



AGENDA
Special Meeting of Council

December 18, 2018

9:00 am

Municipal Operations Centre
408 James Street South, St. Marys

Pages

1. **CALL TO ORDER**
2. **DECLARATION OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF AGENDA**

RECOMMENDATION

THAT the December 18, 2018 special meeting of Council agenda be accepted as presented.

4. **SPECIAL MATTERS OF COUNCIL**

4.1 **Council Training - Roles and Responsibilities (Nigel Bellchamber and Fred Dean, Amberley Gavel)**

4.2 **Council Training - Code of Conduct (John Mascarin, Integrity Commissioner, Aird Berlis LLP)**

3

5. **UPCOMING MEETINGS**

January 8, 2019 - 6:00pm, Regular Council, Council Chambers

January 15, 2019 - 9:00am, Budget, Council Chambers

January 22, 2019 - 6:00pm, Regular Council, Council Chambers

January 29, 2019 - 9:00am, Budget, Council Chambers

6. CONFIRMATORY BY-LAW

25

RECOMMENDATION

THAT By-Law 97-2018, being a by-law to confirm the proceedings of December 18, 2018 regular Council meeting be read a first, second and third time; and be finally passed and signed and sealed by the Mayor and the Clerk.

7. ADJOURNMENT

RECOMMENDATION

THAT this special meeting of Council adjourn at _____pm.



CORPORATION OF THE TOWN OF ST. MARYS

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

PURPOSE

The purpose of the Code of Conduct is to establish ethical guidelines for Members of the Council of The Corporation of Town of St. Marys and its Local Boards in accordance with the requirements of section 223.2 of the *Municipal Act, 2001* and O. Reg. 55/18.

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, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Provincial Offences Act*
- *Human Rights Code*
- *Criminal Code*
- 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

Any statute, regulation, by-law or policy referred to herein shall include any amendments, consolidation, replacement or re-enactment.

The Code of Conduct applies to all Members of the Council, including the Mayor and, unless specifically provided, with necessary modifications to all Local Boards.

KEY PRINCIPLES

1. The following key principles underlie the Code of Conduct and are intended to guide Members and to assist with the interpretation of the Code of Conduct:
 - a. Members are at all times representatives of and shall serve and be seen to serve their constituents in a conscientious and diligent manner;
 - b. Members shall conduct their dealings with each other and the public so as to always maintain public confidence in the position to which they have been elected or appointed;
 - c. Members shall commit to perform their functions with integrity and to avoid any improper or inappropriate use of the influence of their office and to avoid any Conflict of Interest, whether it be an Apparent Conflict of Interest, Potential Conflict of Interest, or Real Conflict of Interest;
 - d. Members shall abide by all applicable legislation, policies and procedures pertaining to their position as a Member;
 - e. Members shall, in exercising their powers and in discharging their official duties:
 - i. seek to advance the common good of the Town,
 - ii. truly, faithfully and impartially exercise their office to the best of their knowledge and ability,
 - iii. exercise care, diligence and skill that a reasonably prudent person to public office would exercise in comparable circumstances,
 - iv. exercise their powers only for the purpose for which they were intended, and
 - v. competently exercise their office by educating themselves, either formally or informally, in matters pertaining to their official duties.

DEFINITIONS

2. For the purpose of the Code of Conduct the following terms have the meanings set out below:
 - a. "Apparent Conflict of Interest" means a situation where it could be perceived, or appears, that the Member's personal or private interests could improperly influence the performance of his or her official duties;
 - b. "Code of Conduct" means the Town of St. Marys' Code of Conduct for Members of Council and Local Boards;

- c. "Committee" means any committee that may be established by Council from time to time as defined in the Town's Procedure By-Law;
- d. "Complaint" means an alleged contravention of the Code of Conduct filed in accordance with the provisions hereof;
- e. "Complainant" means the person who has filed a formal Complaint in accordance with Section 48;
- f. "Confidential Information" means, but is not limited to, the following:
 - i. 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,
 - ii. 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,
 - iii. 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 an open meeting of Council or Local Board or it is authorized to be released by Council, Local Board, Committee or otherwise by law,
 - iv. 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,
 - v. information concerning litigation, negotiation or personnel matters, and
 - vi. 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. "Conflict of Interest" means a situation in which a Member has competing interests or loyalties between the Member's personal or private interests and his or her public interests as an elected or appointed representative such that it might influence his or her decision in a particular matter, but does not mean a direct, indirect or deemed pecuniary interest as governed by the *Municipal Conflict of Interest Act*;

- h. "Council" means the council for the Town and includes, as the context may require and with all necessary modifications, any Town committee, agency, board or commission;
- i. "Clerk" means the Clerk of the Town;
- j. "Family" means a Member's "parent", "child" or "spouse" as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*;
- k. "Inquiry" means an application for an inquiry by an elector or a person demonstrably acting in the public interest concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member;
- l. "Integrity Commissioner" means the person or organization appointed by Council by by-law in accordance with section 223.3(1) of the *Municipal Act, 2001* and who is responsible for performing in an independent manner all of the functions set out in subsection 223.3(1) and such additional duties and responsibilities as may be from time to time assigned by Council;
- m. "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;
- n. "Local Board" means a "local board" as defined in section 1 and as further defined in section 223.1 of the *Municipal Act, 2001*;
- o. "Member" means a member of Council or a Local Board, including a members of any Committee;
- p. "Potential Conflict of Interest" means a situation where a Member has personal or private interests that could conflict with his or her official duties in the future and expressly incorporates the concept of foreseeability;
- q. "Private Advantage" 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;
- r. "Real Conflict of Interest" means where a member has an actual Conflict of Interest, other than a direct, indirect or deemed pecuniary interest as governed by the *Municipal Conflict of Interest Act*;
- s. "Town" means The Corporation of the Town of St. Marys.

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 in Section 5.
4. For the purpose of Section 3, a fee or advance paid to, or a gift or benefit provided with the Member's knowledge to a Member's Family 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 a Member 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:
 - i. attendance serves a legitimate municipal purpose,
 - ii. the person extending the invitation or a representative of the organization is in attendance, and
 - iii. 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, which relates to properly reported political contributions, the exemptions listed in Section 5 do not apply in circumstances where the gift or benefit is provided by a Lobbyist or a Member's client or employer.
7. A Member shall disclose the receipt of gifts, benefits, and hospitality if either 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, within thirty (30) days of receipt of the gift, benefit, or hospitality or within thirty (30) days of reaching the annual limit by filing a disclosure statement with the Clerk (attached as Schedule C). All disclosure statements shall become a public record, and shall be disclosed upon a request being filed with the Clerk.
8. Except in the case of Section 5 a, c, f and i, a Member shall not accept a gift, benefit or hospitality worth in excess of \$500 or any gifts, benefits or hospitality that total more than \$500 from a single source, person, organization, party or entity during a calendar year.

IMPROPER USE OF INFLUENCE

9. 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. No Members shall hold out their status as a Member to:
 - a. improperly influence the decision of another person to the Private Advantage of the Member's Family, staff, friend or associate, business or otherwise;
 - b. secure preferential treatment beyond activities in which a Member normally engages as part of his or her official duties;
 - c. hold out the prospect or promise of future advantage through a Member's supposed influence within Council, Committee or Local Board in return for present actions or inaction.

BUSINESS RELATIONS

10. No Member shall act as a Lobbyist before Council, Committee, or Local Board except in compliance with the terms of the *Municipal Conflict of Interest Act*. No Member shall refer to a third party, partnership or corporation in exchange for payment or other personal benefit.
11. No Member shall act as a paid agent before Council, Committee or Local Board except in compliance with the terms of the *Municipal Conflict of Interest Act*.

12. No Member shall allow the prospect of his or her current or future employment by a person to detrimentally affect the performance of his or her duties for the Town.

CONFIDENTIALITY

13. 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, a Local Board or otherwise required by law to do so.
14. No Member shall disclose the content of any matter that has been discussed at an in-camera (closed) meeting or the substance of deliberations until the Council, Committee or Local Board discloses the matter at a meeting that is open to the public or otherwise releases the information to the public.
15. No Member shall access or attempt to gain access to Confidential Information in the custody of the Town or Local Board unless it is necessary for the performance of his or her duties and not prohibited by Council or Local Board policy.
16. 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

17. A Member shall make every effort to participate diligently in the activities of Council, its Local Boards and Committees to which they are appointed.
18. No Member shall make disparaging remarks about another Member, staff or any member of the public.
19. No Member shall make any disparaging remarks or comments about any decision of Council, Committee or Local Board, notwithstanding the Member's right to disagree with a decision in a respectful manner.
20. A Member shall accurately and adequately communicate the rationale and decisions of Council, even if they disagree with a majority decision of Council.

CONDUCT AT MEETINGS

21. A Member shall conduct them self with decorum and civility in accordance with the provisions of the Town or Local Board's Procedure By-law, show courtesy and respect to delegations, other Members and staff, and not distract from the business of the Town during presentations and when any other Member has the floor or a member of the public is making a deputation or presentation.

CONDUCT RESPECTING STAFF

22. A Member is subject to the provisions of the Town's "Council-Staff Relationship Policy" as it relates to his or her day to day interactions with staff of the Town.
23. A Member is subject to the provisions of the Town's "Respect in the Workplace Policy" as it relates to his or her day to day interactions with staff of the Town.
24. No Member shall be permitted to individually direct the actions of staff, except and only as authorized by Council, given that only Council as a whole has the authority to direct staff, approve budgets, policies, processes and other matters.
25. A Member shall respect the fact that staff carry out the directions of Council and administer the policies of the Town under the direction of the Chief Administrative Officer, and serve Council as a whole.
26. A Member shall respect the role of staff which is to:
 - a. provide advice and recommendations based on their professional expertise and corporate perspective, and
 - b. provide advice and recommendations with political neutrality and objectivity and without any undue influence from any individual Member or group of Members.
27. No Member shall publicly criticize staff, individually or collectively, 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.
28. 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.
29. No Member shall use, or attempt to use, his or her 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

30. The Code of Conduct 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.
31. A Member 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 the Code of Conduct.

HARASSMENT

32. A Member has a duty to treat the public, other Members and staff in an appropriate manner without abuse, bullying or intimidation. A Member shall ensure that his or her work environment is free from discrimination and of harassment.
33. A Member shall abide by the provisions of the *Human Rights Code*, 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.
34. No Member shall discriminate against any person on the basis of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.

USE OF TOWN PROPERTY, SERVICES, AND OTHER RESOURCES

35. No Member shall 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

36. No Member shall discharge any official duty or participate in any meeting of Council, Committee or Local Board where she or he has a Real Conflict of Interest, Apparent Conflict of Interest, or Potential Conflict of Interest.

ELECTION CAMPAIGN WORK

37. No Member shall contravene the provisions of the *Municipal Elections Act, 1996* or any election procedures established by the Clerk.
38. No Member shall use the facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign-related activities.
39. No Member shall undertake campaign-related activities on Town property or in Town facilities unless permitted by Town policy (e.g., all candidates meetings).
40. No Member shall use the services of a person for election-related purposes during hours in which that person receives any compensation from the Town.

INTEGRITY COMMISSIONER

41. Pursuant to section 223.3 of the *Municipal Act, 2001*, Council shall appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the following functions:
 - a. the application of the Code of Conduct;

- 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. written 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. written 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 Code of Conduct and about the *Municipal Conflict of Interest Act*;
- h. assessing and investigating formal written Complaints respecting alleged contraventions of the Code of Conduct; and
- i. providing Council, through the Clerk, with reports resulting from the investigations of the Integrity Commissioner and any other report prepared in addition to reports from informal or formal investigations.

COMPLAINT PROCEDURE

- 42. Any organization or individual, including the public, Town staff or another Member who has reasonable grounds to believe that a Member has contravened a provision of the Code of Conduct, may file a Complaint.
- 43. A Complaint must be filed within six (6) weeks the date from when the matter became known to the Complainant and no more than six (6) months after the alleged violation. The Integrity Commissioner shall have no jurisdiction and take no action with respect to any Complaint received after these deadlines, except as expressly provided in Section 44.
- 44. The deadlines established in Section 43 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 (6) 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, 1996*; and

- b. the complainant applied 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, 1996*.
- 45. A complainant is not required to follow the informal Complaint process in Section 47 prior to proceeding with a formal Complaint.
- 46. The Complaint procedures in Section 47 and 48 do not apply to any complaints about alleged contraventions of the Code of Conduct filed with the Clerk prior to the date on which the Code of Conduct was formally enacted by Council.

Informal Complaints

- 47. Any person who has identified and/or witnessed any behaviour or activity by a Member that appears to be in contravention of the Code of Conduct may engage in the following informal process:
 - a. advise the Member that his or her 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 his or her 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 individuals present, and any other relevant information, including any steps taken to resolve the matter.

If the person is not satisfied with the response received from the Member through the informal process, that person may proceed with a formal Complaint through the procedure set out below.

Formal Complaints

- 48. Any person who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code of Conduct may have their concerns addressed through the formal Complaint process set out below:
 - a. a formal Complaint must be made in writing on the forms attached as Schedule A and Schedule B, and must contain sufficient detail to identify the reasonable and probable grounds for the allegation that a Member has contravened the Code of Conduct;
 - b. a formal Complaint must be signed by the Complainant (if an organization is the complainant, the Complaint must be signed by the authorized signing officer of the organization);

- c. a formal Complaint must be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification to ensure the matter is a Complaint with respect to non-compliance with the Code of Conduct and is not covered by any other applicable legislation or Town policies or by-laws;
- d. the identity of the Complainant shall be disclosed to the Member, unless the Integrity Commissioner, in his sole and absolute discretion, determines that the identity of the Complainant shall not be disclosed;
- e. the Complaint form must identify any witnesses in support of the allegations which identities shall be disclosed to the Member, unless the Integrity Commissioner, in his sole and absolute discretion, determines that the identities of the witnesses shall not be disclosed;
- f. a Complaint must include the name of the Member(s) alleged to have breached the Code of Conduct, the section(s) of the Code of Conduct that was allegedly contravened and state the date(s), time(s) and location(s) of the alleged contravention(s); and
- g. the Integrity Commissioner may, but is not required to, request additional information from the Complainant.

INQUIRY

- 49. The provisions of the Code of Conduct relating to a Complaint will apply with necessary modifications to the conduct and procedure relating to an application made to the Integrity Commissioner to conduct an Inquiry pursuant to section 223.4.1 of the *Municipal Act, 2001*, including any powers, public meetings, information, timing, reporting and application to a judge pertaining to the Inquiry.

COMPLAINT CLASSIFICATION / REFERRAL

- 50. If, after reviewing the Complaint, the Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any other statute or of the *Criminal Code*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.
- 51. If, after reviewing the Complaint, the Integrity Commissioner determines that the Complaint is not a Complaint with respect to non-compliance with the Code of Conduct, the Integrity Commissioner shall advise the complainant in writing that the Complaint is not within the Integrity Commissioner's jurisdiction to investigate. If the Complaint is an allegation of non-compliance with a more specific Town policy or by-law with a separate complaint procedure, the Integrity Commissioner

may advise the complainant that the matter is properly processed under the procedures set out in the other Town policy or by-law.

INVESTIGATION PROCEDURE

52. If a Complaint is within the jurisdiction of the Integrity Commissioner, the Integrity Commissioner may investigate and may attempt to resolve the Complaint.
53. Except where otherwise required, the Integrity Commissioner shall:
 - a. provide 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. following receipt of the Member's response, provide 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; and
 - c. interview any individuals or examine any documents that the Integrity Commissioner determines is relevant to the Complaint.
54. 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 the foregoing becomes apparent in the course of an investigation.
55. The Integrity Commissioner has the authority to dismiss a Complaint on a summary basis.
56. If the Integrity Commissioner has not completed an investigation before nomination day for a regular election, as set out in *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the investigation on that day.
57. If an investigation is terminated under Section 56, the Integrity Commissioner shall not commence another investigation in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in the *Municipal Elections Act, 1996*, the original Complainant or the Member or former Member who was alleged to have contravened the Code of Conduct makes a written request to the Integrity Commissioner that the original investigation be recommenced.
58. 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, 1996*:

- a. there shall be no requests for an investigation 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; and
- c. Council shall not consider whether to impose penalties or remedial or corrective measures on a Member.

INVESTIGATION REPORT

- 59. Following an investigation under Sections 52 and 53, the Integrity Commissioner shall:
 - a. report the general findings of his/her investigation to the Complainant and the Member that is the subject of the Complaint no later than ninety (90) days after receiving the formal Complaint;
 - b. allow the Member at least five (5) days to respond in writing to the Integrity Commissioner about his or her findings and any recommended remedial or corrective actions or measures;
 - c. indicate when the Integrity Commissioner anticipates that his or her final report will be delivered to Council; and
 - d. file his or her report with Council through the Clerk.
- 60. If 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).
- 61. 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 to Council and recommend the appropriate penalty or remedial or corrective actions or measure, if any, to be imposed.

COUNCIL'S CONSIDERATION OF INTEGRITY COMMISSIONER'S REPORT

- 62. Council shall consider the report from the Integrity Commissioner in open session at the next meeting of Council.
- 63. Council shall pass a resolution in response to the report at the meeting at which the report is received or at its next meeting.

PENALTIES

64. Council is authorized to impose the following two penalties on a Member if the Integrity Commissioner has reported that, in his or her opinion, the Member has contravened 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 or Local Board, as the case may be, for a period of up to ninety (90) days.

REMEDIAL ACTIONS

65. If the Integrity Commissioner has reported that, in his or her opinion, the Member has contravened the Code of Conduct, Council may also impose any or all of the following corrective or remedial actions upon the Member to:
- a. provide a written 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 or Local Board;
 - d. be removed from or not be appointed as chair of a Committee or Local Board; and
 - e. comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

CONFIDENTIALITY OF COMPLAINT DOCUMENTS

66. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, materials 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, save and except as authorized under this Code of Conduct.
67. The Integrity Commissioner's report to Council on an investigation into an alleged breach of the Code of Conduct shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
68. 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, including information that could identify a person concerned.

INTERIM, ANNUAL AND OTHER REPORTS

69. The Integrity Commissioner shall make interim reports to Council where necessary in his or her absolute discretion, 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, including any non-compliance with the penalties or the remedial or corrective measures or actions imposed by Council.
70. 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 to warrant an investigation or any that have been summarily dismissed;
 - c. applications for Inquiry made under section 223.4.1 of the *Municipal Act, 2001*;
 - d. the total number of requests for educational material or consultations received from members of the public;
 - e. any advice that the Integrity Commissioner has provided to Council, Members or to the public; and
 - f. a summary of any written advice provided to any Member;

but shall not disclose Confidential Information, including any information that could identify a person concerned.

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

VACANCY – INTEGRITY COMMISSIONER

71. 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 herein. When the office of the Integrity Commissioner is vacant, all formal Complaints shall be held in abeyance by the Clerk until such time as an Integrity Commissioner has been appointed, or an interim measure has been enacted to enable the Complaint to be addressed within a reasonable amount of time.

REPRISALS, OBSTRUCTION AND NON-COMPLIANCE

72. A Member shall respect the integrity of the Code of Conduct. Any reprisal or threat of reprisal against a Complainant or any person 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 or to fail to comply with any penalty or remedial or corrective measures or actions imposed by Council.

ADVICE

73. A Member may seek advice from the Integrity Commissioner respecting his or obligations:
- a. under the Code of Conduct;
 - b. under a procedure, rule or policy of the Town or Local Board governing the ethical behaviour of Members; or
 - c. under sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.
74. A Member may not seek and cannot receive the advice of the Integrity Commissioner on a matter which is the subject of an ongoing investigation or Inquiry by the Integrity Commissioner.
75. A request by a Member for advice from the Integrity Commissioner shall only be made in writing.
76. If the Integrity Commissioner provides advice to a Member, the advice shall be in writing.
77. If the Integrity Commissioner provides written advice to a Member and the Member follows the advice, the Integrity Commissioner shall consider this in assessing any Complaint against the Member on the same or substantially the same subject matter or issue.
78. If the Integrity Commissioner provides educational information to the public, the Integrity Commissioner may summarize advice he or she has provided in the course of his or her duties but shall not disclose Confidential Information, including information that could identify a person concerned.

TOWN OF ST. MARYS

SCHEDULE A

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS – 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 St Marys' Code of Conduct for Members of Council and Local Boards. 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 Code of Conduct for Members of Council and Local Boards.

(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

Code of Conduct for Members of Council and Local Boards

Schedule C – Gifts, Benefits, and Hospitality Disclosure Statement

The Code of Conduct for Members of Council and Local Boards 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: _____

TOWN OF ST. MARYS

Code of Conduct for Members of Council and Local Boards

Schedule D – Member Reprimand/Suspension of Pay Template

Dear, _____

At the [INSERT DATE] Council meeting Council received and discussed the Integrity Commissioner' [INSERT DATE] investigation report into the Code of Conduct complaint filed against you on [INSERT DATE]. The Complainant has alleged that you violated the Code of Conduct in the following way(s):

[INSERT ALLEGED CONTRAVENTION CITED IN THE INTEGRITY
COMMISSIONER'S REPORT]

After investigation, the Integrity Commissioner has concluded that your conduct has violated Section [INSERT SECTION] of the Code of Conduct for Members of Council and Local Boards.

Subsection 223.4(5) of the *Municipal Act, 2001* allows for Council to impose a penalty for your violation of the Code of Conduct. This penalty may be a reprimand, or a suspension of remuneration for a period of up to ninety (90) days.

Council has decided to impose [INSERT PENALTY] in response to the Integrity Commissioner's finding that you have violated the Code of Conduct.

Council would encourage you to maintain the highest standards of conduct when performing your official duties. This is of paramount importance to create trust in the public office, and to promote efficient and transparent local government.

Council would further encourage you to seek the advice of the Integrity Commissioner in those instances where your interpretation of the Code of Conduct's requirements is not clear.

Sincerely,

Mayor [INSERT NAME]

BY-LAW 97-2018

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to confirm all actions and proceedings of the Council of The Corporation of the Town of St. Marys at its special meeting held on December 18, 2018.

WHEREAS: The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, Section 5(3), provides that the jurisdiction of every council is confined to the municipality that it represents and its powers shall be exercised by by-law;

AND WHEREAS: The Council of the Corporation of the Town of St. Marys deems it expedient to confirm its actions and proceedings;

THEREFORE: The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

- 1.** That all actions and proceedings of the Council of the Corporation of the Town of St. Marys taken at its special meeting held on the 18th day of December, 2018 except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.
- 2.** This by-law comes into force on the final passing thereof.

Read a first and second time this 18th day of December, 2018.

Read a third and final time and passed this 18th day of December, 2018.

Mayor Al Stratheedee

Brent Kittmer, CAO / Clerk