

APPENDIX I

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The Corporation of the Town of Oakville · Procedure G-GEN-009-002

Integrity Officer - Inquiries/Advice

Procedure Number:
G-GEN-009-002
Parent Policy:
[G-GEN-009](#)
Section:
Governance
Sub-Section:
General
Author:
Clerk's Department
Authority:
Council
Effective Date:
2008 Mar 25
Review by Date:
2018
Replaces:
Last Modified:
2014 Oct

References and Related Documents

[Appendix A - Integrity Officer Inquiry Form](#)
[Appendix B - Integrity Officer Request for Advice Form](#)
[G-GEN-006 Code of Conduct for Elected Officials and Local Board Members](#)
Codes of Conduct adopted by Local Boards, if applicable

Purpose Statement

The Corporation of the Town of Oakville (the town) provides for the office of an Integrity Commissioner (hereinafter referred to as Integrity Officer) in accordance with Section 223.3 of the Municipal Act, 2001 to assist the town in continuing to provide good governance in an accountable and transparent manner.

Scope

The town's Integrity Officer will be responsible for the provision of services as established by Council, including the following:

1. To provide written and oral advice to individual members of Council and to members of local boards about their own situation under the Code of Conduct and other procedures, rules and policies governing the ethical behaviour of members.
2. To provide Council and its local boards with specific and general opinions and advice on the Town's procedures, rules and policies regulating the conduct of members and issues of compliance with such regulations, including revisions thereto.
3. To conduct inquiries into a request made by Town Council, a member of Council, a local board, a member of a local board or a member of the public into whether a member of Council or a member of a local board has contravened any applicable code of conduct, procedures, rules and policies governing the ethical behaviour of members.
4. To determine whether a member of Council or a member of a local board has violated any town procedures, rules and policies governing ethical behaviour and report any violation with any recommendation for sanction to Council.

5. To attempt to settle any complaint between the complainant and the member and report the terms of such settlement to Council.

For the purposes of this procedure, local boards shall include the following:

- a. Business Improvement Area Boards of Management
- b. Site Plan Committee
- c. Committee of Adjustment
- d. Property Standards Committee
- e. Any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of the Town, excluding a school board, conservation authority, public library board or police services board.

Procedure

Informal Complaints

Anyone who has identified or witnessed behaviour or an activity by a member of Council or a local board that he/she believes is in contravention of the members' Code of Conduct may informally address their concern as follows:

1. advise the member that the behaviour or activity contravenes the Code of Conduct;
2. encourage the member to stop the prohibited behaviour or activity;
3. keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
4. if applicable, confirm to the member your satisfaction or dissatisfaction with his/her response to your concern cited in #1
5. consider the need to pursue the matter in accordance with a formal complaint procedure detailed below.

Formal Complaints

1. All requests for a formal inquiry to be conducted by the Integrity Officer shall be submitted to the Town Clerk in the form provided (Appendix A).
2. Requests respecting a member of Council who is seeking re-election will not be permitted to be filed with the Town Clerk or reported out during the period beginning August 1 and ending on the day after the inaugural meeting of Council in any municipal election year.
3. Upon receipt, the Town Clerk shall forward the request to Council, or the local board as appropriate, in order to obtain authorization for the Integrity Officer to conduct an inquiry. Where the inquiry relates to a local board or one of its Members, Council may authorize the inquiry should the local board decline to do so.
4. Upon receipt of a request to conduct an inquiry, the Integrity Officer will provide a preliminary response to the Town Clerk addressing the following:
 - a. The opinion of the Officer as to whether the inquiry is appropriate and whether it can be conducted within the laws applicable to such an inquiry.
 - b. An indication as to whether it is the Officer's intention to conduct the inquiry under the Public Inquiries Act.
 - c. A preliminary indication of the members of staff and/or consultants needed to assist the Officer or to delegate certain portions of the inquiry.
 - d. An estimated cost of the inquiry.
 - e. The estimated time required to complete the inquiry and prepare a final report.
 - f. Where appropriate, the Officer may recommend that the alleged infraction be reported to the police and that the inquiry be suspended until the police investigation is completed.
5. The Town Clerk will circulate the preliminary response, for information, to Council or the local board as appropriate unless further direction is required in which case a formal report shall be presented for consideration.
6. Where the complaint is determined to be within the jurisdiction of the Integrity Officer and further direction is not required from the Council or local board, he/she shall investigate and may attempt to settle the complaint. Except where otherwise required by the Public Inquiries Act, the Officer shall

provide a copy of the complaint and supporting material to the member with a request for a written response to the allegation by way of affidavit or otherwise within ten days and provide a copy of such response to the complainant with a request for a written response also within ten days.

7. After reviewing the written materials, the Integrity Officer may speak to anyone relevant to the complaint, and may access and examine any of the information described in subsections 3 and 4 of Section 223.4 of the Municipal Act, 2001.
8. Where the inquiry addresses a local board, the final report of the Integrity Officer shall be submitted to both Council and the local board.
9. The Clerk shall give a copy of the final report to the complainant and the member whose conduct has been investigated prior to the Council meeting at which it will be considered.
10. In reviewing the final report, Council will determine whether it will impose either of the following penalties on a Member of Council or of a local board if the Inquiry Officer reports that it is his/her opinion that the member has contravened the code of conduct:
 - a. A reprimand, or
 - b. Suspension of the remuneration paid to the member in respect of his or her services as a Member of the Council or of the local board, as the case may be, for a period of up to 90 days.
11. Local board members found to have contravened the code of conduct may also be subject to removal from the board, as appropriate, at the determination of Council.

Advice

1. Where an individual Member of Council or a local board is seeking to obtain advice from the Integrity Officer, he or she shall submit the request to the Integrity Officer on the form provided as Appendix B and the cost for such advice shall be the responsibility of the requester, unless authorized by resolution of Council or the local board, in which case it shall be the responsibility of the authorizing body. The requester shall notify the Town Clerk that a request has been filed.
2. All advice of the Integrity Officer to individual Members of Council or local boards shall be confirmed in writing. No Solicitor/Client relationship will exist in the giving of such advice.
3. Where the Integrity Officer learns of a contravention of the code of conduct, procedures, rules and/or policies governing the ethical behaviour of members through the request for advice from any member of Council or local board, he/she is required to report such contravention to Council.
4. The Integrity Officer may decline to give advice to a Member if he/she determines that it will put him in conflict with his/her duty to Council as a whole.

Responsibilities

The Town Clerk shall be responsible for ensuring the above procedures are followed with respect to formal complaints and for processing all invoices of the Integrity Officer in accordance with the provisions of this procedure.

Town Council shall be responsible for authorizing investigations and determining penalties where appropriate. Members of Council or Local Boards shall be responsible for filing any individual requests for advice and for the associated costs if not authorized by Council or the Local Board.