



AGENDA

Ad-Hoc Committee for Code of Conduct

May 23, 2018 10:00 am

Council Chambers, Town Hall

- 1. CALL TO ORDER**
- 2. DECLARATIONS OF PECUNIARY INTEREST**
- 3. AMENDMENTS AND APPROVAL OF THE AGENDA**

THAT the May 23, 2018 Ad-Hoc Committee for Code of Conduct meeting agenda be accepted as presented.

4. REPORT

4.1 CAO 18-2018 Draft Council Code of Conduct

THAT CAO 18-2018 regarding the Draft Code of Conduct be received for discussion.

5. ADJOURNMENT

THAT this Ad-Hoc Committee for Code of Conduct meeting be adjourned at _____am.

FORMAL REPORT

To:	Mayor Strathdee and Members of the Code of Conduct Committee
Prepared by:	Brent Kittmer, CAO/Clerk
Date of Meeting:	23 May 2018
Subject:	CAO 18-2018 Draft Council Code of Conduct

PURPOSE

The purpose of this report is to present a draft Council Code of Conduct to the ad-hoc Code of Conduct Committee. Staff is seeking the Committee's input on the draft with the intent to present a final draft of the code to the Strategic Priorities Committee on June 19, 2018.

RECOMMENDATION

THAT CAO 18-2018 regarding the Draft Code of Conduct be received for discussion.

BACKGROUND

Through Bill 68, the Province of Ontario made several amendments to the Municipal Act in an effort to help local governments be more open, flexible and accountable to the people they serve.

One of the amendments to the Municipal Act was to Section 223.2(1) – Codes of Conduct. The amendment now requires all municipal Councils in Ontario to establish a Code of Conduct for the members of Council and its local boards. This requirement comes into force as of March 1, 2019 meaning that Town Council must have adopted a Code of Conduct on or before that date.

Section 223.2(4) sets out that the Province can make regulations that prescribe the minimum requirements of a Code of Conduct. The Province has done just that through the passing of O. Reg. 55/18. This regulation requires Codes of Conduct to meet the following minimum requirements:

For the purposes of section 223.2 of the Act, the following are the prescribed subject matters that a municipality is required to include in the codes of conduct for members of the council of the municipality and of its local boards:

- 1. Gifts, benefits and hospitality.*
- 2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be.*
- 3. Confidential information.*
- 4. Use of property of the municipality or of the local board, as the case may be.*

In addition to the above, Bill 68 amended Section 270 (1) – Adoption of Policies. The Municipal Act now requires Council to adopt a policy which addresses the relationship between members of council and the officers and employees of the Town.

REPORT

Council has established an ad-hoc committee consisting Mayor Strathdee and Councillors Craigmile, Pope and Van Galen to review and recommend a draft Code of Conduct for Council.

Attached to this report is a draft Code of Conduct compiled by the CAO/Clerk for the ad-hoc committee's review. The draft Code of Conduct is a hybrid reflecting:

- All applicable legislative requirements.
- A draft Code of Conduct prepared for the Town by Siskinds in 2015 at the instruction of the interim-CAO.
- Best practices gathered from other example Codes of Conduct, most notably the City of Toronto (considered to be the template Code of Conduct in the province).
- Best practices gathered from advice from Amberley Gavel (Nigel Bellchamber and Fred Dean).

The draft Code of Conduct has also been written to satisfy the requirements of Section 270(1) of the Municipal Act which requires a Council-Staff relations policy.

SUMMARY

It is not staff's role to dictate the conduct by which Council should conduct themselves and their business. Adopting a Code of Conduct is a Council driven process, that is now a requirement of the Municipal Act.

The draft Code of Conduct attached to this report exceeds the minimum requirements of the Municipal Act, and is reflective of the existing best practices found in the industry.

Staff is seeking the Committee's input on the draft with the intent to present a final draft of the code to the Strategic Priorities Committee on June 19, 2018.

FINANCIAL IMPLICATIONS

None.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

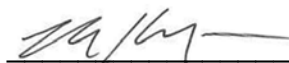
None.

ATTACHMENTS

1. Draft Council Code of Conduct

REVIEWED BY

Recommended by the CAO



Brent Kittmer
CAO / Clerk



CORPORATION OF THE TOWN OF ST. MARYS

COUNCIL CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct is to meet the requirements of Section 223.2 of the *Municipal Act*, and the requirements of O. Reg 55/18.

This Code of Conduct shall serve as Council's policy governing the relationship between members of Council and the staff of the Town of St. Marys as required under Section 207(1) of the *Municipal Act*.

The Code of Conduct acts to complement the following legislation and the applicable regulations governing the conduct of Members and helps to ensure that all Members share a common basis for acceptable conduct:

- *Municipal Act*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Provincial Offences Act*
- Ontario Human Rights Code
- Criminal Code of Canada
- by-laws and policies of Council as adopted and amended from time to time, including but not limited to:
 - Respect in the Workplace policy
 - Municipal Elections procedures

This Code of Conduct shall apply to all Members of Town Council, and to any members of the public that are appointed as representatives of the Town to a board and/or committee.

DEFINITIONS

1. For the purpose of this Code of Conduct the following terms have the meanings set out below:

- a. “Apparent Conflict of Interest” means a reasonable person would think or perceive that the Member’s judgment and impartiality is likely to be compromised by the Member’s private interest when performing an official duty;
- b. “Child” means be the same meaning as set out in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time;
- c. “Code of Conduct” or “Code” means this Town of St. Marys’ Code of Conduct;
- d. “Committee” means any committee that may be established by Town Council from time to time as defined in the Town’s Procedure By-Law;
- e. “Complaint” means an alleged contravention of the Code of Conduct;
- f. “Confidential Information” means, but is not limited to, the following:
 - any information in the possession of, or received in confidence by the Town, that the Town is prohibited from disclosing, or had decided to refuse to disclose under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, or any other applicable law;
 - information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel labour relations, litigation, property acquisition, the security of the property of the Town or a local board or committee; any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order;
 - a matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open Council or it is authorized to be released by Council, local board, committee or otherwise by law;
 - Reports of consultants, draft documents and internal communications, that, if disclosed may result in prejudice to the reputation of the Town, its officers and staff, or its effective operation;
 - Information concerning litigation, negotiation or personnel matters;
 - Information, the publication of which may infringe on the rights of any person (for example, the course of a Complaint where the identity of a Complaint is given in confidence).
- g. “Integrity Commissioner” means the person or organization appointed by Town Council By-law in accordance with section 223 of the *Municipal Act* and who is

- responsible for performing in an independent manner the functions assigned by the Town with respect to the application of the Code of Conduct for members of Council, local boards and committees;
- h. “Lobbyist” means a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional business, industry, trade or labour organization, or a consultant or voluntary lobbyist who arranged meetings between a member and any other person for the purpose of lobbying;
 - i. “Members” or “Member” means Members of St. Marys Town Council, members of Council Committees, and members of all local boards as defined in section 223 of the *Municipal Act*;
 - j. “Parent” means the same meaning as set out in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time;
 - k. A “Potential Conflict of Interest” means a situation that may develop into an actual conflict of interest;
 - l. “Private Advantage” for the purposes of this Code, does not include a matter that:
 - is of general application or considered to be an interest in common generally with the electors within the jurisdiction of an area; or
 - concerns the remuneration or benefits of Members.
 - m. “Real Conflict of Interest” means where a member has an actual interest in a matter which clashes with the member’s public duties, or as defined in the *Municipal Conflict of Interest Act*;
 - n. “Spouse” shall be the same meaning as set out in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time.

KEY PRINCIPLES

- 2. The key principles that underlie this Code of Conduct include:
 - a. Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
 - b. Members will conduct their dealings with each other in ways that maintain public confidence in the position to which they have been elected or appointed, and shall refrain from making disparaging remarks about other Members, staff, members of the public, or decisions of Council and/or its committees and local boards;

- c. Members shall be committed to performing their functions with integrity and to avoiding any improper or inappropriate use of the influence of their office, and avoid conflicts of interest, whether it be an Apparent, Potential, or Real Conflict of Interest;
- d. It shall be the duty of the Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member;
- e. Each Member, in exercising his or her powers and in discharging his or her official duties, shall:
 - i. Seek to advance the common good of the Town of St. Marys;
 - ii. Truly, faithfully and impartially exercise his or her office to the best of his or her knowledge and ability;
 - iii. Exercise care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
 - iv. Exercise his or her powers only for the purpose for which they were intended; and
 - v. Competently exercise his or her office by educating themselves, either formally or informally, in matters pertaining to their official duties.

GIFTS, BENEFITS, AND HOSPITALITY

- 3. No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties, unless permitted by one of the exceptions listed below.
- 4. For these purposes, a fee or advance paid to, or a gift or benefit provided with the Member's knowledge to a Member's Spouse, Child or Parent or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.
- 5. The following are recognized as exceptions to the restrictions set out in sections 3 and 4 above:
 - a. compensation authorized by by-law;
 - b. gifts, benefits, or hospitality that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - c. a political contribution otherwise reported by law, in the case of Members running for office;

- d. donations toward charitable events or causes, including municipal projects and other municipal undertakings;
 - e. services provided without compensation by persons volunteering their time;
 - f. a suitable memento of a function honouring the Member;
 - g. food, lodging, transportation and entertainment provided by provincial, regional and local governments, by the Federal Government or by a foreign country, or by a conference, seminar or event organization where the Member is either speaking or attending in an official capacity;
 - h. food and beverages consumed at banquets, receptions or similar events, if:
 - attendance serves a legitimate municipal purpose;
 - the person extending the invitation or a representative of the organization is in attendance; and
 - the value is reasonable and attendance is infrequent.
 - i. communication to the offices of a Member including subscriptions to newspapers and periodicals.
6. With the exception of section 5(c), political contributions allowable by law, however, these exceptions do not apply where such gifts or benefits are provided by Lobbyists or their client or employers.
7. Members shall disclose the receipt of certain gifts, benefits, and hospitality if the dollar value of a single gift, benefit, or hospitality exceeds \$200 or if the total value of gifts, benefits, and hospitality received from one source in a calendar year exceeds \$200. The Member shall within thirty (30) days of receipt of the gift, benefit, or hospitality or within thirty (30) days of reaching the annual limit, file a disclosure statement with the Town Clerk (attached as Schedule C). All disclosure statements will become a matter of public record.
8. Except in the case of sections 5 (a), (c), (f) and (i), a member shall not accept a gift, benefit, or hospitality worth in excess of \$500,
9. Except in the case of sections 5 (a), (c), (f) and (i), a member shall not accept gifts, benefits, or hospitality that total more than \$500 from a single source, person, organization, party (et cetera) during a calendar year.

IMPROPER USE OF INFLUENCE

10. No Member shall use the influence of his or her office, or information gained in the execution of his or her duties that is not available to the general public, for any purpose other than the exercise of his or her official duties.
11. Examples of prohibited conduct include but are not limited to the use of one's status as a Member to improperly influence the decision of another person to the Private Advantage of oneself or one's Parents, Child or Spouse, staff, friends or associates, business or otherwise:
 - a. attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties;
 - b. the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.

BUSINESS RELATIONS

12. No Member shall act as a Lobbyist before Council, its committees, or a local board of the Town except in compliance with the terms of the *Municipal Conflict of Interest Act*. A Member shall not refer to a third party, partnership or corporation in exchange for payment or other personal benefit.
13. No Member shall act as a paid agent before Council, its committees or a local board of the Town except in compliance with the terms of the *Municipal Conflict of Interest Act*, as amended.
14. No Member shall allow the prospect of his or her current or future employment by a person or entity to detrimentally affect the performance of his or her duties for the Town.

CONFIDENTIALITY

15. No Member shall disclose, release or publish by any means to any person or to the public any Confidential Information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise required by law to do so.
16. Under the Procedure By-law, as amended, a matter that has been discussed at an in-camera (closed) meeting remains confidential. No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.
17. No Member shall access or attempt to gain access to Confidential Information in the custody of the Town unless it is necessary for the performance of their duties and not prohibited by Council policy.

18. 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.

CONDUCT WHILE REPRESENTING THE TOWN

19. Members shall make every effort to participate diligently in the activities of Council, its local boards and committees to which they are appointed.
20. No Members shall make disparaging remarks about other Members, staff, members of the public, or decisions of Council and/or its committees and local boards.
21. Members will accurately and adequately communicate the rationale and decisions of Council, even if they disagree with a majority decision of Council.

CONDUCT AT MEETINGS

22. Members shall conduct themselves with decorum and civility in accordance with the provisions of the Town's Procedure By-law, as amended, show courtesy and respect to delegations, fellow Members and staff, and not distract from the business of the Town during presentations and when other Members have the floor.

CONDUCT RESPECTING STAFF

23. This Code of Conduct shall serve as Council's policy governing the relationship between members of Council and the staff of the Town as required under Section 207(1) of the Municipal Act.
24. All Members are subject to the provisions of the Town's "Respect in the Workplace" policy as it relates to their day to day interactions with staff of the Town.
25. Only Council as a whole has the authority to direct staff, approve budgets, policies, committee processes and other matters. Members are not permitted to individually direct the actions of staff, except and only as authorized by Council.
26. Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the Town under the direction of the Chief Administrative Officer, and serve Council as a whole.
27. Members shall be respectful of the role of staff to provide advice and recommendations based on their professional expertise and corporate perspective.
28. Members shall be respectful of the role of staff to provide advice and recommendations with political neutrality and objectivity are without any undue influence from any individual Member or group of Members.
29. No Member shall publically criticize individual staff, or maliciously or falsely injure the professional or ethical reputation of staff, in such a way that calls into question the professional competence or credibility of staff.

30. All Members shall have respect for the professional capacities of the staff of the Town.
31. 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.
32. No Member shall 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.

COMPLIANCE WITH TOWN POLICIES AND BY-LAWS

33. This Code operates in conjunction with, and as a supplement to, existing and future policies of the Town that may from time to time apply to Members.
34. Members shall observe the terms of all Town by-laws, policies and procedures detailed in such policies established by Council or deemed to apply to Council. This provision does not however prevent a Member from requesting that Council grant an exemption from a policy, other than this Code.

HARASSMENT

35. All Members have a duty to treat the public, one another and staff in an appropriate manner without abuse, bullying or intimidation. All Members shall ensure that their work environment is free from discrimination and of harassment.
36. The Ontario Human Rights Code and the Town's "Respect in the Workplace" shall apply to Members to create a workplace free from harassment and discrimination.
37. Members shall abide by the provisions of the Ontario Human Rights Code, as may be amended and replaced from time to time, and shall treat every person, including other Members, staff, individuals providing services on a contract for service and the public, with dignity, understanding and respect.
38. No Members shall discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
39. Harassment that occurs in the course of, or is related to, the performance of any duties by a Member for, or on behalf of, the Town of St. Marys is subject to this Code of Conduct. In the event a staff or member of the public brings forward a harassment Complaint against a Member, the Complaint procedure under the Town's "Respect in the Work Place" policy shall be administered by the Integrity Commissioner.

USE OF TOWN PROPERTY, SERVICES, AND OTHER RESOURCES

40. Members must not use Town staff, property, equipment, supplies, services, or other resources which are not available to the general public or for activities other than the business of the Town.

CONFLICT OF INTEREST

41. No Member shall discharge any official duty or participate in any meeting of Council or its committees or local boards where she or he has a Real, Apparent, or Potential Conflict of Interest.

ELECTION CAMPAIGN WORK

42. Members are required to follow the provisions of the *Municipal Elections Act* and any election procedures as may be set by the Clerk
43. No Member shall use the facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign-related activities.
44. No Member shall undertake campaign-related activities on Town property or in Town facilities unless permitted by Town policy (e.g., all candidates meetings).
45. No Member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the Town.

INTEGRITY COMMISSIONER

46. Pursuant to section 223.3 of the *Municipal Act*, the Town of St. Marys shall appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the Town with respect to any or all of the following:
 - a. the application of the Code of Conduct for Members;
 - b. the application of any procedures, rules and policies of the Town and local boards governing the ethical behaviour of Members;
 - c. the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members;
 - d. requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member;

- e. requests from Members for advice respecting their obligations under a procedure, rule or policy of the Town or of the local board, as the case may be, governing the ethical behaviour of Members;
- f. requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*;
- g. the provision of educational information to Members and the public about the Town's Codes of Conduct for Members and about the *Municipal Conflict of Interest Act*;
- h. assessing and investigating formal written Complaints respecting alleged contraventions of this Code of Conduct;
- i. providing Council, through the Town Clerk, with reports resulting from the investigations of the Integrity Commissioner and any other reports prepared above the informal and formal Complaint procedure.

COMPLAINT PROCEDURE

- 47. Any organization or individual, including the public, Town staff and Members who has/have reasonable grounds to believe that a Member has breached a provision of this Code of Conduct, may proceed with a Complaint.
- 48. Complaints must be submitted within a period of six (6) weeks of the matter becoming known to the individual and no more than six (6) months after the alleged violation. No action will be taken on any Complaints received beyond these deadlines.
- 49. The times lines established in section 48 do not apply if both of the following are satisfied:
 - a. The complainant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, and ending on voting day in a regular election, as set out in the *Municipal Elections Act*.
 - b. The complainant applies to the Integrity Commissioner within six (6) weeks after the day after voting day in a regular election, as set out in the *Municipal Elections Act*.
- 50. A Complaint does not have to pursue the informal Complaint process set out below prior to proceeding with a formal Complaint.
- 51. The Complaint procedure shall not apply retroactively to any alleged contraventions of this Code prior to the date on which the Code of Conduct was formally enacted by Council.

Informal Complaints

52. Any party who has identified and/or witnessed any behaviour or activity by a Member that appears to be in contravention of this Code of Conduct may engage in the following informal process:
- a. advise the Member that their behaviour or activity is unacceptable and appears to contravene the Code of Conduct;
 - b. encourage the Member to stop the prohibited behaviour or activity;
 - c. if applicable, confirm to the Member their satisfaction or dissatisfaction with his or her response to the concern identified;
 - d. keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including any steps taken to resolve the matter.

If the complainant is not satisfied with the response received through the informal process, an individual may proceed with a formal Complaint through the procedure set out below.

Formal Complaints

53. Any party who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of this Code may have their concerns addressed through the formal Complaint process set out below:
- a. all formal Complaints must be made in writing on the forms attached hereto as Schedule A and Schedule B, setting out the reasonable and probable grounds for the allegation that a member has contravened the Code of Conduct;
 - b. formal Complaints must be signed by the complainant (which includes the authorized signing officer of an organization if an organization is the complainant), but the identity of the complainant shall be disclosed only to the Integrity Commissioner and the Town Clerk;
 - c. all formal Complaints must be filed with the Town Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is a Complaint with respect to non-compliance with the Code of Conduct and not covered by any other applicable legislation or Town policies or by-laws;
 - d. any witnesses in support of the allegation must be identified on the Complaint form;
 - e. the formal Complaint must include the name of the Member alleged to have breached the Code of Conduct, the section of the Code of Conduct that was allegedly contravened, the date, time and location of the alleged contravention;

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

COMPLAINT CLASSIFICATION / REFERRAL

- 54. If, after reviewing the Complaint, the Integrity Commissioner determines that it does not appear to be a Complaint with respect to non-compliance with this Code, the Integrity Commissioner shall advise the complainant in writing that if the Complaint is an allegation of:
 - a. a criminal nature under the Criminal Code, the complainant must pursue such allegation with the appropriate authorities;
 - b. non-compliance with a more specific Town policy or by-law with a separate Complaint procedure, the matter will be processed under that procedure.

INQUIRY PROCEDURE

- 55. If a Complaint has been filed and classified as being within the jurisdiction of the Integrity Commissioner, the Integrity Commissioner shall investigate and may attempt to resolve the Complaint;
- 56. Except where otherwise required, the Integrity Commissioner shall:
 - a. serve the Complaint and supporting material upon the Member whose conduct is in question with a request that the Member may file a written response to the allegation with the Integrity Commissioner within ten (10) days of the date of service upon the Member;
 - b. on receipt of the Member's response, serve the complainant with a copy of the Member's written response with a request that the complainant provide a written reply within ten (10) days;
 - c. interview any individuals or examine any documents relevant to the Complaint.
- 57. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation or shall terminate the investigation if it becomes apparent in the course of an investigation.
- 58. If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in *Municipal Elections Act*, the Integrity Commissioner shall terminate the inquiry on that day.
- 59. If an inquiry is terminated under section 58 the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular

election, as set out in the *Municipal Elections Act*, the party who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

60. The following rules apply during the period of time starting on nomination day for a regular election, and ending on voting day in a regular election, as set out in the *Municipal Elections Act*:
- a. There shall be no requests for an inquiry about whether a Member has contravened the Code of Conduct.
 - b. The Integrity Commissioner shall not report to the Town or local board about whether, in his or her opinion, a Member has contravened the Code of Conduct.
 - c. The Town or local board shall not consider whether to impose penalties on a Member.

INVESTIGATION REPORT

61. The Integrity Commissioner shall:
- a. report the general findings of his/her investigation to the complainant and the Member no later than ninety (90) days after receiving a formal Complaint;
 - b. allow the Member at least ten (10) days to respond in writing to the Integrity Commissioner on his or her findings and any recommended correction actions or sanctions;
 - c. indicate when the Integrity Commissioner anticipates his or her final report to Council;
 - d. file his or her report with Town Council.
62. Where the Complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining his or her findings and/or recommended corrective action(s).
63. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct, or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and recommend the appropriate penalty, if any, to be imposed.

COUNCIL'S CONSIDERATION OF INTEGRITY COMMISSIONER'S REPORT

64. Within thirty (30) days of receipt of an investigation report from the Integrity Commissioner, Council shall consider the report at a meeting of Council. The Integrity Commissioner's report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been submitted to the members of Council.
65. Council shall consider and respond to the report within ninety (90) days after the day the report is submitted.

PENALTIES / RECOMMENDATIONS OF INTEGRITY COMMISSIONER

66. The *Municipal Act* authorizes Council to impose either of two penalties on Members following a report by the Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct:
 - a. reprimand; or
 - b. suspension of the remuneration paid to the Member in respect of his or her services as a member of Council, Committee or Board, as the case may be, for a period of up to ninety (90) days.

CONFIDENTIALITY OF COMPLAINT DOCUMENTS

67. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Town or not, that have come into their possession or to their knowledge during the course of their duties.
68. In the Integrity Commissioner's report to Council on an investigation into an alleged breach of this Code of Conduct, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
69. If the Integrity Commissioner issues an annual and/or interim report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose Confidential Information that could identify a person concerned.

INTERIM, ANNUAL AND OTHER REPORTS

Interim Reports

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

Annual Reports

71. The Integrity Commissioner shall report annually to Council on:
- a. Complaints not within the jurisdiction of the Integrity Commissioner;
 - b. Complaints deemed to be frivolous, vexatious, and not made in good faith, where there are no or insufficient grounds;

but shall not disclose information that could identify a person concerned.

If no Complaints are received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

VACANCY – INTEGRITY COMMISSIONER

72. Should the Office of the Integrity Commissioner become vacant, the Code of Conduct shall remain in full force and effect and all Members shall abide by the provisions set out therein. When the office of the Integrity Commissioner is vacant, all formal Complaints shall be held in abeyance until such time as an Integrity Commissioner has been appointed, or an interim measure enacted to enable the Complaint to be addressed within a reasonable amount of time.

REPRISALS AND OBSTRUCTION

73. Members shall respect the integrity of this Code. Any reprisal or threat of reprisal against a complainant or anyone providing relevant information to the Integrity Commissioner is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his or her responsibilities.

INTERPRETATION

74. Members may seek advice from the Integrity Commissioner respecting: their obligations under this Code of Conduct; their obligations under a procedure, rule or policy of the Town or of the local board, as the case may be, governing the ethical behaviour of Members; and their obligations under the *Municipal Conflict of Interest Act*.
75. Members may not seek the advice on a matter which is the subject of an ongoing investigation of the matter by the Integrity Commissioner.
76. A request by a Member for advice from the Integrity Commissioner shall be made in writing.
77. If the Integrity Commissioner provides advice to a Member, the advice shall be in writing.
78. If the Integrity Commissioner provides educational information to the public, the Integrity Commissioner may summarize advice he or she has provided but shall not disclose Confidential Information that could identify a person concerned.

TOWN OF ST. MARYS

SCHEDULE A

COUNCIL CODE OF CONDUCT – FORMAL COMPLAINT FORM/AFFIDAVIT

AFFIDAVIT OF _____ (full name)

I, _____ (full name), of the (City, Town etc.)

_____ of _____ (municipality of residence) in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

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

(insert reasons e.g. I work for... I attended a meeting at which... etc.)

2. I have reasonable and probable grounds to believe that a Member
_____ (specify name of member)

Has contravened section (s) _____ (specify section(s))

of the Council Code of Conduct of the Town of St. Marys. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support this Complaint, please refer to the exhibits as Exhibit A, B etc. and attach them to this affidavit.)

Please see the attached Schedule B (Additional Information)

This affidavit is made for the purpose of requesting that this matter be reviewed by the County of Perth appointed Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the _____)

_____)	
(City, Town etc. of))	
)	
in the Province of Ontario on)	
)	
_____ (date))	
)	_____
_____)	
(Signature of Commissioner)		(Signature)
A Commissioner for taking affidavits etc.		

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

TOWN OF ST. MARYS

SCHEDULE B ADDITIONAL INFORMATION

To the affidavit required when making a Complaint under the Council Code of Conduct.

(If more than one page is required, please copy this blank page and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

This Schedule A referred to in the affidavit of

_____ (full name)

Sworn (or Affirmed) before me on this _____ day

of _____, 20_____.

A Commissioner for taking affidavits, etc.

TOWN OF ST. MARYS

Council Code of Conduct

Schedule C – Gifts, Benefits, and Hospitality Disclosure Statement

The Council Code of Conduct requires Members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift, benefit or hospitality exceeds \$200 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$200. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

Nature of Gift, Benefit or Hospitality Received:

Source of Gift, Benefit or Hospitality:

Circumstances Under Which Gift, Benefit or Hospitality Received:

Estimated Value of Gift, Benefit or Hospitality:

\$ _____

Date Gift, Benefit or Hospitality Received:

Name of Member: _____

Signature of Member: _____ **Date:** _____

Date Statement Received by Clerk: _____