

BY-LAW NO. 2020 – XXX

A by-law of the City of Ottawa to establish the position and duties of Integrity Commissioner of the City of Ottawa, including statutory powers.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

“Integrity Commissioner” means the Integrity Commissioner of the City of Ottawa.

ESTABLISHMENT OF THE POSITION OF INTEGRITY COMMISSIONER

2. The position of Integrity Commissioner for the City of Ottawa is hereby established for the purposes of Part V.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, with the statutory duties and functions as set out in Part V.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and in this by-law.

APPOINTMENT OF INTEGRITY COMMISSIONER

3. (1) The recruitment, appointment and contract administration for the Integrity Commissioner shall be conducted in accordance with the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures (the “Policy and Procedures”).

(2) In accordance with the Policy and Procedures,
 - a) Council shall consider a motion that provides for delegating authority to the City Clerk to undertake a recruitment and appointment process for the Integrity Commissioner in accordance with the criteria and principles approved by Council, and further to any specified changes to the remuneration schedule;
 - b) The initial term of the Integrity Commissioner shall be set at one year with an optional renewal for a five-year term; and
 - c) The City Clerk shall have delegated authority to negotiate, finalize and execute extensions to the Integrity Commissioner’s contract and any subsequent renewals, subject to Council-approved term lengths and any Council-approved changes to terms and conditions, including the remuneration schedule. The City Clerk shall report to Council on the exercise of this delegated authority by way of memorandum immediately following the execution of any agreement.

- (3) The appointment of a person to the position of Integrity Commissioner may be suspended or revoked only by a two-thirds majority vote of all members of City Council.

ACCOUNTABILITY

4. The Integrity Commissioner is independent of the City administration.
5. The Integrity Commissioner shall report to City Council.

RESPONSIBILITIES

6. (1) The Integrity Commissioner is appointed as the Integrity Commissioner in accordance with section 233.3 of the *Municipal Act, 2001*.
- (2) The Integrity Commissioner shall have all the powers and duties of the Integrity Commissioner set out in Part V.1 of the *Municipal Act, 2001*, By-laws 2019-399, 2019-400, and 2019-401, and as otherwise assigned by City Council.

LOBBYIST REGISTRAR

7. (1) Under By-law 2012-309, the Integrity Commissioner is appointed as the Lobbyist Registrar in accordance with section 223.11 of the *Municipal Act, 2001*. As Lobbyist Registrar, the Integrity Commissioner is independent of the City administration and shall report to City Council, or to a Committee of Council as may be directed by City Council.
- (2) The Integrity Commissioner has the powers and duties of the Lobbyist Registrar as set out in Part V.1 of the *Municipal Act, 2001* and By-law 2012-309.

MEETINGS INVESTIGATOR

8. (1) The Integrity Commissioner is appointed as the Meetings Investigator in accordance with section 239.2 of the *Municipal Act, 2001*. As Meetings Investigator, the Integrity Commissioner is independent of the City administration and shall report to City Council, or to a Committee of Council as may be directed by City Council.
- (2) The Integrity Commissioner has the powers and duties of the Meetings Investigator as set out in section 239.2 of the *Municipal Act, 2001*.

ACCESS TO INFORMATION

9. In accordance with subsection 223.4(4) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, the Integrity Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry.

ANNUAL REPORT

10. In each year subsequent to the year of appointment, the Integrity Commissioner shall submit an annual report outlining the activities of the previous period.

DUTY OF CONFIDENTIALITY

11. The Integrity Commissioner and any person acting under his or her instructions shall be subject to the duty of confidentiality provided in Section 223.5 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended. 5

IMMUNITY FROM TESTIMONY

12. Neither the Integrity Commissioner nor any person acting under the instructions of the Integrity Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under Part V.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, or of this by-law.

INDEMNITY

13. The City of Ottawa shall indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of the Integrity Commissioner for any and all liabilities, losses, expenses, costs (including legal costs), demands, damages, suits, judgments, penalties, expenses and liabilities of any kind or nature whatsoever reasonably incurred by either of them 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 duty or authority under the *Municipal Act, 2001* (as amended from time to time) and/or under this By-law; an alleged neglect or default in the performance in good faith of the duty or authority; any alleged breach of this Agreement; or, any procedural defect or other alleged breach of the relevant statutory or by-law provisions.

14. Section 13 shall survive termination of the Integrity Commissioner's Agreement with the City of Ottawa.

ENACTED AND PASSED this ##th day of MONTH, 2020.

CITY CLERK

MAYOR

BY-LAW NO. 2020 – XXX

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establish the position and duties of
Integrity Commissioner.

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Enacted by City Council at its meeting of
DATE.

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LEGAL SERVICES:
INSERT/mj

COUNCIL AUTHORITY:
City Council DATE
Agenda Item ##
(City Clerk Report)