

**THE TOWNSHIP OF ST. JOSEPH
POLICY AND PROCEDURE MANUAL**

| | | | |
|----------------|--|----------------|----------------|
| Policy Name: | Code of Conduct for Council and Local Boards | Department: | Council/Admin |
| Policy Number: | C02-2019 | Date Approved: | March 20, 2019 |
| | | Date Revised: | |

PURPOSE:

A written Code of Conduct for Council and Local Boards helps to ensure that the members of Council and Local Boards of the municipality (as defined in the *Municipal Act*) share a common basis for acceptable conduct.

This code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should enhance public confidence that elected and appointed representatives operate from a basis of integrity, justice and courtesy.

The key principles of the Code of Conduct are:

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

Municipal Council members hold positions of privilege; therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and have regard for the integrity of the corporation.

The purpose of the Code of Conduct is to protect the public interest; encourage high ethical standards among members of Council and Local Boards; provide a universal understanding of the fundamental rights, privileges, and obligations of members of Council and Local Boards; and to provide a means for members of Council and Local Boards to obtain information on contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

APPLICATION:

This policy shall apply to all members of Council and members of Local Boards as defined in section 223.1 of the *Municipal Act*. In this case, this includes the St. Joseph Island Planning Board, the Municipal Non-Profit Housing Corporation, the St. Joseph Township Public Library Board, and the St. Joseph Island Museum Board.

1. DEFINITIONS:

- a) "Clerk Administrator" means the Clerk Administrator of the Township or their designate, so appointed by Council.
- b) "Code" means the "Code of Conduct for Council and Local Board Members" as established by Council pursuant to Section 223.2 of the *Municipal Act, 2001*.
- c) "Committee" means committee, board, task force or other body constituted and appointed by Council.
- d) "Confidential Information" includes:
 - i. Personal information about any person including but not limited to name, address, sexual orientation, culture, religion, education, employment.
 - ii. 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 Freedom of Information and Protection of Privacy Act* or any other law;
 - iii. Information of a corporate, commercial, scientific or technical nature received in confidence from third parties (personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, security of property of the municipality; any other information lawfully determined by Council or a Local Board to be confidential or required to remain or be kept confidential by legislation or order;
 - iv. A matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open council or it is authorized to be released by council/local board or otherwise by law;
 - v. reports of consultants, draft documents and internal communications which, if disclosed, may prejudice the reputation of the city, its officers and employees, or its effective operation;
 - vi. information concerning litigation, negotiation or personnel matters;
 - vii. The publication of information which may infringe on the rights of any person (eg: the source of a complaint where the identity of a complainant is given in confidence)
- e) "Council" means the Council of the Corporation of The Township of St. Joseph;

- f) “Improper Influence” is a way of corruptly influencing or intimidating a staff member to induce them to act on any basis other than the merits of the matter.
- g) “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 performing the functions assigned by the municipality in an independent manner with respect to the application of the Code of Conduct for Members of Council and Local Boards.
- h) “Local Boards” means the St. Joseph Island Planning Board, St. Joseph Island Museum Board, St. Joseph Township Public Library Board, the Township of St. Joseph Municipal Non-Profit Housing Corporation.
- i) “Meeting” means any legally-constituted meeting of Council, committee or Local Board.
- j) “Members” includes the Mayor and Members of Council and members of Local Boards as defined in section 223.1 of the *Municipal Act* as noted above.
- k) “Private Advantage” does not include a matter:
 - i. that is of general application;
 - ii. that affects a member of council, their immediate relatives, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
 - iii. that concerns the remuneration or benefits of a member of council.
- l) “Staff” means direct employees of the Township whether full time, part time, contract (including employees of staffing agencies) or casual (including students).
- m) “Township” means the Corporation of The Township of St. Joseph.
- n) “Township property” includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Township.

2. Gifts, Benefits and Hospitality

- 2.1. Members are expected to represent the public and the interests of the Municipality, and to do so with impartiality and objectivity. The acceptance of a gift, benefit or hospitality can imply favouritism, bias, or influence on the part of the member. At times, the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and their representative role of the Municipality.
- 2.2. Members shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence or otherwise to go beyond the necessary and appropriate public functions involved.

2.3. No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of their duties of office, unless permitted by the exceptions listed below.

2.4. Members shall not accept payment for meals or alcoholic beverages by individuals, organizations and/or companies which the Township has business or potential dealings with.

2.5. For these purposes, a fee, advance, gift or benefit provided with the member's knowledge to a member's spouse, child or parent that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

2.6. The following are recognized as exceptions:

- a) compensation authorized by resolution or by-law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution that is otherwise offered, accepted and reported in accordance with applicable law;
- d) a suitable memento received by a Member at a function honouring the member;
- e) a gift of nominal value (e.g. baseball cap, t-shirt, book, etc.) received for being a representative of the municipality in general, or as a result of being a speaker or participant at an event;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if attendance is in keeping with their representative role, if the value is reasonable, and if attendance at events sponsored by the same entity is infrequent;
- h) communication to a member, including subscriptions to newspapers and periodicals;
- i) invitations from charity or not-for-profit organizations to attend an event;
- j) if the Member is volunteering at an event or activity, any nominal benefit (e.g. t-shirt, meal, free entry, etc.) that would be available to other volunteers at the same event or activity;

2.7. In the case of categories (b) (d) (e) (f) and (g), if the value of the gift or benefit exceeds \$100, or if the total value received from any one source during the course of a calendar year exceeds \$100, the member shall, within 30 days of receipt or reaching the annual limit, file a disclosure statement with the Clerk Administrator which will explain:

- a) the nature of the gift or benefit;
- b) its source and date of receipt;
- c) the circumstances under which it was given or received;
- d) its estimated value;
- e) what the recipient intends to do with the gift; and
- f) whether any gift will at any point be left with the Township.

Disclosure statements will be a matter of public record.

- 2.8. Those gifts received by members which have significance or historical value for the Township of St. Joseph shall be left with the Township of St. Joseph to display/store as appropriate when the member ceases to hold office.
- 2.9. Except in the case of item 2.6 f) above, a member may not accept any gift or benefit worth more than \$100 from one source during a calendar year.
- 2.10. Members shall return any gifts or benefits or not accept hospitality, which does not comply with these guidelines, along with an explanation of why the gifts, benefits, or hospitality cannot be accepted.

3. Conduct of Members

- 3.1. A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and empathy, recognizing that a Member is always a representative of the Township and of their elected office.
- 3.2. Members shall at all times serve and be seen to serve the interests of their constituents and the Municipality in a conscientious and diligent manner and shall approach decision-making with an open mind.
- 3.3. Members will be open and honest, focus on issues rather than personalities, and avoid aggressive, offensive or abusive conduct.
- 3.4. A member shall not use abusive, or insulting words or expressions toward any other member, any member of staff or any member of the public.
- 3.5. A Member shall at all times conduct themselves with decorum and in accordance with the Township's Procedural By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.
- 3.6. Members shall:
 - a. conduct Council business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
 - b. ensure the public has input and receives notice regarding Council's decision-making processes in accordance with the Procedural By-law;
 - c. ensure compliance with the Municipal Act, Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open meetings, accountability and transparency.

- 3.7. Members shall:
- a. encourage the public, prospective contractors and lobbyists, and their colleagues to abide by the Township's by-laws and policies, including this Code; and
 - b. accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.
- 3.8. When commenting on social media on issues pertaining to their role as a Member of Council, a Member shall:
- a. always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Township when using social media;
 - b. unless authorized to speak on behalf of the Corporation of The Township of St. Joseph, or Council as a whole, be clear that their opinion is their own and may not be representative of the Council or municipality as a whole;
 - c. never use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.
- 3.9. As a representative of the Township, Members have the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.
- 3.10. A Member shall treat every person, including other Members, staff, individuals providing services on a contract for service and the public with dignity, understanding and respect.
- 3.11. No Member shall speak or communicate in a manner that is discriminatory to any individual based on that person's race, ancestry, national or ethnic origin, creed, gender identity or expression, sex, sexual orientation, age, colour, marital status, family status, economic status, genetic characteristics or disability.
- 3.12. No Member of Council or Township staff shall harass any other Member or any staff person by engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. This can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to the Member, staff person, or group of Members or staff. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s). This may include:
- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
 - displaying or circulating offensive pictures or materials in print or electronic form;
 - bullying;
 - repeated offensive or intimidating phone calls or e-mails; or
 - workplace sexual harassment.

- 3.13. Differences of opinion or minor disagreements between Members and/or staff would not generally be considered workplace harassment.
- 3.14. Reasonable and fairly applied action taken by Council, Department Heads, or a designated supervisor relating to the management and direction of staff or the workplace would not generally be considered workplace harassment. Examples of this could include:
- changes in work assignments;
 - scheduling;
 - performance assessment and evaluation;
 - workplace inspections;
 - implementation of health and safety measures; and
 - disciplinary action.

4. Political, Business or Personal Conduct

- 4.1. No member shall use or permit to be used the facilities, equipment, supplies, services or other resources of the Township for any election campaign or campaign-related activities, or for their personal or business use.
- 4.2. No member shall undertake campaign-related activities in any township facility for the purpose of seeking the support of employees working in that facility at any township facility or property.
- 4.3. No member shall undertake campaign-related activities at any township facility or property unless permitted under Township policy (e.g. all candidates forum, placement of signage, candidate meet-and-greet.)
- 4.4. No member shall use the services of any staff person for any personal, business or campaign-related purposes during the working hours for which those persons receive compensation from the Township.
- 4.5. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- 4.6. No Member shall contravene the provisions of the *Municipal Elections Act, 1996* or any election procedures established by the Corporation of The Township of St. Joseph under the guidance of the Clerk Administrator.
- 4.7. No member shall allow the prospect of their future employment by a person or entity affect their performance or influence their decision-making related to their duties to as a member of Council or Local Board.
- 4.8. No member shall act as a paid agent before council, its committees, or an agency or board of the Township, or a Local Board. A Member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

5. Conduct Respecting Staff

- 5.1. Members are subject to the provisions of the Township's "Council/Staff Relations Policy" as it relates to their day to day interactions with staff of the Township.
- 5.2. Members shall acknowledge the fact that staff work for the Corporation of The Township of St. Joseph and it is their responsibility to use their professional knowledge and expertise to make recommendations to Council that reflect legislative and corporate requirements and objectives, without improper influence from any individual member or group of members.
- 5.3. Council should expect a high quality of advice from staff based on political neutrality and objectivity regardless of party politics, the loyalties of persons in power, or their personal opinions.
- 5.4. Council collectively directs the business of the Township and passes by-laws or resolutions, to enact decisions adopted by Council.
- 5.5. The *Municipal Act, 2001* sets out the roles of members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer and the Integrity Commissioner.
- 5.6. Members of Council are expected to:
 - a. Represent the public and to consider the well-being and interests of the Municipality;
 - b. Develop and evaluate policies and programs of the Municipality;
 - c. Determine which services the Municipality provides;
 - d. Ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - e. Ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
 - f. Maintain the financial integrity of the Municipality; and
 - g. Carry out the duties of Council under the *Municipal Act, 2001* or any other Act.
- 5.7. Municipal staff are expected to:
 - a. Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
 - b. Undertake research and provide advice to Council on the policies and programs of the Municipality; and
 - c. Carry out other duties required under the *Municipal Act, 2001* or any Act and other duties assigned by the Municipality.
- 5.8. Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters.

- 5.9. Members acknowledge that they do not individually have the authority to direct staff, and that staff establish (with Council approval) appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation with the resources at their disposal.
- 5.10. No Member shall compel any staff member to engage in activities that are contrary to the direction of council or the policies of the municipality.
- 5.11. No Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacity of employees.

6. Improper use of Influence

- 6.1. Members are expected to perform their duties with integrity, accountability and transparency.
- 6.2. No Member shall use the influence of their office, or information gained in the execution of their duties that is not available to the general public, for any purpose other than for the exercise of official duties.
- 6.3. No Members shall hold out their status as a member to:
 - a. improperly influence the decision of another person to the private advantage of the Member's parents, children, or spouse, staff, friend or associate, business or otherwise;
 - b. secure preferential treatment beyond activities in which a Member normally engages as part of their official duties;
 - c. hold out the prospect or promise of future advantage through a Member's supposed influence within Council, Committee or Local Board in return for present actions or inaction.
- 6.4. No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.
- 6.5. Members should not advocate on behalf of any person at a hearing of an adjudicative board and should not contact any member of such a board regarding any application before it.
- 6.6. For greater clarity, the Code does not prohibit Members from properly using their influence on behalf of constituents.

7. Confidential Information

- 7.1. No member shall disclose, release, or publish by any means to any person or to the public any confidential information acquired by virtue of their office, in any form, except when required or authorized by Council, a Local Board or otherwise to do so.
- 7.2. No member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body at any time during or after their position in office.

8. Use of Municipal Property and Services:

- 8.1. No member shall permit the use of any municipal property, equipment, services, staff, website, social media platforms, or supplies for personal purposes or profit, other than those related to:
 - a. the discharge of official duties; or
 - b. associated community activities of which council has been advised unless such use is permitted by one of the following exceptions:
 - i. reasonable and incidental personal use of office space, equipment such as computers, fax machines, cell phones, etc., where the Township incurs no additional costs relating to such use, and the use is of limited duration and frequency;
 - ii. use of property and facilities where such use is universally known to be available to other residents upon request and on equal terms.
- 8.2. No member shall obtain financial gain from the use of intellectual property paid for or developed by the Township, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of The Corporation of The Township of St. Joseph.
- 8.3. No member shall use information gained in the execution of their duties that is not available to the general public for any purposes other than their official duties.

9. Compliance with the Code of Conduct

- 9.1. This Code applies to every Member.
- 9.2. A Member shall:
 - a. observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in their capacity as a Member;
 - b. respect the integrity of the Code and inquiries and investigations conducted under it; and
 - c. co-operate in every way possible in securing compliance with the application and enforcement of the Code.

9.3. No Member shall:

- a. undertake any act of reprisal or threaten reprisal against a complainant, staff or any other person for providing relevant information to the Integrity Commissioner or any other person; or
- b. obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

10. COMPLAINTS ALLEGING VIOLATION OF THIS CODE

Where an elector or a person acting demonstrably in the public interest has reasonable grounds to believe that a member of Council has breached this code, a complaint may be submitted to the Clerk Administrator on the prescribed form which will be forwarded to the Integrity Commissioner, who will process it in accordance with the Complaint Protocol attached hereto as Appendix "A".

APPENDIX "A"

THE TOWNSHIP OF ST. JOSEPH COMPLAINT PROTOCOL FOR CODE OF CONDUCT COUNCIL AND LOCAL BOARDS

1. APPLICATION

This process applies to members of Township Council and its Local Boards as defined in section 223.1 of the *Municipal Act (members)*.

2. INTEGRITY COMMISSIONER

- 2.1. The Township shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out their functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.
- 2.2. The Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:
 - a. Education and training upon request from Council;
 - b. Written and/or verbal information, advice and interpretation regarding the Code to the public, staff, Council and its Local Boards, or individual Members thereof;
 - c. Attempt to settle any complaint between a complainant and a Member before commencing an inquiry;
 - d. Investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;
 - e. Investigation reports and recommendations, including periodic, interim or final reports and annual reports;
 - f. Provide Council with specific and general opinions and advice on revisions to the Code.
- 2.3. Notwithstanding the services in Section 16.1 above, the Integrity Commissioner shall not provide advice or opinions to any Member with respect to the Municipal Conflict of Interest Act.

3. PROCEDURE FOR OBTAINING ADVICE

- 3.1. Where a Council member or employee is seeking to obtain advice from the Integrity Commissioner they shall submit to the Clerk Administrator or the Integrity Commissioner the completed form provided (Schedule A). All advice given by the Integrity Commissioner to Council members or employees shall be confirmed in writing. No solicitor/client relationship will exist in the giving of such advice.
- 3.2. Where the Integrity Commissioner learns of a violation through the request for advice from any Council member, they are required to report such a violation to council. The Integrity Commissioner may decline to give advice if they determine that it will put them in conflict with their duty to council as a whole.

4. CONFIDENTIALITY

- 4.1. The Integrity Commissioner shall carry out all inquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly, and all complaints shall be treated as confidential to the extent possible and in accordance with the Municipal Act.
- 4.2. All records of investigations shall be kept confidential and access limited to those in the municipality with a need to know for the purposes of conducting a full investigation.

5. COMPLAINT PROCESS

- 5.1. Any individual who identifies or witnesses behaviour or activity by a member of council that appears to be in contravention of the Code of Conduct for Council and Local Boards may address the prohibited behaviour or activity informally themselves in the following manner:
 - a. advise the Member in writing that the behaviour or activity appears to contravene the Code of Conduct, and provide the specific provision of the Code of Conduct that may have been contravened;
 - b. encourage the member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
 - c. document the incident(s) including dates, times, locations, other persons present and any other relevant information, including steps taken to resolve the matter;
 - d. if applicable, confirm satisfaction with the response of the member or, if applicable, advise the member of dissatisfaction with the response; and
 - e. if applicable, consider the need to pursue the matter in accordance with the formal complaint procedure.
 - f. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or an activity that they believe violates the Code of Conduct; however, the informal process is not a precondition or a prerequisite to pursuing the formal complaint procedure.
- 5.2. A formal complaint that a member has contravened the Code may be initiated by any person, any Member of Council, or by Council as follows:
 - a. a complaint shall be made in the form attached as Schedule B and is to be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier, or through the Clerk-Administrator at the municipal office;
 - b. a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
 - c. the alleged violation shall have taken place within 180 days prior to filing the complaint with the Integrity Commissioner;
 - d. a complaint shall include:
 - i. an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
 - ii. any evidence in support of the allegation; and
 - iii. any witnesses in support of the allegation must be identified.

- 5.3. The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members, or if the complaint relates to the following matters:
- i. Criminal Matter – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
 - ii. Municipal Conflict of Interest – if the complaint relates to a matter under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with his or her own legal counsel; and
 - iii. Municipal Freedom of Information and Protection of Privacy – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk-Administrator.
 - iv. Municipal Elections Act – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.
- 5.4. If the Integrity Commissioner determines they do not have jurisdiction as described in Section 3.3 of this Appendix, the Integrity Commissioner shall advise the complainant in writing accordingly.
- 5.5. The Integrity Commissioner may attempt to settle any complaint. The Integrity Commissioner may also dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to Council.
- 5.6. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavour to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.
- 5.7. If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 5.8. If the Integrity Commissioner has decided to commence an investigation of a complaint, they will deliver a preliminary information report to an open meeting of Council including the following:
- a. an indication as to whether it is the Integrity Commissioner's intention to conduct the inquiry under Sections 33 and 34 of the *Public Inquiries Act*;
 - b. a preliminary indication of the members of staff and/or consultations needed to assist the Commissioner;
 - c. an estimated cost of the inquiry;

- d. the estimated time required to complete the inquiry and prepare a final report;
 - e. where appropriate, the Commissioner may recommend that the alleged infraction be reported to the police and that the inquiry be suspended until the police investigation is completed.
- 5.9. If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days.
- 5.10. The Integrity Commissioner may provide the response from the Member to the complainant with a request for a written reply within ten (10) days.
- 5.11. The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint.
- 5.12. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any Township workplace relevant to the complaint, including any documents or records under the custody or control of the Township.
- 5.13. If the Integrity Commissioner determines that there has been no contravention of the Code or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
- 5.14. Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member who is the subject of the complaint with the basis for their findings and any sanctions that may be recommended.
- 5.15. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 5.16. Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- a. issue a report to Council on the findings of the investigation and, where there has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
 - b. provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk-Administrator (which shall be at least 15 days prior to the Council meeting in which it is to be considered), and to the complainant at the same time as the report becomes public.
- 5.17. The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of Council, in accordance with the Procedure By-law, as determined by the Clerk-Administrator in consultation with the Integrity

Commissioner. Where the inquiry relates to a local board the report will be submitted both to council and to the local board.

- 5.18. At the time of the Integrity Commissioner's report to Council, the identity of the Member who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that a breach has occurred. If no breach is found to have occurred, the Member's identity shall remain confidential.
- 5.19. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
- 5.20. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for inquiries and for conducting investigations.
- 5.21. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

6. PENALTIES

- 6.1. In reviewing the final report, Council will determine whether it will impose any of the following penalties on a Member if the Integrity Commissioner reports that, in their opinion, the member has contravened the Code:
 - a. issue a motion of reprimand;
 - b. suspension of the remuneration paid to the member in respect of his or her services as a member for a period of up to 90 days;
 - c. request the member involved to return any gift or benefit received in contravention of the *Code of Conduct*;
 - d. request the member involved to repay the value of the benefit;
 - e. remove the member from committee or local board appointments;
 - f. request an apology; or
 - g. withhold confidential materials/matters for a period of time.
- 6.2. Council shall be responsible for determining penalties where appropriate. Council's determination will be communicated to the Member using the Schedule C form provided.

7. PROTECTION FROM RETALIATION

Any employee who files a complaint of a contravention of the *Code of Conduct* will not be subjected to any form of penalty or reprisal provided the complaint is made in good faith and that, in the reasonable belief of the complainant, a contravention of the Code has occurred.

8. COMPLAINTS IN MUNICIPAL ELECTION YEARS

- 8.1. Despite any other provision of this process, 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, they shall terminate the inquiry on that day.

- 8.2. If an inquiry is so terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within 30 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.
- 8.3. 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 year, as set out in section 5 of that Act, the following rules apply:
 - a. there shall be no requests for an inquiry about whether a Member of Council or of a local board has contravened the Code of Conduct applicable to the Member;
 - b. the Integrity Commissioner shall not report to the municipality or local board about whether, in their opinion, a Member of Council or of a local board has contravened the Code of Conduct applicable to the member;
 - c. the municipality or local board shall not consider whether to impose the penalties referred to in Subsection (5) on a Member of Council or of a local board.

SCHEDULE A
THE TOWNSHIP OF ST. JOSEPH
CODE OF CONDUCT – REQUEST FOR ADVICE FORM

Name of Member: _____

Phone Number: _____ Email Address: _____

Advice Requested (Please provide as much detail as possible. Add additional pages if required):

Signature of Requestor

Date

Date Received by Integrity Commissioner:

Date Reply Issued

SCHEDULE B

**THE TOWNSHIP OF ST. JOSEPH
CODE OF CONDUCT – FORMAL COMPLAINT FORM**

I _____ hereby request the Integrity Commissioner for The Township of St. Joseph to conduct an inquiry pursuant to Part V.1 of the Municipal Act, 2001 about whether or not the following member(s) of Council or Local Board has (have) contravened the Code of Conduct for Council and Local Boards applicable to the member(s):

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Code of Conduct by reason of the following (please insert date, time and location of conduct, including the Rules contravened, together with particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached, (if more space is required, please attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the Municipal Act, 2001 with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry. Please mail, fax, e-mail, or otherwise deliver this request to:

Antoinette Blunt, Ironside Consulting Services Inc.
Integrity Commissioner
155 Ironside Drive
Prince Township, Ontario
P6A 6K4
Office: 705-779-3223
Fax: 705-779-9982
Mobile: 705-542-3504
Toll Free: 1-866-881-0003
Email: ironsideconsult@xplornet.com
Web: www.ironsideconsulting.ca

Date

Signature of Requester

Name

Address: _____

Telephone: _____ Cell: _____

E-mail: _____

SCHEDULE C

**THE TOWNSHIP OF ST. JOSEPH
CODE OF CONDUCT – MEMBER REPRIMAND/SUSPENSION OF PAY TEMPLATE**

Dear, _____

At the [INSERT DATE] Council meeting, Council received and discussed the Integrity Commissioner’s [INSERT DATE] investigation report into the Code of Conduct complaint filed against you on [INSERT DATE]. The Complainant has alleged that you violated the Code of Conduct in the following way(s):

[INSERT ALLEGED CONTRAVENTION CITED IN THE INTEGRITY COMMISSIONER’S REPORT]

After investigation, the Integrity Commissioner has concluded that your conduct has violated Section [INSERT SECTION] of the Code of Conduct for Members of Council and Local Boards.

Subsection 223.4(5) of the Municipal Act, 2001 allows for Council to impose a penalty for your violation of the Code of Conduct. This penalty may be a reprimand, or a suspension of remuneration for a period of up to ninety (90) days.

Council has decided to impose [INSERT PENALTY] in response to the Integrity Commissioner’s finding that you have violated the Code of Conduct.

Council would encourage you to maintain the highest standards of conduct when performing your official duties. This is of paramount importance to create trust in the public office, and to promote efficient and transparent local government.

Council would further encourage you to seek the advice of the Integrity Commissioner in those instances where your interpretation of the Code of Conduct’s requirements is not clear.

Sincerely,

Mayor Joseph Wildman