

**TOWNSHIP OF BONNECHERE VALLEY**

**BY-LAW NO 2013-019**

**A BY-LAW TO ESTABLISH COUNCIL CODE OF CONDUCT  
OF THE TOWNSHIP OF BONNECHERE VALLEY.**

**WHEREAS** the Council of the Corporation of the Township of Bonnechere Valley deems it advisable to establish a Council Code of Conduct policy for all employees subject to the provision of a by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Bonnechere Valley hereby enacts as follows:

1. That the policy as outlined in Schedule "A" attached to and made part of this By-law constitute the Council Code of Conduct for the Corporation of the Township of Bonnechere Valley.
2. That in conjunction with the provisions of the Chief Administrative Officer's By-law the C.A.O. shall be responsible for the administration of the By-law and will be accountable to the Council for its enforcement.
3. That this By-law shall not be interpreted to contradict or violate any statute or regulation of the Province of Ontario.
4. That this By-law shall come into force and take effect upon the passing thereof.
5. All previous by-laws related to this policy are hereby rescinded.

**READ a first time this 7<sup>th</sup> day of May 2013**

**READ a second time this 7<sup>th</sup> day of May 2013.**

**READ a third time and finally passed this 7<sup>th</sup> day of May 2013**

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Jennifer Murphy, Mayor

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Bryan Martin CAO

## **CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY**

### **Council Code of Conduct**

#### **Policy Statement:**

The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council, Local Boards and Committee Members in the individual conduct of their official duties.

The Code represents general standards. The Code does not replace Council Member's roles, responsibilities, actions and behaviours required by various statutes, by-laws and policies.

#### **Statements of Principle:**

A written Code of Conduct helps to ensure that the members of Council share a common basis of acceptable conduct. These standards are designed to supplement the legislative parameters within which the members must operate. These standards are intended to enhance public confidence that the Township of Bonnechere Valley elected and appointed officials operate from a basis of integrity, justice and courtesy.

#### **Specific Policy Requirements:**

##### **Section 1: Overview**

1. The Corporation of the Township of Bonnechere Valley Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern the members' conduct.

##### **Section 2: Statutory Provisions Regulating Conduct**

- 2.1 This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. Six pieces of provincial legislation govern the conduct of members of Council those being:
  - a) Municipal Act, 2001, S.O. 2001, c. 25;
  - b) Municipal Conflict of Interest Act, R.S.O 1990, c.M. 50;
  - c) Municipal Freedom of Information and Protection of Privacy Act, R.S.). 1990, c.M. 56;
  - d) Municipal Elections Act, 1996, S.O. 1996, c. 32;
  - e) The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009; and
  - f) Human Rights Code.
- 2.2 Section 7 of the Township of Bonnechere Valley Procedural By-law addresses the conduct of Council during a Township Council meeting.
- 2.3 The Criminal Code of Canada also governs the conduct of members.
- 2.4 Council members are also bound by their Oath of Office

##### **Section 3: Application**

3. This Code of Conduct and the references within it, shall apply to all members of the Township of Bonnechere Valley Council and members of Local Boards and Council Committees including those citizens and/or staff appointed by Council to any Local Board or Council Committee.

##### **Section 4: Definitions**

- 4.1 For the purpose of this Code of Conduct,
  - a) "child" means a child born within or outside a marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family or as defined under the current Municipal Conflict of Interest Act as amended from time to time.
  - b) "Township" means The Corporation of the Township of Bonnechere Valley.

- c) "Township property" means items, services or resources which are the property of the Township including but not limited to: materials, equipment, vehicles, facilities, logos, and supplies.
- d) "Clerk" means the Clerk of The Corporation of the Township of Bonnechere Valley.
- e) "Code" means this Code of Conduct as it applies to members of Council, Local Boards and/or Council Committees.
- f) "committee member" means citizens and/or staff appointed by Township Council to Committees of Council.
- g) "complaint" means an alleged contravention of this Code
- h) "confidential information" includes information in the possession of the Township that the Township is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is subject to solicitor-client privilege and information that is deemed to be personal information. Under MFIPPA, "personal information" means recorded information about an identifiable individual, including:
  - i) Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
  - ii) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
  - iii) Any identifying number, symbol or other particular assigned to the individual;
  - iv) The address, telephone number, fingerprints or blood type of the individual;
  - v) The personal opinions or views of the individual except if they relate to another individual;
  - vi) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
  - vii) The views or opinions of another individual about the individual; and
  - viii) The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

It also means any information that is of a personal nature to Township employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the person to whom it is disclosed an advantage. Confidential information includes, but is not limited to information:

- ix) Disclosed or discussed at a Closed Session meeting of Council;
- x) That is circulated to Members of Council and marked "Confidential"; and
- xi) That is given verbally in confidence in preparation of or following a meeting that is closed to the public and includes, but is not limited to the following types of information:
  - Personal matters about an identifiable individual(s);
  - Information about suppliers provided for evaluation which might be useful to other suppliers;
  - Matters relating to legal affairs of the Township ; sources of complaints where the identity of the complainant is given in confidence; items under negotiations; and
  - Matters identified as solicitor-client privileged.
- i) "Corporation" means Corporation of the Township of Bonnechere Valley.
- j) "Council" means the Council of the Township of Bonnechere Valley.

- k) "Council Committee" means an Advisory, Reference, Standing or Special Committee of Township Council, established in the Procedural By-law 2013-003 as amended from time to time.
- l) "employee" means a person employed by The Corporation of the Township of Bonnechere Valley or Local Board, including those employed on a personal services contract, and volunteers, but does not include Members.
- m) "family member" includes a spouse, parent, and child, whether related by blood, marriage, adoption or the common law, same sex partner.
- n) "frivolous" means something that is not worthy of serious consideration, or that is of little or no importance, due to its lack of seriousness or sense.
- o) "gifts and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.
- p) "good faith" means in accordance with standards of honesty, trust and sincerity.
- q) "hospitality" means instances where there is entertainment of or by outside parties for the furtherance of municipal business.
- r) "Local Board" means a local board as defined in section 223.1 of the *Municipal Act, 2001*.
- s) "member" means a member of Council, a Local Board or Committee member.
- t) "member of Council" means the Mayor or Councillor of The Corporation of the Township of Bonnechere Valley.
- u) "office" means the authority and duties attached to the position of being an elected member of Council.
- v) "official duties" means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the Township or Local Board's jurisdiction, and which are done for the purpose of providing good government with respect to those matters.
- w) "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child or as defined under the current Municipal Conflict of Interest Act as amended from time to time.
- x) "pecuniary interests" are interests that have a direct or indirect financial impact on a member, as defined under the current Municipal Conflict of Interest Act as amended from time to time and includes:
- i) Any matter in which the member has a financial interest;
  - ii) Any matter in which the member is a shareholder, director or senior officer of or holds a controlling interest in a corporation that does or does not offer its securities to the public, and such corporation has a financial interest;
  - iii) Any matter in which the member is a partner of a person or is in the employment of a person that has a financial interest; and
  - iv) Any matter in which a parent, spouse, same sex partner or any child of the member has a financial interest, if known to the member.
- y) "personal benefit" means forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member and includes the private interests of a Member.
- z) "private interest" means all of the activities of a Member not included in the term defined as "Official Duties".
- aa) "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage or as defined in the current Conflict of Interest Act as defined from time to time.
- bb) "vexatious" means without reasonable or probable cause or excuse.

## **Section 5: General Standards Of Conduct**

- 5.1. Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council or members of the public.

- 5.2 Members shall at all times serve and be seen to serve their constituents in a conscientious and diligent manner.
- 5.3 Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, avoid aggressive, offensive or abusive conduct.
- 5.4 Members should be committed to performing their functions with integrity, accountability and transparency.
- 5.5 Members shall perform official duties and arrange their public affairs in a temperate and abstemious manner that promotes public confidence and respect and will bear close public scrutiny.
- 5.6 It shall be the duty of all Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member.
- 5.7 Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of Official Duties to the Township or Local Board.
- 5.8 Every Member in exercising his or her powers and in discharging his or her Official Duties shall, in accordance with the *Municipal Act, 2001*, and *Municipal Conflict of Interest Act*:
  - i. Seek to advance the common good of the Township of Bonnechere Valley;
  - ii. Truly, faithfully and impartially exercise his or her office to the best of his or her knowledge and ability;
  - iii. Exercise the care, diligence and skill expected of a reasonably prudent member in comparable circumstances;
  - iv. Exercise his or her powers only for the purpose for which they were intended; and
  - v. Competently exercise his or her office by educating themselves either formally or informally, in matters pertaining to their official duties.

Responsibilities of Council, the Mayor and Councilors

- 5.9 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
- 5.10 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.
- 5.11 A fiduciary relationship exists between the Council and inhabitants of the municipality.
- 5.12 Members of Council will:
  - a) Accurately and adequately communicate the attitudes and decisions of Council even if they disagree with a majority decision of Council.
  - b) Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the Community and the media in an official capacity by the Mayor or designate
  - c) When appointed to committees and other bodies as part of their duties must make every effort to participate diligently in these bodies with good faith and care;
  - d) Must uphold the law and conduct themselves with the highest degree of ethical behavior and integrity;
  - e) Must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect;
  - f) May not make statements known to be false or make a statement with the intent to mislead Council or the public;
  - g) Are responsible in this Code for the actions of their staff, volunteers, agents or other representatives working on their behalf.

Committees, Local Boards and Members of Committees/Local Boards.

- 5.13 Members of the public appointed to committees or Local Boards are appointed at the pleasure of Council. They do not hold office nor do they represent a constituency within the community nor do they represent Council, or the committee or the Local Board unless mandated to do so. Members of the public appointed to committees and Local Boards must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.

- 5.14 Committees and Local Boards operate only within meetings for which proper notice has been given pursuant to a set agenda unless otherwise mandated by Council.
- 5.15 No Committee member/Local Board member may act beyond the mandate of the committee/local board granted by Council. They must not undertake site visits, direct discussions with residents, informal meetings or communications including emails except:
- a) As granted the right to do so by Council;
  - b) Pursuant to the duties of a Member of Council; or
  - c) Otherwise if required by law.

#### **Section 6: Respect For Decision Making Process**

- 6.1 Members shall accurately and adequately communicate the decisions of Council and Local Boards such that respect for the decision and decision-making process is fostered.
- 6.2 Members shall not attempt directly or indirectly, to influence the decision-making process, as it relates to the award of contracts or settlement of claims. This includes but is not limited to direct or indirect personal contact or interaction with the parties administering or directly involved in such processes.

#### **Section 7: Avoidance Of Waste**

- 7.1 Members shall avoid waste, abuse and extravagance in the provision or use of public resources or any other Township Property.

#### **Section 8: Gifts And Benefits**

- 8.1 No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.
- 8.2 For these purposes, a fee or advance, gift or benefit provided with the member's knowledge to a member's family member or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.
- 8.3 The following are recognized as exceptions:
- i. Compensation or benefit authorized by Council;
  - ii. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - iii. A political contribution otherwise reported by law;
  - iv. Services provided without compensation by persons volunteering their time;
  - v. A suitable memento of a function honoring the member;
  - vi. 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 government within a foreign country;
- a) Food and beverages consumed at banquets, receptions or similar events, if:
- i. Attendance serves a legitimate business purpose;
  - ii. The Person extending the invitation or a representation of the organization is in attendance; and
  - iii. The value is reasonable and the invitations infrequent.
- b) Communication to the offices of a member, including unpaid subscriptions to newspapers and periodicals.

#### **Section 9: Confidential Information**

- 9.1 No member shall disclose or release by any means to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council resolution to do so.
- 9.2 Members shall not release information subject to solicitor-client privilege, unless expressly

authorized by Council, Local Board resolution (if so empowered), or required by law to do so.

- 9.3 Nor shall members use confidential information including information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence from other Members, or third parties, for personal or private gain, or for the gain of a member's family member or any person or corporation or cause detriment to the Township, Council, Local Board, or others. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Township property or assets.
- 9.4 Confidential information includes information in the possession of the Township that the Township is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation. Members shall not disclose, use or release information in contravention of applicable privacy law.
- 9.5 The Municipal Act, 2001, permits information that concerns personal matters, labour relations, litigation, property acquisitions/dispositions, the security of the property of the Township or a local board, and matters authorized in other legislation, disclosed in a valid closed meeting of Council to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of information.
- 9.6 Under the Township of Bonnechere Valley Procedural By-law as amended from time to time a matter that has been discussed at an in-camera meeting remains confidential. Members have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members shall not either directly or indirectly, release, make public or in any way divulge the content of any such matter, or the substance of deliberations, of the in-camera meeting including memorandums and staff reports that are distributed for consideration during the in-camera meeting to anyone, unless specifically authorized by Township Council resolution or required by law.
- 9.7 Examples of the types of information that a member of Council must keep confidential include but are not limited to the following:
- a) Items under litigation, negotiation, or personnel matters;
  - b) Information that infringes on the rights of others (e.g., sources of complaints);
  - c) Price schedules in contract tender or Request For Proposal submissions if so specified;
  - d) Information deemed to be "personal information" under the Municipal Conflict of Interest Act; and
  - e) Statistical data required by law not to be released (e.g. certain census or assessment data).
- 9.8 Members of Council shall not access or attempt to gain access to confidential information in the custody of the Township unless it is necessary for the performance of their duties and not prohibited by Council policy.
- 9.9 Members are only entitled to information in the possession of the Township that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen. As one example, no member should have access to documents or receive any information related to a particular procurement process while the process is ongoing.

#### **Section 10: Use Of Township Property, Services And Other Resources**

- 10.1 No member of Council shall use, or permit the use of Township Property, including land, facilities, equipment, supplies, services, staff or other resources (for example, Township -owned materials, computers, networks, websites, Corporate transportation) for activities other than the business of the Corporation. Nor should any member obtain personal benefit or financial gain from the use or sale of Township Property, Township owned images, logos, coat of arms, or other items capable of being patented, since all such property remains exclusively that of the Township .
- 10.2 Members shall conduct themselves in accordance with the Township of Bonnechere Valley's Use of Corporate Resources for Election Purposes Policy

#### **Section 11: Election Campaign Work**

- 11.1 Members are required to follow the provisions of the Municipal Elections Act, 1996 and Council's Policy with respect to the Use of Corporate Resources for Election Purposes.
- 11.2 No member shall use the facilities, equipment, supplies, services or other resources of the Township (including Councillor newsletters and Councillor websites linked through the Township's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on Township property. No member shall use the services of persons for election purposes during hours in which those persons receive any compensation from the

### **Section 12: Municipal Conflict Of Interest Act**

12.1 Members shall conduct themselves in accordance with the Municipal Conflict of Interest Act as amended from time to time.

12.2 Conflict of Interest:

It is the responsibility of individual councillors to ensure that they are aware of and trained in the application of the Municipal Conflict of Interest Act. The onus is on the councillor to identify a conflict of interest, and take the appropriate action to comply with their legal obligations.

In addition to conflicts of interest as defined in the Conflict of Interest Act, it is a breach of this Code of Conduct to vote on or in any way attempt to influence the vote related to a decision that may affect the pecuniary interest of a member's family member. The member shall declare their potential pecuniary interest as defined in this section in the same manner as if the pecuniary interest were one as defined in the Municipal Conflict of Interest Act.

### **Section 13: Improper Use Of Influence**

13.1 No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

13.2 Examples of prohibited conduct are the use of one's status as a Member to improperly influence the decision of another person for the personal benefit of the member to the private advantage of the member or member's family member, staff members, friends, or associates (business or otherwise). This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for personal benefit or private advantage of the member or the member's family member.

13.3 For the purposes of this provision "private advantage" and personal benefit do not include a matter:

- a) That is of general application;
- b) That affects a member of Council, his or her family members, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- c) That concerns the remuneration or benefits of a member of Council as authorized by Council.

### **Section 14: Conduct At Meetings Of Council**

14.1 Members shall conduct themselves with decorum at Council and Committee meetings in accordance with the provisions of the Township of Bonnechere Valley's Procedural By-law 2007-10 as amended from time to time.

### **Section 15: Conduct Respecting Staff**

15.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.

15.2 Employees have an obligation to recognize that members of Council have been duly elected to serve the residents of Bonnechere Valley and respect the role of Council in directing the actions of the Township .

15.3 Employees serve Council and work for the municipal corporation under the direction of the Chief Administrative Officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members have no individual capacity to direct members of staff to carry out particular functions.

15.4 Inquiries of staff from Members should be directed to the Chief Administrative Officer or the appropriate senior staff as directed by the Chief Administrative Officer.

15.5 Only Council as a whole and no single member including the Mayor has the authority to direct staff, approve budget, policy, committee processes and other such matters, unless specifically authorized by Council.

15.6 Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, 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 capacities of the staff of the Township .

- 15.7 Employees have a duty and obligation to act impartially, and in accordance with prescribed regulations or standards of conduct. Members shall refrain from any conduct which may deter, interfere or unduly influence Employees in the performance of such duties and obligations.
- 15.8 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. Nor shall any member 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.
- 15.9 In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Code of Conduct and include dealing with constituents and the general public, participating as Committee members, participating as Chairs of Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Township staff in both the carrying out of their responsibilities and in dealing with the Council.

#### **Section 16: Discreditable Conduct (Interpersonal Behaviours)**

- 16.1 All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members of Council shall ensure that their work environment is free from discrimination and of personal and sexual harassment.
- 16.2 The Ontario Human Rights Code applies, as does the Township of Bonnechere Valley's Workplace Human Rights Program, Code of Conduct for Employees and Violence in the Workplace Program addressing a Harassment-free and Discrimination-free Workplace adopted by Council.
- 16.3 Members shall abide by the provisions of the Human Rights Code, as amended, and, in doing so, shall treat every person, including other Members, employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect.
- 16.4 In accordance with the Human Rights Code, as amended, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
- 16.5 In accordance with the Human Rights Code, as amended, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- 16.6 Without limiting the generality of the foregoing, Members shall not:
- a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
  - b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
  - c) Make threats or engage in any abusive activity or course of conduct towards others;
  - d) Vandalize the personal property of others;
  - e) Commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
  - f) Refuse to converse or interact with anyone based on any ground listed in the Human Rights Code, as amended.
- 16.7 Harassment which occurs in the course of, or is related to, the performance of Official Duties by Members is subject to this Code. If an Employee or a member of the public brings forward a harassment complaint against a Member, the complaint procedure under the Township's (or Local Board's, where applicable) Human Rights Program/Harassment Policy will apply. In all other cases involving a Member, complaints will be addressed in accordance with sections below.

#### **Section 17: Adherence To Council Policies And Procedures**

- 17.1 A number of the provisions of this Code of Conduct incorporate policies and procedures adopted By Council. More generally, Members are required to observe the terms of all policies and procedures established by Township Council.
- 17.2 This provision does not prevent a Member from requesting that Council grant an exemption from a policy.

## **Section 18: Reprisals And Obstruction**

- 18.1 Members of Council shall respect the integrity of the Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his or her responsibilities, as, for example, providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or by the destruction of records which includes the erasing of electronic communications.

## **Section 19: Compliance With The Code Of Conduct**

- 19.1 Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of interest under the Municipal Conflict of Interest Act.
- 19.2 The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.
- 19.3 The Integrity Commissioner may recommend that Council or a local board take one or more of the following actions against a member found to have breached this Code of Conduct:
- Reprimand
  - Suspend pay for up to 90 days
- 19.4 Any organization, individual, including members of the public, employees, member that has reasonable grounds to believe that a member has breached a provision of the Code, may proceed with a complaint.
- 19.5 Complaints must be submitted within six weeks of the matter becoming known to the person making the complaint and no more than six months after the alleged violation occurring. No action will be taken on a complaint received beyond these deadlines.

## **Section 20: Procedure – Complaints**

### **Informal Complaints**

- 20.1 Any person who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns in the following manner:
- a) Advise the member that their behaviour or activity contravenes the Code;
  - b) Encourage the member to stop the prohibited behaviour or activity;
  - c) If applicable, confirm to the member your satisfaction or dissatisfaction with his or her response to the concern identified;
  - d) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.

### **Formal Complaints**

- 20.2 Any person who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns through the formal complaint process set out below.
- a) All formal complaints must be made using the Township 's Complaints Form / Affidavit and shall be dated and signed by the complainant;
  - b) The complaint must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation 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, the section of the Code allegedly contravened, the date, time and location of the alleged contravention 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 a), b), c) and d) of this section. The Clerk will forward the Complaint Form/Affidavit to the Integrity Commissioner who will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies; and

- f) The Integrity Commissioner may request additional information from the complainant.

### **Response Of Integrity Commissioner Of Complaint Outside Jurisdiction**

- 20.3 If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to non-compliance with the Code, 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 of Canada, 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*, 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*, the complainant shall be referred to the Clerk to have the matter reviewed under that Act; and
  - d) **Discrimination or Harassment** – if the complaint is an allegation of discrimination or harassment, the complainant shall be advised to file a complaint directly to the Human Resources Department under the Township of Bonnechere Valley's Human Rights Program. The complainant will also be advised of his or her right to advance an application to the Ontario Human Rights Tribunal.
- 20.4 If the matter is covered by other policies with a complaint procedure 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**

- 20.5 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.

### **Opportunity For Resolution**

- 20.6 If at any time, following the receipt of a formal 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.

### **Section 21: Investigation**

- 21.1 If the Integrity Commissioner determines that a formal investigation is required he or she shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under Parts I and II of the *Public Inquiries Act*.
- 21.2 The Integrity Commissioner shall provide a copy of the complaint and any supporting materials 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 fourteen days.
- 21.3 The Integrity Commissioner shall give a copy of the response provided by the member to the complainant with a request for a written reply within fourteen days.
- 21.4 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Township work location relevant to the complaint for the purpose of investigation and potential resolution.
- 21.5 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
- 21.6 At any time the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation, unless there is some evidence of undue or improper influence directed toward the complainant.

### **Section 22: Recommendation Report**

- 22.1 Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and the member on the results of his or her review within ninety days of receiving a complete Complaint Form/Affidavit. If the investigation process is going to take more than ninety days, the Integrity Commissioner shall provide an interim report to the complainant and member indicating

when the complete report will be available.

- 22.2 If during the investigation process, the complaint is withdrawn, or resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty days.
- 22.3 If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty or other sanction authorized by this Code of Conduct.
- 22.4 If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.

### **Section 23: Duty Of Council**

- 23.1 The Council shall consider the report of the Integrity Commissioner within 30 days of it being received by the Clerk and shall take the action it considers appropriate with regard to the recommendation(s) of the Integrity Commissioner.
- 23.2 In circumstances where the alleged breach of trust or other misconduct is serious in nature, Council may pass a resolution, pursuant to the *Municipal Act, 2001*, requesting a judicial investigation into the Member's conduct.

### **No Complaints or Reports Prior to Election**

- 23.3 Notwithstanding section 20.2(e) complaint regarding a Member who is a candidate in an election shall be referred to the Integrity Commissioner or forwarded by the Clerk for review and/or investigation between Nomination Day and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held. The Clerk shall forward any complaint received after Nomination Day to the Integrity Commissioner on December 1 in a regular election year and advise the complainant of this process.
- 23.4 Any reports would proceed to the first General Committee meeting held after the inaugural meeting of the new Council.

### **Section 24: Confidentiality Of Complaint Documents**

- 24.1 The Integrity Commissioner and every person acting under his or her instructions shall preserve The confidentiality of all documents, material 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*.
- 24.2 Pursuant to section 223.5(3) of the *Municipal Act*, this section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.
- 24.3 If the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
- 24.4 If the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose confidential information that could identify a person concerned.

## **Related Policies and By-Laws**

- Council Compensation By-Law 2009-68
- Procedural By-Law 2007-10
- Reimbursement of Council Expenses Policy
- Purchasing By-law By-Law 2005-13
- Hiring of Employees Policy
- Delegation of Authority Policy
- Township of Bonnechere Valley's Workplace Human Rights Program
- Code of Conduct for Employees
- Violence in the Workplace Program
- Use of Corporate Resources for Election Purposes
- Municipal Act, 2001, S.O. 2001, c. 25;
- Municipal Conflict of Interest Act, R.S.O 1990, c.M. 50:
- Municipal Elections Act, 1996, S.O. 1996, c. 32;
- Municipal Freedom of Information and Protection of Privacy Act, R.S.). 1990, c.M. 56;
- Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)
- The Human Rights Code; and
- The Criminal Code of Canada

The above Municipal policies and by-laws shall be deemed to include all amendments and successor policies/by-law. Any reference to legislation is deemed to be a reference to the legislation as amended or its successor legislation in force at the material time.