

**Schedule 'A' to
By-law No. 1272-19**

**CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS OF
THE TOWNSHIP OF STIRLING-RAWDON**

A. PURPOSE

The Code of Conduct sets minimum standards for the behavior of Members of Council and Local Boards of the Township in carrying out their functions. It has been developed to assist Council and Local Board Members to:

- 1) Understand the standards of conduct that are expected of them and the laws that apply in relation to these standards;
- 2) Fulfill their duty to act honestly and to exercise reasonable care and diligence;
- 3) Act in a way that enhances public confidence in local government; and
- 4) Identify and resolve situations which involve a conflict of interest or potential misuse of position and authority.

B. DEFINITIONS

In this Code of Conduct:

- 1) "child" means a child born within or outside marriage and includes an adopted child and a person to whom a Member has demonstrated a settled intention to treat as a child;
- 2) "Code of Conduct" means this Code of Conduct for Members of Council and Local Boards of the Township and other rules which govern the conduct of Members established pursuant to the authority of sections 9, 10, 11 and subsection 223.2(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;
- 3) "complaint" means a written request to investigate the conduct of any Member for a possible violation of the Code of Conduct filed in accordance with the Complaint Procedure;
- 4) "confidential information" means any information in the possession of, or received in confidence by, the Township that the Township is prohibited from disclosing or has decided to refuse to disclose under the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, and/or the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, or any other law, which includes, but is not limited to:
 - a. information addressed in subsection 223.5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;

- b. information considered by or made available to Council during a closed meeting pursuant to subsection 239(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
 - c. information of a corporate, commercial, scientific, or technical nature received in confidence from third parties;
 - d. personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended;
 - e. information that is subject to solicitor-client privilege;
 - f. information that concerns any confidential matters pertaining to matters related to an identifiable individual, personal, labour relations, litigation, property acquisition, the security of the property of the Township or a Local Board; and
 - g. any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.
- 5) "Council" means the Council of the Corporation of the Township of Stirling-Rawdon;
 - 6) "gift and/or benefits" means any cash or monetary equivalent, fee, object of value, service, travel, accommodation, or entertainment provided to the Member or, with the Member's knowledge, to a Member's spouse, child or parent, or to his or her Staff, that is connected directly or indirectly to the performance of the Member's duties;
 - 7) "information" means any record, video, picture, sound recording, document, data, material, correspondence, or evidence however recorded, whether oral or in printed form, on film, by electronic means or otherwise;
 - 8) "Integrity Commissioner" means the Integrity Commissioner appointed by the Council pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
 - 9) "Local Board" means a board, commission, committee, body or local authority defined as such under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
 - 10) "Member" means a member of the Council or Local Board of the Township, as defined by the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, as the context implies or requires;
 - 11) "parent" includes a person who has demonstrated a settled intention to treat a Member as a child whether or not that person is the natural parent of the Member;
 - 12) "person" includes a corporation, partnership, association, and any other entity, as the context allows and expressly includes Staff and a Member as well as Council;
 - 13) "personal information" means recorded information about an identifiable individual as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended;
 - 14) "spouse" means a person to whom a Member is married or with whom the person is living in a conjugal relationship outside marriage; and,
 - 15) "Staff" means the officers and employees of the Township and of its municipal corporations and local boards.
 - 16) "Township" means the Corporation of the Township of Stirling-Rawdon.

C. APPLICATION OF THIS CODE

This Code of Conduct applies to each Member of Council or of a Local Board.

D. STATUTES REGULATING CONDUCT

- 1) Members acknowledge that in addition to this Code of Conduct, other legislation governs the conduct of Members of Council and may also govern the conduct of Members of a Local Board, including:
 - a. *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;
 - b. *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended;
 - c. *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended;
 - d. *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended,
 - e. *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1, as amended;
 - f. *Human Rights Code*, R.S.O. 1990, c. H.19, as amended; and
 - g. *Criminal Code*, R.S.C. 1985, as amended, c. C-46.
- 2) In the case of any inconsistency between this Code of Conduct and a federal or provincial statute or regulation, the statute or regulation shall prevail.
- 3) All references to any statute, regulation, by-law, or legislation shall be deemed to be a reference to the statute, regulation, by-law, or legislation as amended, consolidated, replaced or superseded from time to time.

E. STANDARDS OF CONDUCT

- 1) Members of Council and Local Boards shall at all times seek to advance the common good of the community they serve.
- 2) Members of Council and Local Boards shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability in a timely fashion.
- 3) Members of Council and Local Boards shall refrain from behavior that could constitute an act of disorder or misbehavior. Specifically, Members of Council and Local Boards shall refrain from conduct that:
 - a. contravenes federal or provincial statutes or legislation, the *Municipal Act*, 2001, S.O. 2001, c. 25, municipal by-laws, associated regulations, and this Code of Conduct;
 - b. is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or
 - c. prejudices the provision of a service or services to the community.

F. CONDUCT TO BE OBSERVED

1) Adherence to Policies and Procedures

Every Member of Council or a Local Board shall observe and strictly comply with every provision of the Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the Member, whether or not acting in his or her capacity as a Member of Council or a Local Board.

2) Conduct at Meetings

Every Member shall conduct himself or herself properly and in a civil manner at Council, committee, Local Board, and other meetings and in accordance with the provisions of the Township's Procedure By-law No.1245-18, as amended, this Code of Conduct, and any other applicable policy, procedure, or law. The Integrity Commissioner shall have no authority to investigate or conduct an inquiry concerning any matter occurring at a meeting of Council or of a Committee of Council or a Local Board that is covered by the Township's Procedure By-law No.1245-18, as amended.

3) Confidential Information

- a. No Members of Council or a Local Board shall disclose, release, or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form except when required or authorized by Council or otherwise by law to do so, whether during their tenure as a Member or any time thereafter.
- b. Members of Council and Local Boards have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings or that is determined to be confidential by the CAO or Clerk (in accordance with Sect. 239 of the Municipal Act) or as specifically directed by Council. Members of Council and Local Boards should not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the closed meeting deliberations to anyone, except when required or authorized by Council or otherwise by law to do so.
- c. All closed meeting materials shall be collected at the end of each closed meeting session by the Clerk and no copy should be retained by any Member.
- d. Members of Council and Local Boards shall not release confidential information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

- e. Members of Council and Local Boards shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- f. Members of Council and Local Boards shall not misuse confidential information such that it may cause detriment to the Township, Council, or others or be a benefit or detriment to themselves or others.

4) Protection of Privacy

Without limitation, public comments, discussions, or disclosure to the media or members of the public respecting information pertaining to Staff or other individuals that breaches their reasonable expectation of privacy under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 are deemed to be a contravention of this Code, subject to Section F.2. herein.

5) Release of Information

Members of Council and Local Boards acknowledge that official information related to the decisions and resolutions made by Council will normally be communicated to constituents, the community, and the media by Council as a whole or the Mayor as Head of council, or by those so designated.

6) Fostering Respect for the Decision-Making Process

All Members of Council and Local Boards shall accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making process is fostered.

7) Conduct Respecting Others

- a. Every Member has a duty and responsibility to treat all other Members, Staff, and members of the public appropriately and courteously and to ensure that the work environment is free from discrimination and harassment.
- b. Members of Council and Local Boards shall abide by the provisions of the *Ontario Human Rights Code*, R.S.O. 1990. c/H.19.
- c. No Member shall:
 - i. use indecent, abusive, or insulting words or expressions toward any other Member, Staff, or member of the public;
 - ii. speak in a manner that is discriminatory to any Member, Staff, or member of the public, based on any characteristic or ground

protected by the *Human Rights Code*, R.S.O. 1990. c/H.19, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, records of offences, marital status, family status, or disability; and

- iii. Harass, abuse, bully, threaten, or intimidate any other Member, Staff, or member of the public.

8) Conduct Respecting Staff

- a. Members of Council and Local Boards acknowledge that only Council as a whole has the capacity to direct Staff to carry out specific tasks or functions.
- b. Members of Council and Local Boards shall refrain from using their position to improperly influence Staff in their duties or functions or to gain an advantage for themselves or others.
- c. Members of Council and Local Boards shall refrain from publicly criticizing staff in a way that casts aspersions on their professional competence and credibility.
- d. The exercise of performance management and efficiency measurement tools with respect to Staff for legitimate purposes is not harassment or bullying.
- e. Notwithstanding subsection 8d., Council, Local Boards, and their Members shall not comment publicly on the performance of any individual member of Staff.
- f. In addition to the foregoing, Members of Council shall observe and strictly comply with the Council-Staff Relations Policy of the Township.

9) Gifts and/or Benefits

- a. Members of Council and Local Boards shall comply with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50 and must not solicit or accept a gift or benefit that is connected with the performance of the duties of office or which does or could be seen to compromise a Member's decision on a matter or create an obligation or special consideration to an individual, group or organization.
- b. Subsection 9a. does not include gifts or personal benefits received as a matter of protocol or social obligation that normally accompany the responsibility of office, or gifts that are made to the Township for ceremonial, symbolic, protocol or official business purposes. Specifically, Members are not precluded from accepting the following:
 - i. Token gifts, souvenirs, mementos, or hospitality received in recognition for service on a committee, for speaking at an event, or for representing the Township at an event;

- ii. Food, lodging, transportation or entertainment provided by other levels of government, by other local governments, or by local government boards or commissions;
 - iii. A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council; or
 - iv. An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event, or other similar event where the proceeds raised are to support a not-for-profit or charitable organization.
- c. If a complaint is received regarding a gift or benefit, the Integrity Commissioner shall determine whether receipt of the gift or benefit might, in his or her opinion, create a conflict of interest between a private interest and the public duties of the Member. If the Integrity Commission makes a preliminary determination that the receipt of the gift or benefit might create such a conflict, the Member shall be asked to justify receipt of the gift or benefit. If the Integrity Commissioner thereafter determines that receipt of the gift or benefit was inappropriate, he or she may direct the Member to:
- i. return the gift or benefit;
 - ii. reimburse the donor for the value of the gift or benefit already consumed;
 - iii. forfeit the gift or benefit; and/or
 - iv. remit the value of the gift or benefit already consumed to the Township.

10)Engaging in Incompatible Activity

- a. Members of Council and Local Boards shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.
- b. Without limiting the generality of the foregoing, Members of Council and Local Boards shall not:
 - i. use the influence of their office or position for any purpose other than the lawful exercise of their official duties and for Township purposes;
 - ii. act as an agent before Council or any Committee, Board, or Commission of Council;
 - iii. solicit, demand, or accept the services of any corporation, employee, or individual providing services to the Township at a time during which said corporation or person is being paid by the Township;

- iv. use information gained in the execution of office, that is not available to the general public, for any purpose other than for official duties;
 - v. place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
 - vi. give preferential treatment to any person or organization in which a Member or Members of Council or Local Boards have a financial interest;
 - vii. influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council or Local Boards have a financial interest; and
 - viii. use or permit the use of Township materials, equipment, land, facilities, services, Staff or other resources for a private purpose.
- c. For the purposes of this section and section 11, a private interest, purpose, or advantage does not include a matter that: is of a general application; affects a Member, his or her parents, children, spouse, Staff, friends, or associates, business or otherwise, as one of a broad class of persons; or concerns the remuneration or benefits of a Member.

11) Conflict of Interest

- a. It is the responsibility of individual Members of Council and Local Boards to ensure that they are aware of and understand the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50. The onus is on Members to identify actual or potential conflicts of interest and to take the appropriate action to declare the existence or potential existence of a conflict in accordance with section 5 thereof.
- b. Every declaration of interest and the general nature thereof shall be recorded and retained in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50.
- c. A conflict of interest exists when an individual is, could be, or could appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out his or her public duty. Personal interests can include direct or indirect pecuniary interests, bias, pre-judgment, close-mindedness, or undue influence.
- d. Members of Council and Local Boards must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists,

it is important to consider whether there are grounds for a reasonable person to think that a conflict exists.

- e. Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member of Council's (or Local Board's) term of office and that those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.
- f. Members of Council and Local Board should refer to and strictly comply with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and should use the following principles as a general guide:
 - i. In making a decision, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, Staff, friends, or family.
 - ii. Always interpret the phrase "conflict of interest" in the broadest possible terms.
 - iii. A factor or situation which could reasonably be viewed as a conflict by taxpayers should be disclosed by the Member.
 - iv. It is the responsibility of individual Members to seek the opinion of the Integrity Commission or to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
 - v. It is considered a breach of this Code of Conduct to require or to attempt to require Staff to determine whether a conflict of interest exists for an individual Member

12) Avoidance of Waste

Members of Council and Local Boards shall avoid waste, abuse, and extravagance in the provision or use of public resources and shall expose fraud or corruption of which the Members are aware.

G. COMPLAINTS

- 1) All Members, Staff, and members of the public are encouraged to, where appropriate, first attempt to resolve complaints about breaches of the Code of Conduct in an informal matter as set out at section 1 of the Complaint Procedure in Appendix "A". In the event that an informal resolution is inappropriate or cannot be achieved, complainants shall follow the Procedure for a Formal Complaint at section 3 of the Complaint Procedure in Appendix "A".
- 2) Where a member of Staff makes a complaint about workplace harassment or violence or discriminatory treatment by a Member of Council or a Local Board

it shall be delivered to the most senior administrative employee, typically the CAO, or to the Mayor. Should the Mayor and/or CAO be implicated in the complaint in any way, their respective designates shall assume responsibility for the complaint process. Such complaints will be processed in accordance with the Township's Harassment and Violence Policy (By-law No. 1180-17).

H. INTEGRITY COMMISSIONER

1) Function and Duties

a. The Integrity Commission shall be responsible for performing the following functions as assigned by the Township in an independent manner:

- i. The application of the Code of Conduct for Members of Council and Local Boards; and
- ii. The application any procedures, rules, and policies of the Township governing the ethical behavior of Members.

Without limiting the foregoing, unless prohibited by this Code of Conduct, the Integrity Commissioner shall be entitled to undertake investigations or not undertake investigations in accordance with the provisions of Part V.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

b. In addition to the responsibilities set out above, the Integrity Commissioner may also provide, at the request of Council, a Local Board, or an individual Member, as the case may be:

- i. Information to Council or a Local Board as to Members' obligations under the Code of Conduct and the Complaint Procedure;
- ii. Advice to individual Members regarding specific situations as they relate to the application of the Code of Conduct;
- iii. Advice to Council or a Local Board on other Township policies and procedures that relate to the ethical behavior of Members;
- iv. Information to the public regarding the Code of Conduct and the obligation of Members under the Code of Conduct; and
- v. An annual report to Council on the activities of the Integrity Commissioner.

c. Without limiting the generality of the section above, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not. The Integrity Commissioner will be entitled to summarily dismiss a complaint not filed in accordance with the Complaint Procedure, or that constitutes, in his or her opinion, an abuse of process or is frivolous or vexatious.

- d. All determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her absolute discretion and shall be final and binding. The Integrity Commissioner, however, can only make recommendations concerning penalty, which are not binding.

2) Requests for Advice or Information

A request by a Member of Council or a Local Board for advice from the Integrity Commissioner shall be made in writing. Where the Integrity Commissioner provides advice to a Member, the advice shall also be made in writing.

Where the Integrity Commissioner provides educational information to the public about the Code of Conduct, the Integrity Commissioner may summarize advice he or she has provided, but may not disclose confidential information that could identify a person concerned.

3) Reporting

A final or interim report of the Integrity Commissioner regarding a complaint about a Member's alleged contravention of the Code of Conduct shall be submitted to the Clerk who shall add it to the next Council meeting agenda, provided that the agenda for that meeting has not been posted. Reports shall be made available to the public after having been received by Council.

4) Complaints to the Integrity Commissioner

All complaints made pursuant to the Code of Conduct shall be filed in accordance with the Complaints Procedure attached as Appendix "A" to this Code of Conduct.

5) Penalties

- a. Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a Member who has been found to be in contravention of the Code of Conduct:
 - i. A reprimand; or
 - ii. Suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period of up to ninety (90) days.

- b. A Local Board may impose either of 5a.i. or ii. on a Member if the Integrity Commissioner reports to the Board that, in his or her opinion, the Member has contravened the Code of Conduct, and if Council has not imposed a penalty on the Member in respect of the same contravention.
- c. For clarity, if the Integrity Commissioner finds that a Member has not contravened the Code of Conduct, Council cannot impose a penalty outlined above on that Member. However, if the Integrity Commissioner finds that a Member has contravened the Code of Conduct, Council may impose the penalty recommended by the Integrity Commissioner, any other penalty within the above described limits, or no penalty at all.

6) Annual Reports

The Integrity Commissioner may, if council so requests submit an annual report to Council which shall include, at a minimum, information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.

7) Timing for Inquiries and Reports

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within forty-two (42) days after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched., the person or entity who made the request or the Member or former Member whose conduct is the subject matter of the request, makes a written request to the Integrity Commissioner that the inquiry be re-commenced.

Between Nomination Day and Voting Day in a regular election:

- a. There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct;
- b. The Integrity Commissioner shall not report to Council on whether a Member has contravened the Code of Conduct; and,
- c. Council shall not consider whether to impose penalties on a Member.

I. PROFESSIONAL DEVELOPMENT

Members of Council and Local Boards have an obligation to promote, support, pursue and partake in opportunities for professional development relevant to the discharge of their office or position. Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in carrying out their duties and responsibilities.

J. IMPLEMENTATION AND ADHERENCE

The Code of Conduct expresses standards of conduct for all Members of Council and Local Boards. Council and Local Board Members themselves have the primary responsibility to ensure that these standards are understood and met, and that the public can continue to have full confidence in the Township's municipal government.

Members of Council and Local Boards are expected to regularly review this Code of Conduct and other Township policies and procedures governing the procedural and ethical duties and responsibilities of Members on a regular basis.

All Members of Council and Local Boards shall receive and review a copy of this Code of Conduct. Confirmation of delivery shall be recorded in the CAO's Office and is acknowledged by the Member's signature below.

SIGNATURE

The undersigned hereby acknowledges that he or she has received and reviewed of a copy of the Code of Conduct for Members of Council and Local Boards of the Township of Stirling-Rawdon.

Signature of Council/Local Board
Member

Date

Printed Name

Appendix "A" to the Code of Conduct

Code of Conduct for Members of Council and Local Boards of the Township of Stirling-Rawdon

Complaint Procedure

Procedure – Informal Complaint

- 1) Any person who believes that a Member of Council or a Local Board is in contravention of the Township's Code of Conduct for Members of Council and Local Boards may address their concerns in the following manner:
 - a. Advise the Member that their behaviour or activity contravenes the Code of Conduct;
 - b. Encourage the Member to stop the prohibited behaviour or activity;
 - c. If applicable, confirm to the Member their satisfaction or dissatisfaction with the Member's response to the concern identified; and,
 - d. Keep written records of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
- 2) If any person is not satisfied with the response received through the aforementioned informal process or deems the informal process to be inappropriate in the circumstances, the person may proceed with a formal complaint through the Integrity Commissioner as outlined in Section 3 of the Complaint Procedure.

Procedure – Formal Complaint

- 3) Any person who has reasonable grounds to believe that a Member has contravened the Code of Conduct may address their concerns through the formal complaint process set out below:
 - a. All formal complaints ("Complaints") must be made using the Township's Complaints Form / Affidavit (see Appendix "B") and shall be dated and signed by the person making the Complaint (the "Complainant");
 - b. The Complaint must include an explanation as to why the issue raised may be a contravention of the Code of Conduct and any evidence in support of the allegation in the care and control of the person must be included with the Complaints Form / Affidavit;
 - c. Any witnesses in support of the allegation must be identified on the Complaint Form / Affidavit;

- d. The Complaint Form / Affidavit must include the name of the Member alleged to have breached the Code of Conduct, the specific provision(s) of the Code of Conduct allegedly contravened, the date, time, and location of the alleged contravention(s), and any other information as required on the Complaint Form / Affidavit;
 - e. The Complaint shall be filed with the Clerk who shall confirm that the information is complete as to Sections 3 (a), (b), and (d) and then forward the Complaint Form / Affidavit to the Integrity Commissioner who shall determine whether the matter is, on its face, a Complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or policies; and,
 - f. The Complaint must be submitted to the Clerk no later than six (6) months from the date in which the alleged violation occurred. No action will be taken on a Complaint received after this deadline.
- 4) The Integrity Commissioner may request additional information from the Complainant in order to properly assess the Complaint.
 - 5) A Complainant may at any time abandon a Complaint.

Response of Integrity Commissioner to a Complaint outside Jurisdiction

- 6) If the Complaint received by the Integrity Commissioner does not relate to a non-compliance with the Code of Conduct, it will be deemed not to be a Complaint and the Integrity Commissioner shall advise the Complainant in writing as follows:
 - a. Criminal Matter – if the Complaint is an allegation of a criminal nature consistent with the Criminal Code, R.S.C. 1985, c. C-46, the Complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
 - b. Municipal Conflict of Interest – if the Complaint is an allegation with respect to matters under the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, other than the application of sections 5, 5.1 and 5.2 thereof to a Member, the Complainant shall be advised to review the matter with their own legal counsel;
 - c. Municipal Freedom of Information and Protection of Privacy – if the Complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, the Complainant shall be referred to the Clerk to have the matter reviewed under that statute;
 - d. Conduct of Members during meetings of Council or Local Boards – if the complaint relates to conduct of a Member during a Council or Local Board meeting, such conduct shall be governed by By-Law No. 1245-18 as

amended or its equivalent, which is subject to enforcement by the Mayor, Board Chair, or appropriate designate. A Complaint received by the Integrity Commissioner relating to matters properly subject to By-Law 1245-18 as amended or its equivalent will not be accepted as a Complaint unless the *Municipal Act, 2001* or other legislation so requires. The Integrity Commissioner shall advise the Complainant and provide reasons or referrals as the Integrity Commissioner deems appropriate in the circumstances.

- e. Other Matters – if the matter is covered by other policies or legislation, the Complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

Refusal to Conduct an Investigation

- 7) If upon review of a Complaint, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious, or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the Complainant and the Member identified in the Complaint Form / Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or decides not to investigate.
- 8) If a Complaint relates to a matter which is also the subject of a court proceeding, Human Rights Tribunal application, or other similar process, the Integrity Commissioner may, in accordance with any applicable legislation, hold any investigation in abeyance pending the result of the other proceeding.

Opportunity for Resolution

- 9) If at any time, following the receipt of a Complaint or during the investigation process, 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 agree, efforts may be made to achieve an informal resolution. The formal Complaint will be held in abeyance during such time.

Investigation

- 10) If the Integrity Commissioner determines that a formal investigation is required, he or she shall:
 - a. Provide a copy of the Complaint and any supporting materials that it is permissible to provide to the Member whose conduct is in question, with a request that a written response to the allegation be provided to the Integrity Commissioner within ten (10) business days or such other amount of time that the Integrity Commissioner deems reasonable and appropriate given the context, nature of the Complaint, and other grounds the Integrity Commissioner deems reasonable;

- b. Provide a copy of the response provided by the Member to the Complainant with a request for a written reply within ten (10) business days or such other amount of time that the Integrity Commissioner deems reasonable and appropriate given the context, nature of the Complaint, and other grounds the Integrity Commissioner deems reasonable;
 - c. Have free access to all books, accounts, financial records, electronic data processing records, reports, files, and all other papers, things or property belonging to or used by the Township that the Integrity Commissioner reasonably believes to be necessary for an investigation; and,
 - d. Make interim reports to Council or the Local Board where necessary and as required to address any issues of interference, obstruction, delay, or retaliation, if any, encountered during the investigation.
- 11) The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act*, 2009, S.O. 2009, c.33, Sched. 6, in which case those sections apply to the investigation.

Co-Operation

- 12) A Member shall co-operate in every way possible with the Integrity Commissioner in any investigation of a Complaint and the enforcement of the Code of Conduct.

Suspension of Investigation

- 13) The Integrity Commissioner will cease the investigation if:
- a. A Complainant abandons the request for an investigation, in which case the Integrity Commissioner shall report to Council or the Local Board as set out above; or
 - b. The Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any other statute or of the Criminal Code, R.S.C. 1985, c. C-46., in which case the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge(s) have been finally disposed of and shall report the suspension to Council or the Local Board.
- 14) If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within forty-two (42) days after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996, the person or entity who made the request or the Member or former

Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

15) Between Nomination Day and Voting Day in a regular election:

- a. There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct;
- b. The Integrity Commissioner shall not report to Council or a Local Board on whether a Member has contravened the Code of Conduct; and,
- c. Council shall not consider whether to impose penalties on a Member.

Report Regarding Recommendation

16) The Integrity Commissioner shall report to the Complainant and the Member on the results of his or her review within sixty (60) days of receiving a complete Complaint Form / Affidavit upon completion of an investigation. If the investigation process requires more than sixty (60) days, the Integrity Commissioner shall provide an interim report to the Complainant and Member indicating when the complete report may be available within sixty (60) days of receiving a complete Complaint Form / Affidavit.

17) If the Complaint is withdrawn, sustained, or resolved during the investigation process, the Integrity Commissioner shall report to Council or the Local Board outlining the findings, the terms of any resolution and any recommended action within thirty (30) days of same.

18) If upon completion of the investigation, the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council or the Local Board including a recommendation as to the imposition of a penalty as set out in subsection 223.4(5) of the *Municipal Act*, 2001 S.O. 2001, c.25, namely either:

- a. A reprimand; or
- b. A suspension of remuneration paid to the Member for a period of up to ninety (90) days.

19) The report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.

20) A final or interim report of the Integrity Commissioner regarding a complaint about a Member's alleged contravention of the Code of Conduct shall be submitted to the Clerk who shall add it to the next Council meeting agenda, provided that the agenda for that meeting has not been posted.

No Appeal of Integrity Commissioner's Decision

21) There is no appeal from the decision of the Integrity Commissioner.

Confidentiality

22) The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, materials, or other information, whether belonging to the Township or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended. Pursuant to subsection 223.5(3) of the *Municipal Act, 2001*, the duty of confidentiality prevails over the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

Delegation

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

Appendix "B" to the Code of Conduct

**Code of Conduct for Members of Council and of Local Boards
of the Township of Stirling-Rawdon**

Formal Complaint Form / Affidavit

AFFIDAVIT OF _____(insert full name).

I, _____(insert full name), of
the _____(insert City, Town of residence) in
the Province of Ontario,

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.) _____

2. I have reasonable and probable grounds to believe that a Member of the Corporation of the Township of Stirling-Rawdon Council or a Local Board, namely: _____ (insert name of Member and of the Local Board, if applicable) has contravened section(s) _____ of the Code of Conduct of the Corporation of the Township of Stirling-Rawdon. The particulars of which are as follows:

(If more room is required, please use pages below to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, C, etc. and attach them to this affidavit.)

This affidavit is made for the purpose of requesting that this matter be reviewed by the Corporation of the Township of Stirling-Rawdon's Integrity Commissioner.

SWORN (or AFFIRMED) before me at the _____)
_____ in the)
Province of Ontario this _____ **day of**)
_____, **20__ (insert date)**)
_____) _____)
(Signature of Commissioner) **(Signature)**
A Commissioner for taking affidavits etc.

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation. Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and the Corporation of the Township of Stirling-Rawdon's Code of Conduct for Members of Council and Local Boards, By-law No. 1272-19, and will be used to conduct an investigation on the details of the complaint. Questions about the collection of this information should be directed to the Clerk.

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation. Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and the Corporation of the Township of Stirling-Rawdon Code of Conduct for Members of Council and Local Boards, By-law No. 1272-19, and will be used to conduct an investigation on the details of the complaint. Questions about the collection of this information should be directed to the Clerk.