

THE CORPORATION OF THE
MUNICIPALITY OF WAWA

BY-LAW NO. 3593-23

BEING A BY-LAW to adopt Municipality of Wawa Policy No. HR-017: Code of Conduct for Council and Board/Committee Appointees.

WHEREAS *Municipal Act, 2001*, S.O. 2001, Chapter 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS Section 10 (2) of the *Municipal Act, 2001*, provides that a single-tier municipality may pass by-laws respecting health, safety and well-being of persons;

AND WHEREAS Section 223.2 (1) of the *Municipal Act, 2001*, Chapter 25, as amended, authorizes municipalities to establish codes of conduct for members of council of the municipality and local boards/committees of the municipality;

NOWHEREFORE the Council of The Corporation of the Municipality of Wawa enacts as follows:

1. **THAT** Municipality of Wawa By-Law No. 3342-20 be and is hereby repealed.
2. **THAT** Policy No. HR-017 herein attached as Schedule "A" to this By-Law and forming an integral part of this By-Law, be adopted as Municipal Policy on Code of Conduct for Council and Board/Committee Appointees.
3. **THAT** the Mayor and Clerk be and they are hereby authorized to sign this By-Law and to affix the corporate seal thereto.
4. **THAT** this By-Law is enacted upon the third and final reading hereof.

READ a first, second and third time and be finally passed this 18th day of April, 2023.




MELANIE PILON, MAYOR


MAURY O'NEILL, CLERK



The Corporation of the Municipality of Wawa
Policy Manual

POLICY TITLE:	Code of Conduct
SUBJECT:	Code of Conduct for Council and Board/Committee Appointees
POLICY NO.	HR-017
EFFECTIVE DATE:	October 6, 2020
ENACTED BY:	By-Law No. 3593-23

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1. Policy Purpose

A written Code of Conduct for Council and board/committee appointees helps to ensure that the members of Council, local boards and advisory committees of the Municipality (as defined in the *Municipal Act*) share a common basis for acceptable conduct. This Code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should enhance public confidence that Wawa's elected and appointed representatives operate from a base of integrity, justice and courtesy. The key principles underlining the Code of Conduct are:

- a. All members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- b. Members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- c. Members are expected to perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
- d. Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature and Municipal Council.

Municipal Council members hold positions of privilege; therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the wellbeing of the community and regard for the integrity of The Corporation. The purpose of the Code of Conduct is to: protect the public interest; encourage high ethical standards among members of Wawa Municipal Council, local boards and committee appointees; provide a universal understanding of the fundamental rights, privileges, and obligations of members of Wawa Municipal Council, local boards and committee appointees; provide a means for members of Wawa Municipal Council, local boards and committee appointees to obtain information on some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

2. Applicability

This policy shall apply to all members of Wawa Municipal Council and members of local boards as defined in section 223.1 of the *Municipal Act*.

3. Level of Authority

The following are designated Levels of Authority required to approve travel requests:

Position	Authority
Mayor	Municipal Council
Members of Council	Municipal Council
Local Boards/Committee Appointees	Municipal Council

4. Definitions

4.1. "**Members**" include the Mayor and members of Municipal Council, members of local boards and committee appointees as defined in section 223.1 of the Municipal Act.

4.2. "**Confidential Information**" includes:

- a. Any information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* or any other law;
- b. Information of a corporate, commercial, scientific or technical nature received in confidence from third parties (personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, security of property of the Municipality; any other information lawfully determined by the Council, the local board or committee to be confidential or required to remain or be kept confidential by legislation or order;
- c. A matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open Council or it is authorized to be released by Council, local board or committee, or otherwise by law;
- d. Reports of consultants, draft documents and internal communications which, if disclosed, may prejudice the reputation of the Municipality, its officers and employees, or its effective operation;

- e. Information concerning litigation, negotiation or personnel matters;
- f. Information the publication of which may infringe on the rights of any person (eg. source of a complaint where the identity of a complainant is given in confidence).

4.3. "Integrity Commissioner" means the person appointed by by-law in accordance with section 223.3 of the *Municipal Act, 2001* and who is responsible for performing in an independent manner the functions assigned by the Municipality with respect to the application of the Code of Conduct for members of Council, local boards or committee appointees.

5. Policy – General

5.1 Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, 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:

- attendance is in keeping with his or her representative role; and
 - the value is reasonable; and
 - attendance at events sponsored by the same entity is 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 \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Municipal Clerk. 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. its 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 Municipality.

Disclosure statements will be a matter of public record.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500. No member shall seek or obtain by reason of his / her office any personal privilege or advantage with respect to Municipal services not otherwise available to the general public and not consequent to his or her official duties.

5.2 Confidentiality

No member shall disclose, release, or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office in any form, except when required or authorized by Council or otherwise by law to do so. 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.

5.3 Use of Municipal Property

No member shall, for personal purposes or profit, permit the use of any Municipal property, equipment, services, or supplies other than for purposes connected with:

- a. the discharge of municipal duties; or
- b. associated community activities of which Council has been advised unless such use is permitted by one of the following exceptions:
 - i) reasonable and incidental personal use of office space, equipment such as computers, fax machines, cell phones, etc., where the municipality incurs no additional costs relating to such use, and the use is of limited duration and frequency.
 - ii) use of municipal property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

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

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.

5.4 Work of a Political or Personal Nature

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No member shall use the facilities, equipment, supplies, services or other resources of the Municipality (including Councillor newsletters and websites linked through the Municipality's website) for any election campaign or campaign related activities. No member shall undertake campaign-related activities in any Municipal facility for the purpose of seeking the support of municipal employees working in that facility. No member shall use the services of persons for his or her election campaign purposes during the working hours for which those persons receive compensation from the Municipality.

No member shall use municipal facilities, services or property for his or her personal or business use.

No member shall use the services of persons for his or her personal or personal business use during the working hours for which those persons receive compensation from the Municipality.

5.5 Conduct Respecting Current and Prospective Employment

No member shall allow the prospect of his / her future employment by a person or entity to detrimentally affect the performance of his / her duties to the Municipality.

5.6 Business Relations

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Municipality. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

5.7 Conduct

As a representative of the Municipality, every member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, any member of staff or any member of the public. A member shall not speak or communicate in a manner that is discriminatory to any individual based on that person's race ancestry, place of origin, creed, gender, sexual orientation, age colour, marital status or disability.

5.8 Influence on Staff

Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters. Members shall be respectful of the fact that staff work for the Municipality 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. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of Municipal staff.

Council directs the business of the Municipality and passes by-laws or resolutions, as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the Municipality in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation within the resources at their disposal. Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions. No member shall compel any staff member to engage in activities that are contrary to the directions of Council or the policies of the municipality.

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; nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

5.9 Improper Use of Influence

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision "private advantage" does not include a matter:

- a. that is of general application;
- b. that affects a member of Council, his / her immediate relatives, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or

- c. that concerns the remuneration or benefits of a member of Council.

Members should not advocate on behalf of any person at a hearing of an adjudicative board and should not contact any member of such a board regarding any application before it.

6. Complaints Alleging Violation of This Code

- 6.1** Where an elector or a person acting demonstrably in the public interest has reasonable grounds to believe that a member has breached this Code, a complaint may be submitted to the Clerk's Department in the prescribed form with the filing fee of \$0.00. Once an alleged complaint is received by the Municipality, the Clerk will forward the complaint form and back up information (if any) to the Municipality's Integrity Commissioner, who will process it in accordance with the Complaint Protocol attached hereto as Appendix "1".

Appendix "1" – Complaint Protocol
Appendix "2" – Request for Investigation
Appendix "3" – Request for Advice

Refusal to Conduct Investigation

- 6.2** If the Integrity Commissioner is of the opinion that the referral of a matter 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, where that becomes apparent in the course of an investigation, terminate the investigation.

Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described above, except as part of an annual or other periodic report.

The decision of the Integrity Commissioner is final and not appealable.

7. Limitation Period

- 7.1** The Integrity Commissioner shall not proceed with an enquiry regarding a Code of Conduct complaint more than sixty (60) days after the date when the event or series of events which are the subject matter of the complaint were discovered by the complainant. The onus of proof as to the date of discovery lies with the complainant.

7.2 Notwithstanding Section 7.1 of this Policy, the Integrity Commissioner may proceed with an inquiry in regard to a complaint that is filed after the expiry of the time limit under Section 7.1 if the Integrity Commissioner is satisfied that:

- a) the delay was incurred in good faith;
- b) it is in the public interest to proceed with an inquiry; and
- c) no substantial prejudice will result to any person because of the delay.

7.3 Where the Integrity Commissioner decides not to proceed with the investigation of a Code of Conduct complaint received more than sixty (60) days after the date when the event or series of events occurred, the Integrity Commissioner may prepare and file a report to Council setting out that decision.

7.4 A complaint regarding an alleged contravention of the *Municipal Conflict of Interest Act* may not be made more than six (6) weeks after the applicant became aware of the alleged contravention.

8. Non-Compliance with this Code of Conduct - Sanctions

A member found by the Integrity Commissioner to have contravened any provision of this Code, may be subject to one or more of the following consequences imposed by Council as referred to in the following:

- a. reprimand;
- b. suspension of the remuneration paid to the member in respect of his or her services as a member of the Council, local board or committee appointees, for a period of up to ninety (90) days;
- c. other penalties, including but not necessarily limited to:
 - i) Removal from membership of a committee or local board;
 - ii) Removal as Chair of a committee or local board;
 - iii) Require repayment or reimbursement of moneys received;
 - iv) Return of property or reimbursement of its value;
 - v) A request for an apology;
 - vi) Revocation of travel or another budget;
 - vii) Request for resignation; and
 - viii) Trespass order restricting access except for Council Meetings.

9. No Reprisal or Obstruction in the Application or Enforcement of this Code

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

10. Statutes and Policies Regulating the Conduct of Members

- 10.1** In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
- a) *the Municipal Act, 2001, as amended;*
 - b) *the Municipal Conflict of Interest Act;*
 - c) *the Municipal Elections Act, 1996;*
 - d) *the Municipal Freedom of Information and Protection of Privacy Act;*
 - e) *the Ontario Human Rights Code; and,*
 - f) *the Occupational Health and Safety Act.*

10.2 The following policies govern the conduct of Members:

Procedural By-Law	Policy GG-003	By-Law 3253-19 By-Law 3292-20
Accountability & Transparency	Policy GG-006	By-Law 2642-13
Sale of Land	Policy AD-002	By-Law 3180-19

Expense Reimbursement Policy	Policy AD-003	By-Law 3254-19
Harassment & Violence in the Workplace	Policy HR-002	By-Law 3178-19
Council Per Diems	Policy HR-005	By-Law 2673-13
Hand Held Media Device Usage	Policy HR-019	By-Law 2312-10
Use of Corporate Resources for Elections	Policy HR-021	By-Law 2755-14
Workplace Violence & Domestic Violence	Policy HR-022	By-Law 3198-19
Hate Activity	Policy SH-001	By-Law 1483-02
Health & Safety Policy	None	By-Law 2041-07

10.3 The *Criminal Code* also governs the conduct of Members.

10.4 A member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code or being found to have failed to comply with the Municipal Conflict of Interest Act, whether or not the conduct in question involves contravention of this Code of Conduct. In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation, the statute or regulation shall prevail. Should any provision of the Code become or be determined to be invalid, illegal or unenforceable, it shall be considered separate and severed from the agreement and the remaining provisions shall remain in force.

11. Review

This policy shall be reviewed by each term of Council or as determined necessary by Council.

12. Policy Adoption and Review Guidelines

Date of Adoption by Council	By-Law No.	Date of Most Recent Review by Council	Changes Made Yes/No
July 11, 2006	1922-06		
February 19, 2019	3173-19		Yes
October 6, 2020	3342-20	September 15, 2020	Yes
April 18, 2023	3593-23	April 4, 2023	Yes

Acknowledgement and Agreement

I, _____, acknowledge that I have read and understand the Code of Conduct for Council or Board / Committee Appointees Policy of the Municipality of Wawa. I agree to adhere to this policy. I understand that if I violate the rules set forth under this Policy, I may face punitive or corrective action, and/or potential legal action.

This completed form must be submitted to HR.

Name	
Signature	
Date	
Witness	

Appendix "1" to Policy No. HR-017

**Complaint Protocol for Code of Conduct
(Council and Local Boards / Committee Appointees)**

Application

This process applies to members of Wawa Municipal Council and its local boards/committee appointees as defined in section 223.1 of the Municipal Act (members).

Integrity Commissioner

The Municipality of Wawa Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:

1. To provide written and oral advice to members and municipal staff concerning the interpretation of and compliance with the Code of Conduct for Council and Local Boards/Committee Appointees governing the ethical behaviour of the members (the "Code");
2. To review the Code of Conduct to ensure it accurately reflects best practice for the conduct of members of Council, local boards, or committee appointees, or any person demonstrably acting in the public interest and recommending any amendments thereto;
3. To provide Council and its local boards/committee appointees with training regarding the Code of Conduct, the role of the Integrity Commissioner, specific and general opinions and advice on the interpretation of the Code;
4. To conduct inquiries or investigations as appropriate, into a request made by Council, a local board, a committee appointee or any person demonstrably acting in the public interest into whether a member has contravened any application provision of the Code;
5. To attempt to settle any complaint between the complainant and the member before commencing an inquiry.

Procedure for Making a Complaint

Informal Complaints

Any individual who identifies or witnesses behaviour or activity by a member of Council and its local boards/committee appointees that appears to be in contravention of the Code of Conduct for Council and local boards/committee appointees may address the prohibited behaviour or activity themselves in the following manner:

1. advise the member in writing that the behaviour or activity appears to contravene the Code of Conduct identifying the specific provision of the Code of Conduct that is alleged to have been contravened;
2. encourage the member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
3. document the incident(s) including dates, times, locations, other persons present and any other relevant information, including steps taken to resolve the matter;
4. if applicable, confirm to the member satisfaction with the response of the member; or, if applicable, advise the member of dissatisfaction with the response; and
5. if applicable, consider the need to pursue the matter in accordance with the formal complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or an activity that they believe violates the Code of Conduct; however, the informal process is not a precondition or a prerequisite to pursuing the formal complaint procedure.

Formal Complaints

1. All complaints or requests for inquiries shall be submitted to the Municipal Clerk's Department and sworn before a commissioner of oaths in the form provided in Appendix "2". The Clerk shall forthwith forward the complaint to the Integrity Commissioner.
2. All complaints or requests for inquiries must clearly state:
 - a. The member to whom the complaint relates
 - b. The nature of the alleged contravention
 - c. The specific provision(s) of the Code allegedly contravened;

- d. Names of any witnesses to the alleged contravention; and
 - e. Written material in support of the alleged contravention.
- 6.** All complaints or requests for inquiries must be accompanied by all written materials (documents or records), considered to be relevant to the complaint or requests for inquiry.
- 7.** Upon receipt of a complaint or request for inquiry and proof of payment, the Integrity Commissioner shall first determine if it is within his/her jurisdiction and whether there is a procedure under other legislation or Municipal policy to deal with the complaint. If it is determined that other procedures apply, the Integrity Commissioner shall refer the complainant to the appropriate person or agency to follow that process. This would include such matters as:
- a. The complaint provisions under the Ontario Human Rights Code;
 - b. A complaint of alleged criminal activity;
 - c. Procedures under the Municipal Act, the Municipal Conflict of Interest Act or the Municipal Elections Act;
 - d. The complaint provisions of the Workplace Violence and Harassment Prevention Policy, as stated in that policy.

Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with by the Integrity Commissioner.

- 8.** Upon receipt of a complaint or request to conduct an inquiry within his/her jurisdiction the Integrity Commissioner will deliver a preliminary information report to an open meeting of Council including the following:
- a. The opinion of the Commissioner as to whether the inquiry is appropriate and whether it can be conducted within the law applicable to such an inquiry;
 - b. An indication as to whether it is the Commissioner's intention to conduct the inquiry under sections 33 and 34 of the Public Inquiries Act;
 - c. A preliminary indication of the members of staff and/or consultations needed to assist the Commissioner;
 - d. An estimated cost of the inquiry;
 - e. The estimated time required to complete the inquiry and prepare a final report;

- f. Where appropriate, the Commissioner may recommend that the alleged infraction be reported to the police and that the inquiry be suspended until the police investigation is completed.
6. 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 inquiry, the Integrity Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the preliminary report.

Procedure for Obtaining Advice

Where a member or employee is seeking to obtain advice from the Integrity Commissioner, he/she shall submit to the Municipal Clerk the completed form provided (Appendix "3").

All advice of the Integrity Commissioner to members or employees shall be confirmed in writing. No solicitor/client relationship will exist in the giving of such advice.

Where the Integrity Commissioner learns of a violation through the request for advice from any member, he or she is required to report such a violation to Council.

The Integrity Commissioner may decline to give advice if he/she determines that it will put him/her in conflict with his/her duty to Council as a whole.

Confidentiality

The Integrity Commissioner shall carry out all inquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the *Municipal Act*.

All records of investigations shall be kept confidential and access limited to those in the Municipality with a need to know for the purposes of conducting a full investigation.

Intake Procedure

Upon receipt of a complaint involving a member other than the Mayor, the Clerk shall immediately advise the Mayor and the Chief Administrative Officer (CAO).

Upon receipt of a complaint involving the Mayor, the Clerk shall immediately advise the CAO and the individual who was Acting Mayor or Deputy Mayor at the time of the allegation who is authorized to act in the place of the Mayor.

The Integrity Commissioner may attempt to settle any complaint. Except where otherwise required by the *Public Inquiries Act*, the Commissioner shall provide a copy of the complaint and supporting material to the member with a request for a written response to the allegation within ten days and provide a copy of such response to the complainant with a request for a written response also within ten days.

Investigations

After the presentation of the information report to Council, the Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any Municipal office for such purpose and consultation with Municipal staff with access to all information and records described in subsections 3 and 4 of section 223.4 of the *Municipal Act* and may retain independent professional services if required.

The Integrity Commissioner shall make every effort to complete an investigation within thirty (30) days.

If the Integrity Commissioner requires more than thirty (30) days to complete an investigation, the following shall be notified accordingly:

- a. The complainant;
- b. The individual to whom the complaint relates;
- c. The Mayor in the case of a complaint concerning another member; or the individual who was Acting Mayor or Deputy Mayor at the time of the allegation in the case of a complaint concerning the Mayor.

A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

Reporting the Results of the Investigation

The Integrity Commissioner shall report his/her findings to an open meeting of Council. Where the inquiry relates to a local board/committee the report will be submitted both to Council and to the local board/committee.

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 judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

The Commissioner shall give a copy of the final report to the complainant and the member whose conduct is concerned fifteen (15) days prior to the Council meeting at which it will be considered.

At the time of the Integrity Commissioner's report to Council the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that a breach has occurred.

Actions by Council

In reviewing the final report, Council will determine whether it will impose any of the following penalties on a member if the Integrity Commissioner reports that it is his/her opinion that the member has contravened the Code:

1. Issue a motion of reprimand;
2. Suspension of the remuneration paid to the member in respect of his or her services as a member for a period of up to ninety (90) days;
3. Request the member involved to return any gift or benefit received in contravention of the Code of Conduct;
4. Request the member involved to repay the value of the benefit;
5. Remove the member from committee or local board appointments;
6. Request an apology; or
7. Withhold confidential materials/matters for a period of time.

All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.

The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for inquiries and for conducting investigations. Municipal Council shall be responsible for determining penalties where appropriate.

Protection from Retaliation

Any employee who files a complaint of a contravention of the Code of Conduct will not be subjected to any form of penalty or reprisal provided the complaint is made in good faith and in the reasonable belief of the complainant that a contravention of the Code has occurred.

Limitation Period

The Integrity Commissioner shall not proceed with an inquiry in regard to a complaint more than sixty (60) days after the event or series of events which are the subject matter of the complaint were discovered by the complainant. An event or series of events is discovered on the earlier of the date upon which the complainant first knew:

- that the event(s) had occurred and by whom; and
- that the event(s) may have constituted a contravention of the Code.

The onus of proof as to the date of discovery lies with the complainant.

Notwithstanding Section 7.1 of this Policy, the Integrity Commissioner may proceed with an inquiry in regard to a complaint that is filed after the expiry of the time limit under Section 7.1 if the Integrity Commissioner is satisfied that:

- a) the delay was incurred in good faith;
- b) it is in the public interest to proceed with an inquiry; and
- c) no substantial prejudice will result to any person because of the delay.

Complaints in Municipal Election Years

Despite any other provision of this process, if the Commissioner has not completed an inquiry before nomination day for a regular election as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day.

If an inquiry is so terminated, the Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. 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.
2. The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of council or of a local board has contravened the code of conduct applicable to the member.
3. The Municipality or local board/committee shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board/committee appointee.

Appendix "2" to Policy No. HR-017

**Request for Investigation
Code of Conduct for Members of Council and Local Boards / Committee
Appointees**

Name of Requestor	
Address	
Telephone	
Email Address	
It is an offence under the Criminal Code to knowingly swear/affirm a false affidavit.	
I,	(full name)
of	(municipality of residence)
In the Province of Ontario, MAKE OATH AND SAY (or affirm)	
1. I have personal knowledge of the facts set out in this affidavit.	
2. I have reasonable and probable grounds to believe that:	
<i>(specify name of member of Council or local Board)</i>	
has contravened sections	<i>(specify)</i>
of the Code of Conduct for Members of Council and Local Boards.	
Date of Incident:	
Time of Incident:	
Location of Incident:	
Name(s), position, contact information (phone number or email address) of all Witnesses to the incident:	
a)	
b)	
c)	
d)	
3. This affidavit is made for the purpose of requesting that this matter be investigated and for no improper purpose.	
List of documents or records that are relevant to the requested inquiry (include document title and date).	

All documents or records considered relevant to the complaint or request for inquiry must accompany this request for investigation form.

SWORN (or affirmed before me at the
Municipality of Wawa, in the District of
Algoma, this day of 20

A Commissioner, etc.

Deliver request to:
Municipal Clerk
40 Broadway Avenue
Wawa, ON P0S 1K0

For Office Use Only		
Date Received	File No.	Receipt No.

