

Council of the Corporation of the Township of Joly decides it in the best interest of to appoint a Municipal Integrity Commissioner.

Direction

NOW THEREFORE the Council of the Corporation of the Township of Joly directs as follows:

1. That ADR Chambers is hereby appointed as the Municipal Integrity Commissioner for the Corporation of the Township of Joly.
2. That the Integrity Commissioner shall be responsible for the functions set out in Section 223.3 of the *Municipal Act*.
3. That the proposal submitted by ADR Chambers attached hereto as Schedule "A" forms part of this bylaw.
4. That the Mayor and the Deputy Clerk are hereby authorized to enter into an agreement with ADR Chambers for the provision of Integrity Commissioner services as per the Agreement attached hereto as Schedule "B" forming part of this bylaw.
5. That the term of the appointment shall be for a period of three (3) years commencing December 19, 2022.
6. That this bylaw supersedes any bylaw contrary to this bylaw.
7. This by-law takes effect on the 19th day of December 2022.

Read and adopted by Resolution 2023-027 this 14th Day of February 2023.

Mayor

Clerk