



Township of East Zorra-Tavistock

General Policy Manual

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INTRODUCTION

A written Code of Conduct helps to ensure that the members of Council, advisory committees and local boards of the municipality (as defined in the Municipal Act, 2001) share a common understanding of acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. Such standards should serve to enhance public confidence that the Township's elected and appointed representatives operate from a base of integrity, justice and courtesy; avoiding the improper use/influence of their office and conflicts of interest, be they real or perceived. This builds support for local government and the political process.

The primary pieces of provincial legislation that govern the conduct of elected officials include:

1. The Municipal Act, as amended, and the Council Procedural By-law passed under section 238 of that Act;
2. The Municipal Conflict of Interest Act, as amended;
3. The Municipal Elections Act, 1996, as amended; and,
4. The Municipal Freedom of Information and Protection of Privacy Act.

The Ontario Human Rights Code, the Employment Standards Act, the Occupational Health and Safety Act and Criminal Code of Canada also govern the conduct of members of Council.

PURPOSE

To identify the Township's expectations of its members and to set guidelines for appropriate behaviours, in order to:

1. Protect the public interest;
2. Encourage the highest of ethical standards among members;
3. Provide an understanding of the fundamental rights, privileges and obligations;
4. Offer a procedure on the determining the appropriateness of conduct; and,
5. Identify a means of correcting inappropriate conduct.

The following key principles provide the foundation for the Code of Conduct. Members shall/are:

- Serve and be seen to serve constituents in a conscientious and diligent manner;
- Committed to performing their functions with integrity, honesty and accountability;
- Make decisions that are made in the open, transparent and equitable through the proper processes;
- Show respect and fairness for differences of opinion;
- Work together for the common good of the community and its residents;
- Demonstrate an understanding of the fundamental rights, privileges and obligations of their elected position;
- Perform their duties to promote public confidence and bear close public scrutiny; and,
- Sets out the means of correcting unethical conduct.

The Code of Conduct is meant to identify the standards to:

- Ensure equitable treatment of citizens and employees;
- Communicate corporate and community priorities;
- Ensure compliance with statutory requirements;
- Minimize liability risks;
- Ensure accountability by elected officials;
- Ensure optimal use of available resources;
- Implement the corporate and community strategic plans; and,
- Set limits on governance and operational matters.

The Township's Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics. This Code of Conduct is consistent with the existing statutes governing the conduct of members.

POLICY

1. Definitions

“Child” means a child born within or outside marriage and includes an adopted child or a person who a parent has demonstrated a settled intention to treat as a child within his or her family.

“Confidential Information” includes any information that is of a personal nature to Township employees, clients or information in the custody or under the control of the Township that is not available to the public and that, if disclosed, could result in loss or damage to the Township or could give the person to whom it is disclosed an advantage.

“Corporate Resource” includes, but is not limited to, Township equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, handheld mobile devices, cell phone, phone, address, voice-mail, e-mail, facility and staff while undertaking duties on behalf of the Township.

“Immediate Relative” shall be defined as a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships.

“Parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

“Spouse” shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage.

2. Roles and Responsibilities

The Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act). It is the responsibility of the Members to ensure that they, as individuals or as a Council or Committee, adhere to and uphold the Code.

Members must recognize their responsibility to:

- Represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the Township;
- Perform their duties in an impartial manner;
- Endeavour to demonstrate sound financial management, planning and accountability; and,

- Be aware of and understand statutory obligations imposed upon individual members and Council as a statutory body regarding, but not limited to, conflict of interest and confidentiality.

3. Respect for the Township and its By-laws and Policies

Members shall encourage public respect for the Township and its by-laws and policies as approved by Council.

4. Representing the Township

Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed and further, shall participate in community activities and events where possible and practical to do so as to increase the exposure of all representatives of the Township to the public and supporting agencies.

5. Conduct at Meetings

During Council, local board, committee or any other advisory committee or working group meeting, Members shall conduct themselves with decorum, in accordance with the provisions of the Township's Procedural By-law. Respect for delegations and for fellow members, staff and public requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

Further to the provisions contained in the Township's Procedural By-law, cell phones, handheld mobile devices or similar equipment shall be:

- (a) On vibrate or silent while in open session;
- (b) Not used by a member during open session, unless under extenuating emergency circumstances; and,
- (c) Turned off while in closed session.

6. Confidentiality

All information, documentation or deliberation received, reviewed or taken in or in preparation for closed session of Council and its committees, is confidential.

Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council.

Under the Procedural By-law (authorized under s. 239 of the Municipal Act, 2001), where a matter that has been discussed at closed meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the closed meeting.

Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of information:

- Items under litigation, negotiation, or personnel matters;
- The security of the property of the municipality or local board;
- Personal matters about an identifiable individual, including municipal or local body employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a Council board, committee or other body may hold a closed meeting under another Act;
- Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board under the provisions of the Municipal Freedom of Information and Protection of Privacy Act and/or Municipal Act;
- A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on, or to be carried on, by or on behalf of the municipality or local board;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request for Proposal submissions, if so specified;
- Information deemed to be “personal information” under the Municipal Freedom of Information and Protection of Privacy Act; and,
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive or exhaustive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

Members shall not access or attempt to gain access to confidential information in the possession of the Township unless it is necessary for the performance of their duties and not prohibited by law or Council policy.

The obligation to keep information confidential is a continuing obligation even after the Member ceases to be a Member.

7. Conflict of Interest

Members shall recognize their obligations to follow and respect the provisions of the Municipal Conflict of Interest Act. A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect financial interest, bias, prejudice, close mindedness or undue influence.

When considering whether or not a conflict exists, it is important to consider whether there are grounds for a reasonable person to think that a conflict exists. It is possible to have a conflict that might not be financial. The perception of a conflict must be considered under this policy by all parties. It is the responsibility of individuals to obtain independent advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.

Members must publicly declare their direct, deemed or indirect pecuniary interest, and file a written statement of the interest and its general nature with the Clerk. When a pecuniary interest exists, Members must withdraw from direct involvement, by vacating the Council table when the matter is debated and refrain from any comment on the issue which might influence the decision. They are not eligible to vote on the matter. If the matter is of a confidential nature and discussed in closed session, Members shall vacate the meeting room entirely.

8. Benefits, Gifts or Hospitality

The Township recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, members shall not accept a fee, advance, gift, benefit, service, entertainment or hospitality that is connected directly or indirectly with the performance of his or her duties of Office, which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization, unless permitted by the exceptions listed below.

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.

The following are recognized as exceptions:

- (a) Compensation authorized by by-law;
- (b) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) A political contribution otherwise reported by law;
- (d) Services provided without compensation by persons volunteering their time;
- (e) A suitable memento of a function honouring the member;
- (f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;
- (g) Food and beverages consumed at banquets, receptions or similar events, if:
 - a. Attendance serves a legitimate purpose;
 - b. The person extending the invitation or a representative of the organization is in attendance; and
 - c. The value is reasonable and the invitations infrequent
- (h) Communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$200, or if the total value received from any one source during the course of a calendar year exceeds \$200, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Chief Administrative Officer.

The disclosure statement must indicate:

- (a) The nature of the gift or benefit;
- (b) Its source and date of receipt;
- (c) The circumstances under which it was given or received;
- (d) The estimated value;
- (e) What the recipient intends to do with the gift; and,
- (f) Whether any gift will at any point be left with the Township.

Any disclosure statements will be a matter of public record.

On receiving a disclosure statement, the Chief Administrative Officer shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Chief Administrative Officer makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Chief Administrative Officer determine that receipt was inappropriate, a written report shall be presented to Council in closed session whereby Council may:

- Direct the member to return the gift;
- Reimburse the donor for the value of any gift or benefit already consumed;
- Forfeit the gift; or,
- Remit to the Township, the value of the gift or benefit if already consumed.

Members shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to Township services that are not otherwise available to the general public and not consequent to his or her official duties.

9. Business Relations

A member shall not borrow money from any person who regularly does business with the Township unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the Township.

10. Communications / Media Relations

Members shall show respect for the decision-making process of Council. Information concerning adopting policies, procedures and decisions of the Council shall be conveyed openly and accurately even if members disagree with the decision of Council.

Confidential information may be communicated only when and upon determination by Council.

Members shall accurately communicate the decisions of Council even if they disagree with the decision of Council.

Members shall not use his/her office to promote or sponsor commercial products or events other than Township-sponsored products or events.

11. Expenses

Members shall comply with the provisions of the Township's expense allowance and transportation allowance policies when attending conferences, conventions, seminars, training Courses and workshops.

12. Use of Township Property, Services and Other Resources

No member shall use for personal purposes any Township property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which Township Council has been advised.

No member shall obtain financial gain from the use of Township developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Township.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

13. Use of Township Technology Resources

Members shall comply with the provisions of the Township's Technology Use Policy. The Township licenses the use of computer software from a variety of vendors. The Township does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

The Township is the sole owner of all municipal hardware and reserves the right to examine all files, e-mail directories and other information stored on Township owned computers, phones, tapes and disks.

14. Elections – Use of Corporate Resources

Members shall not use a Corporate Resource for any election related purpose. In accordance with the provisions of the Municipal Elections Act, 1996, as amended:

- (a) Corporate resources and funding may not be used for any election-related purposes;
- (b) Staff may not canvass or actively work in support of a municipal candidate or third party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave;
- (c) Municipal facilities/property may not be used for any election related purposes, which includes displaying of any campaign related signs or materials on such premises unless all candidates are afforded the same opportunity.

- (d) Candidates may not campaign and/or distribute campaign literature during any function being hosted by the municipality whether on municipal property or not.

The following, if supplied by the Township, shall be discontinued for all members of Council throughout the period from May 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day, for any members running as candidates in the by-election:

- (a) All forms of advertising, including advertising in municipal publications;
- (b) All printing, high speed photocopying and distribution, including printing and general distribution and display of newsletters unless so directed and approved by Council;
- (c) The ordering of any stationery or office supplies or furnishings unless approved by the Municipal Clerk;
- (d) Links to Council member-related web sites or social media links;
- (e) The posting of information relating the activities of Council or any member of Council on the Township's website, excluding the minutes of Council and committee meetings. Only the photos and contact phone and/or email posted for each member of Council at the commencement of each term shall remain on the corporate website.

To avoid any confusion with any website or social media accounts used for Council work, members of Council who choose to create or use their own websites or social media accounts shall throughout the period from May 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day, for any members running as candidates in the by-election, shall:

- (a) Include a clear statement, easily found and readable, on each website or social media account's home page indicating that the account is being used either solely for Council work, for both Council work and election campaign purposes, or solely for election campaign purposes;
- (b) Include the statement in clause a) for as long as the website or account is accessible by the public.

Members of Council shall not:

- (a) Print or distribute any material paid for by municipal funds that illustrates that a member of Council or any other individual is registered in any election or where they will be running for office;

- (b) Profile (name or photograph), or make reference to, in any material paid for by municipal funds, any individual who is registered as a candidate in any election;
- (c) Print or distribute any material using municipal funds that makes reference to, or contains the names, photographs, or identifies registered candidates for municipal elections;
- (d) Use the Township website, domain names, other corporate systems, the township crest or logo for campaigning/advertising or as a substitute to distributing newsletters or flyers throughout the period from May 1st of the municipal election year until Voting Day, inclusive or in the case of a municipal by-election, for the period 60 days prior to and inclusive of Voting Day;
- (e) Use the municipality's voicemail system to record election-related messages;
- (f) Use the Township's computer network (including the Township email system) for election-related correspondence;
- (g) Use any photographs produced for and owned by the Township or any photos taken utilizing town equipment or sent through Township email accounts for any election-related purposes;
- (h) Use municipal property or staff in any campaign photos or images unless all candidates are afforded the same opportunity. Photos/images of external Township facilities are permitted. Photos/images of internal Township facilities are not permitted;
- (i) Use any corporate facility/property for any election-related purpose unless a market value rental fee has been established corporately and the rental of such is available to all candidates and third parties. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, candidates, third parties, or the public during any day that voting is taking place on the property, including set-up, hosting, or take-down activities;
- (j) Benefit from the use of any corporate pricing established under the township's purchasing policy;
- (k) Use any Council or Councillor Budgets for election-related purposes or to advertise, promote or support any candidate, third party or any position related to any questions which may be authorized to be placed on the ballot.

Clauses (d), (g), (h), and (i), above, shall also apply to registered candidates, third parties and the public.

Contact information for members routinely contained in a Township publication or on the Township's website is permitted, including a Member's Profile information.

Nothing contained in this section of the Code of Conduct is intended to prohibit Members from continuing to fulfil regular duties as a Member.

15. Public Meetings

Staff will provide support to Council for public information meetings required by Provincial statutes, Township by-laws and special meetings, when approved by Council.

In the event that a Member desires a public meeting, which supplements a public meeting required by Provincial statute or a municipal by-law, a member shall make the request through Council.

At a public meeting, Members will not pressure staff to respond to questions that do not support Council's decision.

16. Council-Staff Relations

Members shall be respectful of the fact that staff work for the Township as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council.

Please see Council-Staff Relations Policy #GP1.08 for further guidance.

17. Harassment or Bullying

Harassment of another member, Staff or any member of the public is misconduct. It is the policy of the Township that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

In addition to the Code of Conduct, the Ontario Human Rights Code and Occupational Health and Safety Act apply, as does the Council Procedural By-law and Township's Respect in the Workplace Policy.

18. Current and Prospective Employment

Members shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Township.

19. Employment of a Council Member's Relative

Members shall comply with the provisions of Township Hiring and Recruitment Policy.

APPLICATION

20. Integrity Commissioner

In addition to the requirement of adopting a Code of Conduct, the Municipality shall also appoint an Integrity Commissioner to receive and assess alleged breaches of the Code of Conduct, and where deemed appropriate, conduct an investigation of the alleged breach. The Integrity Commissioner is a Statutory Officer under the Act under contract to the Municipality, with a direct reporting function to Council. It is their duty to ensure an unbiased, fair and appropriate process be undertaken, and to recommend a decision. The duties of the Integrity Commissioner shall include:

- (a) The application of the Code of Conduct for members of Council and the Code of Conduct for members of local boards.
- (b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards.
- (c) The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of Council and of local boards.
- (d) Requests from members of Council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member.
- (e) Requests from members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
- (f) Requests from members of Council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.

- (g) The provision of educational information to members of Council, members of local boards, the municipality and the public about the municipality's Code of conduct for members of Council and of local boards, and about the Municipal Conflict of Interest Act.

21. Integrity Commissioner - Vacancy

Should the office of Integrity Commissioner be vacant for whatever reason, the Code of Conduct remains in effect and all Members shall continue to abide by the provisions set out therein. When a vacancy occurs, the Township shall make arrangements for all of the responsibilities of the Integrity Commissioner set out in the Code of Conduct to be provided by the Integrity Commissioner of another municipality.

22. Integrity Commissioner - Advice

Members may seek the advice of the Integrity Commissioner for items related to #20 (d), (e) and (f), above. All requests by Members to the Integrity Commissioner shall be in writing, and the Integrity Commissioner shall respond to the Member in writing. The advice provided by the Integrity Commissioner may be released, with the Member's consent. If the Members releases only part of the advice provided to the Member by the Integrity Commissioner, the Integrity Commissioner may release part of all of the advice without obtaining the Member's consent.

23. Protocol for Complaint Process

Members, Staff or members of the public, who have reasonable grounds to believe that a Member is not in compliance with the Code of Conduct, may proceed through the complaint process. Complaints may be instigated either informally or formally:

- 1) Informal – requires the complainant to advise the Member that his/her behaviour or activity does not comply with the Code and request that the prohibited behaviour be discontinued. A written record of the incident including the date, time, location, other persons present and any other relevant information should be kept. If applicable, advise the Member regarding the complainant's satisfaction/dissatisfaction with the response and consider the need to pursue the matter further with the formal complaint procedure or in accordance with an applicable judicial process.

- 2) Formal - requires that a complaint must be made in writing setting out the grounds for the belief that there is an alleged contravention. Amongst the information provided, each complaint shall include a supporting sworn affidavit that sets out the evidence in support of the complaint. The complainant's name can become public if an investigation is launched. The complaint shall be filed through the Clerk, or designate.

24. Review and Investigation Process – Code of Conduct Inquiry

Upon receipt of a Formal Complaint, the Clerk shall forward the executed Affidavit along with the relevant background material and information directly to the Integrity Commissioner for review, investigation and reporting with recommendations, regarding the complaint.

1. If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to the Code of Conduct, the Integrity Commissioner shall advise the complainant in writing as follows:
 - a. Criminal Matter – if the complaint is an allegation of a criminal nature consistent with the Criminal Code, that pursuit of such an allegation must be made through the appropriate police service;
 - b. Municipal Freedom of Information and Protection of Privacy – if the complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, then the matter will be referred to the Clerk for review under statute.
2. If the complaint is an allegation with respect to matters under the Municipal Conflict of Interest Act, then the matter should be pursued in accordance with the Act through a court application, or if under sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act, then through a written application to the Integrity Commissioner.
3. If upon review of a complaint, the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious or not made in good faith, or that there are not sufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this determination in writing to the complainant and the Member identified in the Affidavit.
4. If at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be made to achieve an informal resolution.

5. If the Integrity Commissioner determines that a formal investigation is required s/he shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under ss. 33 and 34 of the Public Inquiries Act, 2009, as contemplated by subsection 223.4(2) of the Municipal Act, 2001, at which time the identity of the person filing the complaint is no longer considered confidential.
6. The Integrity Commissioner shall provide a copy of the complaint, and any supporting materials, to the Member whose conduct is in question, with a request that a written response to the allegation be provided to the Integrity Commissioner within fourteen (14) days.
7. The Integrity Commissioner shall give a copy of the response, provided by the Member, to the complainant, with a request for a written reply within fourteen (14) days.
8. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Township or Local Board work location relevant to the complaint for the purpose of investigation and potential resolution.
9. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
10. At any time the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.
11. If the Integrity Commissioner receives a complaint between nomination day and voting day, as defined in the Municipal Elections Act, 1996, in any year in which a regular municipal election will be held:
 - a. There shall be no requests for an inquiry about whether a member of Council or of a local board has contravened the Code of Conduct applicable to the member;
 - b. The Integrity Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of Council or local board has contravened the Code of Conduct applicable to the member; and,
 - c. The Township or local board shall not consider whether to impose the applicable penalties related to a member of Council or of a local board.
12. If the Integrity Commissioner has not completed an inquiry before nomination day, as defined in the Municipal Elections Act, 1996, in any year in which a regular municipal election will be held, the Integrity Commissioner shall terminate

the inquiry on that day. If an inquiry is terminated in such a manner, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks of voting day, as defined in the Municipal Elections Act, 1996, in any year in which a regular municipal election will be held, the person or entity that made the request or the member or former member who conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

13. 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 come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the Municipal Act, 2001. Pursuant to section 223.5(3) of the Municipal Act, this section prevails over the Municipal Freedom of Information and Protection of Privacy Act.
14. When the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the 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.
15. When the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given, but the report shall not disclose confidential information that could identify a person concerned in the case of informal complaints or those formal complaints that have been dismissed and did not proceed to a formal investigation.

25. Review and Investigation Process – Municipal Conflict of Interest Act Inquiry

This section shall apply to inquiries by the Integrity Commissioner under Section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act.

1. An elector, as defined in the Municipal Conflict of Interest Act, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning alleged contraventions of Section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act.
2. The application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act.
3. The application shall include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six (6) weeks before the date of the application.

4. No application for an inquiry shall be made during the period of time between nomination day and voting day, as defined in the Municipal Elections Act, 1996 in any year in which a regular municipal election will be held, or more than six (6) weeks after the applicant became aware of the alleged contravention, unless the following is satisfied:
 - a. The applicant became aware of the alleged contravention within the period of time starting six (6) weeks before nomination day and ending on voting day as defined in the Municipal Elections Act, 1996 in any year in which a regular municipal election will be held;
 - b. The applicant applies within six (6) weeks after the day after voting day, as defined in the Municipal Elections Act, 1996 in any year in which a regular municipal election will be held.
5. The Integrity Commissioner may conduct such inquiry as he or she considers necessary.
6. If the Integrity Commissioner decides to conduct an inquiry, he or she may have a public meeting to discuss the inquiry.
7. The Township and its local boards and committees shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry.
8. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Township, local board or committee work location relevant to the complaint for the purpose of investigation and potential resolution.
9. If the Integrity Commissioner has not completed an inquiry before nomination day, as defined in the Municipal Elections Act, 1996 in any year in which a regular municipal election will be held, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated in such a manner, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks of voting day, as defined in the Municipal Elections Act, 1996 in any year in which a regular municipal election will be held, the person or entity that made the request or the member or former member who conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.
10. The Integrity Commissioner and every other person acting under the instruction of the Integrity Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, except where information may be disclosed in a criminal proceeding, as required.

11. If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act, other than the Municipal Conflict of Interest Act, or the Criminal Code (Canada), the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been fully disposed of, and shall report the suspension to Council.
12. The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless otherwise terminated under the provisions of the Municipal Conflict of Interest Act.
13. Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge under the provisions 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 Act. The Integrity Commissioner shall advise the applicant if the Integrity Commissioner will not be making an application to the judge. After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

26. Reporting and Recommendations

Upon completion of an investigation, the Integrity Commissioner may report to the complainant and the Member on the results of his or her review within ninety (90) days of receiving a complete Affidavit/ Complaint package. If the investigation process is going to take more than ninety (90) days, the Integrity Commissioner shall provide an interim report to the complainant and Member indicating when the complete report will be available. If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty, as set out in subsection 223.4(5) of the Municipal Act, 2001.

The Integrity Commissioner shall provide the Member who is the subject of the complaint with notice in writing of the proposed finding and any recommended sanction at least ten (10) days prior to the report being provided to the Municipal Clerk. An opportunity to comment shall be provided to the Member on the proposed finding and any recommended sanction prior to the report being published.

27. Penalty - Non-Compliance with the Code of Conduct

The Council may impose either of the following penalties on a Member if a report by the Integrity Commissioner determines that the Member has violated the Code of Conduct:

1. Reprimand the Member;
2. Suspend the remuneration paid to the Member in respect of their services as a Member of Council or of the local board, for a period of up to ninety (90) days.

28. Annual Report

The Integrity Commissioner shall prepare an annual Code of Conduct and Municipal Conflict of Interest Report that shall consist of:

1. All informal and formal complaints dismissed by the Integrity Commissioner;
2. All complaints received not within the jurisdiction of the Integrity Commissioner;
3. All formal complaints that underwent a formal investigation and conclusions (without disclosing confidential information); and,
4. A cost breakdown with respect to services provided within the reporting year by the Integrity Commissioner.

The annual report shall be provided not less than sixty (60) days after December 31 of the calendar year that is being reported.

28. Implementation

Members seeking clarification of any part of this Policy should consult with the Chief Administrative Officer. At the beginning of each term of Council, the Clerk will:

1. Provide each member with a copy of the Code of Conduct;
2. Provide each member with a copy of the Municipal Conflict of Interest legislation;
3. Undertake a review of the Code of Conduct as part of the Council orientation process; and,
4. Have each member sign an "Acknowledgement of Code form" indicating that the Code of Conduct has been read and understood.

Members are expected to formally and informally review the Code of Conduct on a regular basis, as needed or when so requested by Council.

29. Policy Review

This policy shall be reviewed once during each term of Council.