

CITY OF ST. ALBERT

BYLAW 45/2017

A Bylaw to establish the office of Integrity Commissioner (consolidated by Bylaw 14/2018)

WHEREAS pursuant to section 145 of the *Municipal Government Act*, a council may pass bylaws in relation to procedures to be followed by council;

AND WHEREAS pursuant to section 146.1 of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS Bylaw 38/2017 establishes the Code of Conduct for members of Council;

AND WHEREAS the Code of Conduct outlines a role for an Integrity Commissioner;

NOW THEREFORE, the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the “Integrity Commissioner Bylaw”.

Definitions

2. In this Bylaw:
 - a. “City” means the municipality of the City of St. Albert or the geographic area of the City of St. Albert, as the context requires;
 - b. “City Manager” means the chief administrative officer of the City, or their designate;
 - c. “Code of Conduct” means the Code of Conduct for members of Council, as outlined in Bylaw 38/2017;
 - d. “Council” means the municipal council of the City of St. Albert;
 - e. “Council Member” means a member of City Council, including a councillor and the Mayor; and
 - f. “Formal Complaint” means a request by City Council, a Council Member, a City employee, a City resident, or a person who has a business,

institutional or other premises in the City, that the Integrity Commissioner conduct an inquiry into an event or series of events alleged to contravene the Code of Conduct or any other procedures, rules or policies governing the ethical behaviour of Council Members.

Appointment

3. Council shall appoint an individual, group, or organization to fulfill the duties of Integrity Commissioner for an initial six month term. Subsequent appointments will be for a one year term, with the possibility of one year term extensions.
 - a. If a group or organization is appointed, one individual within that group or organization will be designated as Integrity Commissioner.
 - b. Where no appointment has been made under section 3(a), the City Manager shall secure a third party to carry out one or more of the duties set out in this Bylaw.
4. The individual appointed should possess the following qualifications:
 - a. Proven impartiality, neutrality and high ethical standards;
 - b. Senior-level management, municipal, legal, judicial or quasi-judicial experience;
 - c. Knowledge of municipal or other administrative law;
 - d. Knowledge of municipal governance;
 - e. Ability to interpret and apply the provisions of various statutes, regulations, policies and other enabling frameworks;
 - f. Knowledge of investigatory procedures and applicable legal principles, particularly as they relate to evidence, legal interpretation and natural justice;
 - g. An ability to provide services on a flexible and as-needed basis;
 - h. No official dealings or employment with the City;
 - i. No financial interest in work undertaken by the City;
 - j. No involvement in City political campaigns/endorsements, or related conflict of interest; and
 - k. No familial or professional relationship with any Council Member.

Role

5. The role of the Integrity Commissioner is to receive, review, investigate and adjudicate Formal Complaints and if a contravention of the Code of Conduct is established, to provide recommendations to Council regarding the imposition of a penalty.

Duties

6. The Integrity Commissioner shall:
 - a. Receive, review, investigate and adjudicate complaints based on the Formal Complaint Procedure outlined in the Code of Conduct;
 - b. Determine whether the matter is within the jurisdiction of the Integrity Commissioner to process;
 - c. Determine whether to proceed to investigate a Formal Complaint or dispose of the Formal Complaint in a summary manner;
 - d. Ensure that Formal Complaints are fully and fairly investigated;
 - e. Respect confidentiality of information and documentation received and reviewed when conducting an investigation;
 - f. Provide advice and recommendations to Council regarding amendments to the Code of Conduct and any other procedures, rules, or policies governing Council Members' ethical behaviour; and
 - g. Prepare and deliver an annual report to Council containing a summary of the Integrity Commissioner's activities during the calendar year.
7. The Integrity Commissioner shall complete any investigation begun during their term notwithstanding the expiry of their term and this Bylaw shall continue to apply with necessary modifications, unless other arrangements are made and agreed upon by the Integrity Commissioner.
8. If the Integrity Commissioner has not begun an investigation into a Formal Complaint during their term, the Integrity Commissioner next appointed shall begin and complete the investigation.

Effective Date

9. This Bylaw comes into force on March 31, 2018.