



Town of Iroquois Falls

253 Main Street
PO Box 230
Iroquois Falls, ON P0K 1G0

Request for Proposal No. 2018-ADMIN-03

INTEGRITY COMMISSIONER SERVICES

Date of Issue: June 4, 2018

Proposal Submission Deadline: June 22, 2018 – 4:00 p.m.

Introduction

The *Corporation of the Town of Iroquois Falls* is inviting proposals from qualified proponents for the provision of Integrity Commissioner Services.

Background

The Corporation of the Town of Iroquois Falls is a small single tier municipality with a population of approximately 4,537. Iroquois Falls is located in northeastern Ontario and the municipality also includes two other small urban communities being Monteith and Porquis.

Scope of Work

The Integrity Commissioner is responsible for performing in an independent manner the following four functions assigned by the municipality:

1. Provide advice to members of council respecting their obligations under the code of conduct for members of council; any procedures, rules and policies of the municipality governing the ethical behaviour of members of council; or, the *Municipal Conflict of Interest Act*.
2. Provide education information to members of council, the municipality and the public about the municipality's codes of conduct for members of council and about the *Municipal Conflict of Interest Act*.
3. Conduct an inquiry into requests, which are assessed as valid, to determine if a contravention occurred.
4. Report to Council the results of any inquiry.

The Integrity Commissioner's powers and duties are set out in the *Municipal Act*, see Appendix 'C' of this RFP for excerpts from the Act.

The Integrity Commissioner does not have authority over the conduct of Municipal employees.

Qualifications

The Integrity Commissioner's qualifications should include:

- Proven impartiality and neutrality;
- An ability to provide services on a part-time, flexible and as-needed basis;
- No other involvement in political campaigning/endorsement, or related conflicts of interest;
- No financial interest in the work undertaken by the Town of Iroquois Falls;
- An independent person who personifies high ethical standards;
- Experience managing sensitive inquiries and conducting investigations;
- Excellent communication skills;
- Familiarity with investigator procedures and the applicable legal principles;
- General knowledge and appreciation of municipal government;
- Ability to interpret and apply the provisions of various statutes, regulations, policies and other enabling frameworks;
- Impartiality, wisdom, sound judgment combined with the ability to inspire trust and confidence; and,
- At least ten years of senior-level management, legal or quasi-judicial experience.

Work Plan

The Proponent's response shall provide detail of the following:

1. A statement acknowledging an understanding of the requirements.
2. A work plan setting out how the Proponent would ensure the quality of work and cost effectiveness. The work plan shall also set out proposed response times and any communication and co-ordination procedures that the Proponent proposes, where it is appropriate to do so. A protocol for the confidential receipt and forwarding of complaints will be developed by the successful Proponent.

Appointment

The term of the contract will be for a period of four (4) years from the date of the appointment by Municipal Council.

Contractual Terms and Conditions

Proposal Expiry Date

Respondents hereby acknowledge that their proposals shall be irrevocable for a period of 30 days from the proposal submission deadline or until an agreement is signed with the successful respondent, whichever comes first.

Reserved Rights

The Corporation of the Town of Iroquois Falls reserves the right to:

1. Make public the names of any or all *Respondents*;
2. Request written clarification or the submission of supplementary written information in relation to the clarification request from any *Respondent* and incorporate a *Respondent's* response to that request for clarification into the *Respondent's Proposal*;
3. Check references other than those provided by any *Respondent*;
4. Disqualify any *Respondent* whose *Proposal* contains misrepresentations or any other inaccurate or misleading information, or any qualifications;
5. Disqualify any *Respondent* or the *Proposal* of any *Respondent* who has engaged in conduct prohibited by this *RFP*;
6. Select the *Respondent* other than the *Respondent* whose *Proposal* reflects the lowest cost to the Municipality;
7. Cancel this *RFP* process at any stage;
8. Accept or reject any or all *Proposals* in whole or in part;
9. If a single *Proposal* is received, reject the *Proposal* of the sole *Respondent* and cancel this *RFP* process or enter into direct negotiations with the sole *Respondent*.
10. Reject any *Proposal* that:
 - Is incomplete, obscure, or does not comply with all of the material;
 - May cause or be perceived to cause a Conflict of Interest; or
 - Is restricted or qualified by a statement added to the "Form of Proposal" or by a covering letter, or by alterations to the "Form or Proposal" supplied; or
 - on the basis of information provided by references or other relevant information that arises during the *RFP* process;
11. Waive minor discrepancies that:
 - Do not change the relative standing or otherwise prejudice other *Proposals*;
 - Do not change the meaning or scope of the *RFP*.

The Corporation of the Town of Iroquois Falls shall not be liable for any expenses, costs or losses suffered by any *Respondent* or any third party resulting from the Municipality exercising any of its express or implied rights under this *RFP*.

Errors and Omissions

The Municipality shall not be held liable for any errors or omissions in any part of this RFP. The information contained in the RFP is supplied as a guideline for respondents and is not necessarily comprehensive or exhaustive. Nothing in the RFP is intended to relieve the respondents from forming their own opinions and conclusions.

Not Responsible for Preparation Costs

The Municipality will not pay for any costs associated with the preparation, submittal, presentation, or evaluation of any proposal.

Amendments to the RFP

The Municipality may issue addenda to clarify and/or modify certain aspects of the RFP prior to the Proposal Submission Deadline. Addenda will be sent to all persons, firms, and corporations issued RFP documents. Receipt of Addenda must be acknowledged in Appendix A – *Form of Proposal*.

Proposal Submission

The Corporation of the Town of Iroquois Falls discourages overly lengthy and costly proposals. However, for the Municipality to evaluate the proposals fairly and completely, respondents should provide all of the information requested.

For the Integrity Commissioner Services Proposal the respondent should provide a Table of Contents adhering to the following format:

Form of Proposal including completed pricing (if any) – **Appendix A**
Introduction
Company Background, Experience and Qualifications
Work Plan
Value Added Elements, if any
Completed List of References – **Appendix B**

A designated signing officer authorized to bind the Respondent to the provisions of their Proposal must sign the *Form of Proposal*. Any amendments to the RFP issued by the Municipality must also be acknowledged on the *Form of Proposal*.

Proposals must be legible, written in ink, or typewritten. The person signing on behalf of the respondent must initial erasures, over-writing or strikeouts.

Proposals must not be restricted by a statement added to the Form of Proposal or by a covering letter, or by alterations to the Form of Proposal supplied unless otherwise provided in the RFP.

In submitting a Proposal, the Respondent acknowledges that they have read, completely understood, and accepted the terms and conditions of the RFP in full. The Municipality is not responsible for any misunderstanding of the RFP. The onus is on the

Respondent to ensure that they understand all aspects of the RFP.

Each Respondent is asked to submit their Proposal sealed and clearly marked as to its contents to the following address:

Town of Iroquois Falls
Attention: Clerk-Administrator
Integrity Commissioner Services
PO Box 230
253 Main Street
Iroquois Falls, ON P0K 1G0

Electronic submissions will be accepted in response to this RFP only if the document contains the requisite signature and/or initials from the designated signing officer and if submitted to RFP@iroquoisfalls.com with the following Subject description "2018-ADMIN-03 INTEGRITY COMMISSIONER SERVICES".

The onus unequivocally remains with the Respondent to ensure that the Municipality receives their Proposal prior to the Proposal Submission Deadline. Proposals received after the closing time will not be considered and will be returned unopened.

Selection Process

As part of the selection process, the Municipality may contact one or more Respondents to clarify or obtain more information about their Proposal or to request the respondent to exhibit or otherwise demonstrate the information contained therein.

The Municipality may also conduct discussions with respondents for the purpose of clarification. The purpose of these discussions will be to ensure full understanding of the requirements of the *RFP* and Proposal. Discussions will be limited to specific sections of the RFP and will only be held with respondents who have submitted a proposal deemed to be reasonably acceptable for Award.

Evaluation Criteria

Proposals will be evaluated based on the following criteria:

- *Qualification, Expertise, Team and Performance on Similar Projects (50%)*
- *Proposal: Complete, Comprehensive, Demonstrated Understanding of Work (25%)*
- *Proposed Fee (25%)*

Award

The Successful Respondent will be notified of the Award in writing to the address given on the "Form of Proposal", and may be contacted verbally or electronically.

Process Schedule

Release of RFP	June 4, 2018
Deadline for Submitting Questions	June 14, 2018
RFP Closing	June 22, 2018 – 4:00 p.m.

Questions or Inquiries

All questions or inquiries shall be in writing and directed to:

Linda McLean, Clerk-Administrator
PO Box 230
253 Main Street
Iroquois Falls, ON P0K 1G0
RFP@iroquoisfalls.com

Respondents shall not contact other members of the Municipality's staff in preparing their Proposal. The Municipality may disqualify a Respondent and/or their Proposal if it determines that inappropriate contact has been made.

Questions concerning clarification of the contents of this document must be made in writing and received by the deadline noted in the Process Schedule above. Emailed requests for clarification are acceptable. Responses to questions/clarifications will be communicated in writing to all plan takers in the form of addenda.

Under no circumstances shall the Respondent rely upon any information or instruction from the Municipality, its employees, or agents unless provided in writing by the Clerk-Administrator. The Municipality, its employees, or agents shall not be responsible for any information or instructions given to the Respondent, with the exception of information or instruction provided by the Clerk-Administrator, issued through formal addenda to the RFP.

Appendix A

FORM OF PROPOSAL

Whereas *The Corporation of the Town of Iroquois Falls* is inviting proposals for the provision of Integrity Commissioner Services.

We, the Undersigned, having examined the Request for Proposal documents for the above named work including addendum numbers _____, do hereby offer to perform the work for the following amount:

Description of Work	Fee (\$) excluding HST
<i>(please state if fee is per hour or flat rate per type of service requested)</i>	\$
Provision of Advice	\$
Provision of Educational Information	\$
Evaluating requests, inquiry, and reporting to Council	\$
	\$
Other (if applicable):	\$
	\$
	\$
	\$
	\$

Company: _____

Company Address: _____

Name/Title of Designated Signing Officer

Telephone Number

Signature of Designated Signing Officer

Date

Appendix B

List of References

Respondents must provide a minimum of **three (3) current references** that have been provided with a service similar to that proposed herein.

Company Name:

Address:

Phone No.:

Contact Name:

Position:

Relevant Projects:

Date this Project Completed:

Company Name:

Address:

Phone No.:

Contact Name:

Position:

Relevant Projects:

Date this Project Completed:

Company Name:

Address:

Phone No.:

Contact Name:

Position:

Relevant Projects:

Date this Project Completed:

Appendix C

Excerpt from the Municipal Act, 2001, SO 2001, c 25, s 223.3 to s 223.8 Sections outlining the role of Integrity Commissioner

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to,

- (a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;
- (b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them; or
- (c) both of clauses (a) and (b). 2006, c. 32, Sched. A, s. 98.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 223.3 (1) of the Act is repealed and the following substituted: (See: 2017, c. 10, Sched. 1, s. 19 (1))

Integrity Commissioner

(1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 223.3 of the Act is amended by adding the following subsections: (See: 2017, c. 10, Sched. 1, s. 19 (2))

Provision for functions if no Commissioner appointed

(1.1) If a municipality has not appointed a Commissioner under subsection (1), the municipality shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

Provision for functions if responsibility not assigned

(1.2) If a municipality has appointed a Commissioner under subsection (1), but has not assigned functions to the Commissioner with respect to one or more of the responsibilities set out in that subsection, the municipality shall make arrangements for those responsibilities to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

Powers and duties

(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 223.3 of the Act is amended by adding the following subsections: (See: 2017, c. 10, Sched. 1, s. 19 (3))

Request for advice shall be in writing

(2.1) A request by a member of council or of a local board for advice from the Commissioner under paragraph 4, 5 or 6 of subsection (1) shall be made in writing. 2017, c. 10, Sched. 1, s. 19 (3).

Advice shall be in writing

(2.2) If the Commissioner provides advice to a member of council or of a local board under paragraph 4, 5 or 6 of subsection (1), the advice shall be in writing. 2017, c. 10, Sched. 1, s. 19 (3).

Content of educational information

(2.3) If the Commissioner provides educational information to the public under paragraph 7 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned. 2017, c. 10, Sched. 1, s. 19 (3).

Delegation

(3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

Status

(5) The Commissioner is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 223.3 of the Act is amended by adding the following subsections: (See: 2017, c. 10, Sched. 1, s. 19 (4))

Indemnity

(6) A municipality shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority. 2017, c. 10, Sched. 1, s. 19 (4).

Interpretation

(7) For greater certainty, nothing in this section affects the application of section 448 with respect to a proceeding referred to in subsection (6) of this section. 2017, c. 10, Sched. 1, s. 19 (4).

Inquiry by Commissioner

223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.

Powers on inquiry

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).

Information

(3) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

Same

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 32, Sched. A, s. 98.

Same

(6) The local board may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if the municipality has not imposed a penalty on the member under subsection (5) in respect of the same contravention. 2006, c. 32, Sched. A, s. 98.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 223.4 of the Act is amended by adding the following subsections: (See: 2017, c. 10, Sched. 1, s. 20)

Termination of inquiry when regular election begins

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 1, s. 20.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced. 2017, c. 10, Sched. 1, s. 20.

Other rules that apply during regular election

(9) The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member.
2. The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of council or of a local board has contravened the code of conduct applicable to the member.
3. The municipality or local board shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board. 2017, c. 10, Sched. 1, s. 20.

Section Amendments with date in force (d/m/y)

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 10, Sched. 1, s. 21)

Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act*

223.4.1 (1) This section applies if the Commissioner conducts an inquiry under this Part in respect of an application under subsection (2). 2017, c. 10, Sched. 1, s. 21.

Application

(2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board. 2017, c. 10, Sched. 1, s. 21.

No application for inquiry during regular election

(3) No application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 1, s. 21.

Timing

(4) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 1, s. 21.

Exception

(5) Despite subsection (4), an application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

1. 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, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
2. The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*. 2017, c. 10, Sched. 1, s. 21.

Content of application

(6) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where an applicant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection (5), a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time. 2017, c. 10, Sched. 1, s. 21.

Inquiry

(7) The Commissioner may conduct such inquiry as he or she considers necessary. 2017, c. 10, Sched. 1, s. 21.

Public meeting

(8) If the Commissioner decides to conduct an inquiry, the Commissioner may have a public meeting to discuss the inquiry. 2017, c. 10, Sched. 1, s. 21.

Powers on inquiry

(9) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2017, c. 10, Sched. 1, s. 21.

Information

(10) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 1, s. 21.

Same

(11) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 1, s. 21.

Termination of inquiry when regular election begins

(12) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 1, s. 21.

Same

(13) If an inquiry is terminated under subsection (12), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the member or former member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out. 2017, c. 10, Sched. 1, s. 21.

Timing

(14) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (12). 2017, c. 10, Sched. 1, s. 21.

Completion

(15) Upon completion of the inquiry, the Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act. 2017, c. 10, Sched. 1, s. 21.

Notice to applicant re decision not to apply to judge

(16) The Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge. 2017, c. 10, Sched. 1, s. 21.

Reasons after inquiry

(17) After deciding whether or not to apply to a judge, the Commissioner shall publish written reasons for the decision. 2017, c. 10, Sched. 1, s. 21.

Costs

(18) The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of council of a municipality, the municipality.
2. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of a local board, the local board. 2017, c. 10, Sched. 1, s. 21.

Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Exception

(2) Despite subsection (1), information may be disclosed in a criminal proceeding as required by law or otherwise in accordance with this Part. 2006, c. 32, Sched. A, s. 98.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 223.5 of the Act is amended by adding the following subsections: (See: 2017, c. 10, Sched. 1, s. 22)

Release of advice

(2.1) Advice provided by the Commissioner to a member under paragraph 4, 5 or 6 of subsection 223.3 (1) may be released with the member's written consent. 2017, c. 10, Sched. 1, s. 22.

Partial release by member

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 223.3 (1), the Commissioner may release part or all of the advice without obtaining the member's consent. 2017, c. 10, Sched. 1, s. 22.

Other circumstances

(2.3) The Commissioner may disclose such information as in the Commissioner's opinion is necessary,

(a) for the purposes of a public meeting under subsection 223.4.1 (8);

(b) in an application to a judge referred to in subsection 223.4.1 (15); or

(c) in the written reasons given by the Commissioner under subsection 223.4.1 (17).
2017, c. 10, Sched. 1, s. 22.

Section prevails

(3) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 32, Sched. A, s. 98.

Report to council

223.6 (1) If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 32, Sched. A, s. 98.

Report about conduct

(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.

Publication of reports

(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.

Testimony

223.7 Neither the Commissioner nor any person acting under the instructions of the Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 32, Sched. A, s. 98.

Reference to appropriate authorities

223.8 If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code* (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to council. 2006, c. 32, Sched. A, s. 98.

Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, section 223.8 of the Act is amended by striking out “of any other Act or” and substituting “of any other Act, other than the *Municipal Conflict of Interest Act*, or”. (See: 2017, c. 10, Sched. 1, s. 23)