



**The Corporation of the Township of Georgian Bay**  
**Code of Conduct for Members of Council and Committees**

**2022-001**

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**THE CORPORATION OF THE  
TOWNSHIP OF GEORGIAN BAY**

**BYLAW 2022-001**

Being a By-law to establish a Code of Conduct  
for Council and Committees

(Code of Conduct)

**WHEREAS** the Council of the Township of Georgian Bay believes that public trust and public confidence are essential to good governance; and

**WHEREAS** Subsection 223.2(1) of the Municipal Act, 2001, as amended, requires that a municipality establish a code of conduct for members of the council of the municipality and of the local boards of the municipality; and

**WHEREAS** in order to promote public trust and uphold confidence, it is imperative that each member of Council and a local board conduct themselves in a manner that is above reproach, and conduct themselves in public, and in respect to the public, in such a way as to reflect the decorum and dignity of the office they hold; and

**WHEREAS** the Integrity Commissioner is hereby assigned and will be responsible for all of the functions as outlined in Subsection 223.3(1) of the Municipal Act, 2001, which includes the application of the code of conduct for members of Council and local boards, and Sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of Council and local boards;

**NOW THEREFORE** the Corporation of the Township of Georgian Bay hereby enacts as follows:

1. That Schedule A is attached to and forms part of this By-law;
2. That this By-law shall be known as the Code of Conduct for Members of Council and Committees;
3. Where the provisions of any other by-law are inconsistent with the provisions of this By-law, the provisions of this By-law shall prevail;

4. That this By-law repeals and replaces By-law 2019-017; and
5. This By-law shall come into force and effect upon final passing.

**READ AND ENACTED** in Open Council on this 10<sup>th</sup> day of January, 2022.

*<< Original Signed >>*

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PETER KOETSIER, MAYOR

*<< Original Signed >>*

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KAREN WAY, CLERK

## Schedule A

### The Corporation of the Township of Georgian Bay Code of Conduct for Members of Council and Committees

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## **1.0 Application and Purpose**

1.1 This Code of Conduct applies to all Members of the Council of Township of Georgian Bay, including the Mayor and, unless specifically provided, with necessary modifications to all Township committees, agencies, boards, and commissions which are defined as local boards under the Municipal Act, 2001, as amended.

1.2 This Code of Conduct applies to all public Members or appointed citizens of committees, local boards, or ad hoc committees of the Township of Georgian Bay.

1.3 The purpose of this Code of Conduct is to encourage high ethical standards among all Members and to share a common basis for acceptable conduct to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedure By-law as amended from time to time and other sources of applicable law, including but not limited to:

1.3.1 Municipal Act;

1.3.2 Municipal Conflict of Interest Act;

1.3.3 Municipal Elections Act;

1.3.4 Municipal Freedom of Information and Protection of Privacy Act;

1.3.5 Human Rights Code;

1.3.6 Occupational Health and Safety Act;

1.3.7 Provincial Offences Act; and

1.3.8 Criminal Code.

## **2.0 Statements of Principles**

2.1 This Code of Conduct is intended to set high standards of conduct for Members in order to provide good governance and a high level of public confidence in the administration of

the Township and its Members as duly elected public representatives to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty, and courtesy.

- 2.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:
  - 2.2.1 Members shall serve to be seen to serve the public in a conscientious and diligent manner;
  - 2.2.2 Members shall observe and act with the highest standard of ethical conduct and integrity;
  - 2.2.3 Members shall avoid the improper use of the influence of their office and act without self-interest;
  - 2.2.4 Members shall act and are expected to perform their functions with honesty, integrity, accountability, and transparency;
  - 2.2.5 Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
  - 2.2.6 Members shall be cognizant that they are at all times representatives of the Township as a whole and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township; and
  - 2.2.7 Members shall uphold the spirit and the letter of the laws of Canada, Ontario, and the laws and policies adopted by Council.
- 2.3 The above statements are key principles that are intended to facilitate an understanding, application, and interpretation of the Code of Conduction. The principles are not operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

### **3.0 Definitions**

- 3.1 The following terms shall have the following meanings in this Code of Conduct:
- 3.1.1 **CAO** means the Chief Administrative Officer of the Township.
- 3.1.2 **Child** means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family.
- 3.1.3 **Committee** See Local Board
- 3.1.4 **Confidential information** means information or records that are in the possession, in the custody of, or under the control of the Township that the Township is either precluded from disclosing under the Municipal Act or other applicable legislation, its Procedure B-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation and may include, but are not limited to:
- 3.1.4.1 Matters related to ongoing litigation or negotiation, or that is the subject of solicitor-client privilege;
- 3.1.4.2 Information provided in confidence, for example the identity of a complainant where a complaint is made in confidence;
- 3.1.4.3 Price schedules in contract tender or request for proposal submissions if so specified;
- 3.1.4.4 Personnel matters about an identifiable individual;
- 3.1.4.5 Personal information as defined in the Municipal Freedom of Information and Protection of Privacy Act;
- 3.1.4.6 Any census or assessment data that is deemed confidential;
- 3.1.4.7 Records or reports presented to Council in a closed session meeting; or

- 3.1.4.8 All material non-public, business or municipal related information, written or oral, whether or not it is marked a such that is disclosed or made available to the receiving party, directly or indirectly, through means of communication or observation.
- 3.1.5 **Conflict of interest** means a situation in which a Member has competing interests or loyalties between the Member's personal or private interests and their public interests as an elected representative such that it might influence their decision in a particular matter.
- 3.1.6 **Council** means the Council of the Corporation of the Township of Georgian Bay and includes as the context may require and with all necessary modifications, a local board.
- 3.1.7 **Evidence** means the available body of facts or information indicating whether a belief or proposition is true or valid.
- 3.1.8 **Fiduciary** means the obligation of a person in a position of authority to act on behalf of another, assuming a duty to act in good faith and with care, candour, and loyalty in fulfilling this obligation.
- 3.1.9 **Frivolous** means of little or no weight, worth, importance, or any need of serious notice.
- 3.1.10 **Integrity Commissioner** means the individual or entity appointed or contracted by the Township pursuant to the Municipal Act to carry out one or more of the functions listed within the Municipal Act, and includes a person delegated any of the Integrity's Commissioner's functions pursuant to the Municipal Act.
- 3.1.11 **Local board** means any Township committee, agency, board, or commission which is defined as a local board within the Municipal Act.
- 3.1.12 **Mayor** means the Head of Council for the Township.
- 3.1.13 **Mediator** means an independent person who acts as a go-between for two conflicting parties in an effort to resolve and communicate.



- 3.1.14 **Meeting** means a regular, special, or other meeting of Council, or a committee of Council where:
- 3.1.14.1 A quorum of members is presented; and
- 3.1.14.2 Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Township.
- 3.1.15 **Member** means an elected Member of the Council of the Township and/or an appointed citizen or public member of Township committees.
- 3.1.16 **Non-pecuniary interest** means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member's decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity.
- 3.1.17 **Parent** means a person who has demonstrated a settled intention to treat a child as member of their family whether or not that person is the natural parent of the child.
- 3.1.18 **Reprimand** means to formally disapprove of one's behaviour or actions.
- 3.1.19 **Spouse** means a person whom the person is married or with whom the person is living in a conjugal relationship outside of marriage.
- 3.1.20 **Staff** means the CAO and all officers, directors, managers, supervisors, and non-union and union staff, whether full-time, part-time, contract, seasonal, or volunteer, as well as agents and consultants acting in furtherance of the Township's business and interest.
- 3.1.21 **Township** means the Corporation of the Township of Georgian Bay.
- 3.1.22 **Vexatious** means troublesome or annoying in the case of being instituted without sufficient grounds and serving only

to cause irritation and aggravation to the person being complained of.

#### **4.0 General Obligations**

4.1 In all respects, a Member shall:

4.1.1 Make every effort to act with good faith and care;

4.1.2 Conduct themselves with integrity, courtesy, and respectability at all meetings of the Council or any committee and in accordance with the Township's Procedure By-law or other applicable procedure rules and policies;

4.1.3 Seek to advance the public interest with honesty;

4.1.4 Seek to serve their constituents in a conscientious and diligent manner;

4.1.5 Respect the individual rights, values, beliefs, and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity, and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability, and spirituality;

4.1.6 Refrain from making statements known to be false or with intent to mislead Council or the public;

4.1.7 Recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times;

4.1.8 Accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings; and

4.1.9 Refrain from making disparaging comments about another Member or unfounded accusations about the motives of another Member.

## **5.0 Role of Staff**

- 5.1 Council as a whole approves the budget, policies, and governance of the Township through its by-laws and resolutions. An individual Member does not direct nor oversee the functions of the staff of the Township.
- 5.2 The Township's staff serve Council and work for the Township as a body corporate under the direction of the CAO. Inquiries of staff from Members should be directed to the CAO or to the appropriate senior staff as directed by the CAO.
- 5.3 A Member shall comply with the Township's Council and Staff Relationship Policy.
- 5.4 A Member shall not publicly criticize staff. Should a Member have any issue with respect to any staff member, such issue shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior.
- 5.5 A Member shall respect the role of staff in the administration of business and governmental affairs of the Township, and acknowledge and appreciate that staff:
  - 5.5.1 Provide advice and make policy recommendations in accordance with their professional ethics, expertise, and obligations, and that a Member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
  - 5.5.2 Work within the administration of justice and that a Member must not make requests, statements, or take actions which may be construed as an attempt to influence the independent administration of justice, and therefore a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
  - 5.5.3 Carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of staff to engage in partisan political activities or

be subjected to discrimination or reprisal for refusing to engage in such activities.

## **6.0 Township Property**

6.1 Council is the custodian of the assets of the Township. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

6.2 By virtue of their office or appointment, a Member must not use or permit the use of the Township's land, facilities, equipment, supplies, services, staff, or other resources for activities other than the business of the Township. No Member shall seek financial gain for themselves, family, or friends from the use or sale of Township owned intellectual property, computer programs, technological innovations, or other patent, trademarks, or copyright held by the Township.

## **7.0 Gifts and Benefits**

7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Township. A Member shall not accept a fee, advance gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of their duties except as provided in Section 7.2. A gift, benefit, or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to be 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. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.

7.2 For greater clarity, despite Section 7.1, a Member is entitled to accept any compensation, remuneration or benefits authorized by law but shall not accept any gift or benefit other than in the following circumstances:

- 7.2.1 Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- 7.2.2 A political contribution otherwise reported by law, in the case of a Member running for office;
- 7.2.3 Services provided without compensation by persons volunteering their time;
- 7.2.4 Nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
- 7.2.5 Food, lodging, transportation, and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Township;
- 7.2.6 Entrance fees or food and beverages consumed at banquets, receptions, or similar events, if:
  - 7.2.6.1 Attendance serves a legitimate municipal business purpose related to the normal business of the Township,
  - 7.2.6.2 The person extending the invitation or representative of the organization is in attendance, and
  - 7.2.6.3 The value is reasonable and the invitations are infrequent;
- 7.2.7 Gifts not having a value greater than three hundred dollars (\$300 CDN);
- 7.2.8 Benefits received as a door prize, raffle or similar draw at an event, conference or seminar attended by the Member; and
- 7.2.9 Any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely receipt of the gift or benefit gives

rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of their duties.

- 7.3 A Member who has received and accepted a gift or benefit pursuant to Section 7.2 shall file a disclosure of the gift or benefit indicating the person, body, or entity from which it was received together with the estimated value of the gift benefit in accordance with the Disclosure Statement set out in the prescribed form. The list shall be provided to the Clerk on an annual basis commencing on March 31 of every year and shall be a matter of public record.
- 7.4 A Member shall not seek or obtain by reason of their office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

## **8.0 Confidential Information**

- 8.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Township that falls under the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act and other applicable privacy laws and information received during closed meetings of Council.
- 8.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned into the Clerk at the end of the closed meeting. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by council or as required by law.
- 8.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession

of the Township that is relevant to matters before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the Township and must follow the same processes as any private citizen to obtain such information.

- 8.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Township, Council, or any other person, or financial, or other gain for themselves, or others.
- 8.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers, and staff, and should be aware of their responsibilities under applicable legislation, Township policies, procedures, and rules, ethical standards and, where appropriate, professional standards.
- 8.6 A Member shall not disclose any confidential information received by virtue of their office, even if the Member ceases to be a Member.

## **9.0 Discrimination and Harassment**

- 9.1 A Member shall treat all members of the public, one another, and staff with respect and without abuse, bullying, coercion on intimidation, and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive, or insulting words, phrases, or expressions toward any member of the public, another Member, or staff.
- 9.3 A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age, or record of offences for which a pardon has not been granted.
- 9.4 A Member shall comply with the Township's Respectful Workplace policy as may be amended from time to time.

## **10.0 Improper Use of Influence**

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of their official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends, or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.
- 10.3 A Member shall not, in the exercise of an official power, duty, or function, give any form of preferential treatment to any person or entity based solely on the identity of the person or entity and or grant any special consideration or advantage in matters related to their position to any person or entity beyond that which is available to any other person.

## **11.0 Conflicts of Interest**

- 11.1 A Member shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary. A Member shall comply with the requirements of the Municipal Conflict of Interest Act with respect to obligations relating to pecuniary interests. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.
- 11.2 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest or non-pecuniary.

## **12.0 Council Policies and Procedures**

- 12.1 A Member shall observe and adhere to the policies, procedures, and rules established from time to time by Council.



### **13.0 Election Activity**

13.1 A Member is required to conduct themselves in accordance with the Municipal Elections Act and any Township policies or by-laws pertaining to elections. The use of the Township's resources, both property and staff time, for any election-related activity is strictly prohibited. Election related activity applies to the Member's campaign, and any other election campaigns for municipal, provincial, or federal office.

### **14.0 Respect for the Code of Conduct**

14.1 A Member shall respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the Township. A Member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. A Member shall interact courteously and respectfully with any person acting under the direction of the Integrity Commissioner and shall, in all respects, cooperate in the process.

14.2 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A Member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Township.

### **15.0 Penalties for Non-Compliance**

15.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member:

15.1.1 A reprimand; or

15.1.2 A suspension of the remuneration paid to the Member in respect of their services as a Member for a period of up to ninety (90) days.

- 15.2 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:
  - 15.2.1 Provide a written or verbal apology;
  - 15.2.2 Return property or make reimbursement of its value or of money spent;
  - 15.2.3 Be removed from or not be appointed to the membership on a committee of Council;
  - 15.2.4 Be removed from or not be appointed as a chair of a committee of Council; and
  - 15.2.5 Comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

## **16.0 Legal Fees**

- 16.1 A Member of Council is responsible for their own legal costs if they retain a lawyer or paralegal to provide counsel, advice, or representation on any matter related to the Code of Conduct, including, but not limited to, an investigation by an Integrity Commissioner.

## **17.0 Advise Provided to a Member by the Integrity Commissioner**

- 17.1 Subject to Section 11 a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code of Conduct in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to them to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- 17.2 If the Integrity Commissioner applies to a judge under Section 8 of the Municipal Conflict of Interest Act for a determination as to whether the Member contravened Section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act, the Member is entitled to advise the judge of any

written advice given by the Integrity Commissioner provided that the Member fully disclosed in writing all relevant facts known to them to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.

- 17.3 A Member under investigation by the Integrity Commissioner shall not request advice from the Integrity Commissioner as to the Member's rights under the Code of Conduct, the Municipal Conflict of Interest Act or generally at law with respect to any matter that the Integrity Commissioner is investigating or reviewing with respect to the Member, nor is the Member entitled to rely upon any statement(s) made by the Integrity Commissioner during the course of any investigation or review that may impact the Member's rights under the Code of Conduct, the Municipal Conflict of Interest Act or generally at law.

**18.0 Complaints Outside the Integrity Commissioner's Jurisdiction**

- 18.1 If the complaint, include the supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint relates to matters addressed by other legislation under another Township procedure, policy, or rules, or request in relation to Section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act, the complainant in writing as set out in this Section of the Code of Conduct.

18.2 Criminal Matter

- 18.2.1 If the complaint, on its face, an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that:

18.2.1.1 The Integrity Commissioner will refer it to the appropriate police service; or

18.2.1.2 The complainant may pursue it with the appropriate police service if the complainant wishes to pursue any such allegation.

- 18.3 Municipal Freedom of Information and Protection of Privacy Act
  - 18.3.1 If the complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter must be referred to the Clerk to deal with under its access and privacy policies under that statute.
- 18.4 Other Procedure, Policy, or Rule Applies
  - 18.4.1 If the complaint appears to fall within the scope of another procedure, policy, or rule of the Township, the complainant shall be advised to pursue the matter under such procedure, policy, or rule with the appropriate Township official or staff member.
- 18.5 Lack of Jurisdiction
  - 18.5.1 If the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (Example: It relates to a decision of Council or local board as a whole and not one or more individual Members.), the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
- 18.6 Matter Already Pending
  - 18.6.1 If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, a human rights or workplace harassment complaint or similar process, or to a civil matter that is pending before the courts, the Integrity Commissioner may, in their sole discretion, suspend any investigation, in whole or in part, pending the result of the other process.
- 18.7 Similar Matter Already Pending
  - 18.7.1 If the complaint is in relation to a similar matter which is subject to an outstanding complaint before the Integrity Commissioner, the Integrity Commissioner may, in their sole discretion, consider the matter in conjunction with the similar matter or deal with it separately, including not

undertaking an inquiry if the matter can be adequately addressed in any report and/or recommendations made with respect to the complaint in the similar matter.

**18.8 Other Ethical Code or Policy Applies**

**18.8.1** If the Complaint is in relation to a matter which is governed by a code of conduct, ethical code, or similar procedure or policy of another body or entity which also governs the Members (Example: Another board, body or committee to which the Member has been appointed), the Integrity Commissioner shall consider the most appropriate forum for the complaint and may, in their sole discretion, defer consideration of the matter pending any determination made by the other body or entity and shall so advise the complainant and, if necessary, the Member.

**19.0 No Complaint Prior to Municipal Elections**

**19.1** Notwithstanding any other provision of the Code of Conduct, no complaint may be filed with the Integrity Commissioner, no report shall be made by the Integrity Commissioner to Council, during the period of time starting on nomination day for a regular municipal election year, as set out in Section 31 of the Municipal Elections Act and ending on the voting day in a regular election as set out in Section 5 of the Municipal Elections Act.

**19.2** If the Integrity Commissioner has received a complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect to the same complaint if within thirty (30) days after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with Subsection 223.4(8) of the Municipal Act.

**20.0 Informal Complaint Procedure**

**20.1** Any individual who identifies or witness behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or

activity themselves in the following manner by following the Informal Complain Procedure:

- 20.1.1 Document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
- 20.1.2 Advise a third party about concerns regarding the member's actions;
- 20.1.3 Advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
- 20.1.4 Identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
- 20.1.5 Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
- 20.1.6 Request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to settle or resolved the issue;
- 20.1.7 If applicable:
  - 20.1.7.1 Confirm to the Member that their response is satisfactory; or
  - 20.1.7.2 Advise the Member that their response is unsatisfactory.
- 20.1.8 Consider the need to pursue the matter in accordance with the Formal Complain Procedure set out in Section 21, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.
- 20.2 Individuals are strongly encouraged to pursue the Informal Complaint Procedure as the first means of remedying behaviour or activity of a Member that they believe violates the Code of Conduct.

- 20.3 With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential roles as a mediator/conciliator of issues relating to a complaint.
- 20.4 The complainant became aware of the contravention not more than six (6) weeks before the date of the informal complaint.
- 20.4.1 In the event, the Integrity Commissioner is unable to act as an impartial mediator then a third-party (either professional mediator or an alternative Integrity Commissioner) may be retained by the CAO or Clerk.
- 20.5 The Informal Complain Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in this Code of Conduct.

## **21.0 Formal Complaint Procedure**

- 21.1 Any individual who identifies or witnesses behaviour or activity by a Member that they reasonably believe contravenes the Code of Conduct may file a formal complaint to request an inquiry by the Integrity Commissioner as to whether a Member has contravened the Code of Conduct in accordance with the following requirements:
- 21.1.1 All complaints shall be in writing on the prescribed form and shall be dated and signed by an identifiable individual.
- 21.1.2 The Complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct must be accompanied by a supporting sworn affidavit setting out the evidence in full in support of the allegation.
- 21.1.2.1 Evidence may include but is not limited to emails, written or oral communications, YouTube videos, resolutions, minutes, applications, etc. submitted in addition to the sworn affidavit.

- 21.1.2.2 Municipal records that may serve as evidence are to be provided by the Clerk to the Integrity Commissioner.
- 21.1.3 Council may also file a complaint against any of its Members of an alleged contravention of the Code of Conduct by passing a resolution requesting the Integrity Commissioner to undertake an inquiry.
- 21.2 An elector, as defined in the Municipal Conflict of Interest Act, or a person demonstrably acting in the public interest (collectively a complainant) may file a formal request that the Integrity Commissioner carry out an inquiry concerning an alleged contravention of Section(s) 5, 5.1, or 5.2 of that statute by a Member in accordance with the following requirements:
  - 21.2.1 All requests (referred to as complaints) shall be in writing on the prescribed form dated and signed by an identifiable individual;
  - 21.2.2 The request shall include a statutory declaration attesting to the fact that:
    - 21.2.2.1 The complainant became aware of the contravention not more than six (6) weeks before the date of the complaint; or
    - 21.2.2.2 In the case where the complainant became aware of the alleged contravention during that period of time.
  - 21.2.3 Council may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of Section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act by a Member and provide a statutory declaration by an individual as required by Section 20.
- 21.3 Individuals, electors, or persons demonstrably acting in the public interest who file a formal complaint under Sections 20 and 21 must provide a full and complete record of evidence to the Integrity Commissioner who is under no obligation whatsoever to, but may, seek additional information to supplement or complete the evidentiary



record to substantiate or support the allegations set out in the complaint or request.

21.4 The Complaint may be filed with the Clerk by hard copy or directly with the Integrity Commissioner by a sealed hard copy or by email to the email address set out on the Township's website.

21.5 The Integrity Commissioner shall initially classify the complaint to determine if 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 other Council procedures, policies, or rules as set out in Section 18 or whether it is a request under Section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act.

## **22.0 Limitation Period**

22.1 The Integrity Commissioner shall not accept a complaint under the Code of Conduct for which the event giving rise to the complaint occurred or came to the attention of the complainant more than six (6) weeks prior to the date of the filing of the complaint. The complainant must establish that the event giving rise to the complaint occurred and/or came to the complainants attention within six (6) weeks of the complaint being filed in accordance with Sections 20 or 21.

22.2 The Integrity Commissioner shall not accept a request relation to Section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act except in accordance with the requirements of subsections 8(2)-(6) of that statute and Section 223.4.1 of the Municipal Act, as amended.

## **23.0 Refusal to Conduct Investigation**

23.1 The Integrity Commissioner has a discretion as to whether to carry out an investigation. If the Integrity Commissioner is satisfied after considering the information contained in the complaint, that a complaint:

23.1.1 Is frivolous or vexatious;

23.1.2 Is not made in good faith;

- 23.1.3 Constitutes an abuse of process;
  - 23.1.4 Discloses no grounds or insufficient grounds for an investigation; or
  - 23.1.5 Does not warrant a full investigation
- 23.1 ...the Integrity Commissioner shall not be required to conduct an investigation and may summarily dismiss the complaint, and, where this becomes apparent during the course of an investigation, the Integrity Commissioner shall terminate the inquiry and provide notice to the complainant and, if necessary, to the Member.

## **24.0 Opportunities for Resolution**

- 24.1 Following receipt and review of a formal complaint or at any time during the investigation where the Integrity Commissioner, in their discretion, 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 pursued to achieve an informal resolution.

## **25.0 Investigation**

- 25.1 The Integrity Commissioner may process as follows, except where the Integrity Commissioner has a full factual record and believes, in their sole discretion, that no additional information is required, or where otherwise required by the Public Inquiries Act or where the Integrity Commissioner has not otherwise terminated the inquiry:
  - 25.1.1 Provide the Member with an outline of the complaint with sufficient particularity to allow the Member to understand the complaint against them but the Integrity Commissioner shall not have any obligation to disclose:
    - 25.1.1.1 The identity of the complainant; or
    - 25.1.1.2 The identity of any witnesses set out in the complaint or persons that are questioned or interviewed by the Integrity Commissioner

- 25.1.1 ...unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion.
- 25.1.2 Request that the Member provide a written response to the allegations in the complaint to the Integrity Commissioner within ten (10) business days;
  - 25.1.2.1 This response may include any evidence as the Member deems appropriate.
- 25.1.3 Provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within ten (10) business days; and
- 25.1.4 Extend the timelines set out above if the Integrity Commissioner deems it necessary to do so in their sole and absolute discretion.
- 25.2 The Integrity Commissioner is obligated to obtain any evidence as referenced within the written complaint or the response from the Member for use within the investigation.
- 25.3 If necessary, after reviewing the submitted materials, the Integrity Commissioner may contact and speak to or correspond with any other persons, access and examine any other documents or electronic materials, including any materials on the Township's computers and servers, and may enter any Township work location relevant to the complaint for the purpose of the investigation and potential resolution.
- 25.4 The Integrity Commissioner may, but is under no obligation, to provide the Member with a draft of the proposed draft report on the complaint.
- 25.5 The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had an opportunity either in-person or in writing to comment to the Integrity Commissioner on any preliminary or proposed finding(s).

- 25.6 The Integrity Commissioner may, but is under no obligation, to advise either the Member or the complainant of any proposed sanction or recommendation the Integrity Commissioner may include in the report to Council.
- 25.7 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, intimidation, delay, reprisal, or retaliation by the Member or by any other person encountered during the formal complaint investigation.
- 25.8 The Integrity Commissioner is entitled to make such additional inquiries and provide such additional reports to Council where necessary and as required to address any instances of non-compliance with any decision of Council including the failure to comply with any penalties or corrective measure or actions imposed by Council.
- 25.9 The Integrity Commissioner shall retain all records related to the complaint and investigation but shall provide copies of certain records, in confidence, to the Clerk who is required to ensure that any such records are securely and confidentially retained and managed per the municipal records retention by-law.

## **26.0 Authority to Abridge or Extend**

- 26.1 Notwithstanding any requirement, obligation, or timeline set out in the Code of Conduct or this Complaint Protocol, the Integrity Commissioner shall retain the right to abridge or extend any provision therein in the public interest.

## **27.0 Investigation Report**

- 27.1 The Integrity Commissioner shall report to the complainant and the Member no later than thirty (30) days after the official receipt of any complaint under the Code of Conduct. If the investigation process is anticipated to or takes more than sixty (60) days, the Integrity Commissioner shall provide an interim report to Council and must advise the parties of the approximate date that the report will be available. The Integrity Commissioner may also, at their discretion, advise any witnesses or other persons of the approximate date the final report will be available.

- 27.2 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended remedial or corrective measure or action.
- 27.3 The Integrity Commissioner may provide a copy of the report to the complainant and the Member whose conduct has been investigated in advance of the public release of the report, in strict confidence until the report is publicly released. The Member shall have the right to address the report if it is considered by Council.
- 27.4 Where the complaint is not sustained, the Integrity Commissioner is not obligated to report to Council on the result of the investigation or any findings but may do so at their discretion and may also include such information as they deem necessary in a report or as part of an annual or other periodic report to the Integrity Commissioner.
- 27.5 The Integrity Commissioner shall complete the investigation under the Municipal Conflict of Interest Act no later than one hundred eight (180) days after the official receipt of any complaint validly made under Sections 20 or 21.

## **28.0 Findings**

- 28.1 If the Integrity Commissioner determines that:
- 28.1.1 There has been no contravention of the Code of Conduct or Section(s) 5, 5.1, or 5.2 of the Municipal Conflict of Interest Act; or
- 28.1.2 A contravention occurred but:
- 28.1.2.1 The Member took all reasonable measures to prevent it;
- 28.1.2.2 Sought and followed the advice of the Integrity Commissioner and provided all relevant facts known to them;
- 28.1.2.3 It was trivial;
- 28.1.2.4 It was committed through inadvertence; or

- 28.1.2.5 It resulted from an error in judgement made in good faith;
- 28.1.2 ...the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the Municipal Act, including but not limited to, a recommendation of no penalty.
- 28.2 If the Integrity Commissioner considers it appropriate, once they have concluded the investigation under Section 25, they may apply to a judge under Section 8 of the Municipal Conflict of Interest Act for a determination as to whether the Member has contravened Section(s) 5, 5.1, or 5.2 of the statute. If the Integrity Commissioner does not proceed with an application to the judge, they shall so advise the complainant.
- 28.3 The Integrity Commissioner is obligated to include recommendations for best practices of conduct by Members as part of the findings and report, to ensure Members are provided the opportunity to improve upon their conduct.

## **29.0 Report to Council**

- 29.1 Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Clerk shall place the report on the next regular agenda of Council for consideration by Council and Council must consider the report at that meeting and may accept or refuse the recommendations set out in the report and accept, refuse or vary any penalties or sanctions contained in the report. A report from the Integrity Commissioner may also be considered by Council in advance of its next regular meeting should Council agree to hold a special or other meeting before its next regular meeting to consider the report.
- 29.1.1 The publishing on the agenda of Council shall be deemed public availability.
- 29.1.2 Records of the report shall be kept by the Clerk in accordance with the municipal records retention by-law and provided upon request.

29.2 The Integrity Commissioner may be requested to present the report to Council at the same meeting the report is published on the Council agenda if the complaint is complex in nature and may require further explanation to the investigation or findings or recommendations.

29.3 The complainant and Member shall be notified of the date of the Council meeting by the Integrity Commissioner.

### **30.0 Duty of Council**

30.1 Council shall consider and make determination on the Integrity Commissioner's report at the same meeting at which the report is tabled.

30.2 Council is obligated to formally receive the report from the Integrity Commissioner as a completion to the process.

30.2.1 The receipt does not in any way affirm guilt to the Member, make judgement on the complainant's application, or otherwise affirm or deny findings contained within the report.

### **31.0 Public Disclosure**

31.1 The Integrity Commissioner and every person acting under their jurisdiction shall preserve confidentiality where appropriate and where it does not interfere with the course of any investigation, except as required by law and as required.

31.2 The Integrity Commissioner shall retain all records related to the complain and investigation although copies may be provided to the Township's administrative staff, subject to the duty of confidentiality under Subsection 223.5 of the Municipal Act.

31.3 The identity of the Member who is the subject of the complaint shall be not be treated as confidential information in the Integrity Commissioner's report to Council. The identity of the complainant and of any other person, including witnesses, may be disclosed if deemed appropriate and necessary by the Integrity Commissioner or if consented to by the complainant.

31.4 All reports from the Integrity Commissioner to Council shall be made available to the public by the Clerk.

**32.0 Delegation by Integrity Commissioner**

32.1 The Integrity Commissioner may delegate in writing to any person, other than a Member of Council, any of the Integrity Commissioner's powers and duties under Part V of the Municipal Act.

**33.0 Duty to Acknowledge**

33.1 The Clerk shall provide to each Member a copy of the Code of Conduct.

33.2 Each Member shall sign on the prescribed form and return to the Clerk acknowledging they have read the Code of Conduct and understand their obligations under this Code.