



SUBJECT: **Code of Conduct for Members of Council**

DEPARTMENT: Council

ADOPTED: May 28, 2018

EFFECTIVE: December 1, 2018

REVISED:

APPROVED BY: Council (Resolution Number C-240-18)

SECTION 1 POLICY STATEMENT

- 1.1 A written Code of Conduct for Council will assist to ensure that the members of Council share a common basis for acceptable conduct.
- 1.2 This Code is designed as a reference guide and a supplement to the legislative parameters within which all members of Council must operate.
- 1.3 The Public is entitled to expect the highest standards of conduct from the members of Council that it elects to local government. In turn, adherence to these standards should serve to enhance public confidence in the elected officials of the Township and to protect the public interest.
- 1.4 The Code of Conduct applies to the Mayor and all members of Council. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out within this document.
- 1.5 As long as all the facts known to the member of Council are disclosed to the Integrity Commissioner and there is no change to these facts, then the member may rely on any written advice provided by the Integrity Commissioner.
- 1.6 Members of Council, members of the Public or Township Staff seeking clarification of any part of this Code of Conduct should consult with the Integrity Commissioner.
- 1.7 This Code of Conduct does not prohibit the activities in which members of Council normally engage on behalf of constituents in accordance with applicable laws. The *Municipal Act* is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are

other important documents that regulate behaviour and conduct of members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This Code of Conduct operates together with and as a supplement to the following existing Statutes, documents and policies governing the conduct of members of Council, namely:

- i. The *Municipal Act*, 2001, S.O. Chapter 25, as amended;
- ii. The *Municipal Conflict of Interest Act*;
- iii. The *Municipal Elections Act*;
- iv. The *Municipal Freedom of Information and Protection of Privacy Act*; and,
- v. The *Criminal Code of Canada*

1.8 At the time of adopting this Code of Conduct, the Township has not established a local board as defined in this document or as set out in the *Municipal Act*, Section 223.1. If at some future date the Township does establish a local board, this Code of Conduct will be amended to reflect this reality.

SECTION 2 DEFINITIONS

2.1 For the purposes of this Code:

"Act" means the Municipal Act, 2001, S.O., 2001 c.25, as may be amended.

"Code" means this Code of Conduct as it applies to members of Council.

"Community groups and organizations" means any group, club, society or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation or any other purpose except profit.

"Complaint" means an alleged contravention of this Code.

"Confidential information" means 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, including information received in a closed session of Council under Section 239 of the Act.

"Corporate or Corporation" shall mean The Corporation of the Township of North Dumfries

"Council" means the duly elected members of The Corporation of the Township of North Dumfries.

"Family member" means as defined in the *Municipal Conflict of Interest Act*.

"Gifts and benefits" means any cash or monetary equivalent, fee, object of value, service, travel, accommodation or entertainment.

"Integrity Commissioner" means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the *Municipal Act, 2001*.

"Meeting" means any legally constituted meeting of Council or a Committee of Council.

"Member" means a member of Council and a Standing Committee of Council, a member of Council appointed to an Advisory Committee of Council, or, a member of Council appointed to the Committee of Adjustment.

"Office" means the authority and duties attached to the member's position.

"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, and which are done for the purpose of providing good government with respect to those matters. This includes those activities that are reasonably related to the member's office associated with the diverse profiles of their Wards and their different roles on Committees, agencies, boards and commissions.

"Pecuniary interest" means an interest as set out in the *Municipal Conflict of Interest Act*.

"Property" means but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Township.

"Staff" means any fulltime, part-time, seasonal or contract employee, students of the Township and/or any volunteer appointed by the Township to an activity area or task.

"Township" means The Corporation of the Township of North Dumfries.

SECTION 3 APPLICATION OF THE CODE

3.1 Application

This Code of Conduct applies to all members. This Code shall come into effect on December 1st, 2018.

3.2 Accountable and Good Government

The Act, Part VI, Practices and Procedures, establishes the organization, roles and responsibilities for the members of Council and administration, including the requirement to pass a Procedural By-law.

The Township's Procedural By-law provides rules governing the order and proceedings of Council and Committees of Council. The Municipal Act and the Procedural By-law ensures that Council is the source of authority for municipal government and its decisions are made and implemented through the appropriate channels of government structure.

Decision-making authority lies with Council as a whole, and not with an individual member, to approve:

- i. Budget(s);
- ii. Policies;
- iii. Committee processes;
- iv. Commit resources; and,
- v. Other Municipal matters.

Members shall endeavour to conduct the decision-making process and convey Council business in a transparent, accountable manner, recognizing that the public has a right to open government, participatory decision-making and reasonable access to information on how decisions are made.

Members of Council must continue to perform their respective duties of office with integrity to avoid conflicts of interest, both apparent and real.

3.3 Role of the Head of Council

In accordance with the Act, this Code of Conduct recognizes the fact that the Mayor, as Head of Council, has additional responsibilities as defined in Section 225 of the Act. As a municipality's Chief Executive Officer, the Head of Council shall:

- i. Uphold and promote the purposes of the municipality;
- ii. Promote public involvement in the municipality's activities;
- iii. Act as the representative of the municipality both within and outside the municipality, promote the municipality locally, nationally and internationally; and,
- iv. Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

3.4 Role of Members of Council

In accordance with the Act, Section 224 defines the role of Council:

- i. To represent the public and to consider the well-being and interests of the municipality;
- ii. To develop and evaluate policies and programs of the municipality;
- iii. To determine which services the municipality provides;
- iv. To ensure administrative practices and procedures are in place to implement the decisions of Council;
- v. To ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
- vi. To maintain the financial integrity of the municipality;
- vii. To carry out the duties of Council under the Act or any other Act.

3.5 Obligation of Members

All members in the exercise of their duties are expected to follow and comply with this Code, the Council Procedural By-law and other sources of applicable procedural law including:

- i. *Municipal Act, 2001*;
- ii. *Municipal Conflict of Interest Act*,
- iii. *Municipal Elections Act*;
- iv. *Municipal Freedom of Information and Protection of Privacy Act*; and,
- v. Criminal Code of Canada.

SECTION 4 CONDUCT OF MEMBERS

- 4.1 A member shall at all times conduct themselves with decorum, courtesy, propriety, decency and respect and with the understanding that all members of the public, other members and staff are to be treated with dignity, courtesy and empathy, recognizing that a member is a representative of the Township and of their elected office.
- 4.2 Such conduct shall also adhere to the provisions of applicable law, including the Act and the Procedural By-law.
- 4.3 A member recognizes the importance of co-operation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour in relation to all those in attendance.
- 4.4 Members shall make every effort to participate in the activities of agencies, Board, commissions and Committees to which they are appointed in the same manner as Council activities.

SECTION 5 MEMBER RESPONSIBILITIES

5.1 Overview - Interaction with Township Staff

The role of Township officers and staff is to implement the decisions of Council and to establish administrative procedures to carry out Township operations as provided for in the Act.

Under the direction of the Chief Administrative Officer, staff serves Council as a whole, and the combined interests of all members as evidenced through Council decisions.

The Chief Administrative Officer has overall responsibility for the administration of Township affairs in accordance with the decisions adopted by Council. To fulfill this role, the Chief Administrative Officer establishes:

- i. Appropriate administrative policies;
- ii. Systems and structures;
- iii. Processes; and
- iv. Internal controls to implements Council's goals and objectives

The first point of contact when members are seeking information or direction related to matters undertaken by staff should be through the Chief Administrative Officer. In the absence of the Chief Administrative Officer, the request for information or direction should then be channeled through the respective Director.

5.2 No member shall:

- i. Maliciously, falsely, negligently or recklessly injure the professional, personal or ethical reputation or the prospects or practice of Township staff and members shall show respect for the professional capacities of Township staff.
- ii. Ask, request or compel Township staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- iii. Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Township staff with the intent of interfering with that staff's duties, including the duty to disclose improper activity.
- iv. Shall use their office or conduct themselves in such a manner that is

disrespectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of Council.

- v. Interfere with or involve themselves in matters of administration or departmental management which fall within the core responsibility or jurisdiction of the Chief Administrative Officer.

5.3 Accountability and Transparency in Decision Making

Members shall conduct Council business and their duties in an open and transparent manner so that the public and staff can understand the process and rationale which has been used to reach decisions. Such conduct requires compliance with the Act, the *Municipal Freedom of Information and Protection of Privacy Act*, the Procedural By-law and other applicable legislation regarding open meetings, accountability and transparency.

5.4 Communications with the Public & Media Relations

When a member communicates with the public and/or media, they will accurately communicate the decisions of Council, even if the member did not support the decision. Individual members have the right to express their opinions, however, any discussion must be done in a manner that shows respect for and integrity in the decision-making process of Council.

5.5 Confidential Information

Members may receive and shall keep confidential information as part of its decision-making duties. Members have an obligation to keep such information confidential in order to safeguard the Corporate interests, Corporate image and, to uphold disclosure rules to prevent personal gain or advantage to others.

Members respect and shall uphold confidentiality requirements for information received in a closed session of Council under Section 239 of the Act.

In accordance with the Procedural By-law, members shall not publicly disclose the content of any confidential matter or the substance of deliberations or in-camera meetings until the information is open or released to the public as required by law, or approved by Council.

No member shall 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.

No member shall use confidential information for personal or private gain, or for the gain of family members or any person or business entity.

No member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Township property or assets.

SECTION 6 USE OF RESOURCES AND TOWNSHIP EXPENDITURES

10.1 Use of Corporate Resources

No member shall use Township property, including land, facilities, equipment, supplies, staff or other Corporate resources for activities other than the business of the Corporation.

Members shall respect that the powers of the municipality are exercised by Council. Council, as a whole, is responsible for policy making that directs staff in the delivery of services. For tasks or actions that require the commitment of significant staff time and/or Township resources, members must obtain approval through recommendation by decision of Council. By doing so, Council confirms that the Corporate interests and business are being advanced in compliance with all applicable rules and policies respecting the use of Corporate resources.

10.2 Use of Office Expenditure

Members are entrusted to make decisions based on an impartial and objective assessment of each situation, free from the real or perceived influence of gifts, hospitality or benefits. Regardless of the monetary value, the gift, hospitality or benefit could be seen as an instrument of influence, favouritism, and bias on the part of the member.

Council approves an office expenditure for members of Council through the Budget process on an annual basis.

Members agree to respect and uphold the use of these funds set aside for expenditures attributed to Council. Members agree to respect and uphold, if in time Council adopts a Council Expense Policy, that guides their use of their respective office expenditures, budgets and resources.

10.3 Expenses incurred by members fulfilling the duties of their office (ie: mileage, meals, etc) that serve a legitimate public duty purpose are permitted provided that such expenditures are tracked with the submission of receipts, the completion of applicable municipal forms and are consistent and aligned with Township Policy for eligible expenses.

SECTION 7 GIFTS, HOSPITALITY AND BENEFITS

- 7.1 No members shall accept a fee, advance, gift, loan or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, except as specifically contemplated.

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

The following are recognized as exceptions:

- a) Compensation authorized by law;
- b) Such gifts, hospitality and benefits are offered and accepted by members in the course of their duties and attendance at public functions. The acceptance of gifts, hospitality and benefits of a nominal value, deemed up to maximum valuation of \$100, is considered part of the member's role and responsibilities and are to be received by the member only in good faith, as an incident of protocol or social obligation. In accepting a gift or benefit, members shall be aware of those that would be of pecuniary interest and subject to the *Municipal Conflict of Interest Act*.
- c) A political contribution otherwise reported by law;
- d) Services provided without compensation by persons, volunteering their time to a member;
- e) A suitable memento of a function honour the member (ie: a trinket or a favour of relatively little monetary value such as a pen, notepad, t-shirt);
- f) Food, lodging, transportation and entertainment provided by Federal, Provincial, Regional and local governments or political subdivisions of them or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity in an official event. For the purposes of clarity, an official capacity or official event represents an occurrence where Council has authorized or endorsed the initiative or event.
- g) Food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:
 - i. Attendance serves a legitimate public duty purpose; and,
 - ii. The value is reasonable and the invitation is infrequent;
- h) Business meals;

- i) Communication to the offices of a member, including subscriptions to newspapers and periodicals related to the duties of the office;
 - j) Sponsorships and donations for community events or initiatives organized or run by a member or a third party on behalf of a member where Council has authorized or endorsed the event or initiative.
- 7.2 To provide clarity with respect to Policy 7.1 b), where the value of the gift or benefit exceeds \$100 or if the total value received from any one source during the course of the calendar year exceeds \$250, the member shall within thirty (30) days of receipt of the gift or reaching the annual limit, shall list the gift or benefit on a Council Information Statement, the form of which shall be prescribed by the Integrity Commissioner. The Council Information Statement shall be filed by the member and held in the possession of the Township Clerk.
- 7.3 To provide clarity with respect to Policy 7.1, with respect to items f), g), h) and i) where the value of the gift or benefit exceeds \$250, or if the total value received from any one source during the course of a calendar year exceeds \$250, the member shall within thirty (30) days of receipt of the gift or reaching the annual limit, shall list the gift or benefit on a Council Information Statement, the form of which shall be prescribed by the Integrity Commissioner. The Council Information Statement shall be filed and held in the possession of the Township Clerk.
- 7.4 The Integrity Commissioner shall, without notice, examine from time to time the Council Information Statement(s) to ascertain whether the receipt of a gift or benefit may, in her or his opinion, create a conflict between a private interest and the public duty of the member.
- 7.5 In the event that the Integrity Commissioner makes the preliminary determination, he/ she shall call upon the member to justify receipt of the gift or benefit. Should the Integrity Commissioner determine that receipt was inappropriate, he / she shall direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Township or Township agency, board or commission.
- 7.6 Each member shall file a copy of the Council Information Statement with the Township Clerk on a quarterly basis (the first quarter being April 30th of the calendar year). If there are no disclosures of any gifts, hospitality, or benefits, to be reported, the member shall on the Council Information Statement declare no gifts, hospitality or benefits received for that period of time.

SECTION 8 PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS

As community leaders, members are called upon to assist and support various charities, service clubs, and other non-profit and community-based associations.

8.1 Members are entitled to:

- a) organize, establish, fundraise, participate in and support community groups and organizations and their associated events;
- b) hold positions, including positions on governing boards, within community groups and organizations and be subject to the published rules of each applicable organization;

8.2 With respect to Policy 8.1, members are not allowed to expense against the Township or fund community groups and their organizations or their events with Township funds (in-kind or monetary currency) without seeking the approval of Council.

8.3 Where a member sponsors and/or lends support to a charitable, service club, non-profit and/or community based event, this Code recognizes that all donations are subject of the Code of Conduct.

8.4 No donation cheques should be made out to a member or the member's family.

8.5 Members shall:

- a) Respect the need for transparency with respect to involvement in community groups, organizations and events and perform their community service in a manner that promotes public confidence;
- b) Seek Council approval for the use of their position and title in the support of any event where non-Corporate fundraising activities occur;
- c) Seek Council approval for the use of Corporate resources to support any non-Corporate event organized by the member where fundraising activities occur;
- d) Seek Council approval for the commitment of Township resources to any event which is not organized or sponsored by the Township.
- e) File a Report with Integrity Commissioner, the names of all donors and the value of their donation where the member participates directly in the fundraising venture with reference to a member organized community event. The documentation must be filed with the Integrity Commissioner within thirty (30) days of the convening of the member organized community event.

SECTION 9 ABUSE OF ROLE / ABUSE OF OFFICE

9.1 Improper Use of Influence

No member shall use the influence of their office for any purpose other than for the exercise of their official duties.

As an elected official, members are expected to perform their duties of office with integrity, accountability and transparency. Members shall not use the status of their position to influence the decision of another individual to the private advantage of oneself, or a family member, staff, friends, associates, business or otherwise.

In the same manner, and as outlined in the *Provincial Offences Act- Conflict of Interest Policy*, members shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with staff, officers or other persons performing duties under the *Provincial Offences Act*.

For the purposes of this Section, "private advantage" does not include a matter that:

- a) Is of general application;
- b) Affects a member, their family members, staff, friends, associates, business or otherwise, as one of a broad class of persons; or,
- c) Concerns the remuneration or benefits of a member.

9.2 Business Relations

No member shall act as a paid agent or lobbyist before Council, its Committees or any agency, board or commission of the Township.

No member shall refer a third party to a person, partnership or business entity in exchange for financial or gain.

9.3 No member shall borrow money from any person or business entity who regularly does business with the Township unless such person or business entity is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

9.4 Employment of Family Members

No member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline, terminate or in the determination of remuneration of a family member.

If a family member of a member is an applicant for employment or an applicant for a Committee with the Township, the family member will proceed through the usual application / selection process with no special consideration. No member shall attempt to influence the outcome or to influence any staff to hire or promote a member's family.

No member shall supervise a family member or be placed in a position of influence over a family member's employment.

No member shall attempt to use a family relationship for financial or other gain.

9.5 Reprisals and Obstruction

No member shall obstruct the Integrity Commissioner in the carrying out of his / her responsibilities as set out in the Act or in this Code.

No member shall threaten or undertake an act of reprisal against a person initiating an inquiry, complaint or investigation under the Code or who provides information to the Integrity Commissioner in any investigation.

The forgoing shall not limit a member from providing a response, defence and answer to any complaint.

SECTION 10 HARASSMENT

10.1 Harassment includes, but is not limited to, any behaviour, conduct, form of imagery or comments by any person that is directed at or is offense to another person on the protected grounds of discrimination, age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (which includes work share programs and housing), record of offences (in employment only), sex (including pregnancy and breastfeeding), sexual orientation and sexual harassment and any other grounds under the provisions of the *Ontario Human Rights Code* and the Township's Respect in the Workplace Policy.

In accordance with the *Ontario Human Rights Code*, the *Occupational Health & Safety Act* and the Township's Respect in the Workplace Policy, all persons will be treated with dignity and respect in an environment free of discrimination, intimidation and harassment.

Harassment, whether it occurs inside or outside the workplace, but is related to the activities of elected office, is considered to be inappropriate behaviour for the purpose of this Code of Conduct.

- 10.2 Members will abide by the Corporate Values and Behaviours as guiding principles and are attached as Appendix A.
- 10.3 Harassment of a member by another member is a misconduct.
- 10.4 Harassment of staff or any member of the public is a misconduct.
- 10.5 Upon receipt of a complaint that relates to Section 10, the Integrity Commissioner shall forward the information subject to the complaint to the Chief Administrative Officer who will refer the matter to an independent investigator that is appropriately qualified to undertake such investigations. The report / submission / recommendations of the independent investigator will be filed with Council.

SECTION 11 ROLE OF THE INTEGRITY COMMISSIONER

- 11.1 The Integrity Commissioner appointed under the authority of Section 223.3 is an independent officer who reports directly to Council and is responsible for carrying out his or her functions in accordance with the Act and any other functions as assigned by Council, in an independent manner.
- 11.2 The Integrity Commissioner carries out the following core functions:

- a) Advisory Role

The Integrity Commissioner provides confidential written and oral advice to the Mayor and Township Councillors about their own situations respecting the applicable Code of Conduct and other by-laws and policies governing ethical behaviour.

The Integrity Commissioner also provides opinions and reports to Council, each as a collective whole, on issues of ethics and integrity.

- b) Investigative Role

Complaints about breaches of the Code of Conduct are made to the Integrity Commissioner. Complaints can be dealt with through a formal or informal process, as defined by the complaint resolution process contained in Appendix B. When carrying out a formal complaint investigation, the Commissioner can summon evidence and examine under oath.

c) Educational Role

The Integrity Commissioner is responsible for providing educational programs to members and staff. These programs can be carried out in group settings, one-on-one meetings, annual reporting and through the webpage of the Office of the Integrity Commissioner.

- 11.3 The responsibility for the interpretation of the Code of Conduct lies with the Integrity Commissioner.
- 11.4 Should the Integrity Commissioner, based upon the completion of an investigation find a contravention, the Integrity Commissioner may recommend to Council penalties in accordance with the Act for the imposition by Council. The Integrity Commissioner may recommend measures for the consideration of Council including:
- a) A written reprimand;
 - b) Removal of the member from the membership of a Committee;
 - c) Removal of the member as Chair of a Committee;
 - d) Repayment or reimbursement by the member of funds received;
 - e) Return of property by the member or reimbursement of its value;
 - f) A request for a written and/or verbal apology by the member to Council, the complainant or both;
 - g) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council for a period of up to 90 days.
- 11.5 In the case that there is a vacancy or absence of the Integrity Commissioner position, all informal or formal complaints shall be held in abeyance until such time as an Integrity Commissioner has been appointed or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of time.
- 11.6 The Integrity Commissioner shall not provide advice or opinions to any member with respect to the *Municipal Conflict of Interest Act*. Members if they believe that a declaration of pecuniary interest may exist on any matter, are encouraged to seek their own independent review, opinion or advice through a qualified individual or firm.
- 11.7 Appendix B and the Act shall govern the process and Complaint Resolution program to be followed by the Integrity Commissioner.

12.1 Compliance

Members are accountable to the public throughout the duration of their term. To provide the public with open, transparent and accountable government, members will respect all legislation, applicable policy and this Code of Conduct. For the purposes of clarify, the spirit and intent of this Code shall be maintained by all members.

12.2 Interpretation

Members seeking clarification of any part of this Code or the Act should consult directly with the Integrity Commissioner.

12.3 Nothing contained in this Code shall be interpreted so as to impede vigorous but respectful debate during meetings of Council and its committees.

12.4 Appendices A, B, C, D and E form part of this Code.

12.5 Reimbursement of Costs

The reimbursement of fees for a member and may be returned based on the findings of the Integrity Commissioner consistent with the terms and process as set out in Appendix C.

12.6 Forms

The forms, identified as the Council Member Information Statement and the Complaint Form / Affidavit, are included in Appendix D and Appendix E respectively.

SECTION 13 REVIEW AND ATTESTATION

13.1 Review

Upon adoption of this Code and thereafter at the beginning of each new term of Council, members will be expected to sign the Code to convey to each other and all stakeholders that they have read and understood the document as presented.

To ensure that this Code remains relevant and current, staff will review any significant legislative or internal policy changes for possible impact to the Code and report to Council where necessary.

13.2 Confirmation

At the beginning of each term of Council, this Code will be reviewed with Council in connection with the development of Corporate strategies.

If any changes are made to the Code during the term of Council, members will be requested to duly execute the amended document to reaffirm that they have read, understood and accepted the terms of the Code, as amended.

Through the execution of this document below, the member confirms that they have read, understood and accepted the terms as set out in the Code

Signature: _____

Name: _____

Date: _____

APPENDIX A CORPORATE CORE VALUES AND BEHAVIOUR

The Corporate Core Values and Behaviours guide Council, Staff and Volunteers when interacting with each other, and, when providing services and when communicating with the members of the Public. Township representatives will be professional and be transparent in our work. We will value and seek to understand all positions. We strive to be open minded and fair to all. The Corporation of the Township of North Dumfries is committed to:

RESPECT

We will ...

Have mutual and fair understanding of the wants, needs and expectations of others
Practice open, honest and sincere communication.

INTEGRITY

We will ...

Conduct ourselves in a professional manner with emphasis on effective & constructive communication, accountability for actions, and a strong moral compass.

Be committed to maintaining a safe, trusting, and supportive environment.
Demonstrate professionalism, good judgement, and personal leadership.

SERVICE

We will ...

Strive to provide timely, respectful and knowledgeable responses focussing on communication information in a friendly and accessible manner to all.

Seek feedback and use it to enhance and continually improve our services and programs.

Demonstrate hard work and dedication in an effort to enhance community pride.

INCLUSIVENESS

We will

Commit to welcome, learn and understand.

Foster an environment of respect and a sense of belonging for all.

APPENDIX B COMPLAINT RESOLUTION PROCESS OF THE INTEGRITY COMMISSIONER

A complaint that a member has contravened the Code may be initiated by any person, an employee or volunteer of the Township, any other member of Council, or by Council as follows:

- a) A complaint shall be made utilizing the attached form and is to be sent directly to the Integrity Commissioner by mail, email, fax or courier (if required, pre-addressed and postage paid envelopes are available from the Township Clerk).
- b) A complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual. Complaints may not be submitted by any group, organization, corporation or business entity.
- c) All complaints must be addressed in accordance with the below captioned procedure within six (6) months of the alleged violation or no action will be taken on the complaint.
- d) Only complaints relating to behaviour or activity subsequent to December 1st, 2018 will be addressed by this procedure.
- e) A complaint, as a minimum, shall include:
 - i. An explanation, with specific reference to the Section(s) of the Code, as to why the issue raised is alleged to be a contravention of the Code.
 - ii. Any evidence in support of the allegations in a sworn affidavit; and,
 - iii. Any witness or witnesses in support of the allegation must be identified.

Informal Complaint Procedure

Any member, staff or a member of the Public who has reasonable grounds to believe that a behaviour or activity of a member of Council has contravened the Code may wish to address the behaviour or activity with the member personally. The informal complaint procedure is set out below:

- a) The complainant shall advise the Integrity Commissioner in writing that the complainant is willing to attempt to resolve the complaint informally with the member of Council.
- b) The Office of the Integrity Commissioner shall co-ordinate the meeting(s) between the member and the complainant. The Office of the Integrity Commissioner shall act as a convener of the meeting(s) between the member

and the complainant and shall note the attendance of those participating in the meeting(s) and shall take no other role in the meeting(s).

- c) The complainant shall attend the meeting(s) with the member, alone or with one (1) other person.
- d) The complainant shall advise the member of the behaviour or activity which may contravene the Code.
- e) The complainant shall provide a written record of the incident(s) including date(s), time(s), location(s), other persons present, and, any other relevant information and provide this information to the member.
- f) The complainant shall discuss with the member how the behaviour or activity may be addressed.
- g) The complainant shall confirm to the member the complainant's satisfaction with the response of the member, or, alternatively advise the member of the complainant's dissatisfaction with the response.
- h) If the complainant is satisfied with the member's response, the complainant shall provide a statement in writing to the Integrity Commissioner that the complainant does not wish to pursue a formal inquiry and wishes to withdraw their complaint.
- i) If the complainant is dissatisfied with the member's response, the complainant shall provide a statement in writing to the Integrity Commissioner that the complainant will pursue other processes to address their complaint. The complainant shall consider the need to pursue the complaint in accordance with the formal complaint procedure or in accordance with another applicable judicial or quasi-judicial process and shall advise the Integrity Commissioner of the complainant's decision.
- j) The Integrity Commissioner shall communicate to the Township Clerk whether the complainant is satisfied or dissatisfied with the informal complaint process.

Everyone is encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying behaviour or activity that is prohibited by this Code. However, it is not a prerequisite that those filing a complaint must pursue the informal complaint procedure before pursuing the formal complaint procedure.

Formal Complaint Procedure

All complaints shall be submitted directly to the Integrity Commissioner and in the form attached.

All complaints must provide:

- a) The name of the member to whom the complaint relates;
- b) The nature of the alleged contravention;
- c) The specific provision(s) of the Code allegedly contravened;
- d) The name(s) of any witnesses to the alleged contravention;
- e) Provide the specified filing fee of \$25
- f) A signed and sworn statement that sets out the evidence in support of the complaint; and,
- g) Any written material, documents, photographs, etc in support of the alleged contravention.

Upon receipt of a complaint involving a member other than the Head of Council, the Integrity Commissioner shall immediately advise the Head of Council and the Chief Administrative Officer. Upon receipt of a complaint involving the Head of Council, the Integrity Commissioner shall immediately advise the Acting Mayor and the Chief Administrative Officer.

Confidentiality

The Integrity Commissioner shall carry out all enquiries in a manner which will ensure that the individual to who the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the Act. All records of investigation shall be kept confidential and access limited to those in the Township with a need to know for the purposes of conducting a full investigation.

Initial Review by Integrity Commissioner

Upon receipt of a complaint, the Integrity Commissioner shall conduct an initial review to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or Township policies.

If the complaint, including any supporting documents, is not on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing.

If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where it becomes apparent in the course of an investigation, shall terminate the investigation.

Opportunity for Resolution

If at any time, following 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.

Investigation and Settlement

If a complaint has been classified as being with the Integrity Commissioner's jurisdiction, the Integrity Commissioner shall investigate and may attempt to settle the complaint.

The Integrity Commissioner will proceed as follows:

- a) Serve the complaint and supporting affidavit and material upon the member whose conduct is in question with request that a written response to the allegation by way of an affidavit be filed within ten (10) days or such longer period as the Integrity Commissioner may authorize in writing; and,
- b) Serve a copy of the responding affidavit provided by the member upon the complainant with a request for a written reply by way of affidavit within ten (10) days or such longer period as the Integrity Commissioner may authorize in writing.
- c) Serve a copy of the reply upon the member with a request that the member provide a second written response by way of affidavit within ten (10) days or such longer period as the Integrity Commissioner may authorize in writing.

The Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information relevant to the complaint and to enter any Township work location relevant to the complaint for the purposes of investigation and settlement.

The Integrity Commissioner is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the Township.

The Integrity Commissioner has the discretion to provide for examinations and hearings as necessary in the interest of a fair outcome and just outcome.

The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

If the Integrity Commissioner determines that there has been no contravention of the Code or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend no penalty be imposed.

Final Report

The Integrity Commissioner shall complete an investigation within ninety (90) days.

In circumstances where the Integrity Commissioner requires more than ninety (90) days completing an investigation, the following shall be notified accordingly:

- a) The complainant;
- b) The member to whom the complaint relates; and,
- c) The Head of Council and Chief Administrative Officer, and in the case of a complaint concerning the Head of Council, the Acting Mayor and the Chief Administrative Officer.

Reporting the Results of an Investigation

The Integrity Commissioner shall provide a copy of the draft the Report to the complainant and the member subject to the investigation within twenty (20) days of the due date.

The Report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been reported out to Council in an open meeting.

Should the Integrity Commissioner find a contravention, the Integrity Commissioner may recommend the penalties in accordance with the Act for imposition by Council.

The Integrity Commissioner may also recommend to Council the following actions:

- a) Removal of the member from the membership of a Committee;
- b) Removal of the member as Chair of a Committee;
- c) Repayment or reimbursement by the member of funds received;
- d) Return of property by the member or reimbursement of its value;
- e) A request for a written and/or verbal apology by the member to Council, the complainant or both.

Council shall consider and respond to a Report from the Integrity Commissioner within thirty (30) days after the day the Report is delivered. Any recommended corrective action shall be designed to ensure that the inappropriate behaviour or activity does not continue and any reprimand will be in accordance with Section 223.4 of the Act.

Reporting to Council

The Integrity Commissioner shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

Other than in exceptional circumstances, the Integrity Commissioner shall not report to Council on any complaint described above except as part of an annual or other periodic report. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents once they have been reported out to Council.

The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to request for enquiries and conducting investigations.

Complaints in Municipal Election Years

Despite any other provision of this process, no complaint received by the Integrity Commissioner during the period from Nomination Day to Election Day, as defined in the *Municipal Elections Act*, shall be reviewed or investigated by the Integrity Commissioner until after the election has taken place.

Retroactive Complaints

This complaint protocol shall not apply retroactively to any alleged transgressions occurring prior to December 1, 2018.

APPENDIX C PAYMENT OF COSTS

1. A complainant and a member who are parties to a Complaint under this Code shall each be reimbursed for actual and reasonable legal and related expenses up to a maximum of:
 - a) \$1,500; or,
 - b) \$10,000 if the Integrity Commissioner has elected to investigate the complaint. For the complainant, reimbursement shall only be made as per paragraph 5 below. For the member, reimbursement shall only be made where it is determined that there has been no contravention of the Code by the member as per paragraphs 6 and 7 below.
2. In the case of an application under *Judicial Review Procedure Act* for judicial review of actions taken on a complaint against a member by the Integrity Commissioner:
 - a) Council may where a member made the judicial review application, the member is eligible for reimbursement of legal costs, including additional legal costs in a successful application, that are not covered by the costs awarded by the Courts, up to a maximum of \$20,000
 - b) A member may apply for reimbursement of the legal costs of intervention in a judicial review application where the member's interests are at stake, up to a maximum of \$20,000
3. Council may consider the reimbursement of costs above the limit(s) identified in Paragraphs 1 and 2 above on a case by case basis.
4. Costs may be provided in advance of any investigation, if in the Integrity Commissioner is of the opinion that the use of a lawyer by one or more of the parties would facilitate the carrying out of the investigation, and Paragraphs 5 and 6 below do not apply to the advance costs paid under this Section.
5. Costs shall only be reimbursed under this Section to the complainant, if the Integrity Commissioner concludes that the complaint is not frivolous, vexatious or made in bad faith and the Integrity Commissioner's conclusion is not overturned on judicial review.
6. Costs shall only be reimbursed under this Section to the member:
 - a) If the Integrity Commissioner determines that:

- i) there has not been a contravention of the Code; or,
 - ii) a contravention occurred but the member took all reasonable measures to prevent it; or,
 - iii) a contravention occurred that was trivial or committed through inadvertence or error of judgement made in good faith.
 - b) If the Integrity Commissioner identifies that Paragraph a) items i) to iii) applies in his or her Report to Council, and, recommends that no penalty be imposed; and,
 - c) The Integrity Commissioner's conclusion and recommendations are not overturned on judicial review; and,
 - d) Where Council receives the Integrity Commissioner's report on a violation and determines that it should not take any action.
7. Any award of costs under Section 6 above shall be contingent on a report from the Integrity Commissioner.



**APPENDIX D
COUNCIL MEMBER INFORMATION STATEMENT**

1. Description of Gift/ Benefit received:

2. Date received:

3. Name of individual or organization from who Gift/ Benefit was received:

4. Estimated amount:

5. Additional Information: (if additional pages are included please reference and number sequentially)

Member's Name: _____

Signature: _____

Date:



**APPENDIX E
FORMAL COMPLAINT FORM / AFFIDAVIT**

AFFIDAVIT OF _____ [Full Name]

I, _____ [Full Name], of the [City,
Town, etc] _____ of _____ [Municipality of Residence]

In the Province of Ontario

MAKE OATH AND SAY [or AFFIRM]:

1. I have personal knowledge of the facts as set out in this Affidavit, because:

_____ [insert reasons ie. I work for ... I attended the
meet at which ect.]

2. I have reasonable and probable grounds to believe that a member of the Township of

North Dumfries Council, _____ [specify name of Member] has

contravened Section(s) _____

[specify Section(s) of the Code of Conduct for the Members of Council [the "Code of
Conduct"]. The particulars of which are as follows:

[set out the statements of fact in consecutively numbered paragraphs in the space
below, with each paragraph being confined as far as possible to a particular statement
of fact. If you require more space please check the appropriate box below. If you wish to
include exhibits to support this complaint, please refer to the exhibits and attach them to
this Affidavit.]

APPENDIX E
FORMAL COMPLAINT FORM / AFFIDAVIT

Question 2 (continued)

3. I acknowledge that at the time of the Integrity Commissioner's report to Council in this matter, and as between the parties, the identity of the complainant and the identity of the person who is the subject of the complaint shall not be treated as confidential information.

(Name – please print)

Signature

Date

Additional Pages Attached to this Affidavit / Complaint Form --- please circle

[yes] [no] If yes, please identify the number and contents of the attached pages

APPENDIX E
FORMAL COMPLAINT FORM / AFFIDAVIT

4. This Affidavit is made for the purpose of requesting that this matter be reviewed by the Township's Integrity Commissioner and for no other purpose.

SWORN [or AFFIRMED] before me at the [City, Town, etc of]

In the Province of Ontario on:

_____ [Day] of _____ [Month] _____ [Year]

Signature of Commissioner

Print Commissioner's Name

Signature of Affiant

Date

Code of Conduct Complaint Form Formal Complaint Procedure Please note
that signing a false affidavit may expose you to prosecution under Sections 131 and 132
or 134 of the Criminal Code, R.S.C. 1985 c. C-46 and also to civil liability for
defamation.