



Policy/Plan Date: April 12, 2018  
Council Approval: May 7, 2018

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## **Township of Adelaide Metcalfe Schedule 'A' to By-law 26 of 2018 Council Code of Conduct**

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### **POLICY STATEMENT:**

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

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

### **PURPOSE**

Members of Council hold positions of privilege and must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and regard for the integrity of the Corporation. To identify the Township's expectations of its members and set guidelines for appropriate behaviours to:

- a) Protect the public interest;
- b) Promote high ethical standards among Members of Council;
- c) Provide a general understanding of the fundamental obligations of Members of Council;
- d) Promote healthy debate amongst the Members when discussing matters of public interest and such debate shall be with dignity, decorum and respect for the opinions of others;
- e) Offer a procedure determining the appropriateness of conduct; and
- f) Identify a means of correcting inappropriate conduct.
- g) Ensure a level of respect and equality amongst all Members while fulfilling their roles and responsibilities as an elected official; and
- h) Ensure that Members perform their duties with integrity, avoiding any improper use of the influence of their office and conflicts of interest, and promoting public confidence.

### **DEFINITIONS**

*CAO/Treasurer* means the CAO/Treasurer of the Township of Adelaide Metcalfe;

*Code* means this Code of Conduct as it appears to members of Council, Local Boards and/or Committees of Council;

*Committee Member* means citizens and/or staff appointed by Council to Committees of Council;

*Communication(s)* include, but are not limited to, written or spoken words in the form of e-mail transmissions, Instant Message (IM) transmissions, telephone and cell phone communications, communications generated electronically, and pictures.

*Complaint* means an alleged contravention of this Code;

*Confidential Information* is information that is not available to the public as a general course of established municipal practice, or is restricted and controlled under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation. *Confidential Information* also means information received in confidence from third parties of a corporate, commercial, scientific or technical nature; information that concerns matters pertaining to personnel, labour relations, litigation, property acquisition, the security of property of the municipality or a local board; and any other information lawfully determined by the CAO/Treasurer or the Council to be confidential, or required to remain or be kept confidential by legislation or order; information that is subject to solicitor-client privilege; and information that is deemed to be personal information; information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

*Council* means the Council of the Corporation of the Township of Adelaide Metcalfe.

*Employee* means a person employed by the Corporation of the Township of Adelaide Metcalfe or Local Board, including those employed on a personal services contract, and volunteers, but does not include Members;

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

*Good Faith* means in accordance with standards of honesty, trust and sincerity.

*Integrity Commissioner* means the Integrity Commissioner appointed by Council pursuant to the Municipal Act, 2001 as amended.

*Local Board* means a local board as defined in section 223.1 of the Municipal Act, 2001, as amended.

*Member of Council* means the Mayor, Deputy Mayor or Councillor of the Corporation of the Township of Adelaide Metcalfe.

*Municipal property* means items, services or resources which are the property of the municipality including but not limited to: materials, equipment, vehicles, facilities, technology, municipally-developed computer programs of technological innovations, databases, intellectual property, municipal-owned images, logos, coat of arms, and supplies.

*Office* means the authority and duties attached to the position of being an elected Member of Council.

*Official duties* means the public duties of a Member and includes functions performed by Members necessary demonstrate responsible and accountable government with respect to matters within the municipality or Local Board's jurisdiction, and which are done for the purpose of providing good government with respect to those matters.

*Person* means a corporation, partnership, association and any other entity, as the context allows.

*Personal Benefit* means forms of advantage other than financial such as seeking an appointment, promotion or transfer within the township on behalf of a family member and includes the private interests of a Member.

*Public Comment* means disclosures or statements made in public, or in the course of a speech, lecture, declaration, television or internet broadcast, in the press, or in published form.

*Pecuniary Interests* shall mean an interest that has a direct or indirect financial impact or as defined under the Municipal Conflict of Interest Act, as amended. They include:

- Any matter in which the member has a financial interest;
- Any matter in which the member is a shareholder in, or a director or senior officer of a corporation that does not offer its securities to the public and such corporation has a financial interest in the matter;
- Any matter in which the member has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public and such corporation has a financial interest in the matter.
- Any matter in which the member is a member of a body and such body has a financial interest in the matter.
- Any matter in which a parent, spouse, same sex partner or any child of the member has a financial interest, if known to the member.

*Personal Information* means recorded information about an identifiable individual, including:

- i. information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- ii. information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- iii. any identifying number, symbol or other particular assigned to the individual;
- iv. the address, telephone number, fingerprints or blood type of the individual;
- v. the personal opinions or views of the individual except if they relate to another individual;
- vi. correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- vii. the views or opinions of another individual about the individual; and

- viii. the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

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

- i. disclosed or discussed at a Closed Session meeting of Council;
- ii. that is circulated to Members of Council and marked "Confidential"; and
- iii. that is given verbally in confidence in preparation of or following a meeting that is closed to the public and includes, but is not limited to the following types of information:
  - a. personal matters about an identifiable individual(s);
  - b. information about suppliers provided for evaluation which might be useful to other suppliers;
  - c. matters relating to legal affairs of the Municipality; sources of complaints where the identity of the complainant is given in confidence; items under negotiations; and
  - d. matters identified as solicitor-client privileged

*Preferential* means giving specific advantage or priority to a person or group.

*Private Interest* means all of the interests or activities of a Member not included in the term defined as "Official Duties"

*Township* means the Corporation of the Township of Adelaide Metcalfe.

*Vexatious* means without reasonable or probable cause or excuse.

*Workplace* means any land, premises, location or thing at, upon, in or near which a worker works.

*Workplace Harassment* means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

## **1. ROLE AND RESPONSIBILITIES OF MEMBERS OF COUNCIL & COMMITTEE MEMBERS**

### Compliance and Declaration of Office

Every member shall act in accordance with his or her declaration of office.

### Adherence to Council Policies and Procedures

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

It is the responsibility of all Members of Council, Local Boards and Committee Members to:

- Represent the public and consider the well-being and interests of the municipality at large;

- Establish policies that define the strategic priorities to be achieved, policies for Council processes, and the parameters within which the CAO/Treasurer and Leadership Team are to operate;
- Establish policies and procedures to ensure that high quality municipal services and programs are provided in a cost-effective manner;
- Balance the diverse values, aspirations, priorities and competing interest of the whole community;
- Evaluate and determine the programs and services provided by the Township;
- Make sound, effective, and timely decisions based upon objective data and open debate of issues;
- Conduct its activities in an orderly, impartial, professional, and businesslike manner while ensuring accountability and transparency of the operations of the Township;
- Be honest and respectful of each other in their communications with the public, media, and staff;
- Ensure that confidential matters and materials disclosed before or during Closed Session are kept confidential;
- Respect each other's time, honour commitments and provide advance notice of absences for meetings and other commitments to the Mayor and the CAO/Treasurer;
- Exercise their right to vote on all matters unless otherwise prohibited by an Act;
- Embrace/encourage constructive disagreement and discussion while avoiding discouraging destructive conflict;
- Be aware of and understand statutory obligations imposed upon individual members and Council as a statutory body regarding, but not limited to conflict of interest;
- Make reasonable attempts to build consensus on issues and failing that will respect the majority vote of Council; and
- Maintain the financial integrity of the Township.

## **2. STANDARD OF CONDUCT**

### **GENERAL**

- 2.1 Members of Council and committee members are responsible for making honest statements. No member of Council or committee member shall make a statement when they know that the statement is false. No member of Council or committee member shall make a statement with the intent to mislead Council, staff or members of the public.
- 2.2 Members shall at all times serve and be seen to serve their constituents in a conscientious and diligent manner.
- 2.3 Members of Council and committee members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, and shall avoid aggressive, offensive or abusive conduct.
- 2.4 Members of Council and committee members should be committed to performing their functions with integrity, accountability and transparency, avoiding improper use of influence of their office, and conflicts of interest, both apparent and real.
- 2.5 Members of Council and committee members shall perform official duties and arrange their public affairs in a temperate and abstemious manner that promotes public confidence and respect and will bear close public scrutiny.

- 2.6 It shall be the duty of the members of Council and committee members to abide by all applicable legislation, policies and procedures pertaining to their position.
- 2.7 Members of Council and committee members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties to the Township or Local Board.
- 2.8 Every Member of Council and committee member in exercising his or her powers and in discharging his or her official duties shall seek to serve the public interest by upholding the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by Council. In so doing every member of Council and committee member shall:
- a) Seek to advance the common good of the Township;
  - b) Truly, faithfully and impartially exercise his or her office to the best of this or her knowledge and ability;
  - c) Exercise care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
  - d) Exercise his or her powers only for the purpose for which they were intended; and
  - e) Competently exercise his or her office by educating themselves either formally or informally, in matters pertaining to their official duties.

### **3. RULES OF CONDUCT**

#### **3.1 PREFERENTIAL TREATMENT**

Members of Council shall not, in the exercise of an official power, duty, or function, give preferential treatment to any person or organization based solely on the identity of the person or organization. No Member of Council shall grant any special consideration or advantage in matters related to his/her position on Council to any person or organization(s) beyond that which is available to every citizen.

#### **3.2 CONFIDENTIAL INFORMATION**

- 3.2.1 No Members of Council or committee members shall disclose or release or publish by any means to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council resolution to do so.
- 3.2.2 Members of Council and committee members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council, Local Board resolution (if so empowered), or required by law to do so.
- 3.2.3 Members of Council and committee members shall not use confidential information including information that they have knowledge of by virtue of their position, that is not in the public domain, including e-mails and correspondence from Council, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detriment to the Township, Council, Local Board, or others. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Township property or assets.

- 3.2.4 Confidential information includes information in the possession of the Township that the Township is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege. Members of Council and committee members shall not disclose, use or release information in contravention of applicable privacy law.
- 3.2.5 *The Municipal Act*, as amended, permits information that concerns personal matters, labour relations, litigation, property acquisitions/dispositions, and the security of the property of the municipality or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, “confidential information” also includes this type of information.
- 3.2.6 Under the Township of Adelaide Metcalfe Procedural By-law as amended, from time to time, a matter that has been discussed at a closed meeting remains confidential. Members of Council and committee members have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members of Council and committee members shall not either directly or indirectly, release, make public or in any way divulge the content of any such matter, or the substance of deliberations, of the closed meeting including memorandums and staff reports that are distributed for consideration during the closed meeting to anyone, unless specifically authorized by resolution or required by law.
- 3.2.7 Examples of the types of information that a member of Council or committee members must keep confidential include but are not limited to the following:
- a) Items under litigation, negotiation, or personnel matters;
  - b) Information that infringes on the rights of others (e.g., sources of complaints);
  - c) Price schedules in contract tender or Request For Proposal submissions if so specified;
  - d) Information deemed to be “personal information” under the Municipal Conflict of Interest Act; and
  - e) Statistical data required by law not to be released (e.g. certain census or assessment data).
- 3.2.8 Members of Council and committee members shall not access or attempt to gain access to confidential information in the custody of the Township unless it is necessary for the performance of their duties and not prohibited by Council policy.
- 3.2.9 Members of Council and committee members are only entitled to information in the possession of the Township that is relevant to matters before Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen. As one example, no member of Council or committee member should have access to documents or receive any information related to a particular procurement process while the process is ongoing.

### **3.3 INFLUENCE**

- 3.3.1 No Members of Council or committee members shall not use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties.

3.3.2 No member of Council or committee member shall use his or her office or position as a Member of Council or committee member to improperly influence the decision of another person for the member's private advantage, or of that member of Council or committee member, his or her parent, child, spouse, staff member, friend, or associate (business or otherwise). No member of Council or committee members shall attempt to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. No member of Council or committee members shall hold out of the prospect or promise of future advantage through the member's supposed influence within Council, in return for any action or inaction.

3.3.3 For the purposes of this provision "private advantage" does not include a matter:

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

### **3.4 GIFTS AND BENEFITS**

3.4.1 No Members of Council or committee members shall not 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, unless permitted by one or more of the exceptions listed below. The following are recognized as exceptions within this code:

- Compensation authorized by law;
- Campaign contributions in accordance with the *Municipal Elections Act*;
- Moderate hospitality derived from attendance at banquets, receptions or similar events, for charitable, not for profit, community purposes, or where the Member of Council or committee member is either speaking or attending in an official capacity and where attendance serves a legitimate public duty.

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

3.4.3 Subject to the limitations described in paragraph 3.4.4 the following are recognized as exceptions:

- a) Compensation or benefit authorized by law;
- b) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) A political contribution otherwise authorized and reported as required by law in the case of the individual running for office;
- d) Services provided without compensation by persons volunteering their time;
- e) A suitable memento of a function honouring the member of Council or committee member;
- f) Food, lodging, transportation and entertainment lawfully provided by Provincial, regional and local governments or boards or political subdivisions of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or



even where the member of Council or committee member is speaking or attending in an official capacity;

- g) Food and beverages consumed at banquets, receptions or similar events, if:
  - i. Attendance serves a legitimate business purpose;
  - ii. The Person extending the invitation or a representation of the organization is in attendance; and
  - iii. The value is reasonable and the invitations infrequent.
- h) Communication to the member of Council or committee member, including unpaid subscriptions to newspapers and periodicals;
- i) A sponsorship or donation for a community event organized or run by a member of Council or committee member, or a third party on behalf of a member of Council or committee member, provided a municipal policy for such activities is adopted by Council, and subject to the limitations set out in any such policy.

3.4.4 Except for exception 3.4.3 (c), these exceptions do not apply where a gift or benefit is provided by a lobbyist or a lobbyist's client or employer. In this provision, a lobbyist is an individual, organization or business who or that:

- a) Lobbies, or causes the lobbying of, any public office holder of the Township, Council, or a local board;
- b) The member of Council or committee member is aware of attempting or intending to lobby the member of Council or committee member or any of the public persons or bodies listed in paragraph (a).

3.4.5 Except in the case of exceptions 3.4.3 (a), (c), (f) and (i), a member of Council or committee member may not accept a gift or benefit worth in excess of \$50 or gifts and benefits from one source during a calendar year worth in excess of \$50.

#### **4. CONDUCT RESPECTING STAFF**

- 4.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.
- 4.2 Employees have an obligation to recognize that members of Council have been duly elected to serve the residents of the Township of Adelaide Metcalfe and respect the role of Council in directing the actions of the Township.
- 4.3 Under the direction of senior municipal administration, and in accordance with the decisions of Council, employees serve the Township as a whole. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council and committee members have no individual capacity to direct members of staff to carry out particular functions.
- 4.4 Inquiries to staff from members of Council and committee members should be directed to the CAO/Treasurer or the appropriate Senior Manager as directed by the CAO/Treasurer.
- 4.5 Only Council as a whole and no single member of Council including the Mayor has the authority to direct staff, approve budget, policy, committee processes and other such matters, unless specifically authorized by Council.

- 4.6 Members of Council and committee members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member of Council or committee member. Accordingly, no member of Council or committee member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members of Council and committee members shall show respect for the professional capacities of the staff of the Township.
- 4.7 Employees have a duty and obligation to act impartially, and in accordance with prescribed regulations or standards of conduct. Similarly, Employees with professional qualifications have an additional duty and obligation to act in accordance with standards of conduct prescribed for their profession. Members of Council and committee members shall refrain from any conduct which may deter, interfere or unduly influence Employees in the performance of such duties and obligations.
- 4.8 No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

## **5. DISCREDITABLE CONDUCT (Interpersonal Behaviours)**

- 5.1 Every member has the duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members of Council shall ensure that their work environment is free from discrimination and harassment.
- 5.2 The Ontario Human Rights Code applies, as does the Township of Adelaide Metcalfe's Workplace Violence and Harassment Policy addressing a Harassment-free and Discrimination-free Workplace adopted by Council.
- 5.3 Members of Council and committee members shall abide by the provisions of the Human Rights Code, as amended, and, in doing so, shall treat every person, including other members of Council and committee members, employees, and individuals providing services on a contract, students on placements, and the public, with dignity, understanding and respect.
- 5.4 In accordance with the Human Rights Code, as amended, members of Council and committee members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, and age, record of offences, marital status, family status, or disability.
- 5.5 In accordance with the Human Rights Code, as amended, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- 5.6 Without limiting the generality of the foregoing, members of Council and committee members shall not:
- a) Speak in a manner that is discriminatory to any individual, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.

- b) Make indecent, abusive, insulting or inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
- c) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
- d) Make threats or engage in any abusive activity or course of conduct towards others;
- e) Vandalize the personal property of others;
- f) Commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
- g) Refuse to converse or interact with anyone based on any ground listed in the Human Rights Code, as amended.

5.7 Harassment which occurs in the course of, or is related to, the performance of official duties by members of Council and committee members is subject to this Code. If an Employee or a member of the public brings forward a harassment complaint against a member of Council or committee member, the complaint procedure under the Township's (or Local Boards, where applicable) Workplace Violence and Harassment Policy will apply. In all other cases involving a member of Council and/or committee member, complaints will be addressed in accordance with sections below.

## **6. CONFLICT OF INTEREST**

6.1 Members of Council and committee members will follow and respect both the intent of the provisions of the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*, as amended from time to time.

6.2 Where a member of Council or committee member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the member of Council or committee member shall:

- Prior to any consideration of the matter at the beginning of the meeting, disclose the interest and the general nature thereof in writing to the Clerk;
- Not take part in the discussion of, or vote on any question in respect of the matter; and
- Not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

6.3 Any member of Council or committee member declaring a pecuniary interest may, at his/her discretion, leave the meeting until Council or Committee has dealt with the matter in relation to which the interest has been declared. When the meeting is in Closed Session, a member of Council or committee member shall forthwith leave the meeting or part of the meeting during which the matter in relation to which the interest has been declared is under consideration by Council or Committee.

6.4 Where the interest of a member of Council or committee member has not been disclosed by reason of the member of Council or committee member's absence from the meeting, the member of Council or committee member shall disclose the interest at the first meeting of the Council or Committee as the case may be, attended by the member of Council or committee member after the meeting during which the matter was considered.

6.5 Declarations of pecuniary interest shall be recorded in the minutes. In the event that a member of Council or committee member declares an interest during Closed Session, the member of Council or committee member shall affirm their declaration of interest either at the beginning of the Open Session as noted on the agenda and in writing to the Clerk.

## **7. CONSEQUENCES OF MISCONDUCT**

7.1 Every member of Council or committee member who fails to meet his or her obligations under this code is subject to any one or a combination of consequences below as determined by an appointed Integrity Commissioner:

- reprimand in Open Council (Censure);
- suspension of office for a period of not more than 90 business days;
- suspension of honorariums for a period of not more than 90 business days;
- removal from committees of council;
- any combination of the above.

## **8. INVESTIGATION OF COMPLAINT**

8.1 Any person may file a complaint regarding the conduct of a member of Council or committee member.

8.2 A Complaint must be made in writing, signed by the person making the complaint and accompanied by a supporting affidavit.

8.3 The CAO/Treasurer, upon receipt of a complete complaint shall acknowledge receipt of the complaint and convene a meeting of the Mayor or Deputy Mayor, and Clerk to review the complaint and determine whether an investigation should be commenced.

8.4 Where it is determined that a further review and investigation may be required, the complaint shall be forwarded to an appointed Integrity Commissioner. The Integrity Commissioner may investigate the complaint(s), make findings, and report to Council of breaches, or potential breaches, of this code. The Integrity Commissioner will also recommend to Council what the appropriate consequences of the breach may be. Where the Integrity Commissioner appointed for the municipality cannot or will not make a determination regarding a complaint, Council may pass a resolution requesting a judge of the Ontario Superior Court of Justice to conduct an investigation of the member's conduct under Section 274(1) of the Municipal Act, 2001 as amended. Should the Judge determine that a breach has occurred; the consequences contained in this policy shall be considered along with all other penalties provided for in other Acts of the Legislature. All complaints containing allegations of corruption or other criminal conduct will be referred to the police.

8.5 The Integrity Commissioner shall conduct the investigation in accordance with the principles as set out in the *Public Inquiries Act*.

8.6 In conducting the investigation, the Integrity Commissioner must maintain records of information gathered and witnesses interview. Investigations are to be conducted in private, and all information is to be treated as confidential.

- 8.7 Prior to making the report to Council, the Integrity Commissioner will give an opportunity to respond to any person against whom he or she is proposing to make adverse findings.
- 8.8 The Integrity Commissioner shall provide a report to Council in Open Session, which shall contain the Commissioner's opinion as to whether a breach of this code has occurred along with any recommended consequences or sanctions. Council shall be required to accept or decline, by recorded vote, the report of the Commissioner.
- 8.9 The Council body will be responsible for the implementation of any consequences, penalties or sanctions against its members.
- 8.10 If the Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant may be required to reimburse the municipality Township for the Integrity Commissioner's fees and costs associated with the complaint.

## **9. ADVICE ON POTENTIAL BREACHES**

- 9.1 The appointed Integrity Commissioner may advise Members of Council on potential breaches of the code. Members of Council or committee members who receive advice are entitled to rely on it, and will not be subject to sanctions should they have relied on the advice and are still found to be in breach of the code.

## **LEGISLATIVE REFERENCES**

- *Criminal Code of Canada* - A member of Council or committee member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code of Canada or being found to have failed to comply with the *Municipal Conflict of Interest Act* whether or not the conduct in question involves contravention of this Code of Conduct
- *Municipal Act, 2001, as amended*
- *Municipal Conflict of Interest Act, as amended*
- *Municipal Elections Act, 1996, as amended*
- *Municipal Freedom of Information and Protection of Privacy Act, as amended*
- *Public Inquiries Act 2009, as amended*

**Formal Complaint Procedure  
Affidavit**

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

AFFIDAVIT OF \_\_\_\_\_  
[Full Name]

I, \_\_\_\_\_ of \_\_\_\_\_  
[full name] [full mailing address]

In the Province of Ontario **MAKE OATH AND AFFIRM:**

1. I have personal knowledge of the facts set out in this affidavit, because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

[insert reasons e.g. I work for ..... I attended the meeting at which ....etc.]

2. I have reasonable and probable grounds to believe that a Member of Adelaide Metcalfe Council \_\_\_\_\_  
[insert name of Member]

Has contravened Section(s) \_\_\_\_\_ of the Code of  
[insert applicable sections of Code of Conduct]

Conduct. The particulars of which are as follows:

**[Set out the statements of fact in consecutively numbered paragraphs below, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits A, B. etc. and attach them to this affidavit.]**

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This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

**SWORN** before me at the Township of \_\_\_\_\_ in the  
County of \_\_\_\_\_ in the  
Province of Ontario on this \_\_\_\_\_  
Day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Signature of Commissioner of Oaths