

**Subject: Bylaw No. 21/001 - Amendments to the Integrity
Commissioner Bylaw 19/005**

APPROVALS:

Jamie Doyle

Director

Chief Administrative Officer

Recommended Motion:

1. THAT Bylaw No. 21/001, being an amendment to the Integrity Commissioner Bylaw 19/005, be read a first time.
2. THAT Bylaw No. 21/001 be read a second time.
3. THAT Bylaw No. 21/001 be considered for third reading.
4. THAT Bylaw No. 21/001 be read a third and final time.
5. THAT Jim Peacock, Q.C., be reappointed as the Integrity Commissioner for a period of one year, commencing April 1, 2021.

Background:

On March 26, 2019 Council passed the *Integrity Commissioner Bylaw No. 19/005* in response to section 146.1 of the *Municipal Government Act* which provides that a council must by bylaw establish a code of conduct governing the conduct of councillors.

The subsequent *Council Code of Conduct Bylaw No. 18/009* created the position of the 'Integrity Commissioner'.

The role of the Integrity Commissioner is to uphold the *Council Code of Conduct Bylaw* by receiving, reviewing, investigating and adjudicating complaints against the Mayor and members of Council and provide recommendations for sanctions, if appropriate and applicable.

Jim Peacock Q.C. was appointed as the Integrity Commissioner for the RMWB for an initial two-year term commencing on April 1, 2019.

An "Annual Report of the Integrity Commissioner" was presented to Council on

September 8, 2020. The report recommended three amendments to the Bylaw, to section 10(g), section 10(m) and section 10(n) (see Attachment 2). Council decided to postpone any amendments until the current bylaw could be reviewed by legal counsel, as it was anticipated that there were a number of potential improvements to be considered.

The proposed amendments make changes to the "Appointment", "Qualifications", "Duties", "Formal Complaint Procedure" and "Reporting" sections of the Bylaw.

The proposed additions to the Bylaw are as follows:

- a. Council may renew the appointment of the Integrity Commissioner for a maximum of 2 one-year terms versus the current unlimited number of renewals (Attachment 1, amending Bylaw s. 3(a));
- b. CAO will secure a third party to carry out the Integrity Commissioner's duties not only with respect to the Bylaw, but also the Code of Conduct, in the event Council has not filled the position as contemplated (Attachment 1, amending Bylaw s. 3(b));
- c. Amended to address the fact that Council is not currently allowed to revoke the appointment of the Integrity Commissioner, with or without cause (Attachment 1, amending Bylaw s. 3(c));
- d. Amended to add that the Integrity Commissioner must not have any private relationships with any present or past member of Council (Attachment 1, amending Bylaw s. 5(d));
- e. Integrity Commissioner will publish and adopt procedures, policies and protocols designed to ensure that Formal Complaints are fairly investigated (Attachment 1, amending Bylaw s. 7 (c));
- f. Integrity Commissioner required to deliver a confidential copy of any Formal Complaint to the Council member who is the subject of such complaint (Attachment 1, amending Bylaw s. 10(f));
- g. Integrity Commissioner required to refrain from reporting to Council on any violation of the Code of Conduct until the subject Council member has had a reasonable time to respond to the Commissioner's draft report (Attachment 1, amending Bylaw s. 10(h)); and
- h. Clarifying reporting requirements where it has been determined that there was no contravention of the Code of Conduct or that other circumstances exist which lead to a recommendation of no sanction (Attachment 1, amending and replacing Bylaw s. 10(m) and (n)).

The proposed deletions are as follows:

- a. the appointment of either a group or an organization to the position of Integrity Commissioner (Attachment 1, amending Bylaw s. 3 (b));
- b. delete the subheading "(i)" in section 10(g); and
- c. the statement that the Integrity Commissioner is not required to report to Council where a complaint is dismissed (Attachment 1, amending Bylaw s. 10(m) with the remaining subsections re-lettered accordingly.

Budget/Financial Implications:

No additional budget or financial implications.

Rationale for Recommendation:

Under the *Code of Conduct for Elected Officials Regulation*, AR 200/017, Council must review and update any of the bylaws related to its *Code of Conduct* at least once every 4 years after passing a *Code of Conduct*.

The proposed amendments reflect both best practices and further recommendations from the current Integrity Commissioner.

Strategic Priorities:

Responsible Government

Attachments:

1. Bylaw No. 21/001 - Amendment to Integrity Commissioner Bylaw
2. Annual Report of Integrity Commissioner