



Staff Report

Administration – Town Clerk

Report To: Council Meeting
Meeting Date: October 21, 2024
Report Number: FAF.24.117
Title: Revision to POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees” and “POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards to include The Blue Mountains OPP Detachment Board
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.24.117, entitled “Revision to POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees” and “POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards” to include The Blue Mountains OPP Detachment Board”;

AND THAT, Council of the Town of The Blue Mountains acknowledges receipt of the October 16, 2024 The Blue Mountains OPP Detachment Board resolution requesting that Council of the Town of The Blue Mountains revise its corporate policies “POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees” and “POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards” to include reference to, and apply to “The Blue Mountains OPP Detachment Board”;

AND THAT Council acknowledges that the purpose of the requested amendments is to satisfy the requirements of the OAPSB Group Insurance Plan, that requires The Blue Mountains OPP Detachment Board to adopt policies regarding abuse;

NOW THEREFORE, Council directs staff to revise the corporate policies, “POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees” and “POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards” to include reference to, and apply to “The Blue Mountains OPP Detachment Board”, effective immediately;

AND THAT Council waives the provisions of the “Provision of Notice and Manner of Providing Notice to the Public Policy, POL.COR.24.04” as it relates to the requirement to schedule a public meeting to receive comments on the revisions to the referenced corporate policies as the amendment is administrative in nature.

B. Overview

The Blue Mountains OPP Detachment Board is required to have an abuse policy in place to secure a group insurance policy through the Ontario Police Services Board Association (OAPSB). The OAPSB and group insurance provider has verified that POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards and POL.COR.21.06 Code of Conduct for Members of Council Local Boards and Advisory Committees satisfy their requirements for an abuse policy for the Board. Staff are recommending that these two corporate policies be revised to include The Blue Mountains OPP Detachment Board and the policies will therefore apply to the Board Members.

C. Background

Through the Community Safety and Policing Act changes to OPP Detachment Board, it was identified that OPP Detachment Boards require their own insurance coverage separate from the municipality. The Blue Mountains OPP Detachment Board applied for group insurance through the Ontario Association of Police Services Board and through that process the Board has been notified they are required to have an abuse policy in place to satisfy insurance requirements.

D. Analysis

Town staff have worked with the insurance provider and the insurer has confirmed that POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards and POL.COR.21.06 Code of Conduct for Members of Council Local Boards and Advisory Committees satisfy their requirements for an abuse policy for the Board, if they are amended to apply to and include The Blue Mountains OPP Detachment Board. Currently, both policies exempt The Blue Mountains OPP Detachment Board (formerly known as The Blue Mountains Policy Services Board).

As the insurance provider has advised that an abuse policy is required prior to October 27, 2024, this is a time-sensitive request being made of Council in order to ensure the Board may comply with the insurance providers requirements.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

None

G. Financial Impacts

The Blue Mountains OPP Detachment Board will be responsible for insurance premiums through the Ontario Association of Police Services Board

H. In Consultation With

Kyra Dunlop, Deputy Clerk

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre, and changes to the Corporate Policies as proposed would require a Public Meeting. As the proposed amendment is a house-keeping issue, a Public Meeting is requested to be dispensed in the recommendation of this report. Any comments regarding this report should be submitted to Corrina Giles, Town Clerk townclerk@thebluemountains.ca.

J. Attached

1. POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards
2. POL.COR.21.06 Code of Conduct for Members of Council Local Boards and Advisory Committees

Respectfully submitted,

Corrina Giles
Town Clerk

For more information, please contact:
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Report Approval Details

Document Title:	FAF.24.117 Revision to POL.COR.21.06 and POL.COR.18.04 .docx
Attachments:	- POL-COR-18-04-Protocol-Policy-for-Complaints-Related-to-Council-Members-and-Local-Boards.pdf - POL-COR-21-06-Code-of-Conduct-for-Members-of-Council-Local-Boards-and-Advisory-Committees.pdf
Final Approval Date:	Oct 17, 2024

This report and all of its attachments were approved and signed as outlined below:

Shawn Everitt - Oct 17, 2024 - 8:24 AM



Policy

POL.COR.18.04

Protocol Policy for Complaints Related to Council Members and Local Boards

Policy Type: Corporate Policy (Approved by Council)

Date Approved: May 28, 2018

Department: Administration

Staff Report: FAF.18.75

By-Law No.: 2018-33

Protocol

PART A - INFORMAL COMPLAINT PROCEDURE

Individuals are encouraged to use the Informal Complaint Procedure first to address behaviour or activity of a Member of Council, Local Committee or a Local Board (a "Member") that they believe violates the Code of Conduct. With the consent of the complaining individual and the Member, the Integrity Commissioner may participate in this process. The parties are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint.

Any individual who identifies or witnesses conduct by a Member that appears to contravene the Code of Conduct may address the conduct in the following manner:

- a. advise the Member that the conduct appears to contravene the Code of Conduct;
- b. Ask the Member to acknowledge and agree to stop the conduct;
- c. document the incidents where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
- d. tell a relevant third party about the concerns regarding the Member's actions;
- e. tell the Member which parts of the Code of Conduct may have been contravened;
- f. ask the Integrity Commissioner to help with an informal discussion of the complaint with the Member to resolve the issue;
- g. if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
- h. consider the need to make a Formal Complaint Procedure as set out in Part B, or any other applicable legal process or complaint procedure.

Protocol Policy for Complaints Related to Council Members and Local Boards

The Informal Complaint Process is not a precondition to making a formal complaint as described in Part B.

PART B - FORMAL COMPLAINT PROCEDURE**Formal Complaints: Requests for Inquiry**

1. Any individual may request an inquiry by the Integrity Commissioner into whether a Member has contravened the Code of Conduct by filing a formal complaint as follows:
 - (a) all complaints shall be in writing on the prescribed form and shall be dated and signed by an identifiable individual;
 - (b) the complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and must be accompanied by a description of the evidence and/or documents that support of the allegation;
2. Council or a Local Board may request an inquiry by the Integrity Commissioner about whether a Member of Council or the Local Board as the case may be has contravened the Code of Conduct.

Filing of Complaint and Classification by Integrity Commissioner

3. The complaint shall be filed with the Clerk who shall forward the matter to the Integrity Commissioner to determine if 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 other Council procedures, policies or rules as set out in Section 3.

Complaints Outside of the Integrity Commissioner Jurisdiction Under the Code of Conduct

4. If the complaint, including the supporting material, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint relates to matters addressed by other legislation or complaint procedure under another Town policy or rule, the Integrity Commissioner shall advise the complainant in writing to follow the alternative procedure. In particular, and in the following circumstances the Integrity Commissioner is to advise as follows:

Criminal Code

- (a) if the complaint alleges a criminal offence under the *Criminal Code*, the complainant shall be advised to take the complaint to the appropriate police service;

Municipal Conflict of Interest Act

- (b) Where an elector or person demonstrably acting in the public interest applies in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall proceed in accordance with section 223.4.1 of the *Municipal Act* (Effective March 1, 2019).

Municipal Freedom of Information and Protection of Privacy Act

- (c) if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the Clerk to deal with under access to information and privacy policies;

Parallel Proceedings for the Same Complaint

- (d) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding related to the *Municipal Conflict of Interest Act*, a Human Rights complaint or similar process, or civil proceedings, the Integrity Commissioner may, in his/her discretion and in accordance with legislation, suspend any investigation pending the result of the other process; and

Outside Jurisdiction: Referrals and Reasons

- (e) if the complaint is, for any other reason, not within the jurisdiction of the Integrity Commissioner the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

Periodic Reports to Council

5. The Integrity Commissioner shall report annually to Council on the activities of the office. In that report, the Integrity Commissioner shall report on all complaints received and their disposition, including complaints deemed not to be within the jurisdiction of the Integrity Commissioner.

Refusal to Conduct Investigation

6. Where the Integrity Commissioner concludes at the outset, or during an investigation that:
- (a) a complaint is frivolous or vexatious,
 - (b) a complaint is not made in good faith, or
 - (c) there are no grounds or insufficient grounds for an investigation,
- the Integrity Commissioner shall not be required to conduct an investigation and in the case of an ongoing investigation, shall terminate the investigation.

Opportunities for Resolution of Formal Complaints

7. Where 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, an informal resolution of the complaint may be attempted with the assistance of the Integrity Commissioner.

Investigation

8. (1) The Integrity Commissioner will proceed as follows in conducting an inquiry pursuant to section 223.4 of the *Municipal Act*, and, where applicable, the *Public Inquiries Act, 2009*:
 - (a) provide the Member with an outline of the complaint with sufficient detail to allow the Member to understand the complaint against him or her;
 - (b) request that the Member provide a written response to the allegations to the Integrity Commissioner within ten (10) days;
 - (c) provide a copy of the Member's response to the complainant with a request that any written reply be provided within ten (10) days; and
 - (d) provide the Member with advance notice of the findings and any sanctions or remedial actions to be recommended to Council.
- (2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to any person, access and examine any other documents or electronic materials and may enter any municipal or Local Board work location relevant to the complaint for the purpose of investigation and potential resolution.
- (3) The Integrity Commissioner may make interim reports to Council or the Local Board where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the formal complaint investigation.
- (4) It is intended that all reports will be presented before Council within ninety (90) days of the filing date. Where due to relevant circumstances the report is not presented to Council within 90 days the Integrity Commissioner shall address the reasons for the delay within the report.
- (5) The Integrity Commissioner shall retain all records related to the complaint and investigation.

Reporting and Recommendations

9. (1) The Integrity Commissioner shall generally report to the complainant and the Member no later than ninety (90) days after the official receipt of the complaint. If the investigation process takes more than ninety (90) days, the Integrity Commissioner shall advise the parties of the date, if possible, that the report will be available.
- (2) Where a Member has been found to have contravened the Code of Conduct, the Integrity Commissioner shall report to Council or the Local Board outlining the findings, the terms of any settlement and/or any recommended remedial action or sanction.

Protocol Policy for Complaints Related to Council Members and Local Boards

- (3) Where the Integrity Commissioner finds that there are no grounds or jurisdiction to investigate a complaint, except in exceptional circumstances, the Integrity Commissioner shall not report to Council the result except as part of an annual or periodic report.
- (4) The Integrity Commissioner may disclose such information as in the Commissioner's opinion is necessary in the written reasons given by the Commissioner in relation to an inquiry into whether a Member has contravened the Code of Conduct.
- (5) The Clerk shall provide a copy of the report to the complainant and the Member whose conduct has been investigated. The Member shall, subject to Subsection 9(5), have the right to address the report when it is considered by Council or the Local Board.
- (6) If the report of the Integrity Commissioner recommends or Council considers whether to suspend the remuneration paid to the Member, the Member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting, however the Member is not permitted to vote on any question in respect of the matter. (Effective March 1, 2019)

Findings

10. If the Integrity Commissioner determines that:
 - (a) there has been no contravention of the Code of Conduct, or
 - (b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it,
 - (ii) it was trivial,
 - (iii) it was committed through inadvertence, or
 - (iv) it resulted from an error of judgment made in good faith,the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*.

Report to Council

11. Upon receipt of a report from the Integrity Commissioner, the Clerk shall place the report on the next regular agenda of Council or the Local Board for consideration by Council or the Local Board.

Duty of Council

12. Council or the Local Board shall consider the Integrity Commissioner's report at the meeting at which it is tabled.

Termination of Inquiry When Regular Election Begins

- 13.(1) If an inquiry has not been completed 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.

Protocol Policy for Complaints Related to Council Members and Local Boards

- (2) If an inquiry is terminated under subsection (1), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in 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.
- (3) 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 has contravened the Code of Conduct.
 2. The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a Member has contravened the Code of Conduct.
 3. The municipality or local board shall not consider whether to impose the penalties referred to in the Code of Conduct.

Public Disclosure

- 14.(1) The Integrity Commissioner and every person acting under his or her instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.
- (2) The Commissioner may disclose such information as in the Commissioner's opinion is necessary and provided for in section 223.5 of the *Municipal Act*
- (2) The Integrity Commissioner shall retain all records related to the complaint and investigation.
- (3) At the time of the Integrity Commissioner's report to Council or the Local Board, the identity of the Member who is the subject of the complaint shall not be treated as confidential information.
- (4) All reports from the Integrity Commissioner to Council or the Local Board will be made available to the public by the Clerk and on www.thebluemountains.ca.

Delegation

15. The Integrity Commissioner may delegate in writing to any person, other than a Member of Council or Local Board, any of the Integrity Commissioner's powers and duties.

Code of Conduct — Formal Complaint Form

COMPLAINT OF _____

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

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

STATE:

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

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

2. I have reasonable and probable grounds to believe that:

_____ (specify name of Member)

a member of the Council/Town Committee/ Local Board (circle applicable body) of the Town of Blue Mountains, has

contravened section(s) _____ (specify section(s)) of the Code of Conduct of the Town of Blue Mountains.

3. The particulars of this complaint are:

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

This complaint is made for the purpose of requesting that this matter be reviewed and/or investigated by the Town of Blue Mountains appointed Integrity Commissioner and for no other purpose.

DATED this _____ of _____, 2____.

Signature

Printed Name



Policy

POL.COR.21.06

Code of Conduct for Members of Council, Local Boards and Advisory Committees

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	November 22, 2021
Department:	Administration
Staff Report:	FAF.21.132
By-Law No.:	2021-86

Policy Statement

Policy direction for the behaviour of Members of Council, Local Boards and Advisory Committees in the performance of their duties and responsibilities as elected and appointed community representatives.

This Policy replaces POL.COR.07.07 being the Code of Conduct for Members of Council, Local Boards and Advisory Committees.

Purpose

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a Municipality to establish Codes of Conduct for Members.

Subsection 223.3(1) also authorizes a Municipality to appoint an Integrity Commissioner who is responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct with respect to:

- the application of the Code of Conduct;
- the application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members;
- the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members;
- requests by Members for advice about obligations under the Code of Conduct, procedures, rules, policies or the *Municipal Conflict of Interest Act*; and
- the provision of education/information to Members, the Municipality and the public about the Municipality's Codes of Conduct for Members and about the *Municipal Conflict of Interest Act*.

The Code of Conduct sets minimum standards for the behaviour of Members in carrying out their functions. It has been developed to assist Members of Council, Local Boards and Advisory Committees to:

Code of Conduct for Members of Council, Local Boards and Advisory Committees

1. Understand the standards of conduct that are expected of them, and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence; and
3. Act in a way that enhances public confidence in local government.

Statement of Principal

A written Code of Conduct helps to ensure that Members of Council, Local Boards and Advisory Committees of the Municipality 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. These standards for Members exist to enhance public confidence that the Town of The Blue Mountain's elected and appointed representatives will serve the public with integrity, justice and courtesy.

The Town of The Blue Mountain's Code of Conduct is a general standard that augments Provincial laws and Municipal policies and by-laws that govern conduct. It is not intended to replace personal ethics.

This Code of Conduct is consistent with the existing statutes governing the conduct of Members. (i.e. the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*). The *Criminal Code of Canada* also governs the conduct of Members. Members are expected to uphold the letter and spirit of the laws of Canada, Ontario and the laws and policies adopted by Council, Local Boards and Advisory Committees.

All Members to whom this Code of Conduct apply shall serve their citizens in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than the exercise of their official duties. Members shall seek to avoid conflicts of interest, both apparent and real. Members shall perform their duties and arrange their public and private affairs in a manner that promotes public confidence and will bear public scrutiny.

Application

This policy applies to Members of Council, Local Boards and Advisory Committees of The Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as elected/appointed community representatives. It is understood that this applies at all times and in all places while a Person is subject to this Code of Conduct.

This policy applies to all Members; however a Code of Conduct for Advisory Committee Members is attached as Appendix D. Provisions of the Code of Conduct for Members of Council, Local Boards and Advisory Committees which are relevant only to Members of Council have been eliminated from the specific Code of Conduct for Members of Local Boards and Advisory Committees. The definitions, principles and intent of the overarching Code of Conduct policy will apply and may be referred to for clarification and interpretative assistance in understanding the Code of Conduct for Members of Local Boards and Advisory Committees.

Definitions

Abuse: Abuse is an attempt to control the behaviour of another Person through a misuse of power, trust or dependency. It can include physical, sexual, verbal, financial, isolation, emotional or psychological Abuse. Abuse may include an attempt to control the behaviour of another Person through improper use of office or position of authority.

Advisory Committee means a committee established by Council, including any ad hoc, subcommittee or task force, to advise on matters which Council has deemed appropriate. A list of Advisory Committees to which these Code rules apply will be updated by the Town from time to time and appointed Members will be provided notice of their requirement to follow the Code rules.

Assets: means all property of the Municipality, including equipment, financial Assets, land, vehicles, material, paper and electronic documents, inventories, tools, electronic equipment, computers, email, internet services and intellectual property.

Chief Administrative Officer (CAO): means the senior executive appointed by Council who is responsible for managing the Municipality.

Clerk: means the Person as appointed by Council pursuant to Section 228 of the Municipal Act, 2001.

Code of Conduct: means the “Town of The Blue Mountains Code of Conduct for Members of Council, Local Boards and Advisory Committees” and/or “The Code of Conduct for Local Boards and Advisory Committee Members”.

Complainant: means a Person who has filed a Complaint to the Integrity Commissioner on the prescribed form.

Complaint: means an allegation of actions and/or behaviour of a Member contrary to one or more provisions of the Code of Conduct, policies and procedures of the Municipality and/or The Municipal Act.

Confidential Information means:

- i. Information in the possession of, or received in confidence by the Municipality, that it is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act;
- ii. A matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in Open Session as authorized by Council and Council has authorized the release of this information;
- iii. Information concerning litigation, negotiation, or personnel matters; and
- iv. 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.

Nothing in this definition of Confidential Information shall be construed to limit Members use or dissemination of information that:

Code of Conduct for Members of Council, Local Boards and Advisory Committees

- Council as a whole has resolved is no longer confidential.

Council: means the elected Council of the Town of The Blue Mountains.

Employee: means a Person employed by the Municipality, including those employed on a contract and volunteers but does not include Members of Council, Local Boards or Advisory Committees.

Harassment: may include behaviour as defined in the Ontario Human Rights Code subsection 10(1) as "*engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome*". However, Harassment under the Code is not limited to behaviour as defined by the Ontario Human Rights Code. Harassment may also include behaviour or actions that constitute Abuse, Bullying or Intimidation under the Town's Workplace Harassment and Human Rights policies.

Local Board: means a Local Board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but **(as per the *Municipal Act Section 238 (1)*)** for the purposes of the Code of Conduct, a Local Board does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a School Board, a Hospital Board, the Niagara Escarpment Commission, a Conservation Authority of the Blue Mountains Attainable Housing Corporation (BMAHC).

Immediate Relative: As per the Municipal Conflict of Interest Act Immediate Relative shall mean parent, spouse or child as defined by s.1 of the Municipal Conflict of Interest Act.

Integrity Commissioner: The Person(s) appointed by Town Council By-Law (including the person delegated by the appointed integrity Commissioner) 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 and Advisory Committees.

Members: means Members of Council, Local Boards and Advisory Committees (and any such Ad Hoc or Sub-Committee thereof) of the Town of The Blue Mountains. A list of Local Boards and Advisory Committees whose Members are governed by Code rules will be updated by the Town from time to time.

Municipality: means The Corporation of the Town of The Blue Mountains.

Nomination Day: means the last day for filing or withdrawing a nomination as provided for by the *Municipal Elections Act, 1996*.

Official Hospitality: means 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 government within a foreign country or at a conference, seminar or event where the Member is either speaking or attending in an official capacity at an official event (for example: at meetings of AMO, FCM, or conducted by providers of continuing education).

Person: For the purpose of the Code of Conduct and the eligibility to file a Code complaint, "person" is a member of the public, member of staff and member of Council.

Code of Conduct for Members of Council, Local Boards and Advisory Committees

Personal Information: as defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c, M56 (MFIPPA), means recorded information about an identifiable individual and includes:

- i. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- ii. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relation to financial transactions in which the individual has been involved;
- iii. Any identifying number, symbol or other particular assigned to the individual;
- iv. The address, telephone number, fingerprints or blood type of the individual;
- v. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- vi. The views or opinions of another individual about the individual; and
- vii. The individual's name if it appears with other Personal Information related to the individual or where the disclosure of the name would reveal other Personal Information about the individual.

Respondent: is any Member named in a Code complaint who is alleged to be in violation of non-compliance of the Code of Conduct rules.

Social Media: means publicly available, third part hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

Token of Appreciation: means such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Member.

Gifts and Benefits

Members shall not accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of their 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 an Immediate Relative, or to a Member's Employee 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) tokens of appreciation, 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, in the case of Members running for office (i.e. disclosure related to election campaign contributions that are required to be otherwise reported.);
- d) services provided without compensation by Persons volunteering their time;
- e) a suitable memento of a function honouring the Member;

Code of Conduct for Members of Council, Local Boards and Advisory Committees

- f) Official Hospitality, including 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 government within a foreign country, or by a conference, seminar or event where the Member is either speaking or attending in an official capacity;
- g) Business Hospitality if:
 - i. attendance is because of protocol or social obligations that accompany the responsibility of office;
 - ii. by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
 - iii. the Person extending the invitation, or a representative of the organization is in attendance; and
 - iv. the value is reasonable, and the invitations are 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 over a twelve (12) month period exceeds \$300, the Member shall within thirty (30) days of receipt of the gift or of reaching the annual limit, file a disclosure statement (attached as Appendix B - Disclosure Statement) with the Clerk.

The disclosure statement must indicate:

1. The nature of the gift or benefit;
2. Its source and date of receipt;
3. The circumstances under which it was given or received;
4. Its estimated value;
5. What the recipient intends to do with the gift; and
6. Whether any gift will at any point become the property of the Town.

All disclosure statements will be a matter of public record.

On receiving a disclosure statement, the Clerk shall make the disclosure statement public. If a member of the public believes the Member has not conformed to the requirements of the Code of Conduct with respect to accepting gifts and benefits, they may request the Integrity Commissioner examine the statement to ascertain whether the receipt of gift or benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. If the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, they may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift, or remit the value of any gift or benefit not already consumed to the Town.

Except in the case of (a), (c), (f) and (g), a Member may not accept a gift or benefit worth in excess of \$500 from one source during a calendar year, unless it falls within an exemption.

To clarify, if a Member accepts a gift over \$300, a disclosure statement must be completed. A member is not permitted to accept a gift over \$500 unless they fall under (a), (c), (g) and (f).

Honesty

Members are responsible for making honest statements. No Member shall make a statement when they know that statement is false. No Member shall make a statement with the intent to mislead Council Members, Members, Employee and the public.

Confidentiality

All information, documentation or deliberation received, reviewed or taken in Closed Session of Council, Local Boards of Advisory 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, except when required by law to do so. Where a matter has been discussed at a closed session meeting and the information remains confidential, no Member shall disclose the content of the matter or the substance of deliberations of the closed session meeting, unless a decision of Council, Local Board or Advisory Committee has made a resolution to place the information before the public in an open 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:

- a) Labour relations and personnel matters;
- b) Information about suppliers provided for evaluation which might be useful to other suppliers;
- c) Matters relating to the legal affairs of the Town of The Blue Mountains;
- d) Information that infringes on the rights of others or where disclosure would contravene a Town policy (i.e. Confidential Information relating to investigations conducted pursuant to the Town's Harassment policies and procedures, which is intended to remain confidential to the extent possible);
- e) Items under litigation or negotiation;
- f) Price schedules in contract tender or Request for Proposal submissions if so specified;
- g) Information deemed to be "Personal Information" under the *Municipal Freedom of Information and Protection of Privacy Act*; and
- h) 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 exhaustive. It is recommended that requests for information be referred to the Office of the Clerk 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*.

Use of Town Property

Subject to Section 5, no Member shall use for personal purposes any Town property, equipment,

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services, supplies or services of consequence other than for purposes connected with the discharge of Town duties or associated community activities of which Town Council has been advised.

No Member shall obtain financial gain from the use of Town 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 Town of The Blue Mountains.

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

Use of Town Technology Resources

The Town of The Blue Mountains licenses the use of computer software from a variety of vendors. The Town 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 license.

Work of a Political/Personal Nature

Members shall comply with Town Policy POL.COR.18.01, Use of Corporate Resources for Election purposes and no Member shall use Town facilities, services or property for their re- election campaign. Further, no Member shall use the services of Town Employees for their re- election campaign, during hours in which the Employees are in the paid employment of the Town.

No Member shall use Town Assets for their personal business gain. No Member shall use the services of Town Employees for their personal business during the hours in which the Employees are in the paid employment of the Town.

Conduct at Meetings

Members shall conduct themselves with decorum at meetings in accordance with the provisions of the Town's Procedural By-law(s).

Respect for deputations and for fellow Members and Employees requires that all Members show courtesy and not distract from the business of Council during presentations and when other Members have the floor.

Discreditable Conduct

All Members have a duty to treat Members of the public, one another and Employees appropriately and without Abuse, Bullying, Violence or Intimidation. All Members shall ensure that their work environment is utterly free and completely devoid of discrimination, personal and sexual Harassment.

The Ontario *Human Rights Code* applies and recognizes the right of every Employee to work in an environment that is free from discrimination and Harassment, by the employer, agent of the employer, another Employee, or any other Person with whom s/he comes into contact in the normal performance of

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his/her duties. The *Occupational Health and Safety Act* requires that the Town take every reasonable precaution to protect the safety of workers, including as it relates to workplace Violence and Harassment.

Members shall abide by the provisions of, among other applicable legislation, the *Human Rights Code*, and, in doing so, shall treat every Person, including other Members, Employees, and individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect.

In accordance with the *Human Rights Code*, Members shall not discriminate against anyone because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, disability, gender identity or gender expression.

Without limiting the generality of the foregoing, Members shall not:

- a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the Person(s) to whom they are directed or are about;
- b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory, including on business and personal Social Media platforms;
- c) Make threats or engage in any abusive activity or course of conduct towards others;
- d) Vandalize the personal property of others;
- e) Commit Assault of any kind, including making or requesting unwanted physical contact, including hugging, touching, patting, or pinching; and/or
- f) Refuse to converse or interact with anyone based on any ground listed in the *Human Rights Code*.

Improper Use of Influence

No Member shall use the influence of their office for any purpose other than for the exercise of their official duties.

Examples of prohibited conduct are the use of one's status as a Member to improperly influence the decision of another Person to the private advantage of oneself or Immediate Relative, Employees, friends, or associates, business or otherwise. This includes attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Prohibited conduct also includes the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council or the Local Board in return for present actions or inaction.

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

- a) Is of general application;
- b) Affects a Member, their Immediate Relative, Employees, friends, or associates, business or otherwise as one of a broad class of Persons; and/or
- c) Concerns the remuneration or benefits of a Member in their role with the Town.

Communications and Media Relations

Members will attempt to accurately and adequately communicate the attitudes and decisions of Council, Local Boards or Advisory Committees even if they disagree with a majority decision so that:

- a) There is respect for the decision-making processes;
- b) Official information related to decisions and resolutions made will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor/Chair or designate;
- c) Information concerning adopted policies, procedures and decisions is conveyed openly and accurately; and
- d) Confidential Information will be communicated only when and after resolution by Council, Local Board or Advisory Committees.

Representing the Town

Members shall make every effort to participate diligently in the regularly scheduled activities of the Committees, Agencies, Local Boards and Advisory Committees to which they are appointed.

Professional Development

Members have an obligation to complete all mandatory training and orientation assigned by the Town and including training delivered by the Integrity Commissioner. Members are encouraged to promote, support, pursue and partake in opportunities for professional development. Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities. Local Board and Advisory Committee Members are encouraged to attend, review or watch online Advisory Committee meetings, Committee of the Whole and Council proceedings to ensure they are aware of and familiar with the issues before Council that may affect Advisory Committee work.

Respect for the Role of Employee

Members shall be respectful of the fact that Employees work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members must not falsely or maliciously injure the professional reputation of an Employee. Members shall be respectful of the fact that Employees carry out the directions of Council and administer the policies of the Municipality and are required to do so without any undue influence from any individual Member or group of Members.

Where a Member has a concern about personnel matters, he or she should speak with the Mayor and the CAO about the concern or alternatively raise the issue with Council during an *in camera* session.

Members must not invite or pressure any Employee to engage in partisan political activity nor subject Employees to discrimination or reprisal for refusing to engage in such activities.

Business Relations

No Member shall borrow money from any Person who regularly does business with the Town unless such Person represents 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 any Advisory Committee or Local Board of Council or any Agency at which the Town is represented.

Expenses

Members shall comply with the provisions of the Town's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

Members shall be reimbursed for their reasonable out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

Encouragement of Respect for the Town and its By-Laws and Policies

Members shall encourage public respect for the Town and its by-laws and policies. Members shall abide by the provisions of any policies adopted by Council, Advisory Committees or Local Boards.

Discrimination and Harassment

1. Members have a duty to treat members of the public and one another with respect and without Abuse, Bullying or Intimidation as defined by the Town's Workplace Harassment and Human Right policies and the Ontario Human Rights Code;
2. All Persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual Harassment. Members are not to engage in any course of conduct or make comments that would constitute Harassment as defined by the Town's Workplace Harassment and Human Rights policies and the Ontario Human Rights Code; and
3. Members are responsible for avoiding communications that may constitute Harassment, Intimidation, Bullying or disrespectful behavior, whether in Person, in writing, by public comment and on-line, including via Social Media.

A Member may be found to have breached the Code if any of the above have occurred. A pattern of conduct in which a Members actions are Intimidating, uncivil, disrespectful or rude, may lead to a finding of Harassment. A pattern of behavior that is perceived to be harmful (e.g. disrespectful or frustrating) by the target, may constitute Harassment or Intimidation even if the Member did not intend their behavior to have that effect.

Advice

Members seeking information about their responsibilities under this Code of Conduct are encouraged to request advice from the Integrity Commissioner appointed by Town Council.

A request by a Member for advice from the Integrity Commissioner under the Code of Conduct, any procedure, rule or policy of the Municipality or of the Local Board, as the case may be, or for advice respecting their obligations under the *Municipal Conflict of Interest Act* shall be made in writing (requests in writing include e-mail correspondence). If the Integrity Commissioner provides such advice, that advice shall be in writing.

Advice provided by the Integrity Commissioner to a Member may be released with the Member's written consent. If a Member releases only a part of the advice provided to the Member by the Integrity Commissioner, the Integrity Commissioner may release part, or all of the advice provided to the Member without obtaining the Member's consent.

Respect for Code of Conduct

Members should respect the Process for Complaints made under the Code of Conduct. Members shall not act in reprisal or threaten reprisal against a Person who makes a Complaint or against a Person who provides information to the Integrity Commissioner during an investigation.

A Member named a Respondent in a Code of Conduct complaint must respond to the requests from the Integrity Commissioner. Failure to respond to the Integrity Commissioner's request for a reply to a Code Complaint shall constitute a contravention of this Code and cause the Integrity Commissioner to bring a report on Obstruction to Council with recommendation of penalties.

Failure to Comply

Upon Council's decision on the Integrity Commissioner's recommendations, the Member who has violated the Code of Conduct shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code and the Member can be subject to further penalties.

Integrity Commissioner Vacancy

Should the position of the Town's Integrity Commissioner become vacant, the Code of Conduct remains in effect and all Members shall continue to abide by the provisions set out therein. When a vacancy occurs, all formal Complaints shall be held in abeyance until coverage from a neighbouring municipality can be arranged.

Annual Report

The Integrity Commissioner's annual report shall consist of:

- a) All informal and formal Complaints dismissed by the Integrity Commissioner;
- b) All Complaints received that are determined to be not within the jurisdiction of the Integrity Commissioner;

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- c) All Formal Complaints that resulted in a formal investigation and conclusions; and
- d) A cost breakdown with respect to service provided within the reporting year by the Integrity Commissioner.

The annual report shall be provided within sixty (60) days after December 31 of the calendar year that is being reported.

Consequences of Non-Compliance

When Council receives a report from the Integrity Commissioner that there has been a contravention of the Code of Conduct by a Member of Council, Local Board or Advisory Committee, Council may impose either of the following penalties on the Member as permitted by the *Municipal Act, 2001*:

- a) a reprimand;
- b) a suspension of the remuneration paid to the Member in respect of their services as a Member of Council for a period up to 90 days.

Council, may, on the basis of a recommendation from the Integrity Commissioner take remedial action. Such remedial actions may include but are not limited to any or all of the following action and require that the Member:

- (i) provide a written or verbal apology;
- (ii) return property or make reimbursement of its value of money spent;
- (iii) be removed from the Membership of a Committee; and/or
- (iv) be removed as Chair of a Committee.

This Code of Conduct operates along with and as a supplement to existing statutes governing conduct. The following federal and provincial legislation governs the conduct of Members:

- *Municipal Act, 2001,*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Provincial Offenses Act*
- *Criminal Code*
- *Ontario Human Rights Code*
- *Occupational Health and Safety Act*
- Procedural By-law No. 2018-20
- by-laws and policies of Council as adopted and amended from time to time, including but not limited to the procedural by-law, procurement by-law, Workplace Violence and Harassment Program, Communications and Media policies.

Review Cycle

This policy will be reviewed once per term of Council in conjunction with the Integrity Commissioner, as required by legislative changes or at the request of Council.

Appendix A - Protocol Policy for Complaints Related to Members

PART A - INFORMAL COMPLAINT PROCEDURE

Individuals are encouraged to use the Informal Complaint Procedure first to address behaviour or activity of a Member that they believe violates the Code of Conduct. With the consent of the Complainant and the Respondent, the Integrity Commissioner may participate in this process. The parties are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a Complaint. The Informal process is confidential, and secrecy shall be maintained by all Members participating in an informal process.

An informal process will not be a formally recorded process. A Complainant is encouraged to detail their issues to the Respondent prior to any informal meetings to ensure both parties are aware of the concerns and ample opportunity is provided for the Respondent to reflect and research the issues raised by the Complainant.

Any individual, including members of the public, who identifies, or witnesses conduct by a Member that appears to contravene the Code of Conduct may address the conduct in the following manner:

1. Advise the Member that the conduct appears to contravene the Code of Conduct. Advising the Member may be completed in Person, by e-mail, formal letter or phone call. If in Person or via telephone, ensure that a witness is present.
2. Ask the Member to acknowledge and agree to stop the conduct;
3. Document the incidents where the Member may have contravened the Code of Conduct including dates, times, locations, other Persons present, and any other relevant information;
4. Council Members shall notify the Mayor. Members of Local Boards and Advisory Committee's shall notify their Committee Chair. If the Complaint involves the Mayor or the Committee Chair, Members shall contact the Integrity Commissioner directly about the concerns regarding the Member's actions;
5. Tell the Member which parts of the Code of Conduct may have been contravened;
6. Ask the Integrity Commissioner to participate in an informal discussion of the Complaint with the Member to resolve the issue;
7. If applicable, confirm to the Member that their response is satisfactory, or advise the Member that their response is unsatisfactory; and
8. Consider a Formal Complaint Procedure as set out in Part B, or any other applicable legal process.

The Informal Complaint Process is not a precondition to making a formal Complaint. However, it is highly encouraged in the spirit of fair treatment for everyone concerned. Early intervention is key to keeping behaviors and issues from escalating. Individuals are encouraged to seek guidance from the Integrity Commissioner on how to conduct the informal Complaint process.

PART B - FORMAL COMPLAINT PROCEDURE**1. Formal Complaints: Requests for Inquiry**

Any individual may request an inquiry by the Integrity Commissioner into whether a Member has contravened the Code of Conduct by filing a formal Complaint as follows:

- a) all Complaints shall be in writing on the prescribed form and shall be sworn before a Commissioner;
- b) the Complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and must be accompanied by a description of the evidence and/or documents that support the allegation;

Council, a Local Board or an Advisory Committee may request an inquiry by the Integrity Commissioner about whether a Member has contravened the Code of Conduct.

2. Filing of Complaint and Classification by Integrity Commissioner

The Complaint shall be filed with the Clerk who shall forward the matter within two business days to the Integrity Commissioner to determine if 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 other Council procedures, policies or rules as set out in Section 3.

A Formal Complaint may be sent directly to the Integrity Commissioner.

3. Complaints Outside of the Integrity Commissioner Jurisdiction Under the Code of Conduct

If the Complaint, including the supporting material, is not, on its face, a Complaint with respect to non-compliance with the Code of Conduct or the Complaint relates to matters addressed by other legislation or Complaint procedure under another Town policy or rule, the Integrity Commissioner shall advise the Complainant in writing to follow the alternative procedure. In particular, and in the following circumstances the Integrity Commissioner is to advise as follows:

Criminal Code

- (a) if the Complaint alleges a criminal offence under the *Criminal Code*, the Complainant shall be advised to take the Complaint to the appropriate police service;

Municipal Conflict of Interest Act

- (b) Where a member of the public, elector or Person demonstrably acting in the public interest applies in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act, the Integrity Commissioner shall proceed in accordance with section 223.4.1 of the Municipal Act.

Municipal Freedom of Information and Protection of Privacy Act

- (c) if the Complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the Complainant shall be advised that the matter must be referred to the Clerk to deal with under access to information and privacy policies;

Parallel Proceedings for the Same Complaint

- (d) if the Complaint is in relation to a matter which is subject to an outstanding Complaint under another process, such as a court proceeding related to the Municipal Conflict of Interest Act, a Complaint under the Human Rights Code pertaining to discrimination, Harassment or Violence, or similar process, or civil proceedings, the Integrity Commissioner may, in their discretion and in accordance with legislation, suspend any investigation pending the result of the other process; and

Outside Jurisdiction: Referrals and Reasons

- (e) if the Complaint is, for any other reason, not within the jurisdiction of the Integrity Commissioner the Complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

4. Refusal to Conduct Investigation

Where the Integrity Commissioner concludes at the outset, or during an investigation that:

- (a) a Complaint is frivolous or vexatious,
- (b) a Complaint is not made in good faith, or
- (c) there are no grounds or insufficient grounds for an investigation,

the Integrity Commissioner shall not be required to investigate and in the case of an ongoing investigation, shall terminate the investigation without a formal report to Council. The Integrity Commissioner shall notify the Complainant and the Member that further work on the complaint will not be continuing and the reasons why.

5. Opportunities for Resolution of Formal Complaints

Where 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, an informal resolution of the Complaint may be attempted with the assistance of the Integrity Commissioner. With an informal resolution pursued through mediation with the Integrity Commissioner, there shall be no formal report to Council. Confidentiality shall be maintained by the Member and the Complainant.

6. Investigation

The Integrity Commissioner will proceed as follows in conducting an inquiry pursuant to section 223.4 of the *Municipal Act*, and, where applicable, the *Public Inquiries Act, 2009*:

- (a) provide the Member with an outline of the Complaint with enough detail to allow the Member to understand the Complaint against them;
- (b) request that the Member provide a written response to the allegations to the Integrity Commissioner within ten (10) business days, Members shall provide the integrity Commissioner with a sworn affidavit accompanying their response;
- (c) provide a copy of the Member's response to the Complainant with a request that any written reply be provided within ten (10) business days; and

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- (d) provide the Member with advance notice of the findings and any sanctions or remedial actions to be recommended to Council.
- (e) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to any Person, access and examine any other documents or electronic materials and may enter any Municipal work location relevant to the Complaint for the purpose of investigation and potential resolution.
- (f) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the formal Complaint investigation.
- (g) It is intended that all reports will be submitted to the Clerk, by the Integrity Commissioner. Where due to relevant circumstances the investigation is not completed within ninety (90) the Integrity Commissioner shall advise the parties and provide them with an approximate date of when the investigation will be complete. The Integrity Commissioner may submit an interim report to Council and address the reasons for any delay within the report.
- (h) The Integrity Commissioner shall retain all records related to the Complaint and investigation.

7. Reporting and Recommendations

- a) The Integrity Commissioner shall provide his or her draft findings to the Complainant and the Member whose conduct has been investigated, generally no later than ninety (90) days after the official receipt of the Complaint and prior to providing the final investigation report to Council. If the investigation process takes more than ninety (90) days, the Integrity Commissioner shall advise the parties of the date, if possible, that the report will be available.
- b) The Integrity Commissioner shall generally provide an update to the Complainant and the Member no later than ninety (90) days after the official receipt of the Complaint.
- c) Where a Member has been found to have contravened the Code of Conduct, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended remedial action or sanction. It is recommended that the Integrity Commissioner will cite jurisprudence including, but not limited to, decisions related in scope by other Provincial Integrity Commissioner. This information will aid Council in determining the appropriate decision when evaluating recommendations from the Integrity Commissioner.
- d) Pursuant to the *Municipal Act*, the Integrity Commissioner may recommend that the Town impose either of the following penalties on a member of council or local board:
 - (i) A reprimand;
 - (ii) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or Local Board for a period of up to 90 days.

In addition, Council, may, based on a recommendation from the Integrity Commissioner take remedial action.

Such remedial actions may include but are not limited to any or all of the following action and require that the Member:

- (i) provide a written or verbal apology;
- (ii) return property or make reimbursement of its value of money spent;
- (iii) be removed from the Membership of a Committee; or

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- (iv) be removed as Chair of a Committee.
- e) Where the Integrity Commissioner finds that there are no grounds or jurisdiction to investigate a Complaint, except in exceptional circumstances, the Integrity Commissioner shall not report to Council the result, except as part of an annual or periodic report.
- f) The Integrity Commissioner may disclose such information as in their opinion is necessary in the written reasons given by the Integrity Commissioner in relation to an inquiry into whether a Member has contravened the Code of Conduct.
- g) Upon receipt of a report from the Integrity Commissioner, the Clerk shall place the report on the next regular agenda of Council or the Local Board, or if required at a special meeting (to accommodate the Integrity Commissioners availability), for consideration by Council or the Local Board.
- h) If the report of the Integrity Commissioner recommends or Council considers whether to suspend the remuneration paid to the Member, the Member may take part in the discussion of the matter, including making submissions to Council, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting, however the Member is not permitted to vote on any question in respect of the matter.
- i) The Integrity Commissioner may attend at Council at his or her next available opportunity to present the report formally for Council's consideration. It is recommended that where a report recommends a sanction the Clerk will schedule a meeting for the Integrity Commissioner to attend at Council to present. Where possible the meeting will be scheduled at the next available Council meeting. If the Integrity Commissioners schedule does not permit this, the Clerk will schedule a special meeting of Council to receive the report. The Member shall, subject to Subsection 9(5), have the right to address the report when it is considered by Council or the Local Board.

8. Findings

If the Integrity Commissioner determines that:

- a) there has been no contravention of the Code of Conduct, or
- b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it,
 - (ii) it was trivial,
 - (iii) it was committed through inadvertence, or
 - (iv) it resulted from an error of judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*.

9. Duty of Council

Council shall consider the Integrity Commissioner's report at the meeting at which it is tabled.

10. Termination of Inquiry When Regular Election Begins

- (a) If an inquiry has not been completed 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.

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- (b) If an inquiry is terminated under subsection (1), the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the Municipal Elections Act, 1996, the Person or entity who made the request or the Member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.
- (c) 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:
 - (i) There shall be no requests for an inquiry about whether a Member has contravened the Code of Conduct.
 - (ii) The Commissioner shall not report to the Municipality or Local Board about whether, in their opinion, a Member has contravened the Code of Conduct.
 - (iii) The Municipality or Local Board shall not consider whether to impose the penalties referred to in the Code of Conduct.

11. Public Disclosure

The Integrity Commissioner and every Person acting under their instructions shall preserve Confidentiality with respect to all matters that come to their knowledge in the course of their duties under this Part, in accordance with applicable legislation.

The Integrity Commissioner may disclose such information as in the Integrity Commissioner's opinion is necessary and provided for in section 223.5 of the *Municipal Act*.

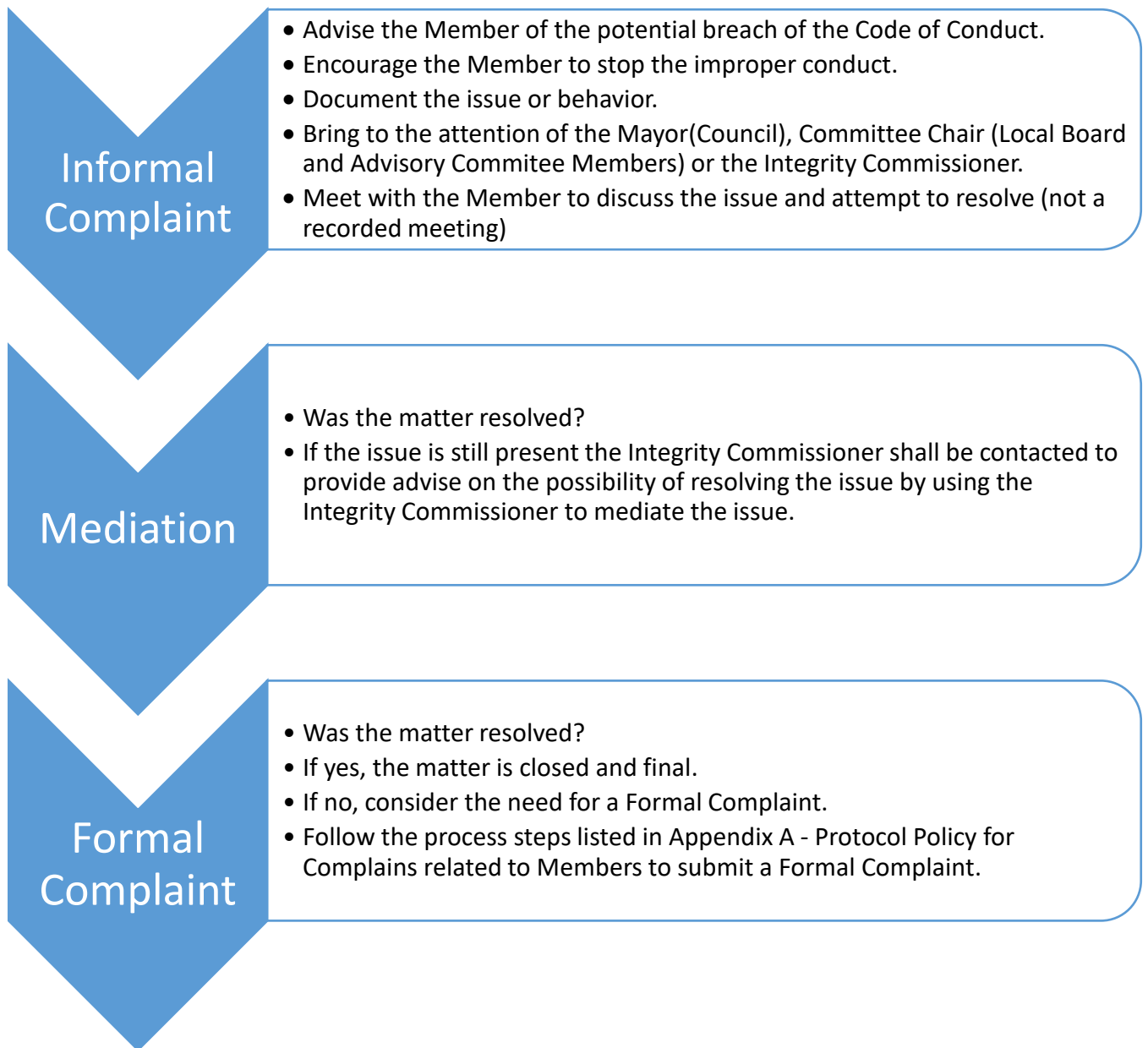
The Integrity Commissioner shall retain all records related to the Complaint and investigation.

At the time of the Integrity Commissioner's report to Council or the Local Board, the identity of the Member who is the subject of the Complaint shall not be treated as Confidential Information. If the Complainant is an elected official their name will be released in the final report as a matter of public interest.

All reports from the Integrity Commissioner to Council or the Local Board will be made available to the public by the Clerk on the Town's website.

Diagram 1 – Complaints Protocol Process Flow Chart

Please note – all processes (Informal, Mediation and Formal) are to be treated with Confidentiality.



APPENDIX 'B' - Disclosure Statement

Section 13 of the Code of Conduct regarding the acceptance of gifts and benefits, requires Members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$300 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$300. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the Clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit.

Disclosure Statements are a matter of public record.

Nature of Gift or Benefit received:

Source of Gift or Benefit:

Circumstances under which Gift or Benefit received:

Intended use of the Gift or Benefit (i.e. will it be donated/provided to the Town):

Estimates Value of Gift or Benefit: \$ _____

Date Gift or Benefit was received: _____(MM/DD/YR)

Signature of Member

Date

Signature of Clerk

Date received

APPENDIX 'C' - Formal Complaint Form / Affidavit

I, _____ (full name) of the Town of The Blue Mountains, in the Province of Ontario do solemnly swear (affirm and declare) that the following contents of this affidavit as subscribed by me are true and correct:

Permanent place of residence: _____

Mailing address (if different from above): _____

I have personal knowledge of the facts as set out in this Affidavit because:

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

I have reasonable and probable grounds to believe that _____ (specify name of Member in question) has contravened section(s) _____ of the Code of Conduct of the Town of The Blue Mountains. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached Schedule "A" form and check the applicable box below.)

Schedule A attached: Yes No

This affidavit is made for the purpose of requesting that this matter be reviewed by the Town of The Blue Mountains appointed Integrity Commissioner and for no other purpose.

Sworn (or Affirmed) before me at the Town of The Blue Mountains, in the County of Grey , in the Province of Ontario on the _____ day of _____, _____.

A Commissioner, etc.
(to be witnessed by Commissioner)

Signature of Complainant

NOTE: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. THE CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a Person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (sections 131, 132) or by summary conviction (section 134). Signing a false affidavit may expose you to prosecution under section 131 and 132 or 134 of the Criminal Code, R.S.C 1985, c. C-46 and also to civil liability for defamation.

APPENDIX 'D' APPLICATION FOR MCIA INVESTIGATION

For MCIA applications pursuant to section 223.3 (1) of the Municipal Act, 2006 about Members of Council and Local Boards.

Part 1: Applicant Information

Last Name (required): _____ First Name (required): _____

Address (required): _____

Town (required): _____ Province (required): _____

Postal Code (required): _____ E-mail address: _____

I am an elector as defined by section 17 of the Municipal Elections Act, 1996. (required)

Yes No

If no, I believe that I am acting in the public interest because: (explain how)

Part 2: Alleged Contravention

Who do you believe contravened the Municipal Conflict of Interest Act? Select On. (required)

Member of Council Member of Local Board (restricted definition)

Name of Member (required): _____

Name of Board (if applicable): _____

What sections(s) of the Municipal Conflict of Interest Act do you believe were contravened? Select all that apply (required)

1. The member participated in the discussion and/or voted about a matter in which the member has a direct or indirect pecuniary interest:
2. The member failed to file a written statement of a declared interest.
3. The member used their office to attempt to influence a decision or recommendation of an officer or Employee of the Town and/or the Board about a matter in which the member has a director or indirect pecuniary interest.

Part 3: Description of Alleged Contravention

Why do you believe the member has contravened the Municipal Conflict of Interest Act (required)?

If you need additional space, please use additional pages.

Sample wording: I believe that (member name) contravened section(s) (x,y,z) of the Municipal Conflict of Interest Act when they....

I have attached supporting records and/or additional pages. Yes No

I am making this application to request that the Integrity Commissioner conduct an investigation into a possible contravention of the Municipal Conflict of Interest Act. Yes No

I also intend to file a Complaint regarding a possible contravention of the applicable Code of Conduct in relation to this matter. Yes No

Signature of Applicant: _____

Date (MM/DD/YYYY): _____

Part 4: Statutory Declaration (required)

I _____ (name of applicant) solemnly declare that I became aware of the alleged contravention described in this Application on _____ (date), and I make this solemn declaration conscientiously believing to be true, and knowing that it is of the same force and effect as if make under oath.

Declared before me at _____ (Town, Province) this _____ (day) of _____ (month), _____ (year).

Signature of Declarant (Applicant): _____

Commissioner for Taking Affidavits: _____

APPENDIX E – Local Boards and Advisory Committee Members' Code of Conduct

1. The purpose of a Local Board and Advisory Committee is to provide informed advice and guidance, as well as to facilitate public input to Town Council on programs and policies. In recognition of the impartial and objective advice received from Local Boards and Advisory Committees, as well as the challenges and inherent restrictions placed upon these same individuals in assessing and recommending various options in a conscientious and ethical manner, the following Code of Conduct is provided as a general standard for all Local Boards. The main concepts of the overarching Code of Conduct remain applicable for all Local Boards and Advisory Committee Members.
2. The Local Boards and Advisory Committee Members' Code of Conduct shall be applicable to all Members of the Town of The Blue Mountains' Advisory Committee's (with the exception of the appointed Council Members), including any subcommittees or ad hoc committees established.
3. Local Board and Advisory Committee Members shall, when conducting committee business, preparing written correspondence, interacting with the media, Members of Council, Employees or Members of the public, act in a manner that accomplishes the following:
 - (a) fulfils the mandate and mission statement of their Advisory Committee;
 - (b) respects due process and the authority of the Chair, Co-Chair or Presiding Officer;
 - (c) demonstrates respect for all fellow Local Board Members, Advisory Committee Members, Council, Employees and the public;
 - (d) respects and gives fair consideration to diverse and opposing viewpoints;
 - (e) demonstrates due diligence in preparing for meetings, special occasions, or other committee- related events;
 - (f) demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
 - (g) conforms with all relevant legislation, by-laws, policies and guidelines; and,
 - (h) contributes in a meaningful manner, offering constructive comments to Council, Employees and fellow Advisory Committee Members.
4. A member of a Local Board or Advisory Committee shall not:
 - (a) place themselves in a position where the Member is under obligation to any Person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
 - (b) accord, in the performance of their official duties, preferential treatment to relatives or to organizations in which the Member, their relatives have an interest, financial or otherwise;
 - (c) deal with an application to the Town for a grant, award, contract, permit or other benefit involving the Member or their Immediate Relative;

Code of Conduct for Members of Council, Local Boards & Advisory Committees

- (d) place themselves in a position where the Member could derive any direct benefit or interest from any matter about which they can influence decisions; and,
 - (e) benefit from the use of information acquired during their official duties which is not generally available to the public.
- 5. A Local Board or Advisory Committee Member shall disclose immediately to the Advisory Committee or the Clerk or the Executive Assistant Committees of Council, who would disclose to the Advisory Committee, that the Member could be involved in either a real or conflict of interest as prohibited by the Code of Conduct; and shall abide by any decision made by Council, with respect to such conflict of interest without reprisal.
- 6. If a Local Board or an Advisory Committee Member is known to have a conflict of interest as prohibited by the Code and has not disclosed this to the Advisory Committee; then that matter may be brought forward for Council's consideration. When such a matter has been brought forward, Council, through a majority vote, would determine if the Member is in a conflict position in accordance with the provisions of Section 2 of this Code.
- 7. Where a Local Board or Advisory Committee Member believes or has been advised by Council that they have a conflict of interest in a particular matter, they shall:
 - (a) prior to any consideration of the matter, disclose their interest and the general nature thereof;
 - (b) leave the room for the duration of time that the matter is being considered;
 - (c) not take part in the discussion of, or vote on any question or recommendation in respect of the matter; and,
 - (d) not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.
- 8. Where the number of Local Board or Advisory Committee Members who, by reason of conflict, are incapable of participating in a meeting such that the remaining Members no longer constitute a quorum; then the remaining Members shall be deemed to constitute a quorum provided there are not less than two Members present.
- 9. Local Board or Advisory Committee Members who are seeking consideration of an application, permit or appeal are permitted to address the Advisory Committee regarding their application, permit or appeal; but are prohibited from taking part in the Advisory Committee's deliberation and / or voting regarding that matter.
- 10. Should a Member of a Local Board or Advisory Committee breach any of the clauses set out herein, the Clerk may refer the matter to Council who will consider whether to take any of the possible corrective actions, as outlined in the Code of Conduct for Members of Council, Local Boards and Advisory Committees.

Policy for Complaints Related to Local Boards and Advisory Committees

The Complaint Protocol attached to the Code of Conduct as Appendix A applies with necessary modifications to Complaints regarding Members of Local Boards and Advisory Committees. If any interpretation issues arise between the Codes and applicability the Integrity Commissioner will be consulted.

Consequences of Failure to Adhere to Code of Conduct

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards and Advisory Committees may be subject to the following sanctions by Council:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the Member in respect of their services as a Member of the Local Board or Advisory Committee (if any).
- (c) Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the Member of the Local Board or Advisory Committee.
- (d) Members are subject to removal from the Local Board or Advisory Committee, or removal as Chair of the Local Board, by Council.

Appendix F – Applicable List of Local Boards and Advisory Committees for the Code of Conduct

This list will be updated as required and is current as of XXX Date.

The Blue Mountains Property Standards Committee
The Blue Mountains Abandoned Orchard Advisory Committee
The Blue Mountains Committee of Adjustment
The Blue Mountains Agricultural Advisory Committee
The Blue Mountains Fence Viewer Committee
Economic Development Advisory Committee
The Blue Mountains Communications Advisory Committee
Council Compensation Review Committee
Sustainability Committee
Transportation Committee
Joint Municipal Physician Recruitment and Retention Committee
Grants and Donations Committee

- Please note that Ad Hoc committees and Sub-Committees of Council, Local Boards and of Advisory Committees may not be listed (due to their inherent short-term nature) however the Code of Conduct still applies.

Appendix G - Code of Conduct Definition References

Abuse: sourced from [Edmonton Police Victim Support Resource Document](#)

Advisory Committee: written by the Director of Human Resources

Assets: written by the Director of Human Resources

Chief Administrative Officer (CAO): abbreviated from [Municipal Act section 229](#)

Clerk: abbreviated from [Municipal Act section 228](#)

Code of Conduct: written by the Director of Human Resources

Complainant: sourced from the [City of Toronto Office of the Integrity Commissioner Complaint and Application Procedures](#)

Complaint: sourced from the [City of Toronto Office of the Integrity Commissioner Complaint and Application Procedures](#)

Confidential Information sourced from the Municipal Act and the Municipal Freedom of Information and Privacy Act: [Municipal Act](#), [Municipal Freedom of Information and Privacy Act](#)

Council: sourced from [Municipal Act](#)

Employee: written by the Director of Human Resources

Harassment: sourced from the [Ontario Human Rights Code](#) and written by Integrity Commissioner Suzanne Craig

Local Board: sourced from [Municipal Act](#)

Immediate Relative: sourced from [Municipal Conflict of Interest Act](#)

Integrity Commissioner: sourced from [Municipal Act](#)

Members: written by the Director of Human Resources

Municipality: written by the Director of Human Resources

Nomination Day: sourced from [Municipal Elections Act](#)

Official Hospitality: sourced from [Collingwood Code of Conduct 2015](#)

Person: sourced from the [Canadian Charter of Rights and Freedoms](#)

Personal Information: sourced from [Municipal Freedom of Information and Privacy Act](#)

Respondent: sourced from the [City of Toronto Office of the Integrity Commissioner Complaint and Application Procedures](#)

Social Media: written by the Director of Human Resources.

Token of Appreciation: sourced from [Collingwood Code of Conduct 2015](#)