

By-Law Number 2017-64

A By-Law to Establish an Accountability Framework for the City of Kingston

Passed: April 4, 2017

Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, provides for the establishment of codes of conduct for members of council and local boards of the municipality and for the appointment of an Integrity Commissioner; and

Whereas the City of Kingston will benefit from having a framework that creates a regime to provide for a code of conduct, the appointment of an Integrity Commissioner and the accountability services to be provided by an Integrity Commissioner;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. Definitions:

In this By-law the following terms shall have the meaning indicated:

- (a) “**Accountability Services**” means advice, education, complaint resolution, reporting to Council and matters required for assisting Council in the application of any procedures, rules and policies of the City governing the ethical behaviour of members of Council and Committees;
- (b) “**By-law**” means this Accountability Framework By-law;
- (c) “**City**” means the Corporation of the City of Kingston;
- (d) “**Code of Conduct**” means the Member Code of Conduct established under the authority of the *Municipal Act, 2001*;
- (e) “**Committee**” means any advisory or other committee, subcommittee or similar entity as established from time to time by Council and committee is included under the definition of a local board as defined in the *Municipal Act, 2001*;
- (f) “**Complaint Protocol**” means the Complaint Protocol for the Member Code of Conduct;
- (g) “**Council**” means council for the City of Kingston;
- (h) “**Integrity Commissioner**” means the Integrity Commissioner for the City of Kingston appointed under the authority set out in the *Municipal Act, 2001*;

- (i) **“Member”** means a person who is a member of the Council and members of a Committee.
- (j) **“Year”** means calendar year, unless otherwise indicated;

2. Member Code of Conduct

- (a) Council shall adopt a Code of Conduct for Members of Council and members of Committees in accordance with the provisions of the *Municipal Act, 2001*.
- (b) In recognition of their roles as elected representatives and as members of Council, Members of Council shall always conduct themselves in accordance with the Code of Conduct, including at all formal and informal meetings, events or public gatherings in which they are carrying out their responsibilities.

3. Integrity Commissioner

- (a) Council shall appoint an Integrity Commissioner to provide accountability services pursuant to the Code of Conduct and the Complaint Protocol.
- (b) The Integrity Commissioner carries out in an independent manner the duties and responsibilities of his or her office as set out in this By-Law, the Complaint Protocol and the Code of Conduct.
- (c) The Integrity Commissioner is accountable to and reports directly to Council.

4. Appointment, removal and resignation of Integrity Commissioner

- (a) A majority of Council is required for the appointment of an Integrity Commissioner and a two-thirds majority is required for any extension of term, removal from office or termination for cause of the Integrity Commissioner.
- (b) The Integrity Commissioner shall be appointed for a fixed term of office.
- (c) The term of office for the Integrity Commissioner may be extended by Council in exceptional circumstances.
- (d) The Integrity Commissioner may only be removed from office for cause, prior to the expiry of the term of office, in accordance with this By-law and the procedures established by Council.

- (e) The Integrity Commissioner may resign from office at any time by giving 90 days written notice to the Council, unless the notice requirement is waived by both parties.

5. Selection of Integrity Commissioner

- (a) The selection process for the Integrity Commissioner shall be overseen by a selection panel.
- (b) The appointment of the Integrity Commissioner shall be recommended to Council by the selection panel.

6. Term of Office for Integrity Commissioner

The Integrity Commissioner shall be appointed for a four (4) year term of office.

7. Responsibilities of the Integrity Commissioner

The Integrity Commissioner will provide accountability services to the City including:

- (i) to provide advice on the application of the Code of Conduct, City policies, procedures and rules, the Complaint Protocol and sections 5, 5.1. or 5.2 of the *Municipal Conflict of Interest Act*;
- (ii) to conduct inquiries as directed by Council or on the Integrity Commissioner's own initiative regarding whether a Member has contravened the Code of Conduct or sections 5, 5.1. or 5.2 of the *Municipal Conflict of Interest Act*;
- (iii) to provide advice to a Member, upon written request, respecting the Member's obligations under the Code of Conduct, City policies, procedures and rules, the Complaint Protocol and the *Municipal Conflict of Interest Act*;
- (iv) to provide opinions on policy matters and make other reports to Council as requested on issues of ethics and integrity;
- (v) to provide educational information and training to Council, to Members and to the public on matters related to the Code of Conduct and issues of ethics and integrity and to the *Municipal Conflict of Interest Act*;
- (vi) to provide general information to members of the public, on request, about the Code of Conduct, the Complaint Protocol and the availability of complaint resolution services or referrals as contemplated by the Complaint Protocol;

- (vii) to maintain custody and control of the Integrity Commissioner's complaint and inquiry files and, on completion of his or her term of appointment, to transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by Council;
- (viii) to provide such other services respecting ethical and integrity matters as assigned by Council or as may be required by the *Municipal Act, 2001*.

8. Office

- (a) The Integrity Commissioner is independent of Council and the City administration, subject to the requirements of this By-law.
- (b) The Integrity Commissioner has full carriage and control of, and is fully responsible for, carrying out his or her responsibilities in compliance with the Code of Conduct, the Complaint Protocol and all applicable laws.

9. Two-thirds vote required for changes

- (a) To pass a motion to amend or repeal this By-law requires a two-thirds vote of all Council members.

10. This By-law shall come into force and take effect on the date it has received third reading and is passed.

Given Third Reading and Passed April 4, 2017