

Code of Conduct for the Members of Council Township of Havelock-Belmont-Methuen

1.0 PREAMBLE

This Municipal Code of Conduct applies to all Members of Council, including the Head of Council. This Code of Conduct also applies equally to all Members of Boards and Committees of the Municipality, whether or not a Member of that Board or Committee is also a Member of Council.

The Township of Havelock-Belmont-Methuen's Members of Council are committed to achieving transparent and accountable governance to best serve their constituents. Havelock-Belmont-Methuen Council is entrusted with the public's confidence for Council's decision making and the manner in which members perform their duties in office. Adherence to the letter and spirit of the laws of the Federal Parliament, the Ontario Legislature and policies adopted by Havelock-Belmont-Methuen Council enables Members to serve the public interest in a responsible, transparent and accountable way. Rigorous oversight of Member conduct is achieved through existing Statutes and policies such as the *Criminal Code of Canada* and the *Ontario Human Rights Code*, as well as the following:

- a) *Municipal Act 2001*
- b) *Municipal Conflict of Interest Act*
- c) *Municipal Freedom of Information and Protection of Privacy Act*
- d) *Municipal Elections Act*
- e) *Occupational Health and Safety Act*
- f) Township of Havelock-Belmont-Methuen *Policies, By-Laws and Protocols*.

It is incumbent upon Members of Council to be aware of, and understand, statutory obligations imposed upon municipal Council as a whole, as well as on Members of Council individually. This Code of Conduct is supplementary to existing legislation and policies and is meant to be considered, in whole, with existing laws.

This Municipal Council Code of Conduct is a value-based reference intended to encourage the highest standards of ethical behavior to uphold the public trust, the integrity of governance and the Township's reputation. The principles identified in the Code of Conduct are those that have been recognized as being significant in the performance of political office.

Public expectations for those holding public office are extremely high. This Municipal Council Code of Conduct is intended to provide additional guidance to Members of Council in this regard.

In accordance with the *Municipal Act 2001*, this Code of Conduct recognizes that the Mayor has additional responsibilities as defined in the *Municipal Act 2001* as the Head of Council, and incorporates these provisions where appropriate.

The Head of Council is not the Chief Executive Officer, but merely acts in that capacity. The Head of Council shall:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

As a living document, the Municipal Council Code of Conduct will be brought forward for review at the start of each Council term, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.

2.0 CONDUCT FOR TRANSPARENT, ACCOUNTABLE AND GOOD GOVERNANCE

The *Municipal Act 2001*, Part VI, Practices and Procedures, establishes the organization, roles and responsibilities for the Members of Council and administration, including the requirement to pass a Procedure By-law.

In accordance with the *Municipal Act*, the Township's Procedure By-law, provides rules governing the order and proceedings of the Council and Committees of Council. The Act and Procedure By-law ensure that Council is the source of authority for municipal government and its decisions are made and implemented through the appropriate channels of government structure.

Decision-making authority lies with Council as a whole, and not with an individual Member, to approve:

- a) Budget
- b) Policies
- c) Committee Processes
- d) Direct Staff
- e) Commit Resources; and
- f) Other Municipal Matters.

Council and the Corporation as a whole, not individual members, endeavor to conduct the decision-making process and convey Council business in a transparent, accountable and equitable manner, recognizing that the public has a right to open government, participatory decision-making and reasonable access to information on how decisions are made.

Members of Council should continue to perform their respective duties of office with integrity to avoid conflicts of interest, both apparent and real.

2.1 Conduct for Council and Committee Meetings

Members of Council shall conduct themselves with decorum in accordance with the provisions of applicable law including the *Municipal Act* and the Township's Procedure By-Law, to show courtesy and respect to fellow Members and others. A Member recognizes the importance of co-operation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour in relation to all those in attendance.

Members shall make every effort to participate in the activities of the agencies, boards, commissions and committees to which they are appointed in the same manner as Council activities.

Every Member has the duty and responsibility to treat members of the public, staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.

A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, any member of Staff, or any member of the public.

In accordance with the *Ontario Human Rights Code*, the *Occupational Health and Safety Act* and the Township's Workplace Harassment Prevention Policy, all persons will be treated with dignity and respect in an environment free of discrimination and harassment.

Harassment includes, but is not limited to, any behaviour, conduct or comment by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the *Ontario Human Rights Code*. Harassment, whether it occurs inside or outside the workplace, but is related to the activities of elected office, is considered to be inappropriate behaviour for the purpose of this Code of Conduct.

2.2 Conduct Respecting Staff

The role of Township officers and employees is to implement Council's decisions and to establish administrative procedures to carry out Township operations as provided for in the *Municipal Act 2001*.

Under the direction of the Chief Administrative Officer, staff serves Council as a whole, and the combined interests of all Members as evidenced through Council decisions. The Chief Administrative Officer has overall responsibility for the administration of Township affairs in accordance with the decisions adopted by Council.

To fulfill this role, Staff establishes:

- a) appropriate administrative policies;
- b) systems and structures;
- c) processes; and
- d) internal controls to implement Council's goals and objectives.

Staff is responsible, through the Chief Administrative Officer, to the whole of Council and is charged with providing advice based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Members of Council can expect a mutually respectful relationship with staff to receive recommendations that reflect professional expertise and corporate perspective to assist Council in its decision making.

Members shall not:

- a) maliciously or falsely injure the professional or ethical reputation of Staff;
- b) compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or
- c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

Members shall recognize and respect that many members of Staff are bound by professional associations to a code of ethics and professional conduct and that they provide their reports and recommendations objectively, in the best interests of the Municipality and within the requirements of their profession.

Municipal Council, acting as a body, can dictate that Staff perform such duties as are necessary for the efficient management of the affairs of the community, and/or research such matters as the Council deems necessary. Individual Council members do not have authority to direct Staff. Council shall direct Staff through the Chief Administrative Officer.

Board and Committee Members do not have the authority to direct Staff, with the limited exception of any Staff member assigned by Council to that Board or Committee. Ultimately, Council retains the discretion to assign, remove and direct Staff who provide assistance to any Board or Committee. Requests for Staff changes shall be directed to the Chief Administrative Officer who shall make Staffing determinations, and consult with Council as necessary.

2.3 Conduct Respecting Public Complaints and Inquiries

Operational inquiries and complaints received from the public will be addressed by Members as follows:

- a) Members who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution.
- b) where the Member of the public is reluctant to contact the department directly, the Member should take the person's name, phone number and

details of the inquiry/complaint and advise them that the matter will be referred to the Chief Administrative Officer for review/resolution.

- c) members of the public should be encouraged to provide their issue/matters of concern in writing to the appropriate department.
- d) where the inquiry/complaint is not resolved to the satisfaction of the member of the public, then the Member shall refer the member of the public to the Municipality's complaint policy for any further action.

2.4 Conduct Respecting Confidential Information

The *Municipal Act 2001* entrusts Council to receive and keep confidential, highly sensitive information to fulfill its decision-making duties and oversight responsibilities. Confidential information may include, but is not limited to:

- a) Information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at closed meetings, information that is marked as "confidential", information obtained by the Member by virtue of their position as a Member that is not in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.

Members have a responsibility to keep such information confidential to safeguard the Corporation's interests and reputation and to uphold disclosure rules to prevent personal gain or advantage to others.

Members of Council agree to respect confidentiality requirements for information received in a closed session of Council pursuant to Section 239 of the *Municipal Act 2001* and will respect the confidentiality and disclosure rules of the *Municipal Freedom of Information and Protection of Privacy Act* (often referred to as "MFIPPA"), which is administered by the Township Clerk.

In accordance with Havelock Belmont-Methuen's Procedure By-law, Members of Council shall not publicly disclose the content of any confidential matter or the

substance of deliberations or closed session meetings until the information is open or released to the public as required by law, or approved by Council.

Members of Council are assured that Township staff will address requests for confidential information either through appropriate Township procedures or formally through MFIPPA.

The duty to maintain confidentiality continues to apply even after a Member is no longer a Member.

2.5 Conflict of Interest

Members must be familiar with and comply with the *Municipal Conflict of Interest Act*, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, [a Board or Committee]. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.

For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to that interest.

The definition of a “Family Member” as defined in the *Municipal Conflict of Interest Act* includes:

- i. A Spouse of the Member;
- ii. A Child of the Member;
- iii. A Parent of the Member;
- iv. A Sibling of the Member, whether by birth, marriage or adoption;
- v. A Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;
- vi. A Parent-in-law of the Member; and
- vii. Any person who lives with the Member on a permanent basis.

In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;
- b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
- c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
- d) do not make decisions that create an obligation to any other person who will benefit from the decision;
- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
- f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
- g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.

Direct or indirect personal interests do not include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council, a Member or benefits available to Council or Members.

Every Member has the following obligations:

- a) To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) To make Council [or the Board or Committee] aware of the potential conflict of interest and where appropriate declare the interest;
- c) To refuse to participate in the discussion of Council, [the Board or Committee] and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and

- e) If the matter which creates the conflict of interest is discussed in closed session, the Member may not attend that portion of the closed session where that matter is discussed.

3.0 CONDUCT RESPECTING CORPORATE RESOURCES

3.1 Charitable Activities

As community leaders, Members of Council are called upon to assist and support various charities, service clubs, and other non-profit and community- based associations. For example, Members support their communities in a variety of ways including, but not limited to:

- a) accepting honorary roles in organizations
- b) lending their names to organizations and events to assist in fundraising; and
- c) encouraging community donations to registered charitable, not-for-profit, or other community- based groups.

Members supporting these community endeavours will respect the need for transparency with respect to their involvement, performing their community service in a manner that promotes public confidence.

If a charity attends Council to seek funding and a Member of Council is a member of said charity, then the financial interest of the charity can be considered an indirect financial interest of the Member for purposes of the *Municipal Conflict of Interest Act* and the conflict of interest provisions of the Code of Conduct. In this circumstance, the Member should not participate as a Member of Council to ensure that there is no perception of improper influence.

3.2 Office Budgets and Resources Supporting Community Activities

Each term, Council approves an expense budget that provides clarity and detail on eligible expenses for Members of Council. This is done to support Members of Council in meeting the responsibilities and obligations of office. The Expense Policy takes into consideration the different interests and diverse profiles of the communities that make up the Township of Havelock-Belmont-Methuen; it also incorporates the varied role Members of Council play in community organizations, committees, agencies, authorities and commissions. Members agree to respect and uphold the Township of Havelock-Belmont-Methuen policies that guide Members'

use of Township budgets and resources. Members are directed to the accepted practice for incurring or claiming expenses for further information and guidance.

3.3 Commitment of Township Resources

Members respect that the powers of the municipality are exercised by Council. Council, as a whole, is responsible for decisions that direct staff and establish the parameters for use of corporate resources to address municipal issues and provide services. For tasks or actions that require the commitment of significant staff time and/or Township resources, Members will pursue such action through recommendation and decision of Council. By doing so, all Members of Council confirm that the Corporation's interests and business are being advanced in compliance with all applicable rules and policies respecting the use of corporate resources.

No Member shall for personal purposes or profit, use or permit the use of any Municipal property, equipment, services, or supplies other than for purposes connected with the discharge of Municipal duties or associated community activities of which Council has been advised, unless the use is reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, etc., where the Municipality incurs no additional costs relating to such use, and the use is of limited duration and frequency.

This policy does not apply to the use of Municipal property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

No Member shall obtain financial gain from the use of Municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Municipality.

3.4 Conduct Respecting Election Campaigns

During a municipal election, Members of Council must conduct themselves in accordance with the provisions of the *Municipal Elections Act*, in addition to legislation and policies that are in place during the term of office, including this Code of Conduct.

It is the personal responsibility of each Member, acting also as a candidate, to ensure that their election campaign is carried out in accordance with all applicable legislation.

The Mayor and Councillors' election campaign or campaign-related activities are prohibited from using corporate resources, both real property and staff, to avoid the perception that the Township has provided an advantage over other candidates. This does not preclude a candidate's use of township information that had been published and is in the public domain and is not subject to copyright protection.

Members of Council can expect that the Township Clerk will manage the municipal election process and meet all statutory requirements in accordance within the *Municipal Elections Act*. Members of Council respect that the role of the Township Clerk and municipal staff is to ensure all candidates are treated equally and similarly.

4.0 CONDUCT RESPECTING GIFTS, HOSPITALITY AND BENEFITS

“Gift” means any cash or monetary equivalent, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.

The objective of these policies is to ensure that Members make decisions based on impartial and objective assessments of each situation, free from influence of gifts, favours, hospitality or entertainment.

In this policy, gifts, commissions, hospitality, rewards, advantages or benefits of any kind, may be interchanged and shall be deemed to include all of the aforementioned.

Any stipend paid to a Member is intended to fully remunerate the Members for service to the Municipality.

Members are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commissions, hospitality, rewards, advantages or benefits of any kind, personally or through a Family Member or associate (business or otherwise), that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration by the Member.

Members are prohibited from accepting, directly or indirectly, any gifts, hospitality or other benefits that are offered by persons, groups or organizations having dealings with the Municipality.

The above policy does not preclude Members from accepting:

- a) Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Municipality at an event;
- b) Political contributions that are otherwise offered accepted and reported in accordance with applicable law;
- c) Food and beverages at meetings, banquets, receptions, ceremonies or similar events;
- d) Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions;
- e) A stipend from a board or commission that the Member serves on as a result of an appointment by Council;
- f) Reimbursement of reasonable expenses incurred in the performance of office;
- g) Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- h) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office;
- i) Services provided without compensation by persons volunteering their time for election campaign, provided the services are properly valued in accordance with the *Municipal Elections Act*.

Where it is not possible to decline unauthorized gifts, hospitality or other benefit, Members shall report the matter to the Chief Administrative Officer. The gift shall become the property of the Municipality and the Chief Administrative Officer may require that the gift be retained by the Municipality or be disposed of for charitable purposes in the Chief Administrative Officer's sole discretion.

5.0 ADVICE AND OPINIONS

Members may request advice or opinions from the Integrity Commissioner with respect to:

- a) The obligations of the Member under the *Municipal Conflict of Interest Act*;
- b) The obligations of the Member under this Code; and
- c) The obligations of the Member under a procedure, rule or policy of the Municipality governing the ethical behavior of the Member.

Every request for advice or opinion shall be submitted in writing to the Clerk, who shall forward the request to the Integrity Commissioner for a response.

The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.

Members shall be mindful of the cost to the Municipality to obtain the advice or opinion of the Integrity Commissioner and shall not abuse this entitlement.

The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the member shares only a portion of an opinion or advice the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.

Council may require any Member to undertake training with the Integrity Commissioner where Council determines that the Member has requested opinions and advice more frequently than is reasonable in the circumstances. The nature of the training will be to better explain the Member's obligations under this Code and the *Municipal Conflict of Interest Act* to better enable the Member to govern his or her conduct without seeking advice unnecessarily.

6.0 ROLE OF THE INTEGRITY COMMISSIONER

The Integrity Commissioner shall be appointed by By-law of the Municipality.

The Integrity Commissioner shall operate independently of Council in accordance with all of the authority and powers granted by the *Municipal Act*.

The Integrity Commissioner may delegate his or her duties and powers to any person, other than a Member. The delegation shall be in writing, shall be disclosed to the Clerk and shall set out the precise delegation, including the duration of the delegation.

Any delegation shall be at the sole discretion of the Integrity Commissioner, provided that the delegate is qualified and capable of independently undertaking the work.

The Integrity Commissioner shall make an assessment prior to undertaking any investigation as to whether the complaint gives rise to the need for another entity to undertake an investigation. In those circumstances where the allegations disclose a potential Criminal Code offence or the breach of other legislation (other than the *Municipal Conflict of Interest Act*), the Integrity Commissioner shall refer the investigation to the appropriate entity and shall not conduct his or her own investigation unless the entity determines that no investigation is required.

7.0 ENFORCEMENT AND SANCTIONS

Every Member shall comply with this Code. Any breach of this Code may be investigated by the Integrity Commissioner in accordance with this Code and Council shall determine whether to impose any penalty or sanction on a Member found to have breached any provision of this Code.

Every Member has an obligation to cooperate with any investigation.

The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member that has contravened this Code of Conduct:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect to his or her services as a Member of Council, local Board or Committee, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council impose one of the following sanctions:

- a) Written and/or verbal public apology;
- b) Return of property or reimbursement of its value or of monies spent;
- c) Removal from membership of any Committee or Board;
- d) Removal as chair of a Committee or Board; and
- e) Other sanctions that are reasonably connected to the breach of this Code of Conduct and which the Integrity Commissioner believes in his or her sole discretion are necessary to modify the behavior of the Member.

8.0 NO REPRISAL OR OBSTRUCTION IN THE ENFORCEMENT OF THE CODE

Every Member must respect the integrity of this Code of Conduct and inquiries and investigations conducted under it, and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of any of his or her responsibilities, including without limitation destroying relevant communications.

9.0 COMPLAINT PROTOCOL

Any person who has reasonable grounds to believe that a Member has breached this Code may proceed with a complaint and request an investigation. Complaints must be submitted within ninety (90) days after the alleged violation occurred or the alleged violation came to the attention of the complainant. No complaint may be filed under any circumstances where the alleged violation occurred more than six (6) months prior to the complaint being filed.

APPENDIX I

COMPLAINT PROTOCOL FOR COUNCIL AND LOCAL BOARD CODE OF CONDUCT

Part A: Informal Complaint Procedure

1. Informal complaints can be addressed by any person who believes that the activity of a Member has breached this Code of Conduct or the *Municipal Conflict of Interest Act*, but the person does not want to initiate a formal complaint. Any person may:
 - a) Advise the Member that his or her behavior or activity appears to constitute a contravention;
 - b) Encourage the Member to acknowledge and agree to stop the prohibited behavior or activity and avoid future occurrences of the prohibited behavior or activity;
 - c) Where the Member agrees to cease the behavior, confirm in writing that the agreement is satisfactory;
 - d) Where the Member's response is not satisfactory, advise the Member of your dissatisfaction with the response; and
 - e) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B.
2. Individuals are encouraged to pursue the informal complaint procedure as the first means of remedying behavior or an activity that they believe violates the Code of Conduct.

Part B: Formal Complaint Procedure

Formal Complaints

3. Any individual who identifies or witnesses behavior or an activity by a Member that they believe is in contravention of this Code of Conduct or the *Municipal Conflict of Interest Act*, may file a formal complaint.
4. Any person may file a complaint with the Municipality by submitting in writing the prescribed Complaint Form to the Clerk. The form must contain an attestation from the complainant that they believe that the facts as set out in the complaint are true to the best of their knowledge and belief and that they make those statements as if they were under oath.
5. Every complaint must be accompanied by the prescribed fee in the amount of \$150.00.
6. In the event that the Integrity Commissioner determines that a complaint is frivolous, vexatious or does not disclose a breach of this Code of Conduct or the *Municipal Conflict of Interest Act*, at any point after the submission of the complaint, the complainant shall forfeit the fee. If the result of the complaint is a negotiated resolution or a finding that the Member breached this Code of Conduct or the *Municipal Conflict of Interest Act*, the fee shall be refunded in part, up to 50%, based on the recommendation of the Integrity Commissioner.
7. Every complaint shall include the following:
 - a) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct or the *Municipal Conflict of Interest Act*.
 - b) Any witnesses in support of the allegation must be identified in the complaint.
 - c) The Integrity Commissioner may request additional information from the complainant prior to making an assessment.
8. The complaint shall be filed with the Clerk, who shall forward the matter to the Integrity Commissioner. The Clerk shall also provide notice to Council by way of confidential internal communication that a complaint has been filed, but no details of the complaint shall be provided other than the fact of a complaint and whether it is a complaint under this Code of Conduct, the *Municipal Conflict of Interest Act* or other policy.

9. If the complaint is not, on its face, a complaint with respect to non-compliance with this Code of Conduct or the *Municipal Conflict of Interest Act* or the complaint is covered by other legislation or complaint procedure under another policy, the Integrity Commissioner shall refer the complaint to the appropriate entity for investigation, advise the complainant in writing, suspend the investigation until after the matter has been finally disposed of, and report the suspension of the investigation to Council.

Refusal to Conduct Investigation

10. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation and, where this becomes apparent in the course of an investigation, shall terminate the investigation. The Integrity Commissioner shall communicate this position in writing to the complainant and the Member identified in the complaint.

Opportunities for Resolution

11. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution at the discretion of the Integrity Commissioner.

Investigation

12. The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
 - a) Provide the complaint and supporting material to the Member whose conduct is in question with a request that a written response to the allegation be provided within 10 business days.
 - b) Provide a copy of the response provided to the complainant with a request for a written reply within 10 business days.
 - c) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic

materials and may enter any Municipal work location relevant to the complaint for the purpose of investigation and potential resolution.

- d) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
- e) The Integrity Commissioner shall retain all records related to the complaint and investigation.

Timing of Complaints in Relation to Municipal Elections

- 13. Complaints must be investigated and a report submitted to Council on or before Nomination Day in the year of a municipal election.
- 14. Investigations of complaints that are not completed as of Nomination Day in an election year shall be terminated on Nomination Day.
- 15. The complainant may re-commence the complaint within six (6) weeks of Voting Day by submitting a written request to the Integrity Commissioner, who shall, provided the request is received on or before six (6) weeks from Voting Day, recommence the investigation.
- 16. In addition, on or after Nomination Day in the year of a municipal election:
 - a) no complaint shall be filed;
 - b) the Integrity Commissioner shall not report to the Municipality about an ongoing investigation; and
 - c) the Municipality shall not consider whether to impose any penalty on a Member subsequent to an investigation.

Complaints Under the Municipal Conflict of Interest Act

- 17. After March 1, 2019, an elector as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, may submit a request to the Integrity Commissioner to conduct an investigation concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by filing with the Clerk a completed and signed complaint form and paying the prescribed fee of \$ 150.00.
- 18. No request may be submitted more than six (6) weeks after the complainant became aware of the alleged contravention.

19. A request for an investigation in an election year may only be submitted prior to Nomination Day or after Voting Day.
20. In the event that a complainant becomes aware of the alleged contravention within the period of time starting six (6) weeks before Nomination Day in an election year, the complainant may apply to the Integrity Commissioner within six (6) weeks after the day after Voting Day, provided that the complainant includes in their written request for an investigation a statutory declaration attesting to the fact that the complainant became aware of the contravention not more than six (6) weeks before the date of the request, or in the case where a complainant became aware of the alleged contravention prior to Nomination Day, a declaration that the facts were not known to the complainant more than six (6) weeks prior to Nomination Day.
21. The Integrity Commissioner has all the powers set out in the *Municipal Act* when undertaking an investigation under this section and shall follow the investigation process established in paragraph 12 above.
22. Where an investigation has not been completed before Nomination Day in an election year, the Integrity Commissioner shall terminate the investigation on that day.
23. An investigation terminated pursuant to paragraph 22 above shall not be recommenced unless the person who made the request, or the Member whose conduct is at issue, applies in writing to the Integrity Commissioner to re-commence the investigation.
24. The Integrity Commissioner shall complete the investigation within 180 days of receipt of the complaint, unless the investigation is terminated in accordance with paragraph 22 above.
25. The Integrity Commissioner may, after completing an investigation, apply to a judge in accordance with the *Municipal Conflict of Interest Act* for a determination under the Act. Prior to making an application to court, the Integrity Commissioner shall present to Council a request to make the application and allow Council to provide recommendations to the Integrity Commissioner as to whether such an application should be made. The Integrity Commissioner is not bound by the advice or recommendation of Council and shall refer the matter to a judge in his or her sole discretion.

Recommendation Report

26. The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the official receipt of the complaint (180 days in the case of a complaint under the *Municipal Conflict of Interest Act*). If the investigation process takes more than 90 (180) days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.
27. After completing the investigation, the Integrity Commissioner shall prepare a report which shall make findings of fact and conclusions as to whether a breach of this Code of Conduct or the *Municipal Conflict of Interest Act* occurred, as the case may be, make recommendations to Council, and in the case of a *Municipal Conflict of Interest Act* investigation, make a determination as to whether or not the matter will be referred to the court, and include written reasons for the decision.
28. The report of the Integrity Commissioner shall be published by posting the report on the Municipal website and making a copy available to all Members of Council and the Members of the Board or Committee, as applicable.

Member Not Blameworthy

29. If the Integrity Commissioner determines that there has been no contravention of this Code of Conduct or the *Municipal Conflict of Interest Act*, or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations.
30. Where a Member has sought and followed advice from the Integrity Commissioner and is subsequently the subject of a complaint, the Integrity Commissioner may refer to the earlier advice and, provided that the facts as set out in the earlier advice are still applicable, determine in a summary manner that there has been no breach of this Code of Conduct or the *Municipal Conflict of Interest Act*.

Public Disclosure

31. The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere

with the course of any investigation, except as required by law and as required by this complaint protocol.

32. The Integrity Commissioner shall retain all records related to the complaint and investigation.
33. At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that it is necessary to disclose that person's identity.