

Schedule B of By-law 51-2015 Inquiry Procedure

Purpose

The purpose of this procedure is to provide a process for persons to apply for an inquiry concerning alleged contraventions of the Municipal Conflict of Interest Act R.S.O. 1990 c. M. 50 concerning a member of Council or Directors of the Board of Management of the Oshawa Central Business District Improvement Area.

For the purposes of this procedure, the term “member” shall include both Members of Council and Directors of the Board of Management for the Oshawa Central Business District Improvement Area.

Request for Inquiry under the Municipal Conflict of Interest Act

A - Process for the Request

1. An elector, or any person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act using the process set out below:
 - a) all requests for an inquiry may be made in writing using the City's Application for Inquiry Form (see Form “B”) and dated and signed by the person making the inquiry (the “Applicant”);
 - b) the Inquiry Form must include the name of the member alleged to have breached the Municipal Conflict of Interest Act;
 - c) the Application for Inquiry shall be filed with the Integrity Commissioner who may conduct any such inquiries he/she considers necessary; and
 - d) the Inquiry must be submitted to the Integrity Commissioner no later than six (6) weeks from the date in which the applicant became aware of the alleged contravention, unless both of the following are satisfied:
 - i) The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, and ending on voting day in a regular election, as set out in section 5 of that Act.
 - ii) The applicant applies to the Commissioner within six weeks after the day after voting day in a regular election.

2. The Integrity Commissioner will provide notice to the City Clerk of the fact that an Application for Inquiry has been received, including the assigned file number, and provide updates to the Clerk on the status of any Inquiry. The notice and any updates must not breach the confidentiality of the identities of the Applicant and the Respondent or the confidentiality of the nature and content of the Application.
3. In accordance with the *Municipal Act, 2001*, the Integrity Commissioner may request additional information from the applicant, the municipality, or may conduct a public meeting as he/she believes necessary to investigate the inquiry.

B - Completion of the Investigation

1. The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application.
2. Upon completion of the inquiry, the Integrity Commissioner may apply to a judge for determination as to whether the member has contravened a section of the M.C.I.A. If an application to a judge will not be made, the Commissioner must notify the complainant in writing.
3. After having decided whether or not to apply to a judge, the Integrity Commissioner must publish written reasons for the decision.
4. Municipal Conflict of Interest Act investigative reports received from the Integrity Commissioner shall be included in Information Packages and placed on the City's website on the Accountability and Transparency webpage as direction from Council is not required.

Confidentiality

The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the City or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the Municipal Act 2001.

Delegation

The Integrity Commissioner may delegate in writing to any person, other than a member, any of the Integrity Commissioner's powers and duties.