



POLICY: Code of Conduct for Council, Local Board & Committees

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1. POLICY STATEMENT

- 1.1 Members of Council and local boards of the Township of Severn are committed to the discharge of their duties in a respectful and ethical manner. The Code of Conduct for Members of Council and Local Boards is the instrument through which Council will establish and maintain standards for appropriate conduct. Members understand their responsibility to protect and maintain public trust through adherence to established standards.
- 1.2 The quality of municipal administration and governance is best achieved through the establishment of high standards of conduct. The parameters established in this Code of Conduct will ensure that the integrity of the Township of Severn is upheld.
- 1.3 Key principles which underline the intent of this Code of Conduct are that Members:
 - a) must serve and be seen to serve their constituents in a conscientious and diligent manner;
 - b) must be committed to performing their duties with integrity, without improper use of the influence of their office and without conflicts of interest, both pecuniary interests and non-pecuniary interests;
 - c) are expected to perform their duties in office and manage their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
 - d) must recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
 - e) shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by Council.
- 1.4 The statements listed in 1.3 above are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct.

2. SCOPE

- 2.1 The Code of Conduct for Members of Council and Local Boards applies to:
 - a) each member of Council, in fulfilling their obligation in service to the citizens of the Township of Severn; and
 - b) with necessary modifications, Members of local boards.

3. PURPOSE OF CODE OF CONDUCT

- 3.1 Encouraging and preserving the highest standards of conduct by members of Council promotes an environment of integrity appropriate for their fiduciary role. Honesty and integrity are paramount in the fulfillment of the role of elected officials, and as such, this Code of Conduct sets expectations for members and requires them to conduct themselves in a way that generates community trust and confidence, and also enhances the image of the Township of Severn.

- 3.2 The Code of Conduct for Members of Council identifies the Township's expectations of Council members and provides direction with respect to the underlying principles of the Code by reinforcing that:
- a) decisions are made in an open, accessible, and equitable forum;
 - b) decisions are made through appropriate channels;
 - c) elected office is not used for personal gain;
 - d) interactions between members is respectful and fair, and exemplifies a spirit of goodwill and cooperation; and
 - e) there is a high regard for the integrity of the office.

4. DEFINITIONS

- 4.1 In this Code of Conduct:
- a) "child" means a child born within or outside marriage and includes an adopted child and a person whom a member has demonstrated a settled intention to treat as a child of his or her family;
 - b) "Code of Conduct" means this Code of Conduct for Members of Council and Local Boards;
 - c) "committee" means a Committee of Council established in the Council Procedural By-law.
 - d) "confidential information" includes any information in the possession of, or received in confidence by, the municipality that the municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other law; information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labor relations, litigation, property acquisition or disposition, the security of the property of the municipality or local board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order;
 - e) "Council" means the Council of the Township of Severn, inclusive of Mayor and Deputy Mayor;
 - f) "information" includes a record or document;
 - g) "Member" means a member of the Council, committee or a local board, unless the context otherwise requires, including volunteer members;
 - h) "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;

- i) "parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- j) "person" includes a corporation, partnership, association and any other entity, as the context allows; and
- k) "spouse" means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

5. COMPLIANCE WITH DECLARATION OF OFFICE

- 5.1 Council shall act in accordance with their declarations of office (see Appendix "A").

6. ADHERENCE TO COUNCIL POLICIES AND PROCEDURES

- 6.1 Every Member 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 and affecting the Councillor while acting in his or her capacity as a Member.

7. APPOINTMENT OF INTEGRITY COMMISSIONER

- 7.1 Council shall appoint an Integrity Commissioner to provide advice to Members and investigate alleged breaches of this Code pursuant to section 223.3 of the *Municipal Act, 2001*.

8. GENERAL CONDUCT OF MEMBERS

- 8.1 Every Member has the duty and responsibility to treat members of the public, staff, and each other in an appropriately respectful manner, without abuse, bullying or intimidation. Every Member shall take measures to ensure that the municipal work environment is free from discrimination and harassment.
- 8.2 A Member shall not use indecent, abusive or insulting words or expressions toward any other member, any member of staff, or any member of the public.
- 8.3 A Member shall not 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.

9. CONDUCT AT MEETINGS

- 9.1 Every Member shall conduct himself or herself in an appropriate and civil manner at Council, committee and other meetings, pursuant to the Council Procedural By-law, this Code of Conduct, and other applicable law.

10. CONDUCT AT PUBLIC EVENTS

- 10.1 Members are occasionally requested to make public presentations outside of meetings or attend public events as representatives of the Township of Severn. As such, every Member shall conduct themselves with dignity and decorum, in a manner befitting public expectation.

11. CONDUCT WHEN INTERACTING WITH STAFF

- 11.1 Every Member shall be respectful of the working relationships and reporting responsibilities between staff members. Municipal staff work under the direction of the Chief Administrative Officer and are required to carry out the decisions of Council or Committees in service of the municipal corporation as a whole. Municipal staff are also required to advise Members on legislative and administrative policy with political neutrality and objectivity and without undue influence from any individual Members or any faction of the Council.
- 11.2 Members shall abide by the Council-Staff Relations Policy.
- 11.3 No Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff. Every Member shall show respect for staff, and for their professional capacities and responsibilities.
- 11.4 No Member shall use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public, either directly or by innuendo.
- 11.5 No Member shall compel any member of staff to engage in partisan political activities or subject any member of staff to threat or discrimination for refusing to engage in any such activity.
- 11.6 No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with the person's duties, including the duty to disclose improper activity.

12. CONDUCT DURING ELECTION CAMPAIGN

- 12.1 Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*. No Member shall use confidential information, facilities, equipment, supplies, services or other resources of the municipality, including any Councillor newsletter or website linked through the municipality's website, for any election campaign or campaign-related activity (see also Section 15). No Member shall undertake campaign-related activities on Township property unless authorized by the municipality. No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the municipality.
- 12.2 Every Member shall comply with the Use of Municipal Resources – Municipal Elections Policy.

13. NO IMPROPER USE OF INFLUENCE

- 13.1 No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage or that of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise.

- 13.3 No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties.
- 13.4 No Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council, in return for any action or inaction.
- 13.5 For the purposes of this provision, "private advantage" does not include a matter that:
 - a) is of general application;
 - b) affects a Member, his or her parents, children or spouse, staff members, friends or associates, business or otherwise, as one of a broad class of persons; or
 - c) concerns the remuneration or benefits of a Member.

- 13.6 This provision does not prevent a Member from requesting that council grant a lawful exemption from a policy.

14. CONFIDENTIAL INFORMATION

- 14.1 No Member shall disclose, release or publish by any means to any person or to the public any confidential information, in any form, except when required or authorized by Council or otherwise by law to do so.
- 14.2 Any matter and information pertaining to that matter which has been discussed or debated at a meeting which has been closed to the public, shall remain confidential unless, and until such time as Council, a judicial order, or other legislation authorizes its release.
- 14.3 A Member may disclose the content of any matter which has been discussed or debated at a closed meeting only after Council has discussed or otherwise released the information to the public.
- 14.4 No Member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body. Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
 - a) information concerning litigation, negotiation or personnel matters;
 - b) information which infringes on the rights of any person, such as publication of the identity of a complainant when such information was given in confidence;
 - c) information such as price schedules on a contract, tender or other proposal while the document remains confidential;
 - d) information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*; and
 - e) any other information or statistical data required by law to remain confidential.

- 14.5 No Member shall obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

15. USE OF TOWNSHIP PROPERTY, SERVICES AND RESOURCES

- 15.1 No Member shall use, or permit the use of, municipal land, facilities, equipment, supplies, services, staff or other resource(s), including any municipally-owned information, website, or funds allocated for any purpose or activity other than the lawful business of the municipal corporation.
- 15.2 No Member shall seek or acquire any personal financial gain from the use or sale of confidential information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, or which property remains exclusively that of the municipality.

16. GIFTS AND HOSPITALITY

- 16.1 For the purposes of this Code, a gift or extension of hospitality with the Member's knowledge, to a Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift or extension of hospitality to that Member.
- 16.2 No Member shall accept a fee, advance, gift or offer of hospitality that is connected directly or indirectly with the performance of his or her duties of office, unless permitted under one or more of the exceptions listed in this Section.
- 16.3 Each of the following is recognized as an exception:
- a) compensation or benefit authorized by law or by Council resolution;
 - b) a gift or hospitality of the kind that normally accompanies the responsibilities of office and is 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 a member running for office;
 - d) services provided without compensation by a person volunteering his or her time;
 - e) a suitable memento of a function honouring the member;
 - f) food, lodging, transportation or entertainment lawfully provided by any Provincial, Regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the member is speaking or attending in an official capacity;
 - g) food and beverages consumed at a banquet, reception or similar event, if:
 - i. attendance by the member is for a legitimate municipal purpose,
 - ii. the person extending the invitation, or a representative of the organization holding the event, is in attendance, and

- iii. the value is reasonable and the invitation infrequent;
 - h) communications to the office of a member, including subscriptions to newspapers and periodicals.
- 16.4 In the case of any of the recognized exceptions listed under 17.3 (b), (e), (f), and (h), if the value of the gift or hospitality exceeds \$75.00, or the total value of gifts or hospitality from one source exceeds \$150.00 per calendar year, the Member shall file, by March 31 for the previous year, a disclosure statement with the municipality, as prescribed by the Integrity Commissioner (see Appendix "B").
- 16.5 Every disclosure statement filed under this Code shall be made a public record.
- 16.6 Upon receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or hospitality might, in his or her opinion, constitute a contravention of this Code or create a conflict between a private interest and the public duty or responsibilities of the Member.
- 16.7 In the event that the Integrity Commissioner makes such a determination, he or she shall call upon the member to justify receipt of the gift or hospitality.
- 16.8 Should the Integrity Commissioner determine that receipt of any gift or hospitality was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or hospitality already consumed, forfeit the gift or remit the value of any gift or hospitality already consumed, to the municipality.
- 16.9 Except in the case of exceptions listed under 17.3 (a), (c), and (f), no Member shall accept a gift or hospitality worth in excess of \$200.00, or gifts or hospitality from one source during a calendar year which together are worth in excess of \$300.00.

17. SPONSORSHIPS OR DONATIONS FOR COMMUNITY EVENTS

- 17.1 Selling tickets for a community event is not considered solicitation for the purposes of this Policy.
- 17.2 Members shall, by March 31 for the previous year, including a municipal election year, provide a financial disclosure form to the Integrity Commissioner, listing the sponsorships and donations for each community event for which the Member solicited such sponsorships or donations in excess of \$1000 for a Member solicited sponsorship or donation from in excess of \$500 per individual or corporation. That form shall be a public record.
- 17.3 Sponsorships or donations on behalf of the Corporation of the Township of Severn shall be undertaken in accordance with the Grants Request Policy, as amended.

18. COMMUNICATIONS AND MEDIA RELATIONS

- 18.1 Official information relating to decisions and resolutions of Council shall normally be communicated to the media and the community through the Communications Officer, and official correspondence shall be sent by the Township Clerk or Chief Administrative Officer.

- 18.2 In some instances, Members may be requested to comment on policy, procedure and decisions of Council. In those instances, the information shall be conveyed openly and accurately, unless confidentiality regulations apply.
- 18.3 When making statements to the media or the public, Members shall remain focused on issues, avoiding statements which provoke or challenge another Member, or which might damage the reputation of another Member.
- 18.4 Members shall not make accusatory statements or lay blame. In the event that a Council decision has not unfolded the way it was intended, the information shall be communicated to the public in a forthright manner which identifies the problem and the corrective action.
- 18.5 Members shall accurately and adequately communicate the attitudes and decisions of the Township of Severn Council or local board, even if they don't agree with a decision reached on a particular matter showing respect for the democratic process and showing sense of teamwork within the membership.
- 18.6 Nothing in this section is intended to prevent a Member from outlining their rationale for voting in a particular manner, which may have been contrary to the final decision.

19. STATUTES REGULATING THE CONDUCT OF MEMBERS

- 19.1 In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
 - *Municipal Act, 2001*
 - *Municipal Conflict of Interest Act*
 - *Municipal Elections Act, 1996*
 - *Municipal Freedom of Information and Protection of Privacy Act*
 - *Occupational Health and Safety Act*
- 19.2 The *Criminal Code* of Canada also governs the conduct of Members.
- 19.3 Members may become disqualified and lose their 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.
- 19.4 In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation, the statute or regulation shall prevail.

20. CODE OF CONDUCT BREACHES

- 20.1 Where Council receives a report by its Integrity Commissioner that, in their opinion, there has been a violation of the Code of Conduct, Council may impose upon the offending Member either of the following:
 - a) a reprimand;
 - b) 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.

- 20.2 Council may, on the basis of a recommendation from the Integrity Commissioner, and in addition to the items set out in 20.1, also take any or all of the following corrective or remedial actions, and require that the Member:
- a) provide a written or verbal apology;
 - b) return property or make reimbursement of its value or of money spent;
 - c) be removed from or not be appointed to the membership on a committee of Council;
 - d) be removed from or not be appointed as chair of a committee of Council; and
 - e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

21. COMPLAINT PROTOCOL

- 21.1 Any individual, organization, employee, Member, Council as a whole, or member of the public who has reasonable grounds to believe that a Member has breached this Code, may proceed with a complaint and request an inquiry. Complaints **must be submitted within 6 months** after the alleged violation occurred or submission of the relevant disclosure documentation. No action will be taken on a complaint received beyond this deadline.

Note: If the violation resulting in a complaint is part of a pattern of violation under the Code, the Integrity Commissioner may give consideration to past violations within a 'reasonable time period' with the 'reasonable time period' determined at the sole discretion of the Integrity Commissioner.

- 21.2 The Integrity Commissioner shall not accept a request relating to section 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, 2001*.
- 21.3 Notwithstanding any other provision of this Complaint Protocol, 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, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.
- a) 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 of the same complaint if within six (6) weeks 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, 2001*.

22. COMPLAINT PROCEDURE

- 22.1 A request for an inquiry into an alleged breach shall be made in writing to the Integrity Commissioner for the Township of Severn, setting out the name of the Member who breached the Code of Conduct, the date of the alleged breach, and

a description of how the Code was violated, using the complaint protocol and forms attached as Appendix "C".

- 22.2 The Integrity Commissioner for the Township of Severn will commence an independent inquiry and provide a written report to Council. The Integrity Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under the Act.

23. NO REPRISAL OR OBSTRUCTION RE ENFORCEMENT OF CODE

- 23.1 Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

24. IMPLEMENTATION

- 24.1 At the outset of each term of Council, members shall receive a copy of the Code.
- 24.2 Code of Conduct training shall comprise a portion of the new Council orientation program.
- 24.3 Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when requested by Council.
- 24.4 Clerk Services will provide candidates running for a position on Council with a copy of this Policy when they submit their nomination package.

25. COMMITMENT AND ACKNOWLEDGEMENT

Two Copies of the Code of Conduct are to be acknowledged; one copy to be retained by the Clerk, and one copy to be provided to the member of Council.

I _____, agree to abide by the requirement of this Code of Conduct in the discharge of my duties as an elected official.

I acknowledge that I have read and accept the expectations and responsibilities outlined in this Code of Conduct. I will act with honesty and integrity and conduct myself in a manner which generates public trust and confidence and enhances the image of the Township of Severn.

Signature of Member of Council

Date of Signature



DECLARATION OF OFFICE
(Section 232 of the *Municipal Act, 2001*)

I, xxx(name), having been elected as xxxx(position) in the municipality of **The Corporation of the Township of Severn**, do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.

4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

And I make this solemn promise and declaration conscientiously believing it to be trueand knowing that it is of the same force and effect as if made under oath.

**Declared before me at the
Township of Severn, County of
Simcoe, this _____ day of _____,
_____.**

(name), (postion)

**Alison Gray, Clerk
Commissioner for taking Affidavits**

APPENDIX "B"
TO CODE OF CONDUCT FOR MEMBERS OF COUNCIL & LOCAL
BOARDSCP.01-13-02 September 17, 2014

DISCLOSURE STATEMENT FOR GIFTS OR HOSPITALITY
(To be used pursuant to Section 16)

Recipient's Name: _____

Item Received or Nature of Hospitality: _____

Received From: _____

Date of Receipt: _____ Value or Estimate of Item: _____

Please describe the circumstances under which the Item or Hospitality was received:

Please describe your intentions with respect to the Item or Hospitality:

Do you anticipate transferring the gift or hospitality described above to the
municipality? Yes, immediately _____ Yes, eventually _____ No _____

Recipient's Signature

Date

APPENDIX "C" COMPLAINT PROTOCOL

PART A - INFORMAL COMPLAINT PROCEDURE

1. Any individual who identifies or witnesses 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 Complaint Procedure:
 - (a) 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;
 - (b) advise a third party about the concerns regarding the Member's actions;
 - (c) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - (d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - (e) 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;
 - (f) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to settle or resolve the issue;
 - (g) if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
 - (h) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.
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.
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 role as a mediator/conciliator on issues relating to a complaint.
4. The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in Part B.

PART B - FORMAL COMPLAINT PROCEDURE

Formal Complaints

- 1.(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:
 - (a) all complaints shall be in writing on the prescribed form (Formal Complaint Form # 1) and shall be dated and signed by an identifiable individual (the "complainant");
 - (b) the complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and must set out the evidence in full in support of the allegation; and
 - (c) 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.
- (2) An elector, as defined in section 1 of 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 5, 5.1 or 5.2 of that statute by a Member in accordance with the following requirements:
 - (a) all requests (also referred to as "complaints") shall be in writing on the prescribed form (Complaint Form # 2), dated and signed by an identifiable individual (the "complainant");
 - (b) the request shall include a statutory declaration attesting to the fact that:
 - (i) the complainant became aware of the contravention not more than six (6) weeks before the date of the complaint, or
 - (ii) in the case where the complainant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection 223.4.1(5) of the *Municipal Act, 2001*, that the complainant became aware of the alleged contravention during that period of time;
 - (c) Council may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member and provide a statutory declaration as required by Section 1(2).
- (3) Complainants who file a formal complaint under Sections 1(1) or 1(2) 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.

Filing of Complaint and Classification by Integrity Commissioner

2.(1) The complaint may be filed with:

- (a) the Clerk by hard copy or by e-mail, or
- (b) directly with Integrity Commissioner by a sealed hard copy or email, to the addresses and/or email address(es) set out on the Township's website.

(2) 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 3 or whether it is a request under sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

Complaints Outside Integrity Commissioner's Jurisdiction or Not for Investigation

3.(1) If the complaint, including 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 of the Township's procedure, policy or rule, or the request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

(a) if the complaint is, on its face, an allegation of a criminal nature consistent with the

Criminal Code, the complainant shall be advised that:

- (i) the Integrity Commissioner will refer it to the appropriate police service, or
- (ii) the complainant may pursue it with the appropriate police service if the complainant wishes to pursue any such allegation;

Municipal Freedom of Information and Protection of Privacy Act

(b) 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;

Other Procedure, Policy or Rule Applies

(c) 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 municipal official or staff member; and

Lack of Jurisdiction

(d) if the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (for example, it relates to a decision of Council or a 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.

- (2) If the complaint with respect to non-compliance with the Code of Conduct or the request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, relates to anyof the following matters, the Integrity Commissioner shall advise the complainant in writing as follows:

Matter Already Pending

- (a) 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 his/her sole discretion, suspend any investigation, in whole or in part, pending the result of the other process;

Similar Matter Already Pending

- (b) 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 his/her 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 respectto the complaint in the similar matter; and

Other Ethical Code or Policy Applies

- (c) 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 (for 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 his/her 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.
- (3) Nothing in Section 3 precludes the Integrity Commissioner from reporting to Council any matter summarily dismissed or not otherwise investigated.

Limitation Period

- 4.(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) months 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 complainant's attention within six (6) months of the complaint being filed in accordance with Section 2.
- (2) The Integrity Commissioner shall not accept a request relating to section 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, 2001*.

Refusal to Conduct Investigation

5. 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:
 - (a) is frivolous or vexatious,
 - (b) is not made in good faith,
 - (c) constitutes an abuse of process,
 - (d) discloses no grounds or insufficient grounds for an investigation, or
 - (e) does not warrant a full investigation,

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. The Integrity Commissioner may report the refusal to conduct an investigation to Council.

Opportunities for Resolution

6. Following receipt and review of a formal complaint or at any time during the investigation where the Integrity Commissioner, in his or her 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.

Investigation

- 7.(1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in his or her sole discretion, that no additional information is required, or where otherwise required by the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:

- (a) provide the Member with an outline of the complaint with sufficient particularity to allow the Member to understand the complaint against him or her but the Integrity Commissioner shall not have any obligation to disclose:
 - (i) the identity of the complainant, or
 - (ii) the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner,

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;

- (b) request that the Member provide a written response to the allegations in the complaint to the Integrity Commissioner within ten (10) days;
 - (c) 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) days; and
 - (d) extend the timelines set out above if the Integrity Commissioner deems it necessary to do so in his or her sole and absolute discretion.
- (2) 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 municipal work location relevant to the complaint for the purpose of investigation and potential resolution.
- (3) The Integrity Commissioner may, but is under no obligation, to provide the Member with a draft of the proposed draft report on the complaint.
- (4) 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 to comment to the Integrity Commissioner in writing on any preliminary or proposed finding(s).
- (5) 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.
- (6) 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.
- (7) 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.
- (8) The Integrity Commissioner shall retain all records related to the complaint and investigation but may provide copies of certain records, in confidence, to Township administrative staff who are required to ensure that any such records are securely and confidentially retained.

No Complaint Prior to Municipal Election

- 8.(1) Notwithstanding any other provision of this Complaint Protocol, 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, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.

- (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 of the same complaint if within six (6) weeks 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, 2001*.

Advice Provided to Member by Integrity Commissioner

- 9.(1) Subject to Section 9(2), 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 him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (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 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 him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (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.

Authority to Abridge or Extend

- 10.(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.

Investigation Report

- 11.(1) The Integrity Commissioner shall report to the complainant and the Member no later than ninety (90) days after the official receipt of any complaint under the Code of Conduct. If the investigation process is anticipated to or takes more

than ninety (90) days, the Integrity Commissioner shall provide an interim report to Council and must advise the parties of the approximate date the report will be available. The Integrity Commissioner may also, at his or her discretion, advise any witnesses or other persons of the approximate date the report will be available.

- (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.
- (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 considered by Council.
- (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 his/her discretion and may also include such information as he/she deems necessary in a report or as part of an annual or other periodic report by the Integrity Commissioner.
- (5) The Integrity Commissioner shall complete the investigation under the *Municipal Conflict of Interest Act* no later than one hundred and eighty (180) days after the official receipt of any complaint validly made under Section 1(2) of this Part.

Findings

12.(1) If the Integrity Commissioner determines that:

- (a) there has been no contravention of the Code of Conduct, or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, or
- (b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it, including having sought and followed the advice of the Integrity Commissioner;
 - (ii) it was trivial,
 - (iii) it was committed through inadvertence, or
 - (iv) it resulted from an error in judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including but not limited to, a recommendation of no penalty.

(2) If the Integrity Commissioner:

- (a) considers it appropriate, once he or she has concluded the investigation under Section 1(2) of this Part, he or she 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 5, 5.1 or 5.2 of that statute; or
- (b) does not proceed with an application to the judge, he or she shall so advise the complainant and the Member in writing.

(3) The Integrity Commissioner shall provide a written report to Council providing the reasons for his or her decision under Section 12(2).

Report to Council

- 13.(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.
- (2) 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.

Duty of Council

14. Council shall consider and make a determination on the Integrity Commissioner's report under Section 13 at the same meeting at which the report is tabled.

Public Disclosure

- 15.(1) The Integrity Commissioner and every person acting under his or her 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 by this Complaint Protocol.
- (2) The Integrity Commissioner shall retain all records related to the complaint 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, 2001*.
- (3) The identity of the Member who is the subject of the complaint shall 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 any witnesses, may be disclosed if deemed appropriate and necessary by the Integrity Commissioner or if consented to by the complainant or any other person.
- (4) All reports from the Integrity Commissioner to Council shall be made available to the public by the Clerk.

Delegation by Integrity Commissioner

16. 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.1 of the *Municipal Act, 2001*.

Complaint Protocol Applicable to Local Boards and Members

17. The provisions of this Complaint Protocol shall apply, *mutatis mutandis*, to all local boards of the Township and their members.

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APPENDIX "C"

FORMAL COMPLAINT FORM #1 – COUNCIL CODE OF CONDUCT

This form will be used to request that the Integrity Commissioner review a complaint of an alleged contravention of the Code of Conduct.

Submit completed request to:

Clerk
Township of Severn
1024 Hurlwood Lane
Orillia, ON L3V 6J3

APPLICANT INFORMATION

I am a resident or property owner in the Township of Severn (Please circle one): Yes No	
Last Name:	First Name:
Street Address:	Township/City:
Postal Code:	Phone #:
E-mail Address:	Complaint filed against:

DETAILS OF ALLEGED CONTRAVENTION

Date(s) of alleged contravention:		
Provision(s) of the Code of Conduct allegedly contravened:		
Facts constituting the alleged contravention (please use separate page if required):		
Name(s) and contact information of any witnesses:		
Signature:	Date Prepared: Year: _____	Month: _____ Day: _____

FOR TOWNSHIP OFFICE USE ONLY

Date Received by Township Year: _____ Month: _____ Day: _____	Request #	Comments:
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of responding to a complaint review request.		

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APPENDIX "C"

FORMAL COMPLAINT FORM # 2 – MUNICIPAL CONFLICT OF INTEREST ACT

This form will be used to request that the Integrity Commissioner conduct an inquiry concerning all alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*

Submit completed request to:

Clerk
Township of Severn
1024 Hurlwood Lane
Orillia, ON L3V 6J3

APPLICANT INFORMATION

I am a resident or property owner in the Township of Severn (Please circle one): Yes No	
Last Name:	First Name:
Street Address:	Township/City:
Postal Code:	Phone #:
E-mail Address:	Request respecting the following member:
Note: This form shall be accompanied with a sworn statutory declaration as appended to this Complaint Form as Appendix "1".	

DETAILS OF ALLEGED CONTRAVENTION

Date(s) of alleged contravention:	
Provision(s) of the <i>Municipal Conflict of Interest Act</i> allegedly contravened (i.e. ss. 5, 5.1 or 5.2):	
Name(s) and contact information of any witnesses:	
Signature:	Date Prepared: Year: Month: Day:

FOR TOWNSHIP OFFICE USE ONLY

Date Received by Township Year: Month: Day:	Request #	Comments:
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of responding to a request for an inquiry under s.223.4.1 of the <i>Municipal Conflict of Interest Act</i> .		

APPENDIX "1"
Municipal Conflict of Interest Act – Complaint Form

STATUTORY DECLARATION

I, _____ (first and last name), of
the Township of Severn in the Province of Ontario.

I SOLEMNLY DECLARE THAT:

1. I have reasonable and probable grounds to believe that:

_____ (specify name of Member), a member of the Council of The Corporation of the Township of Severn or a local board of the Township, has contravened section(s) _____ of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50. The particulars of which are attached hereto.

2. I became aware of the facts constituting the alleged contravention not more than six (6) weeks ago and they comprise the following: (use separate page if required)

This declaration is made for the purpose of requesting that this matter be investigated by the Township of Severn's Integrity Commissioner and for no other improper purpose.

DECLARED before me at the _____)
the _____ of _____ on _____)

)

(Signature)

A Commissioner for taking affidavits etc.

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