

THE CORPORATION OF THE TOWNSHIP OF NIPIGON

By-law No. 1950

Being a By-law to Adopt policies related to Council Code of Conduct and Integrity Commissioner Procedure and Protocol.

WHEREAS Section 223.2 of the *Municipal Act, 2001*, c.25 requires that the Township adopts a Code of Conduct for members of the council of the Township and its local boards;

AND WHEREAS the Township should establish a policy to address sections 5, 5.1 and/or 5.2 of the *Municipal Conflict of Interest Act, 1990*;

NOW THEREFORE the Council of The Corporation of the Township of Nipigon enacts as follows:

1. THAT the Council of the Township of Nipigon hereby adopt and adhere to the attached Council Code of Conduct and Integrity Commissioner Procedure and Protocol policies;
2. THAT the aforementioned Council Code of Conduct policy is attached as Schedule "A" hereto and forms part of By-law No. 1950
3. THAT the aforementioned Integrity Commissioner Procedure and Protocol Policy and related appendices are attached as Schedule "B" hereto and forms part of By-law No. 1950
4. THAT all previous policies related to Council Code of Conduct and Integrity Commissioner protocol and procedure are hereby repealed with the passing of By-law No.1950.
5. That By-law No. 1950 will come into effect with the passing of the same.

READ THREE TIMES, ENACTED AND PASSED this 5th day of November, 2024.


MAYOR


CLERK

Schedule "A" to By-law No. 1950

TOWNSHIP OF NIPIGON

COUNCIL CODE OF CONDUCT

October 2024

Introduction

Democracy is an active process which requires ongoing engagement between citizens and their elected officials. It is the responsibility of elected officials to uphold the integrity and ethical accountability which are the foundation of public confidence in government and the political process.

As per the Municipal Act, 2001, it is required by municipalities to develop rules around ethical conduct for elected officials so that it is clear that they are to carry out their duties with impartiality and equality of services to all, recognizing that as community leaders, they are accountable to a certain standard of behaviour and conduct.

A written Code of Conduct (“Code”) helps to ensure that Members share a common understanding of acceptable conduct.

Statutory Provisions Regulating Conduct

This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council.

The following federal, provincial and municipal legislation governs the conduct of Members of Council:

- the Municipal Act, 2001
- the Municipal Conflict of Interest Act, 1990
- the Municipal Elections Act, 1996
- the Municipal Freedom of Information and Protection of Privacy Act, 1990
- the Provincial Offences Act, R.S.O, 1990
- the Ontario Human Rights Code, 1990
- the Criminal Code of Canada, 1985
- the by-laws and policies of Council as adopted and amended from time to time including the Township’s Procedural and Accountability and Transparency By-laws.

Purpose

The Code of Conduct for Council Members (“Member” or “Members”) and related policies identify the Township of Nipigon’s expectations of Members and establishes guidelines for appropriate conduct to ensure that:

- Nipigon residents have confidence in the integrity of their elected Members and local government;
- The decision-making process of Council is open, transparent, equitable and accountable;
- Decisions are made through appropriate channels of government structure;

- Public office is not used for personal gain;
- There is a fairness and respect for differences and a duty to work together for the common good of the community and the residents;
- Members behave in a manner that is both ethically responsible and accountable at all times in upholding the public interest and will withstand public scrutiny;
- Members demonstrate an understanding of the fundamental rights, privileges and obligations of their elected position;
- Members are provided with and able to obtain information on the ethical propriety of conduct in different situations;
- Members seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the Township of Nipigon

Policy Statement

This Code is designed to provide a clear guideline and a supplement to the legislative requirements within which Members must operate. These standards serve to enhance public confidence that the Township of Nipigon's Council operate from a basis of integrity, justice and accountability.

The key principles that underline the Code are as follows:

- Council shall serve and be seen to serve constituents in a conscientious and diligent manner;
- Council shall be committed to performing their functions with integrity, honesty and accountability, and to avoid the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- Council is expected to perform their duties in a manner that promotes public confidence and will bear close public scrutiny.

Definitions

"Benefit" means preferential treatment, privileged access, favours or other advantage including, but not necessarily limited to, invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new employment.

"Ceremonial Gift" means official gifts provided as part of the culture or practices of communities or government within Canada or internationally, which although they may be given to a Member, are accepted by a Member on behalf of a municipality and become the property of a municipality.

"Child" means a child born within or outside marriage and includes any adopted child, stepchild, foster child and a person whom a Member has a demonstrated a settled intention to treat as a child of his or her family;

"Confidential Information" means any information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act or any other applicable law. Confidential Information also includes information identified under section 239 of the Municipal Act, 2001.

"Council" means the Council of the Township of Nipigon.

"Gift" means free or discounted items or services and any item or service that would, viewed in light of all the circumstances, be regarded as a gift by a reasonable Person. This does not include Ceremonial Gifts.

"Hospitality" means the friendly reception and entertainment of guests, which may range from light refreshments at a meeting to expensive restaurant meals and sponsored travel or accommodation.

"In-camera meeting" means a meeting, or part of a meeting, closed to the public pursuant to section 239 of the Municipal Act, 2001.

"Information" includes a record or document written or otherwise;

"Integrity Commissioner" means the Person appointed by by-law in accordance with section 223.3 of the Municipal Act, 2001 and who is responsible for independently performing the functions assigned by the Municipality with respect to the application of the Code of Conduct for Members.

"Local Board" means, for the purpose of this Code of Conduct, a local board other than:

- A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- A Committee of management established under the Long-Term Care Homes Act, 2007;
- A police services board establishment under the Police Services Act and/or the Police Services Act, 2018;
- A board as defined in section 1 of the Public Libraries Act,

- A corporation established in accordance with section 203 of the Municipal Act, 2001.

"Member" means a member of Council, which shall include the Mayor/Reeve, members of Committees and members of Local Boards, unless, with respect to members of Local Boards, the context requires otherwise, and shall not include staff or ratepayers.

"Officer(s)" means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.

"Parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;

"Person" includes a corporation, partnership, association and any other entity, as the context allows.

"Spouse" means an individual to whom an individual is married or with whom an individual is living in a conjugal relationship outside marriage.

"Township" and **"Town"** mean the Corporation of the Township of Nipigon.

"Transparency" means that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. It means that the municipality's decision-making process is open and clear to the public.

Roles and Obligations

1. Council and its Members must recognize their responsibility to:
 - Represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the Township of Nipigon;
 - Endeavour to demonstrate sound financial management, planning and accountability;
 - Be aware of and understand statutory obligations imposed upon individual Council members as a statutory body
2. The onus is on Council members to ensure that they adhere to and uphold the Code.
3. Every member shall act in accordance with their declaration of sworn office pursuant to section 262 of the *Municipal Act, 2001*.

4. Members shall understand and adhere to every provision of this Code, as well as all other policies and procedures adopted or established by Council.

Confidentiality

5. Confidential Information includes any information that is of a personal nature to the Township employees, clients or information in the custody or under the control of the Township that is not available to the public and that, if disclosed, could result in loss or damage to the Township or could give the person to whom it is disclosed an advantage.
6. Members shall not divulge or release by any means to any member of the public, any confidential information acquired by virtue of their office, in any form, but not limited to, written notes, reports, oral and video recording, pictures, electronic correspondence, and any form of social media, except when required/authorized by law or authorized by Council.
7. Unless mandatory by law, Members shall not disclose the content of matters that have been discussed or the substance of deliberations of a closed session (“In-camera”), except for content that has been authorized by Council to be released to the public.
8. Without limiting the generality of the preceding, no Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential information:
Examples of the types of content that Council members must keep confidential under this section include but are not limited to:
 - Items under litigation, negotiation, or personnel matters;
 - The source of a complaint (given in confidence) or information which may impact the rights of any person
 - Price schedules in contract, tender or Request for Proposal submissions if so specified and while such remains confidential information;
 - Information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act;
 - Statistical data required by law not to be released (e.g. certain census/assessment data)
9. Council members shall not access or attempt to gain access to confidential information in the possession of the Township or any Local Board or Committee, unless it is necessary for the performance of their duties and not prohibited by Council.

10. The obligation to keep information confidential is a continuing obligation even after the Council members cease to be Council members.
11. No Member shall use confidential information for personal/private gain or benefit, or for the purpose of establishing a disadvantage for any other person or body.

Communications/Media Relations/Promotion

12. Council shall show respect for the decision-making process of Council. Information concerning adopting policies, procedures and decisions of the Council shall be conveyed openly and accurately.
13. Council shall accurately and objectively communicate the decisions of Council even if specific members disagree with the decision.
14. Confidential information may be communicated only when and after determined by Council.
15. Council shall not use his/her office to promote or sponsor commercial products or events other than Township of Nipigon sponsored products or events.

Relations with Employees

16. Council members are elected legislators for the municipality. Employees are accountable to the Chief Administrative Officer (“CAO”) or their designate and are responsible for implementing the decisions of Council, ensuring the efficient and effective operation of municipal services.
17. Council members shall acknowledge and respect the fact that employees work for the Township of Nipigon as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without undue influence from any member of Council.
18. In addition, Council shall acknowledge and respect the fact that the Township of Nipigon employees carry out directions of Council as a whole and administer the policies of the Township of Nipigon. No Member shall use or attempt to further their authority or influence by intimidating, threatening, coercing, commanding, or improperly influencing any staff person or Officer or interfering with that person’s duties, including the duty to disclose improper activity.

19. Council shall refrain from publicly criticizing employees, in a way that cast aspersions on their professional competence and credibility. Members shall also not perform, direct, or attempt to undermine the duties of any staff person or officer except in accordance with the Township's procedural by-law. Furthermore, no member shall maliciously or falsely injure or impugn the ethical or professional reputation of any staff person, officer, or senior management.
20. Council shall not compel employees to engage in partisan political activities.
21. Employees will provide support to Council required by Provincial statutes, Township of Nipigon By-laws and special meetings when approved by Council.
22. In the event that Council desires a public meeting, which supplements a public meeting required by Provincial statute, or a municipal by-law, a Council member shall make the request through Council or the CAO.

Gifts, Hospitality and Benefits

23. The Township of Nipigon recognizes that moderate hospitality is an accepted courtesy of a business relationship. Unless permitted below as an exception under section 5.2, Council members shall not accept any gift, benefit, service, entertainment or hospitality connected directly or indirectly with the performance of their duties. Gifts provided to a member can compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization.
24. The following are recognized as exceptions:
 - a) Compensation permitted by law;
 - b) Gift, hospitality or entertainment that is received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office;
 - c) Services provided without compensation by a Person volunteering their time in a function that would not normally be provided for compensation;
 - d) An appropriate memento of an occasion honouring the Member;
 - e) Food, lodging, transportation or entertainment that is lawfully authorized by any provincial, federal, or local government or board, or by those organizing a conference, seminar, or event where the Member is speaking or attending in an official capacity.
 - f) Food or beverage consumed at any event where the attendance is for a legitimate municipal purpose, is reasonable in value, and the

person/representative of the organization who is holding the event that has extended the invite to the member is in attendance.

- g) A sponsorship or donation for a community event that is managed or organized by a Member, or a third party on behalf of a Member, subject to limitations set out in any applicable Township policies or by-laws.
- h) Communications or correspondence to the office of a Member, even when said communication requires a subscription; and
- i) Political contributions otherwise authorized and reported as required by law, in the case of a Member running for office.

25. The exceptions to section 5.2 do not apply to a gift from an anonymous sender. No Member shall accept a gift from an anonymous sender. When gifts are received by a Member from an anonymous sender or are not authorized under this by-law, the Member shall declare and submit to the CAO at the Township of Nipigon any gift received which:

- a) is not an incident of protocol or social obligation; or
- b) is not a token of appreciation for attending or speaking at an event; or
- c) is not a perishable.

The CAO will provide the gift to a registered charity within the municipality. Administration will log the gifts received and a letter of appreciation will be sent to the donor, where appropriate, advising that their gift will benefit a local charity.

26. Council may claim expenses normally incurred in the conduct of their responsibilities in accordance with the Council Expense Policy.

27. To enhance transparency and accountability with respect to gifts, benefits and hospitality, all members shall file a disclosure statement with the Township or the Integrity Commissioner when they receive a gift/benefits valued at over \$300 from a single source during any calendar year.

28. The disclosure statement shall set out:

- a) The nature of the gifts, benefits and hospitality;
- b) The date it was received and the source;
- c) The conditions under which it was given or received by the Member;
- d) The estimated value, or if possible, the exact value;
- e) What the member intends to do with any gift and whether or not it will be provided to the Township.

29. Each and all disclosure statements that are filed under this Code shall be formally considered a public record and posted in a location available to the public for examination.
30. Once a disclosure statement is received by the Township or the Integrity Commissioner, the Township shall appoint an individual (The "Reviewer") to examine the report. The purpose of the examination is to determine, in the opinion of the reviewer, whether or not the gifts, benefits, or hospitality contravene this Code. The completion on these examinations shall allow for the Member to provide an explanation as to why they feel that any gift, benefit, or hospitality received does not contravene the Code.
31. Should it be determined by the Township or the Integrity Commissioner that any gift, benefit, or hospitality that was received contravenes the Code, the member shall be required to return, dispose of, or reimburse the person giving the Gift, Benefit, or Hospitality, for the full value thereof, as applicable or remit the value of any gift or benefit already expended to the Township.

Conflict of Interest – Pecuniary Interest

32. No Member shall use or influence his or her office for any purpose other than for lawful exercise of his or her official duties and for municipal purposes.
33. Council will recognize their obligations to follow and respect the provisions of the Municipal Conflict of Interest Act. Members of Council must publicly declare their direct or indirect pecuniary interest.
34. When a pecuniary interest exists, members of Council must withdraw from direct involvement and refrain from any comment at any time, whether in a Council or Committee meeting, or elsewhere, on the issue which might influence the decision.
35. No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage. This prohibition includes the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure privileged treatment beyond actions in which Members normally engage on behalf of their constituents as part of their official obligations. In addition, no Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.

36. Council shall vacate the Council table when the matter on which they have declared a direct or indirect pecuniary interest is debated.
37. If the matter is of a confidential nature, Council shall retire from the Closed meeting for the duration of the discussion and voting on the matter.
38. For the purpose of this provision “private advantage” does not include a matter:
 - a) That is an interest in common with electors generally as defined in the Municipal Conflict of Interest Act
 - b) That impacts a Member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
 - c) That concerns the remuneration of benefits of a Member.
39. This provision does not prevent a Member from requesting that Council grant a lawful exemption from a policy.
40. Members can be disqualified and lose their seat, by operation of law, including if they are convicted of an offense under the Criminal Code or have failed to comply with the *Municipal Conflict of Interest Act*. If any inconsistency arises between this Code and any other Provincial or Federal regulations or statutes, the regulations or statutes shall prevail.

Conduct at Meetings & with the Public

41. During Council, Committee or any other advisory committee meeting, or a working group meeting, members of Council shall conduct themselves with decorum, in a civil and respectful manner, and in accordance with the Township of Nipigon’s Procedural By-law, this Code of Conduct and/or other applicable laws.
42. Respect for a delegate, a fellow Council member, employees and for the public requires Council members to be courteous and not disrupt business during any portion of the meeting including presentations and when another individual has the floor.
43. Members shall respect the decision-making process and will attempt to accurately and effectively communicate the attitudes and choices of Council, even if they disagree with any majority decision made by Council.

44. Further to the provisions contained in the Township of Nipigon's Procedural By-law, cell phones, blackberries or similar devices shall be:
 - a) on vibrate or silent when in open session;
 - b) turned off while in closed session.
45. Every Member is required to treat other members, members of the public, and staff appropriately without abuse, bullying, intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. All Members shall understand and be familiar with the Township's Anti-Harassment, Violence, and Sexual Harassment Policy.
46. Members shall not use abusive, indecent, or insulting words, tone or expressions towards other Members, staff, or members of the public. This includes but is not limited to any form of discrimination to any individual based on any protected grounds.

Elections – Corporate Resources

47. Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*, and with the Township's municipal or board resources rules and procedures as established pursuant to section 88.18 of the *Municipal Elections Act, 1996*.
48. The use of municipal resources, including but not limited to confidential information, facilities, equipment, supplies, services or staff time, for election-related activity is strictly prohibited. Any individual running for Council cannot request for their newsletter or website to be linked through the Township's website, specifically when campaigning for any election. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Council member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.
49. No Member shall use the resources or services of any person for election-related purposes during hours in which that person receives any compensation from the Municipality.

Use of Corporate Resources

For the purpose of this Code:

"Corporate Resource" includes but is not limited to Township of Nipigon equipment, supplies, services, tools, property (both physical and intellectual), systems, software

systems, website, domain name, logo, design, cell phone, phone, address, voicemail, email address, email, facility and staff while undertaking duties as an employee.

50. No Member shall use, permit the use of any Corporate Resource for any activity other than municipal business. Council may only use Corporate Resources for:
- a) activities connected with the discharge of their official duties;
 - b) associated community activities having the sanction of Council or its committees;
- and were applicable, in accordance with the Township of Nipigon's Council Expense policy.
51. No Member shall seek any personal gain from the utilization of any Corporate Resources during their time as an elected official.

Conduct of Election Campaigns

52. Every Member shall abide to all applicable requirements of the *Municipal Elections Act, 1996* and with the Municipality's rules and procedures pursuant and established in conjunction with section 88.18 of the *Municipal Elections Act, 1996*.
53. Utilizing Confidential information during any municipal election campaign or campaign related activity is strictly prohibited, and cannot undertake these activities on Township property unless authorized by the Township
54. No Member shall use the services of any person for election-related purposes during hours that the person receives any compensation from the Township.

Integrity Commissioner – Functions, Powers & Duties

55. The Integrity Commissioner reports to Council and is responsible for performing in an independent manner, the functions as assigned by the Township which may be related to any of the following:
- I. The application of the Code for Members
 - II. The application of any procedures, rules and policies of the Township and Local Boards that govern the ethical behaviour of members.
 - III. Any section of the Municipal Conflict of Interest Act towards Members
 - IV. Request from Members for advice, with relation to their obligations under this *Municipal Conflict of Interest Act*, Code, a procedure, rule or Township policy or Local Board.

56. When required to carry out the duties as noted in section 11.1, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the Township.
57. The Integrity Commissioner may delegate their powers or duties to another person, other than a Member. Such delegation shall be in writing and the Integrity Commissioner may continue to exercise their delegated powers and duties despite delegating.
58. The Integrity Commissioner may engage outside assistance or consult with legal counsel. Legal counsel's role is to solely assist the Integrity Commissioner with their duties and not assist any particular individual.

Non-Compliance with the Code & Related Sanctions

59. Where the Integrity Commissioner decides that a Member of Council has contravened this Code, the Member may be subject to one or multiple of the following reprimands imposed by Council as referred to below:
- a. Reprimanding the Member;
 - b. Suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council of up to 90 days;
 - c. Other penalties that can be considered include, but are not limited to:
 - i. Removal from membership of a Committee or Local Board;
 - ii. Removal as Chair of a Committee or Local Board;
 - iii. Require repayment or reimbursement of moneys received;
 - iv. Return of property or reimbursement of the value of the related property.
 - v. Require the member of Council to repay or reimburse monies received;
 - vi. Require the member of Council to return the property or item, or reimburse the value;
 - vii. Request for resignation; and
 - viii. Trespass order restricting access except for Council Meetings.
 - ix. Revocation of travel or another budget.
60. A Local Board may also impose the sections as listed above on a Member of a Local Board if the Integrity Commissioner reports that in their opinion, the Local Board Member has contravened the Code. This applies if the Member has not already received a penalty from the Township with respect to the contravention.

Complaints Alleging Violation of this Code

61. Where a Member, employee of the Township, Officer, or a member of the public has reasonable grounds to believe that a Member(s) has contravened this Code, a complaint may be submitted to the Chief Administrative Officer (or designate) in the prescribed form which will be forwarded to the Township's Integrity Commissioner who will process it in accordance with Schedule "B" which outlines the protocol and procedure of the Township's Integrity Commissioner(s).

62. In the event that a Member is found to not have contravened this Code, the Township is authorized to protect that Member against any and all costs or expenses incurred by the Township a result of the complaint proceedings.

Severability

63. If a court of competent jurisdiction should declare any section or part of a section of this policy to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the policy and it is hereby declared that the remained of the policy shall be valid and shall remain in force.

Schedule “B” to By-law No. 1950

TOWNSHIP OF NIPIGON

Integrity Commissioner Procedure and Protocol

October 2024

Definitions

"Applicant" means the person who has submitted an application to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention by a Member of sections 5,5.1 or 5.2 of the MCI.A.

"Code of Conduct" means a code of conduct established pursuant to section 232.2 of the Municipal Act, '2001.

"Elector" means a person entitled to vote at a municipal election in the Municipality.

"Integrity Commissioner" means the Integrity Commissioner(s) appointed by Municipal Council and any individual acting under powers delegated to him or her in writing by the Integrity Commissioner.

"Local Board" means, for the purpose of this Code of Conduct, a local board other than:

- A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- A Committee of management established under the Long-Term Care Homes Act, 2007;
- A police services board establishment under the Police Services Act and/or the Police Services Act, 2018;
- A board as defined in section 1 of the Public Libraries Act,
- A corporation established as per section 203 of the Municipal Act, 2001.

"Member" means a member of the municipal council and any person on his or her staff and/ or a member of a Local Board or a Committee of the Municipality and any person on his or her staff.

"Requestor" means the person who has submitted a request to the Integrity Commissioner for an inquiry concerning an alleged contravention of the applicable Code of Conduct.

"Respondent" means the person who allegedly has violated the Township of Nipigon's Code of Conduct or sections 5, 5.1 or 5.2 of the MCI.A and whom an Integrity Commissioner inquiry application has been submitted.

Functions

1. The Integrity Commissioner (IC) reports to Council and is responsible for performing on an independent basis, the functions delegated and assigned by the Township with respect to any of the following:
 1. The application of the Code of Conduct ("the Code" or "Code") for Members.

2. The application of any procedures, rules and policies of the Township and Local Boards governing the ethical behaviour of Members.
3. The application of all related sections of the Township's Code and the Municipal Conflict of Interest Act (MCIA) to Members.
4. Member requests regarding advice respecting their statutory obligations under the MCIA.
5. Requests from Members for advice respecting their obligations under this Code that are applicable to Members.
6. The offering of educational material and related information to Members, the Township's staff, and members of the public about the Township's Code of Conduct and the MCIA.

Powers and Duties

2. As identified in this By-law, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to them by the Township. The Township may appoint more than one Integrity Commissioner to ensure that requests, correspondence, complaints and potential breaches can be reviewed and addressed in a timely manner.

Delegation

3. After satisfying themselves that a person is fully capable of carrying out the Integrity Commissioner's duties and authority, the Integrity Commissioner may delegate to any person other than Members, any duties or authority. All delegations shall be done in writing. In the event that some duties or authority are delegated, the Integrity Commissioner may continue to exercise their delegated authority or duty despite delegation to another person.

Outside Assistance

4. The Integrity Commissioner has the authority to engage with outside assistance or consult with the Township's legal counsel. In the eventing that the Township's legal counsel is engaged to assist, the legal counsel's sole role is to assist the Integrity Commissioner and not any particular member or individual.

Requests for Advice from Members

5. Any requests made by Members to the Integrity Commissioner shall be in writing.

Releasing Advice

6. Advice provided to any Member by the Integrity Commissioner may be released when the member has provided written consent, or, without the Members written consent if the Member has already released part of all of the advice received by the IC.

Request for Inquiry & Contents

7. Any request for the Integrity Commissioner to undertake an inquiry to determine if a Member breached the Township's Code of Conduct shall be made in writing. Requests may be completed by a Township staff member(s), member of the public, or other Member.
8. When a request is made, the request shall be within the form attached as Appendix "A", unless alternative formats are needed due to Accessibility requirements. When a request is made, it shall have at minimum all of the following:
 1. The name of the Requestor and their contact information
 2. A detailed description of the events and situation that resulted in a breach of Conduct.
 3. The dates and times of the events or incidents when the breach of the Code occurred and the location(s)
 4. The names of any witness (if applicable).

No request shall be deemed "complete" until all the required minimum information has been received.

Requests Related to Workplace Violence, Harassment, and Sexual harassment

9. Requests made by a Requestor shall specifically refer to alleged contraventions of the Township's Code of Conduct by a Member(s). In the event that any allegations made by a Requestor relate to a Member completing workplace violence, harassment, and/or sexual harassment, the Township's Workplace Anti-Violence, Harassment and Sexual Harassment Policy will exclusively apply and all protocol established under that policy will be undertaken.

Integrity Commissioner Reviews & Inquiry Powers

10. Once a request has been made, the Integrity Commissioner will conduct an initial review of the request to ensure that it is a proper allegation of a breach of the Township's Code. After an Initial review, if the Integrity Commissioner determines that the request is not properly an allegation of a breach of the Code of Conduct, there are insufficient grounds to believe that there has been a contravention of the Code of Conduct, or the Integrity Commissioner determines that an inquiry is not appropriate for any other reason in the IC's reasonable direction, the Integrity Commissioner will dismiss the request. The Integrity Commissioner

may take into account the date of the alleged breach when determining if the inquiry is appropriate.

11. The Integrity Commissioner shall, based on their discretion, dismiss requests where a breach has not been found.
12. Should an initial review be undertaken by the Integrity Commissioner and it is found that the Requestor has not supplied all necessary information as identified under section 8, the Integrity Commissioner shall advise the requestor that they must supply any additional and required information. The Integrity Commissioner will not take any further action until the information is provided.
13. The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*. When this exercising of powers applies to the Integrity Commissioner, conducting a review of a request and there is nothing contrary herein, these sections shall apply to the inquiry.

Information

14. The Township and/or its Local Boards and Committees are authorized to provide the Integrity Commissioner any information that is deemed necessary by the Integrity Commissioner to undertake an inquiry. Required information may include (but is not limited to) all books, accounts, financial records, electronic data, and processing records, reports, files, papers, things or property belonging to or being used by the Township, Committee, or Local Board. In the event that information related to legal advice is provided to the Integrity Commissioner, this request shall not be deemed to constitute a waiver of solicitor-client privilege.

Township/Local Board Penalties

15. Council has the authority to impose any of the following penalties noted in section 15, in the event that the Integrity Commissioner reports to the Township, in their unbiased opinion, that a Member(s) has contravened the Code:
 1. Reprimanding the Member;
 2. Suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council of up to 90 days;
 3. Other penalties that can be considered include, but are not limited to:
 4. Removal from membership of a Committee or Local Board;
 5. Removal as Chair of a Committee or Local Board;
 6. Require repayment or reimbursement of moneys received;

7. Require the member of Council to repay or reimburse monies received;
8. Require the member of Council to return the property or item, or reimburse the value;
9. Request for resignation; and
10. Trespass order restricting access to any Township property, except for the attendance of Council Meetings.
11. Revocation of travel or another budget.

16. The penalties noted in section 15 can also be imposed on any member of a Local Board if the Integrity Commissioner reports to the Local Board that, in their opinion, the member of the Local Board has contravened the Code which directly applies to the Member of the Local Board. Section 16 only applies when the Township has not imposed a penalty on the Member of the Local Board.

Rules When an Election Begins

17. If the Integrity Commissioner has not completed an inquiry before nomination day for any regular election, as established under section 31 of the *Municipal Elections Act*, the Integrity Commissioner shall terminate the inquiry on nomination day. If any inquiry is terminated, the Integrity Commissioner shall not commence another inquiry on the matter unless, within six weeks after voting day in a regular election (as set out in section 5 of the *Municipal Elections Act*), the person or entity who made the request about the Member (or former Member) whose conduct is questioned makes a written request to the Integrity Commissioner that the inquiry be commenced.

18. The following rules also 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*, 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/Local Board has contravened the Code applicable to the Member.
2. The Integrity Commissioner shall not report to the Township/Local Board about whether in their opinion, a Member has contravened the Code.
3. The Township shall not consider imposing penalties referred to in section(s) 18.1 or 18.2 on a Member.

Integrity Commissioner Inquiries related to Municipal Conflict of Interest Act

19. An Elector, or a person that can demonstrate they are acting in the interest of the public, can apply in writing to the Integrity Commissioner for an inquiry to be carried out

concerning any alleged contravention of sections 5, 5.1 and/or 5.2 of the Municipal Conflict of Interest Act (MCIA) which a Member has completed.

20. Any concerned breach of the *MCIA* shall be in the form (the "Form") as set out in Appendix "B". The Applicant filling out the form shall outline the reasons for believing that the Member has contravened sections 5, 5.1 or 5.2 of the *MCIA*. The Form being submitted shall include the Applicant's name and contact information and a statutory declaration attesting to the fact that the Applicant became aware of the contravention not more than six (6) weeks before the date of the application, or in the case where the Applicant became aware of the alleged contravention during the period of time described in section 23 below, a statutory declaration attesting to the fact that the Application became aware of the alleged contravention during that period of time.
21. An MCIA breach cannot be submitted after the expiration of six (6) years from the time at which the contravention is alleged to have occurred. Applications may only be made within six weeks after the Applicant became aware of the alleged contravention.

MCIA – No Applications For Inquiry During Regular Election Time

22. No application for an inquiry under this section may be made to the Integrity 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.
23. Despite section 22, an application may be made more than six weeks after the Applicant became aware of the alleged contravention if both of the following parameters are met:
 1. The Applicant became aware of the alleged contravention six weeks or less before the 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 Integrity Commissioner with a breach of the MCIA within six (6) weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

Public Meeting

24. If the Integrity Commissioner decides to conduct an inquiry, the Integrity Commissioner may have a public meeting to discuss the inquiry.
25. Similarly to section 13, the Integrity Commissioner may elect to exercise the powers for any MCIA application under sections 33 and 34 of the *Public Inquiries Act, 2009*. When this

exercising of powers applies to the Integrity Commissioner conducting a review of a request and there is nothing contrary herein, these sections shall apply to the inquiry.

26. Similarly to section 14, the Township and/or its Local Boards and Committees are authorized to provide the Integrity Commissioner any information that is deemed necessary by the Integrity Commissioner to undertake an inquiry related to a breach of the MCI.A. Required information may include (but is not limited to) all books, accounts, financial records, electronic data, and processing records, reports, files, papers, things or property belonging to or being used by the Township, Committee, or Local Board. In the event that information related to legal advice is provided to the IC, this request shall not be deemed to constitute a waiver of solicitor-client privilege.

MCI.A Termination of Inquiry – Elections

27. In the event that the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as per section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.
28. In the event that an inquiry is terminated under section 27, the Integrity Commissioner shall not commence another inquiry on the same matters unless it is requested by the person who made the previous application in writing within six weeks after voting day.

Time Requirements for Inquiries

29. For all conflict-of-interest matters, the Integrity Commissioner shall complete any inquiry within 120 days after receiving the completed and compliant application, as per section 19. In the event that an extension is required, the Integrity Commissioner will advise the requestor the required extension to complete the report. Extensions shall be no more than 30 days unless extenuating circumstances apply.
30. For clarification purposes the 120-day timeline does not start until the Integrity Commissioner determines that an application is deemed complete. Should additional information be required by the IC, then the timeline will not start until the application requirements have been met.

Decision to Apply to a Judge

31. Upon completion of the inquiry, the Integrity Commissioner may, if they deem it appropriate, apply to a judge for the determination as to whether the Member has contravened any related section of the MCI.A.

32. In the event that the Integrity Commissioner does not make an application to a judge, the Applicant will be notified in writing.
33. After a decision to apply or not to a judge has been made, the Integrity Commissioner shall publish written reasons for the decision.
34. In the event that the Integrity Commissioner applies to a judge, all costs shall be paid by the municipality if the member contravened the MCI A while being a member of Council, or will be paid by the Local Board if the Member contravened the MCI A while being a member of the Local Board.

Conduct of Inquiry

35. In response to a compliant application, the Integrity Commissioner may conduct inquiries as they deem necessary, which may include all or some of the following:
 - Informing the respondent of the application;
 - Interviewing the Applicant, Respondent, any person involved in the incident, and any identified witnesses;
 - Interviewing any other person who may have knowledge of the incidents related to the application or any other similar incidents; and
 - Reviewing any information the Integrity Commissioner believes necessary and document such review.
36. 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 without a formal investigation, and both the complainant and the member of Council agrees, efforts may be pursued to achieve an informal resolution.

Referring of Matter to Other Authorities

37. If the IC, during the conduction of an inquiry, determines that there are reasonable grounds to believe that a Member(s) has contravened the Criminal Code of Canada or any other Act, including the *Occupational Health and Safety Act*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting investigation, including, but limited to, police investigations and/or charges have been finally disposed of, and shall report the suspension to Council.
38. The provision of this protocol in way impacts the right of anyone at anytime, on their own initiative, to contact the police or other law enforcement agency, or any other appropriate

authority, exercise their rights under any legislation, or take any other legal action that may be available.

Confidentiality

- 39. The Integrity Commissioner and every person acting under their jurisdiction are required to preserve confidentiality with respect to all matters that come to his or her knowledge in the course of performing his or her duties.
- 40. It is of respect to all relevant parties involved, including witnesses, the applicant, the respondent, and another related individuals, to maintain confidentiality throughout, before and after any inquiry that may be undertaken by the Integrity Commissioner.
- 41. Notwithstanding sections 39 and 40, the information may be disclosed in a criminal proceeding, or as required by law.

Records and Reports

- 42. The Integrity Commissioner shall retain all records related to any application/inquiry on a permanent basis.
- 43. Annually, each of the Township's Integrity Commissioner(s) will provide a report to the Township of their completed activities. The Integrity Commissioner may summarize any advice that has been given, but will not disclose any confidential information that would identify a concerned individual.
- 44. After completing any inquiry, the Integrity Commissioner shall provide a written report (the "Report") to the Township or Local Board. Within this report, the Integrity Commissioner may disclose such matters that they deem to be necessary for the purpose of the report. In the event that the Integrity Commissioner determines there has been a contravention of the Code of Conduct, the Integrity Commissioner may include in the report their recommended corrective actions, and an outline of the findings.
- 45. In the event that the Integrity Commissioner determines that the Code of Conduct has been breached, the Report must contain the necessary information for the Local Board or Township to determine whether or not corrective action should be imposed as per section 16.
- 46. In the event that the Integrity Commissioner determines that the Code of Conduct was not breached, despite a complaint being received, the Integrity Commissioner shall provide a

report to Council about the nature of the complaint and the reason for the Member not being found to have breached the Code. The Integrity Commissioner has the discretion to determine what information will be included in this report, and has the authority to remove information for confidential purposes.

47. In the event that a report is received from the Integrity Commissioner, the CAO or designate shall put the report on the agenda of the next regular meeting of the Local Board or Council. At the meeting which the report is discussed, the Respondent shall have the right to reply when the report is considered by the Local Board or Township.
48. Upon review of the report and a reply by the respondent, Council or the Local Board shall pass a resolution whether or not it intends to take action in response to the Report, and if so, what action Council will take.
49. Any and all reports received from the Integrity Commissioner shall be made available to the public upon request. It is the responsibility of the Township and each Local Board to ensure the availability of reports.

Bad Faith Applications or Requests

50. If a person or entity makes a request or application for an inquiry hereunder and the Integrity Commissioner determines such request or application is made in bad faith, notwithstanding anything to the contrary in protocol, the Integrity Commissioner may disclose all relevant information concerning the request or application to the Township such that the Township may pursue any recourse available against the individual or entity. Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

Indemnity

51. The Township shall indemnify and save harmless the IC, or any person acting under their instructions 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 hereunder or an alleged neglect or default in performance in good faith of such duty or a by-law passed under Part V.1 of the *Municipal Act, 2001*. For greater certainty, nothing in this section affects the application of section 448 of the *Municipal Act, 2001* with respect to a proceeding referred to in this section.

Protocol Review

52. The Township will review this Policy as often as it deems reasonably necessary and will post the most current version of this protocol on its website.

Severability

53. If a court of competent jurisdiction should declare any section or part of a section of this policy to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the policy and it is hereby declared that the remained of the policy shall be valid and shall remain in force.