THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 43/2019

Being a By-law to Appoint Aird & Berlis LLP as Integrity Commissioner for the Corporation of the Municipality of Port Hope and to Repeal By-law 119/2011

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council through the adoption of by-laws;

AND WHEREAS s. 223.2 of the *Municipal Act, 2001* requires the Corporation of the Municipality of Port Hope to establish a code of conduct for members of Council and the local boards of the Municipality

AND WHEREAS Council on March 5, 2019 passed By-law 12/2019 adopting a Municipal Accountability Framework consisting a Code of Conduct for Members of Council and Local Boards, Complaint Protocol and Staff and Council Relations Policy;

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

AND WHEREAS s. 223.3 of the *Municipal Act, 2001* requires all municipalities in Ontario to appoint an Integrity Commissioner to perform in an independent manner the functions assigned by the Municipality with respect to:

1. The application of the code of conduct for members of Council and members of local boards.

2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior 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 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 behavior 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 provisions of education information to members of Council, members of local boards, the Municipality and the public about the Municipality's Accountability Framework including the code of conduct for members of Council and members of local boards and about the *Municipal Conflict of Interest Act*;

AND WHEREAS Council deems it expedient to appoint Aird & Berlis LLP as the Municipality of Port Hope Integrity Commissioner to perform accountability services such as advisory, inquiry and reporting functions respecting the matters recited above and as may be set out in the *Municipal Act, 2001*;

NOW THEREFORE BE I T RESOLVED THAT the Council of the Corporation of the Municipality of Port Hope enacts as follows:

1. That Aird & Berlis LLP is hereby appointed as the Municipality of Port Hope's Integrity Commissioner pursuant to Part V.1, Accountability and Transparency, of the *Municipal Act, 2001*.

2. That upon appointment, Aird & Berlis LLP, 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, 2001*, and in addition such functions, powers and duties as may be assigned by Council from time to time and as set out in the Municipality's Accountability Framework, By-law 12/2019.

3. That Aird & Berlis LLP is hereby assigned advisory, inquiry and reporting functions respecting the matters recited above utilizing the corresponding powers and discharging the corresponding duties conferred upon an Integrity Commissioner under Part V.1 of the *Municipal Act, 2001* or otherwise, by By-law.

4. That the Corporation of the Municipality of Port Hope 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, 2001*, or a by-law passed thereunder, or an alleged neglect or default in the performance in good faith of the function, duty or authority.

5. That this By-law shall come into force and take effect on the date of passing.

6. That By-law 119/2011 is hereby repealed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 4th day of June, 2019.

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R.J. Sanderson, Mayor

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B. Gilmer, Clerk