

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 2843-2019-AP

**BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR THE
MEMBERS OF COUNCIL PURSUANT TO SECTION 223.2 OF THE
MUNICIPAL ACT, S.O. 2001, AS AMENDED**

WHEREAS section 11 of the Municipal Act, S.O. 2001, as amended, authorizes municipalities to enact by-laws regarding Accountability and Transparency of the municipality and its operations;

AND WHEREAS section 223.2(1) of the Municipal Act, S.O. 2001, as amended, requires municipalities to establish a code of conduct for the members of Council;

AND WHEREAS the Council of the Corporation of the Township of Brock deems it expedient to establish a revised code of conduct for the members of Council;

NOW THEREFORE the Council of the Corporation of the Township of Brock enacts as follows:

1. THAT Council does hereby adopt a code of conduct as set forth in Schedule "A" attached hereto and forming part of this by-law.
2. THAT By-law Number 2764-2017-AP is hereby rescinded in its entirety.
3. THAT this by-law shall come into force and effect on the 1st day of March, 2019.

THIS BY-LAW READ TWICE THIS 4TH DAY OF FEBRUARY, A.D., 2019.

Original Signed
Mayor
Debbie Bath-Hadden

Original Signed
Clerk
Thomas G. Gettinby

**THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 4TH DAY OF FEBRUARY,
A.D., 2019.**

Original Signed
Mayor
Debbie Bath-Hadden

Original Signed
Clerk
Thomas G. Gettinby



The Corporation of

The Township of Brock

In The Regional Municipality of Durham

1 Cameron St. E., P.O. Box 10, Cannington, Ontario L0E 1E0 (705) 432-2355

Schedule “A” to By-law Number 2843-2019-AP

Code of Conduct for Municipal Councillors 2019

Post Bill 68 Proclamation

1.0 Introduction

Section 223.2 of the Municipal Act, S.O. 2001, as amended, requires municipalities to establish, by by-law, a Code of Conduct for the members of Council of the municipality and of local boards of the municipality. In addition, the Act provides the opportunity for the municipality to appoint an Integrity Commissioner to investigate and report on alleged breaches of the Code of Conduct. The Township of Brock, by By-law Number 2715-2017-AP, appointed Guy W. Giorno as its Integrity Commissioner in conjunction with the Regional Municipality of Durham.

2.0 Role of Integrity Commissioner

The Integrity Commissioner, who reports directly to Council, is responsible for performing in an independent manner the following functions:

- The application of the Code of Conduct for members of Council and local boards;
- The application of any procedures, rules, and policies of the municipality and local boards governing the ethical behaviour of members of Council and local boards;
- Compliance with the requirements of the Municipal Conflict of Interest Act with respect to declaring a conflict of interest, leaving a closed meeting where a member has a conflict of interest, filing a written statement of the interest with the Clerk, and not using any influence where a matter is being considered by an officer or employee of the municipality or local board;
- Requests from members of Council and local boards for advice respecting their obligations under the Code of Conduct applicable to the member;
- Requests from members of Council or local boards for advice respecting their obligations under a procedure, rule, or policy of the municipality or local board governing the ethical behaviour of members;
- Requests from members of Council or local boards for advice respecting their obligations under the Municipal Conflict of Interest Act; and,
- The provision of educational information to members of Council, members of local boards, the municipality and the public about the applicable Codes of Conduct.

Written Requests to Integrity Commissioner

Requests from members of Council and local boards for advice from the Integrity Commissioner shall be in writing and responses from the Integrity Commissioner shall also be in writing. In addition, advice provided by the Integrity Commissioner may be released with the member's consent. Should the Integrity Commissioner provide educational advice to the public, it may be summarized but shall not disclose confidential information that could identify a person concerned.

Any written advice given by the Integrity Commissioner to a member of Council or local board binds the Integrity Commissioner in any subsequent consideration of the conduct of the member of Council or local board in the same manner as long as the relevant facts known to the member of Council or local board were disclosed to the Integrity Commissioner.

Indemnity

The municipality shall indemnify and save harmless the Integrity Commissioner for costs reasonably incurred in connection with a defence of a proceeding if the proceeding relates to an act done in good faith or authority.

Timing for Inquiries & Reports

Should an inquiry not be completed before Nomination Day for a regular election, the Integrity Commissioner shall terminate the inquiry on that day and shall not commence another inquiry in respect of the matter unless, within six (6) weeks after Voting Day, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request.

Between Nomination Day and Voting Day in a regular election:

- There shall be no requests for an inquiry on whether a member of Council or local board has contravened the Code of Conduct;
- The Integrity Commissioner shall not report to the municipality on whether a member of Council or local board has contravened the Code of Conduct; and,
- The municipality or local board shall not consider whether to impose penalties on a member of Council or local board.

3.0 Purpose of Code of Conduct

The purpose of this Code of Conduct is to establish a minimum standard for the behaviour of Councillors in fulfilling their mandate while respecting each Councillor's role to represent the public and the public interest to the best of their ability.

4.0 Council/Committee Meeting Conduct

Members of Council shall have regard and follow the rules of conduct contained within the municipality's procedural by-law and specifically, members of Council shall not:

- Speak disrespectfully of the reigning sovereign, any member of the Royal family, the Governor General, the Lieutenant-Governor, the head of the Government of Canada or of the Province of Ontario;
- Use offensive words or unparliamentary words or expressions; and,
- Disobey the rules of the Council or decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of Council.

5.0 Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at in-camera meetings, as authorized by the Municipal Act, or that is determined to be confidential by the CAO & Municipal Clerk or as specifically declared by Council. A member of Council shall not, either directly or indirectly, release, make public, or in any way divulge such information to anyone, unless specifically authorized by Council or as required by law to do so.

Specifically, members of Council shall not:

- Release any information in contravention of the provision of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended;
- Release any information which is subject to solicitor-client privilege, unless specifically authorized by Council or as required by law to do so;
- Misuse confidential information acquired by virtue of their position as an elected member that could cause a benefit or detriment to the Corporation, members of Council, staff, and the public.

6.0 Use of Personal Websites/Social Media & Printed Communications

The Township of Brock respects and encourages members of Council to take advantage of various methods of communication inclusive of printed material, electronic, and web-based platforms (i.e. Facebook, Twitter, You-Tube, Flickr) to maintain communication with ratepayers with whom they represent. It is the duty of a member of Council to serve the best interests of the Corporation as opposed to an individual. Accordingly, while Councillor communications, printed or otherwise, is not the property of the Township of Brock, if Councillors are representing themselves as a Councillor, it is appropriate that the following standards be in effect to maintain integrity as a spokesperson of the Corporation:

- Access to municipal documents (agendas, minutes, by-laws, staff reports) shall be referred to the Township of Brock and/or its Website, as this website remains the principal means of electronic communication from the municipality on the world wide web;
- Inappropriate content shall not be posted on an individual website/social media outlet which shall include the following:
 - Disclosure of confidential information (either through in-camera meetings or oral/written communications from other members of Council and staff);
 - Discriminatory language including discriminatory, derogatory portrayal of individuals or groups, demeaning language, or anything that could be deemed inappropriate;
 - Personal opinions or comments of Township staff or other elected officials (individually or collectively);
 - Commercial endorsements or solicitations;
 - Promotion of illegal activities;
 - Information which may compromise the safety and security of the public, public systems, members of Council, and staff;
 - Content that violates a legal ownership interest of any other party; and,
 - Statements that could be interpreted as slanderous or libelous.

7.0 Gifts

No member of Council shall accept, directly or indirectly, from any person, company, firm or corporation a gift or personal benefit if it can be inferred that the gift was intended to influence the member in the performance of their duties as an elected member or that the gift was intended as a reward for any official action on the member's part.

Notwithstanding the above, gifts of a very small intrinsic value; gifts given for the use and benefit of the Corporation; and moderate hospitality during the normal course of business that would not significantly exceed what the Corporation would likely provide in return and would not be perceived by others as influencing the making of a business decision may be accepted. Members of Council shall exercise discretion in this regard and shall also recognize those gifts to the municipality which may be accepted by the member.

8.0 Procurement of Goods & Services

No member of Council shall make personal purchases through the Corporation and all purchases made by the Corporation to assist the members of Council in the fulfillment of their duties (stationary, etc) shall be in accordance with the municipality's procurement by-law. Members of Council shall declare any conflict of interest with respect to the procurement of goods and services and shall refrain from the procurement process to which the conflict of interest relates.

9.0 Conflict of Interest

Members of Council shall be responsible to ensure that they are familiar with the application of the Municipal Conflict of Interest Act, R.S.O. 1990, as amended. It shall be the responsibility of each member of Council, not staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council.

A member with a direct or indirect pecuniary interest, who is at a meeting where the matter in which the member has a pecuniary interest must:

- Disclose the interest and the general nature of the conflict;
- Submit a written statement of the interest and its general nature with the Clerk or secretary;
- Not take part in the discussion or vote on the matter;
- Not attempt to influence the vote, before, during, or after the meeting;
- Leave the meeting while the matter is being discussed (only if the meeting is in camera); and,
- If absent from a meeting where a member's pecuniary interest is considered, disclose the interest at the next meeting attended by that member.

A member may take part in discussions, including making submissions, and may attempt to influence the voting on any question on whether to suspend the member's remuneration (whether held at an open or in-camera meeting) provided the member does not vote on the question as a result of the consideration of an Integrity Commissioner's report recommending sanctions against a member for a violation of the Code of Conduct.

A member of Council does not have a pecuniary interest in respect of the following:

- a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

- b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001*, as the case may be, relating to local improvements;
- f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

10.0 Municipal Conflict of Interest Act Inquiries to Integrity Commissioner

An elector, or a person acting in the public interest may apply, in writing to the Integrity Commissioner for an inquiry to be conducted concerning an alleged allegation of a conflict of interest by a member of Council or local board within six (6) weeks after the applicant becomes aware of the alleged contravention. No application may be made between Nomination Day and Voting Day in the year of a regular election.

An application may be made more than six (6) weeks in the following circumstances:

- The applicant became aware of the alleged allegation within the period of time commencing six weeks prior to Nomination Day and ending on Voting Day; and,
- The applicant applies to the Integrity Commissioner within six (6) weeks after Voting Day in a regular election.

Applications of this nature shall set out the reasons for the alleged allegation together with a statutory declaration attesting to the fact that the applicant became aware of the matter within the required time frame.

If the Integrity Commissioner proceeds with an inquiry, they shall conduct such inquiry as they consider necessary and may have a public meeting to discuss the inquiry. The municipality and its local boards shall give the Integrity Commissioner such information as is necessary to conduct the inquiry and shall have free access to the following: books, accounts, financial records, electronic data processing records, reports, and files as considered necessary.

Should an inquiry not be completed before Nomination Day for a regular election, the Integrity Commissioner shall terminate the inquiry on that day and shall not commence another inquiry in respect of the matter unless, within six (6) weeks after Voting Day, the person or entity who made the request makes a written request.

An inquiry shall be completed within 180 days after receiving the completed application unless the inquiry is terminated.

Upon completion of an inquiry, the Integrity Commissioner may, if considered appropriate, apply to a judge for a determination as to whether the provisions of the Municipal Conflict of Interest Act have been violated and shall advise the member if an application will not be made and shall publish written reasons for the decision. The cost of making an application to a judge shall be borne by the municipality or local board as the case may be.

11.0 Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of their official duties to represent the public interest.

Specifically, members of Council shall not:

- Use any influence of their office for any purpose other than for their official duties;
- Act as an agent before Council or any committee, board, or commission of Council;
- Solicit, demand, or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- Use any information gained in the execution of their office that is not available to the general public for any purpose other than for their official duties;
- Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- Give preferential treatment to any person or organization in which a member or

- members of Council have a financial interest;
- Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a member or members of Council have a financial interest; and,
- Use corporate materials, equipment, facilities, or employees for personal gain or for any private purpose.

12.0 Election Campaigns/Use of Corporate Resources

The Municipal Elections Act, S.O. 1996, as amended, prohibits a municipality from making a contribution to a candidate. The Act also prohibits the candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. Since contributions may take the form of money, goods, or services, any use by a member of Council of the municipality's resources for his/her election campaign would be viewed as a contribution and, therefore, a violation of the Act. Information made available to the public on the municipality's website does not constitute a contribution to a candidate. This information may include the phone number and email address provided by the candidate on their nomination form, as well as a hyperlink to the candidate's website.

Members of Council shall not:

- Use corporate resources (including business cards, Township letterhead, etc.) and funding for election-related purposes;
- Enlist the use of staff to work in support of a municipal candidate in order to preserve the integrity of the Council/staff relationship;
- Use a constituency office or any municipally-provided facilities for election-related purposes, which includes the display of any campaign related signs in a window or on the premises, as well as displaying any election-related material in the office;
- Print or distribute any material paid for by the municipality that illustrates that a member of Council or any other individual is registered in any election or where they will be running for office;
- Profile, or make reference to, in any material paid by the municipality, any individual who is registered as a candidate in any election;
- Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; minutes of Council and/or Committee meetings being exempt;
- Use the municipality's voicemail system to record election-related messages; and,
- Use the municipality's coat of arms, crest, logo, or tag-line.

The following shall be discontinued for the members of Council from the day prior to Nomination Day in a municipal election year to Election Day:

- All forms of advertising, including municipal publications, paid for by the municipality;
- All printing, photocopying and distribution, including printing and general

- distribution of newsletters unless so directed and approved by Council; and,
- The ordering of business cards and other stationary

13.0 Hiring

The purpose of the Township of Brock Hiring Policy is to ensure that employment related decisions with respect to relatives are conducted in an open and transparent manner which is free from real and/or perceived conflicts of interest; the public has confidence in the integrity of the municipality's hiring policies and practices, and public expectations of conduct are upheld by the Corporation.

Relatives of the members of Council shall be prohibited from employment by the municipality where:

- They would supervised by, or subordinate to, one another (direct reporting relationship);
- They would be given preferential treatment in the recruitment and/or selection for vacancies within the municipality; and,
- They would be appointed to positions where job responsibilities would be incompatible with positions occupied by relatives.

The Corporation recognizes that broader family relationships (relatives) and close personal relationships exist which may give rise to concerns of real and/or perceived conflicts of interest. Members of Council who find themselves in such situations must be sensitive to these concerns and govern themselves in such a manner which reinforces the objects and intent of this policy.

14.0 Interpersonal Behaviours

Ontario Human Rights Code

Members of Council shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public with dignity, understanding, and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

Discrimination

No member of Council shall discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

Harassment & Violence in the Workplace Policy

Members of Council shall abide by the Township's Violence and Harassment in the Workplace policies formally adopted by Council under the Occupational Health & Safety Act.

Relationship with Staff

Members of Council shall be respectful of the fact that staff work for the municipality and make recommendations based on their professional and technical expertise as well as from a corporate perspective, without undue influence from individual members of Council. Many staff members are bound, through professional associations, to a strict code of ethics in the delivery of their services. Accordingly, members of Council shall not:

- Maliciously or falsely injure the professional or ethical reputation of staff;
- Compel staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; and,
- Use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties.

15.0 Professional Development

Members of Council are encouraged to promote and participate in opportunities for professional development offered through professional associations, staff, etc.

16.0 Alleged Breaches

The Township of Brock – Council Code of Conduct Complaint Procedure outlines how any person who believes that a member of Council is in contravention of the Township of Brock's Council Code of Conduct may address their concerns. An informal complaint must be made prior to a formal complaint to the Integrity Commissioner.

17.0 Implementation

The Code of Conduct will be included as part of an orientation workshop for each new term of Council. In addition, members are expected to review the Code of Conduct on a regular basis.



**Township of Brock
Council Code of Conduct**

Complaint Procedures – 2019

Post Bill 68 Proclamation

This document is available in alternate formats upon request.

Please contact the Clerk's Department at 705-432-2355.

Appendix “A”
Township of Brock – Code of Conduct
Complaint Procedure

1. Procedure — Informal Complaint

- 1.1 Any person who believes that a member is in contravention of the Township of Brock’s Code of Conduct may address their concerns in the following manner:
- A) advise the member that their behaviour or activity contravenes 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 the member’s response to the concern identified; and
 - D) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
- 1.2 If any person is not satisfied with the response received through the aforementioned informal process, the person may proceed with a formal complaint through the Integrity Commissioner as outlined in Section 2 of the Complaint Procedure.

2. Procedure — Formal Complaint

- 2.1 Any person who has reasonable grounds to believe that a member has contravened the Code of Conduct may address their concerns through the formal complaint process set out below:
- A) all formal complaints (“Complaints”) must be made using the Township’s Complaints Form/Affidavit (see Schedule “A”) and shall be dated and signed by the person making the Complaint (the “Complainant”);
 - B) the Complaint must include an explanation as to why the issue raised may be a contravention of the Code of Conduct and any evidence in support of the allegation must be included with the Complaints Form/Affidavit;
 - C) any witnesses in support of the allegation must be identified on the Complaint Form/Affidavit;

- D) the Complaint Form/Affidavit must include the name of the member alleged to have breached the Code of Conduct, the specific provision(s) of the Code of Conduct allegedly contravened, the date, time and location of the alleged contravention(s) and any other information as required on the Complaint Form/Affidavit;
 - E) the Complaint shall be filed with the Clerk who shall confirm that the information is complete as to Sections 2.1 (A), (B) and (D) and then forward the Complaint Form/Affidavit to the Integrity Commissioner who will determine whether the matter is, on its face, a Complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or policies; and
 - F) the Complaint must be submitted to the Clerk no later than six (6) months from the date in which the alleged violation occurred and no action will be taken on a Complaint received after this deadline.
- 2.2 The Integrity Commissioner may request additional information from the Complainant in order to properly assess the Complaint.
- 2.3 A Complainant may at any time abandon a Complaint.
- 3. Response of Integrity Commissioner of Complaint Outside Jurisdiction**
- 3.1 If the Complaint received by the Integrity Commissioner does not relate to a non-compliance with the Code of Conduct, it will be deemed not to be a Complaint and 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*, R.S.C. 1985, c. C-46, the Complainant shall be advised 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*, R.S.O. 1990, c. M.56, the Complainant shall be referred to the Clerk to have the matter reviewed under that statute; or
 - C) Other Matters – if the matter is covered by other policies or legislation, the Complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

4. Refusal to Conduct an Investigation

- 4.1 If upon review of a Complaint, or at any time during an investigation, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation or shall discontinue the investigation and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form/Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate or after an investigation is discontinued.
- 4.2 Between Nomination Day and Voting Day, there shall be no requests for an inquiry on whether a member of Council or local board has contravened the Code of Conduct.

5. Opportunity for Resolution

- 5.1 If at any time, following the receipt of a 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. The formal Complaint will be held in abeyance during such time.

6. Investigation

- 6.1 If the Integrity Commissioner determines that a formal investigation is required, he or she shall:
- A) 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 ten (10) days;
 - B) provide a copy of the response provided by the member to the Complainant with a request for a written reply within ten (10) days;
 - C) have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality that the Integrity Commissioner believes to be necessary for an investigation; and
 - D) make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation, if any, encountered during the investigation.
- 6.2 The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sched. 6, in which case those sections apply to the investigation.

7. Co-operation

- 7.1 A Member shall co-operate in every way possible with the Integrity Commissioner in any investigation of a Complaint and the enforcement of the Code of Conduct.

8. Suspension/Termination of Investigation

- 8.1 The Integrity Commissioner will cease the investigation if:

- A) a Complainant abandons the request for an investigation, in which case the Integrity Commissioner shall report to Council as set out in Section 9;
- B) 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*, in which case the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge(s) have been finally disposed of, and shall report the suspension to Council; or,
- C) an inquiry is not completed before Nomination Day in the year of a regular election and shall not commence another inquiry in respect of the matter unless, within six (6) weeks after Voting Day, the person or entity who made the request makes a written request.

9. Report Re Recommendation

- 9.1 The Integrity Commissioner shall report to the Complainant and the member on the results of his or her review within sixty (60) days of receiving a complete Complaint Form/Affidavit upon completion of an investigation. If the investigation process requires more than sixty (60) days, the Integrity Commissioner shall provide an interim report to the Complainant and member indicating when the complete report may be available.
- 9.2 If during the investigation process, the Complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty (30) days.
- 9.3 If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred but the member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.
- 9.4 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*

S.O. 2001, c. 25, namely either:

A) a reprimand; or

B) a suspension of remuneration paid to the member for a period of up to ninety (90) days.

9.5 The report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.

9.6 Between Nomination Day and Voting Day in the year of a regular election, there shall be no report on whether a member of Council or local board has contravened the Code of Conduct and the municipality or local board shall not consider whether to impose penalties on a member of Council or local board.

10. No Appeal of Integrity Commissioner's Decision

10.1 There is no appeal from the decision of the Integrity Commissioner.

11. Municipal Conflict of Interest Act Complaints to Integrity Commissioner

11.1 An elector, or a person acting in the public interest may apply, in writing to the Integrity Commissioner for an inquiry to be conducted concerning an alleged allegation of a conflict of interest by a member of Council or local board within six (6) weeks after the applicant becomes aware of the alleged contravention. No application may be made between Nomination Day and Voting Day in the year of a regular election.

11.2 An application may be made more than six (6) weeks in the following circumstances:

A) The applicant became aware of the alleged allegation within the period of time commencing six weeks prior to Nomination Day and ending on Voting Day; and,

B) The applicant applies to the Integrity Commissioner within six (6) weeks after Voting Day in a regular election.

11.3 Applications of this nature shall set out the reasons for the alleged allegation together with a statutory declaration attesting to the fact that the applicant became aware of the matter within the required time frame.

11.4 If the Integrity Commissioner proceeds with an inquiry, they shall conduct such inquiry as they consider necessary and may have a public meeting to discuss the inquiry. The municipality and its local boards shall give the Integrity Commissioner such information as is necessary to conduct the inquiry and shall have free access to the following: books, accounts, financial records, electronic data processing records, reports, and files as considered necessary.

- 11.5 Should an inquiry not be completed before Nomination Day for a regular election, the Integrity Commissioner shall terminate the inquiry on that day and shall not commence another inquiry in respect of the matter unless, within six (6) weeks after Voting Day, the person or entity who made the request makes a written request.
- 11.6 An inquiry shall be completed within 180 days after receiving the completed application unless the inquiry is terminated.
- 11.7 Upon completion of an inquiry, the Integrity Commissioner may, if considered appropriate, apply to a judge for a determination as to whether the provisions of the Municipal Conflict of Interest Act have been violated and shall advise the member if an application will not be made and shall publish written reasons for the decision. The cost of making an application to a judge shall be borne by the municipality or local board as the case may be.

12. Confidentiality

- 12.1 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 Township 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 subsection 223.5(3) of the *Municipal Act, 2001*, Section 9 of the Complaint Procedure prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

13. Delegation

- 13.1 The Integrity Commissioner may delegate in writing to any person, other than a member, any of the Integrity Commissioner's powers and duties.



**Township of Brock
Council Code of Conduct**

Formal Complaint Form/Affidavit

Township of Brock Council Code of Conduct — Formal Complaint Form/Affidavit

MAKE OATH AND SAY (or AFFIRM):

- has contravened section(s) _____ (specify section(s)) of the Council Code of Conduct of the Township of Brock. The particulars of which are as follows:

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This affidavit is made for the purpose of requesting that this matter be reviewed by the Township of Brock's Integrity Commissioner and for no other purpose.

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(Signature)

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

Schedule "A" (continued)

Additional Information

To the affidavit required under Section 2 of the Complaint Procedure – Formal Complaint of the Code of Conduct. (If more than one page is required, please photocopy this blank page and mark each additional page as 2 of #, 3 of #, etc. at the top right corner.)

This Schedule "A" referred to in the affidavit of

_____ (full name)
Sworn (or Affirmed) before me on this _____ day
of _____, _____.

A Commissioner for taking affidavits, etc.