

**THE CITY OF EDMONTON
BYLAW 18567
INTEGRITY COMMISSIONER BYLAW**

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS, AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to establish the position of Integrity Commissioner as a designated officer, and to delegate powers, duties, and functions to that position. |
| DEFINITIONS | 2 | <p>(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the <i>Municipal Government Act</i>, RSA 2000, c M-26.</p> <p>(2) In this bylaw:</p> <ul style="list-style-type: none">(a) “City” means The City of Edmonton;(b) “City Manager” means the City’s chief administrative officer;(c) “Council” means the City’s council;(d) “Councillor” means the City’s councillors and includes the chief elected official;(e) “Council Code of Conduct Bylaw” means the City’s Council Code of Conduct Bylaw, Bylaw 18483. |
| RULES FOR INTERPRETATION | 3 | The marginal notes and headings in this bylaw are for ease of reference only. |

PART II - APPOINTMENT

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|---------------------------|---|---|
| DESIGNATED OFFICER | 4 | The designated officer position of Integrity Commissioner is established by this bylaw. |
| APPOINTMENT | 5 | <p>(1) Council will, by resolution, appoint an individual to the position of Integrity Commissioner and will approve the terms and conditions of the appointment.</p> |

- (2) The Integrity Commissioner will be appointed for a term of at least 4 years.
 - (3) Council may revoke the appointment of the Integrity Commissioner by resolution at any time during their term.
- 6 If the Integrity Commissioner is involved in an ongoing investigation pursuant to the Council Code of Conduct Bylaw when their appointment ends or is revoked, the Integrity Commissioner may, subject to Council direction, complete the investigation.
- INDEMNITY** 7 The City will indemnify the Integrity Commissioner as an agent of the City in accordance with Council’s Legal Representation and Indemnification of City Employees, Agents, and Members of Council Policy, Policy C482, provided that the Integrity Commissioner acts in the course and scope of their appointment and in good faith.
- ACCOUNTABILITY** 8 The Integrity Commissioner is not subject to the supervision of or accountable to the City Manager.

PART III - POWERS, DUTIES, AND FUNCTIONS

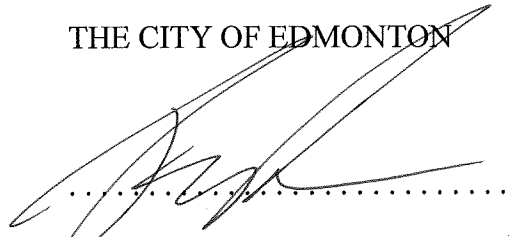
- POWERS, DUTIES, FUNCTIONS** 9 The Integrity Commissioner must:
- (a) receive complaints and carry out investigations pursuant to the Council Code of Conduct Bylaw;
 - (b) provide advice and recommendations to Council regarding the Council Code of Conduct Bylaw, other bylaws or Council approved policies, and the ethical behaviour of Councillors; and
 - (c) perform any other functions directed by Council.
- 10 The Integrity Commissioner may:
- (a) approve forms and other resources related to the Integrity Commissioner’s powers, duties, and functions; and
 - (b) approve complaint and investigation procedures to supplement the Council Code of Conduct Bylaw.
- REPORTING** 11 At least once annually, the Integrity Commissioner will provide

READ a second time this 5th day of September 2018;

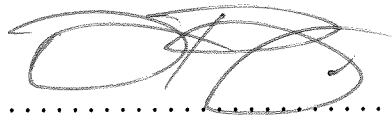
READ a third time this 5th day of September 2018;

SIGNED AND PASSED this 5th day of September 2018.

THE CITY OF EDMONTON



.....
MAYOR



.....
A/ CITY CLERK

SCHEDULE B COMPLAINTS

Submission Process

If any person believes that a Councillor has contravened this code of conduct, that person may make a written complaint to the Integrity Commissioner. A sample complaint form will be made available on the City's website.

Written complaints must include the following:

- a) the provisions of the Council Code of Conduct allegedly contravened and the facts surrounding the allegation, including any witnesses;
- b) the name of the Councillor(s) alleged to have contravened the Council Code of Conduct; and
- c) the complainant's name and contact information,

and may be submitted by electronic mail or delivered to:

Office of the City Clerk
3rd Floor, City Hall
1 Sir Winston Churchill Square
Edmonton AB T5J 0R2

A complaint must be received by the Integrity Commissioner, not later than 60 days after the date the person became aware of the conduct giving rise to the complaint. The Integrity Commissioner may use their discretion to grant extensions if:

- a) the delay occurred in good faith;
- b) it is in the public interest to conduct an investigation or to give consideration whether to conduct an investigation; and
- c) no substantial prejudice will result to any person because of the delay.

On receipt of a complaint, an initial assessment will be completed. Complaints that:

- a) are not about a current Councillor;
- b) are about the conduct of a Councillor's employee;
- c) allege criminal activity;
- d) allege a violation of the Municipal Government Act or the Freedom of Information and Protection of Privacy Act; or
- e) are covered by other applicable legislative appeal, complaint, or court processes,

will be immediately refused and the complainant will be advised in writing, with reasons, and provided with information regarding other options, if applicable.

Investigation

Complaints accepted by the Integrity Commissioner will be investigated, however:

- a) complaints received or under investigation within 90 days prior to a municipal election may be suspended until after election day; and
- b) if the Integrity Commissioner determines that a complaint is frivolous, vexatious, or made in bad faith, the Integrity Commissioner will immediately dismiss the complaint.

If the Integrity Commissioner determines that informal resolution may be possible, they may, with written consent of both the complainant and respondent Councillor(s), refer the complaint to the Ethics Advisor or another third party for resolution.

If a complaint cannot be resolved informally, the Integrity Commissioner will conduct a formal investigation. Formal investigations must be conducted in a fair, timely, and confidential manner that respects the principles of procedural fairness and natural justice.

Prior to commencing a formal investigation, the complainant and respondent Councillor will receive written notice of the investigation, and the respondent Councillor will receive a copy of the complaint. Names of complainants and witnesses may be provided to the respondent Councillor(s) if:

- a) the investigation cannot be completed without releasing the complainant's name; or
- b) the respondent Councillor(s) require the name(s) to properly respond to the allegations.

During an investigation, a complainant or witness may be asked to provide additional information and may be asked to provide information through a statutory declaration. If a statutory declaration is requested, the Office of the City Clerk may provide a Commissioner for Oaths, free of charge. City employees or Councillor's employees may also be requested to provide information, and any person conducting an investigation on behalf of the Integrity Commissioner may look at any record or thing belonging to or used by the City, and enter any City facility for the purpose of completing the investigation. The respondent Councillor(s) is entitled to disclosure of all relevant information gathered during an investigation.

Once all information has been gathered, the respondent Councillor will have 10 days to respond to the complaint in writing and may provide any further information in support of their response. This deadline may be extended at the discretion of the Integrity Commissioner.

The Integrity Commissioner will strive to complete investigations within 90 days of the date the complaint is accepted. This deadline may be extended at the discretion of the Integrity Commissioner.

Nothing in this bylaw restricts the Integrity Commissioner from providing interim reports to Council on any matter relevant to a complaint, including reports of any interference, obstruction, or retaliation with an ongoing investigation.

Reporting

Following the investigation, if the Integrity Commissioner believes the complaint is substantiated they must provide a report to Council. The report must contain:

- a) a summary of the complaint;
- b) a summary of information gathered and conclusions made; and
- c) a recommended resolution, including any recommended sanctions in accordance with Schedule C - Sanctions.

Reports to Council from the Integrity Commissioner will be discussed in private if permitted by the Municipal Government Act.

Once Council has received and considered the Integrity Commissioner's report, it will be reviewed in accordance with the Freedom of Information and Protection of Privacy Act and will be posted, to the extent possible, on the City's website.