



Corporation of the Municipality of Calvin

BY-LAW NUMBER 2023-006

BEING A BYLAW TO APPOINT AN INTEGRITY COMMISSIONER

Legal Authority

Scope of Powers

Subsection 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.

Broad Authority

Subsection 11(2) of the *Municipal Act* provides that a lower-tier municipality may pass bylaws respecting matters that include: 1. Governance structure of the municipality and its local boards. 2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.

Powers Exercised by Council

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

Powers Exercised by Bylaw

Subsection 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.

Integrity Commissioner

Subsection 223.3(1) of the *Municipal Act* provides that sections 9 and 11 [as well as section 10, which does not apply to Calvin] authorize a municipality to 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



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2. code of conduct for members of local boards.
3. 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.
4. 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.
5. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
6. 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.
7. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
8. 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

By-law 2019-007, which appointed the previous Integrity Commissioner, was repealed December 9, 2022.

The Municipality has chosen to appoint Guy W. Giorno, partner in the law firm Fasken Martineau DuMoulin LLP, as Integrity Commissioner.

The initial appointment shall be for an interim period of six months.

The Municipality and Giorno and his law firm will enter into an agreement that sets the terms under which Integrity Commissioner services will be provided.

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin enacts as follows:

1. Guy W. Giorno is appointed as Integrity Commissioner of the Municipality, effective March 2, 2023.

Regular Meeting of Council March 2, 2023



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2. The initial appointment shall be for a six-month term, expiring 11:59 p.m., September 1, 2023.
3. The Mayor and Clerk pro tempore are hereby authorized to execute an agreement for Integrity Commissioner services between the Corporation of the Municipality of Calvin and Guy W. Giorno and his law firm.
4. Any bylaw previously passed that is contrary to this bylaw is repealed.
5. This bylaw comes into effect on the day it is passed.

Read a first, second, and third time, and passed, this 2nd day of March 2023.

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Donna Maitland

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Paul Gould

Mayor Gould

Donna Maitland, Clerk Tempore