

CITY OF NANAIMO

BYLAW NO. 7349

A BYLAW TO CREATE THE POSITION OF ETHICS COMMISSIONER

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WHEREAS the position of Nanaimo Ethics Commissioner is hereby established;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Ethics Commissioner Establishment Bylaw 2022, No. 7349”.

2. Definitions

In this bylaw:

“CAO”	Means the Chief Administrative Officer for the City of Nanaimo.
“Code of Conduct”	Means a bylaw adopted by Council to regulate the ethical conduct of Council Members and to establish the process by which the Commissioner may investigate complaints of violations thereof.
“Council Member”	Means the Mayor or a Councillor
“Formal Complaint:”	Has the same meaning as in the Code of Conduct.

3. Creation of Office

The position of Ethics Commissioner is hereby established.

4. Appointment of an Ethics Commissioner

4.1 Council may by resolution appoint an individual to the position of Ethics Commissioner and approve the terms and conditions of the appointment.

4.2 The Ethics Commissioner may be appointed for an initial term of up to two-years.

4.3 An Ethics Commissioner may be appointed for more than one two-year terms.

4.4 If the Ethics Commissioner is involved in an ongoing investigation pursuant to the Council Code of Conduct when their appointment ends, or is revoked, the Ethics Commissioner may complete the investigation unless Council passes a resolution otherwise.

4.5 The appointment of an Ethics Commissioner may only be suspended or terminated by a 2/3 vote of all Council Members.

5. Ad Hoc Commissioner

5.1 The CAO may hire an ad hoc Commissioner to carry out one or more of the duties as set out in this Bylaw or in the Code of Conduct Bylaw in the following circumstances:

- (a) if the City has not yet entered into a contract for the appointment of an Ethics Commissioner;
- (b) in the interim period between the expiry of the appointment of one Ethics Commissioner and the appointment of a new Ethics Commissioner; or
- (c) if the appointed Ethics Commissioner is unable or unwilling to act.

6. Role

6.1 The Commissioner is authorized to:

- (a) provide advice and recommendations to a Council Member on questions of compliance with the Code of Conduct Bylaw;
- (b) deliver training as part of orientation, and twice yearly, on any aspects of ethical conduct that the Ethics Commissioner determines may be valuable for Council Members;
- (c) develop procedures, policies and protocols designed to ensure that Formal Complaints are fully and fairly investigated;
- (d) assist with informal resolution of confidential requests and complaints;
- (e) receive and assess all complaints to determine if the complaint must be rejected, closed, resolved or investigated;
- (f) report to Council as to whether a Council Member has breached the Code of Conduct Bylaw;
- (g) make recommendations on an appropriate remedy if a Council Member has breached the Code of Conduct Bylaw; and
- (h) publish an annual report that includes a summary of the work of the Ethics Commissioner and any advice or recommendations that the Ethics Commissioner has to improve the text or operation of the Code of Conduct Bylaw.

6.2 The Ethics Commissioner must perform the duties and responsibilities of their office in an independent manner.

7. Enactment

This bylaw comes into force and effect on 2022-OCT-15.

PASSED FIRST READING: 2022-MAY-16  
PASSED SECOND READING: 2022-MAY-16  
PASSED THIRD READING: 2022-MAY-16  
ADOPTED: \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER