

The Corporation of the City of North Bay

By-Law No. 2024-21

**Being a By-Law to Appoint an
Integrity Commissioner**

WHEREAS 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;

WHEREAS 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;

WHEREAS 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;

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

WHEREAS 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;

WHEREAS subsection 223.3(1) of the *Municipal Act* provides that sections 9 and 11 [as well as section 10, which does not apply to the City] 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 code of conduct for members of local boards.
2. 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.
3. 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.
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 behaviour 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 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*;

WHEREAS the appointment of Guy W. Giorno as Integrity Commissioner expires February 29, 2024;

WHEREAS the City has chosen to re-appoint Guy W. Giorno, partner in the law firm Fasken Martineau DuMoulin LLP, as Integrity Commissioner, such appointment to be for a period of five years commencing March 1, 2024, with an option exercisable by the City to extend the appointment for up to three additional terms of up to one year each; and

WHEREAS the City 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 CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. Guy W. Giorno is re-appointed as Integrity Commissioner of the City, effective March 1, 2024.
2. The appointment shall be for a five-year term, expiring 11:59 p.m., February 28, 2029.
3. This By-Law comes into effect March 1, 2024.

Read a First Time in Open Council the 12th day of March, 2024.

Read a Second time in Open Council this 12th day of March, 2024.

Read a Third Time in Open Council and Passed this 12th day of March, 2024.

Mayor Peter Chirico

City Clerk Karen McIsaac