

# THE CORPORATION OF THE COUNTY OF MIDDLESEX

## BY-LAW #7205

A By-Law to authorize Appointment of a Municipal Ombudsman, Closed Meeting Investigator, and Integrity Commissioner and to approve and authorize the execution of a Municipal Ombudsman, Closed Meeting Investigator, and Integrity Commissioner Agreement between The Corporation of the County of Middlesex and Mark G. McDonald, Independent Resolutions Inc.

### WHEREAS

- A. Council adopted a recommendation on December 13, 2022, to introduce a by-law to:
  - (i) Appoint the firm of Independent Resolutions Inc., represented by Mark McDonald as the Municipal Ombudsman, Integrity Commissioner, and Closed Meeting Investigator for the County of Middlesex effective January 1, 2023;
  - (ii) Approve the Memorandum of Agreement with Independent Resolutions Inc., attached to the staff report as *Schedule "A"*;
  - (iii) Authorize the Warden and the Clerk to execute the Agreement; and
  - (iv) Repeal By-law #6886.
- B. Section 223.13(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended (the "**Act**"), authorizes municipalities to appoint an Ombudsman who reports to council and whose function it is to investigate in an independent manner any decision or recommendation made or act done or omitted in the course of the administration of the appointing municipality, its local boards and specified municipally-controlled corporations;
- C. Section 239.2(1) of the *Act* authorizes a municipality to appoint an investigator (hereinafter, Closed Meeting Investigator") who has the function of investigating in an independent manner upon a complaint made to him or her by any person, whether a municipality or local board has complied with Section 239 of the *Act* or a procedure by-law under subsection 238(2) of the *Act* in respect of a meeting or part of a meeting that was closed to the public, and to report on such investigation;
- D. Section 223.3(1) of the *Act* authorizes a municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner functions assigned by the municipality with respect to: (a) the application of the code of conduct for members of council, its local boards and/or their committees; and (b) the application of procedures, rules and policies governing the ethical behavior of members of council, its local boards and/or committees; or both of clauses (a) and (b);
- E. Section 5(3) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipal power shall be exercised by by-law;

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NOW THEREFORE the Council of the Corporation of the County of Middlesex enacts as follows:

1. That the firm of Independent Resolutions Inc., represented by Mark McDonald be hereby appointed as the Municipal Ombudsman, Integrity Commissioner, and Closed Meeting Investigator for the County of Middlesex effective January 1, 2023.
2. That the Memorandum of Agreement with Independent Resolutions Inc., attached hereto as *Schedule "A"* be approved.
3. That the Warden and the County Clerk be hereby authorized to sign and enact the Memorandum of Agreement with Independent Resolutions Inc., attached hereto as *Schedule "A"*.
4. That By-law #6886 is hereby repealed effective January 1, 2023
5. That this By-law will come into force and take effect on January 1, 2023.

PASSED IN COUNCIL this 13<sup>th</sup> day of December, 2022

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Cathy Burghardt-Jesson, Warden

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Marci Ivanic, County Clerk