



# Staff Report

## Administration

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**Report To:** Committee of The Whole  
**Meeting Date:** March 9, 2021  
**Report Number:** FAF.21.005  
**Subject:** Council Code of Conduct Follow Up Report  
**Prepared by:** Shawn Everitt, Director of Human Resources

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### A. Recommendations

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THAT Council receive Staff Report FAF.21.005, entitled "Council Code of Conduct Follow Up Report";

AND THAT Council provide direction to staff on the proposed revisions to the Code of Conduct for Members of Council and Local Boards and Advisory Committees Policy;

AND THAT Council direct staff to proceed to a Public Meeting on April 19, 2021 to receive comments on the proposed revisions to the Code of Conduct for Members of Council and Local Boards and Advisory Committees Policy.

### B. Overview

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This staff report provides Council with recommendations for revisions to the Town's Code of Conduct for Members of Council and Local Boards and Advisory Committees, and requests direction to proceed to a Public Meeting to receive comments on the proposed revisions.

### C. Background

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On January 30, 2019, Council received Staff Report FAF.19.007, entitled "Establishing a Code of Conduct Review Committee of Council" (Attachment 1). Council appointed Councillor Rob Potter, the Deputy Mayor and Mayor Alar Soever to the Code of Conduct Review Committee. This sub-committee of Council had researched best practice and compared policies to revise the Code of Conduct.

The sub-committee presented changes to Council on July 3, 2019, after which, Council requested further review of the policy. The sub-committee has met to review the requested changes from Council and the policy has been reviewed by both the Integrity Commissioner and an employment lawyer.

On January 14, 2020 the sub-committee presented changes to Council. Council recommended that the sub-committee review the Code of Conduct to see if further revisions should be

implemented. It was felt that the document might be too verbose and could be condensed. Due to various leaves and COVID constraints, the sub-committee did not review the Code of Conduct until the fall of 2020. The sub-committee reviewed the Code of Conduct and determined that the policy meets the needs of the organization and should not be condensed.

## **D. Analysis**

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The Code of Conduct for Members of Council, Local Boards and Advisory Committees (the Code) sets standards that are intended to enhance public confidence that the Town of The Blue Mountains elected, and appointed officials operate from a basis of integrity, justice and courtesy. The sub-committee reviewed, and recommended staff develop a reference document for the definitions section of the Code (Attachment 3) that would help clarify the substance of the definitions section. The Code of Conduct is a living document that will be revised as necessary as case law evolves and as databases are created by Integrity Commissioners reviewing issues and complaints.

## **E. Strategic Priorities**

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### **1. Communications and Engagement**

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

## **F. Environmental Impacts**

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Not applicable.

## **G. Financial Impact**

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Not applicable.

## **H. In consultation with**

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Alar Soever, Mayor

Rob Potter, Deputy Mayor

Jim Uram, Councillor

## **I. Public Engagement**

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The topic of this Staff Report will be the subject of a Public Meeting and/or a Public Information Centre in accordance with the following proposed schedule:

- **March 9** Committee of the Whole – Initial staff report (FAF.21.005) with recommendation to proceed to public consultation;

- **March 22** Council – Recommendations from (March 9) Committee of the Whole confirmed;
- **March 1** Public Meeting Notice posted
- **March 4, 18 and April 1** Public Meeting advertised in Collingwood Connection;
- **April 19** Council – Public Meeting at 5:00 p.m.
- **May 18** Committee of the Whole – Follow-up report with Public Meeting feedback;
- **May 31** Council – Recommendations from (May 18) Committee of the Whole confirmed;
- **June 15** Committee of the Whole – report with proposed draft by-laws
- **June 28** Council – Recommendations from (June 15) Committee of the Whole confirmed;

Any comments regarding this report should be submitted to Shawn Everitt, Chief Administrative Officer at [cao@thebluemountains.ca](mailto:cao@thebluemountains.ca).

## **J. Attached**

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1. Staff Report FAF.19.007
2. Draft Council Code of Conduct for Members of Council and Local Boards & Advisory Committees Policy
3. Appendix G: Code of Conduct Definition References

Respectfully Submitted,

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Shawn Everitt  
Chief Administrative Officer

For more information, please contact:  
Shawn Everitt, Chief Administrative Officer  
[cao@thebluemountains.ca](mailto:cao@thebluemountains.ca)  
519-599-3131 extension 234



# Staff Report

## Human Resources

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**Report To:** Committee of the Whole  
**Meeting Date:** January 16, 2019  
**Report Number:** FAF.19.007  
**Subject:** Establishing a Code of Conduct Review Committee of Council  
**Prepared by:** Jennifer Moreau, Director of Human Resources

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### A. Recommendations

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THAT Council receive Staff Report FAF.19.007, entitled "Establishing a Code of Conduct Review Committee of Council" for information;

AND THAT Council select three members of Council to sit on a Code of Conduct Review Committee.

### B. Overview

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This report provides Council the opportunity to select three of its Members to review the current Policy Code of Conduct for Members of Council and Local Boards and bring forward to a future meeting of Council a revised draft Code of Conduct for Members of Council and Local Boards for consideration of Council.

### C. Background

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The Code of Conduct for Members of Council and Local Boards sets standards that are intended to enhance public confidence that the Town of The Blue Mountains elected and appointed officials operate from a basis of integrity, justice and courtesy.

The Town officially passed a by-law to adopt a Code of Conduct for Member of Councils and Local Boards in 2009. The policy was drafted and reviewed by the Town Clerk and Council Members Michael Martin and John McGee. The policy was presented to Committee in Staff Report A.09.11 "Code of Conduct for Council Policy". The Policy was officially adopted by By-law 2009-86 on December 14, 2009.

The policy remained in its original version until August 2016 when Staff Report FAF.16.84 was brought forward at the direction of Council to include the appointment of a Town Integrity Commissioner. In the summer of 2016 the Municipal Act was under review and the Town was aware that further changes would be required when revisions to the Municipal Act were approved at the Provincial Level.



On November 28, 2016 staff received direction from Council to work with the Integrity Commissioner to review three policies including, the Code of Conduct for Members of Council and Local Boards.

The revisions to the policy were presented to Council on December 4, 2017 ahead of the Integrity Commissioner attending in person to present the revised policies. The Integrity Commissioner attended Council on February 21, 2018 in person to present the policies formally to Council and to explain her rationale for the changes proposed. Following this meeting Council directed the Code of Conduct for Members of Council and Local Boards be put forward to the Public for feedback and comments.

Staff Report FAF.18.74 was presented to Council and included Public comments received and was approved by Council on May 28, 2018.

On December 7, 2018 Council directed Staff to provide a Staff Report to Council regarding the review of the Code of Conduct for Members of Council Policy, POL.COR.07.07 in coordination with the Town of the Blue Mountains Integrity Commissioner.

## **D. Analysis**

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Staff recommends that the committee work with the Director of Human Resources and one of the Town's Integrity Commissioners to provide recommendations to Council on updating the existing Code of Conduct for Members of Council and Local Boards.

The Director of Human Resources role on this Committee is purely a staff resource, to provide information, supporting documentation and material in the review process.

The purpose of this review is to provide a policy that is compliant with the Municipal Act and provides a clear and ethical set of standards of behavior for Members of Council and Local Boards.

## **E. The Blue Mountains Strategic Plan**

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Goal #4:	Promote a Culture of Organizational & Operational Excellence
Objective #1	To Be an Employer of Choice
Objective #2	Improve Internal Communications Across our Organization
Objective #3	To Consistently Deliver Excellent Customer Service
Objective #5	Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

## **F. Environmental Impacts**

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Not applicable

## **G. Financial Impact**

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Although there are no financial figures associated with the approval of this report, staff note that a properly worded policy based on best municipal practice can help aid in mitigating legal costs for both the Town, Staff and Council Members.

## **H. In Consultation With**

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- Shawn Everitt, Interim Chief Administrative Officer

## **I. Public Engagement**

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The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Jennifer Moreau, Human Resources Director, [hr@thebluemountains.ca](mailto:hr@thebluemountains.ca).

## **J. Attached**

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1. Staff Report A.09.11 Code of Conduct for Council Policy
2. By-law 2009-86 By-law to Adopt a Corporate Policy – Code of Conduct for Members of Council and Local Boards
3. Staff Report FAF.16.84 Proposed Changes to the Council Code of Conduct Public Comments
4. Staff Report FAF.18.74 Proposed Changes to the Code of Conduct for Members of Council and Local Boards Public Comments

Respectfully submitted,

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Jennifer Moreau  
Director of Human Resources

For more information, please contact:  
Jennifer Moreau  
[hr@thebluemountains.ca](mailto:hr@thebluemountains.ca)  
519-599-3131 extension 244

**STAFF REPORT: Administration**

**REPORT TO:** Finance and Administration  
**MEETING DATE:** November 17, 2009  
**REPORT NO.:** A.09.11  
**SUBJECT:** Code of Conduct for Members of Council  
**PREPARED BY:** Stephen Keast, Clerk

**A. Recommendations**

THAT Council receive Staff Report A.09., "Code of Conduct for Members of Council", for information purposes;

AND THAT Council enact a By-law to adopt Corporate Policy POL.AD.07.07, Code of Conduction for Members of Council.

**B. Background**

Recent revisions to the *Municipal Act, 2001* (the Act), require a municipal government to try to ensure that it is accountable to the public for its actions and that its actions, including decisions, are transparent to the public. As part of the emphasis on accountability and transparency, higher levels of scrutiny have been placed on procedures in place to address conduct of Council and Staff.

Regarding accountability, transparency and clarity for Council, Staff are recommending Council consider a Corporate Policy addressing a Code of Conduct for Members of Council. The attached Policy is based on the Grey County Policy with some modifications to comply with Town practices and Procedural By-law.

The Council Code of Conduct was first considered together with six 2007 Policies previously adopted by Council (Accountability & Transparency, Sale and Other Disposition of Land, Provision of Notice, Delegation of Powers, Purchasing and Hiring) and as each those Policies refer to the other Policies, the Policy number for the Code of Conduct remains noted as 07.07.

Councillors Martin and McGee have assisted in the review and preparation of the Code of Conduct document. Following their review, Staff have suggested some minor revisions which have been incorporated into the proposed Policy. These changes are reflected in Section 14, Interpretation, where a member seeking clarification would consult with their solicitor rather than the Chief Administrative Officer. Further, Section 15 would now permit the Mayor to commence an investigation as well as in response to a written complaint. The Mayor would also be permitted to consult with legal counsel or any other person in investigating the complaint.

Lastly, the Policy review cycle now reads "the CAO *in conjunction with* Council.

A separate exercise is under way to identify ethics and values guidelines regarding the actions and decisions of Staff.

### **C. The Blue Mountains' Strategic Plan**

Providing a strong, well-managed municipal government.

### **D. Environmental Impacts**

None

### **E. Budget Impact**

None

### **F. Attached**

1. Draft Corporate Policy POL.COR.07.07, Code of Conduct for Members of Council

Respectfully submitted,

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For more information, please contact:  
Stephen Keast, Clerk  
[skeast@thebluemountains.ca](mailto:skeast@thebluemountains.ca)  
519 599 3131, ext 237

**THE CORPORATION OF THE TOWN OF  
THE BLUE MOUNTAINS**

By-law No. 2009 - 86

**Being a By-law to adopt a Corporate Policy**

**WHEREAS** subsection 5(3) of the *Municipal Act 2001*, chapter 25, S.O. 2001, as amended (the Act), states that a municipal power, including a municipality's capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

**AND WHEREAS** subsection 223.2(1) of the Act states that without limiting sections 9, 10 and 11, those sections authorize the municipality to establish codes of conduct for members of the Council and Local Boards of the municipality;

**AND WHEREAS** it is deemed expedient by Council in the interest of open and accountable governance to adopt a Policy giving direction for the behavior of members of Council and Local Boards in the performance of their duties;

**NOW THEREFORE** Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT Town Corporate Policy POL.AD.07.07, "Code of Conduct for Members of Council", is hereby adopted and directed for application as a Corporate Policy in all spheres and aspects of municipal business.

**AND FURTHER** that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this fourteenth day of December, 2009



Ellen Anderson, Mayor



Stephen Keast, Clerk

## TOWN OF THE BLUE MOUNTAINS

### POLICY & PROCEDURES

Subject Title: Code of Conduct for Members of Council

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.: POL.COR.07.07
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.: 2009 - 86
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.: Administration
Date Approved: December 14, 2009		Staff Report: A.09.11

#### Policy Statement

Policy direction for the behaviour of members of Council in the performance of their duties and responsibilities as elected community representatives.

#### Purpose

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct. Such an appointment is not contemplated by this Policy at this time.

The Code of Conduct sets minimum standards for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

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.

#### Application

This policy applies to members of the Council of the Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as



## **Definitions**

**Municipality** – means the Corporation of the Town of The Blue Mountains.

**Members** – means members of The Blue Mountains Council, Town Committees and Local Boards of the municipality.

**Committee** - means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

**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 does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

## **Procedures**

### **1. Statement of Principle**

A written Code of Conduct helps to ensure that the members of Council, Committees and Local Boards of the municipality share a common basis 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 should serve to enhance public confidence that The Blue Mountain's elected and appointed representatives operate from a base of integrity, justice and courtesy.

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 and the public.

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. (ie 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 of Council.

All members whom this Code of Conduct applies to shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

## 2. Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to **Town** services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2. shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the Chair of the Finance and Administration Committee shall approve the exception.

## 3. Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are 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.

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:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Town of The Blue Mountains;

- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. ***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*.

#### **4. Use of Town Property**

Subject to Section 5, no member shall use for personal purposes any Town property, equipment, 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 exclusive property of the Town of The Blue Mountains.

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. 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 licence.

#### **6. Work of a Political/Personal Nature**

Members shall comply with Town Policy A.POL.01, Use of Corporate Resources for Election purposes and no member shall use Town facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.

No member shall use Town facilities, services or property for his or personal business gain. No member shall use the services of Town employees for his or her personal business during the hours in which the employees are in the paid employment of the Town.

## **7. Conduct at Meetings**

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Town's Procedural By-law.

Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council, Committees and Local Boards during presentations and when other members have the floor.

## **8. Representing the Town**

Members shall make every effort to participate diligently in the activities of the Agencies, Committees and Local Boards to which they are appointed. Members are encouraged to attend openings and charity events.

## **9. Influence on Staff**

Members shall comply with Town Policy HR.06.02, Respectful Workplace, and shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall be further respectful of the fact that staff carry out 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 of Council.

## **10. 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 Committee or Local Board of Council or any Agency at which the Town is represented.

## **11. 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 out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

## **12. 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.

## **13. Harassment**

Members shall comply with Town Policy HR.06.01, Discrimination and Harassment-Free Workplace. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

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

## **14. Interpretation**

Members seeking clarification of any part of this Code should consult with their solicitor.

## **15. Complaints**

The Mayor may commence an investigation of any potential breach of this Code on his or her own accord or in response to a written complaint in the following manner:

- a) Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
- b) Determine if a member or members have committed a breach of the Code.
- c) Recommend disciplinary action as set out in the *Municipal Act, 2001*.

The Mayor may consult with legal counsel or any other person as may be required in determining points of law or any other matter.

In the event that the complaint relates to the Mayor, the written submission will be made to the Finance and Administration Committee who shall have the duties and responsibilities of the Mayor to investigate following the provisions of this Section.

**Exclusions**

None

**References and Related Policies**

The *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, Procedural By-law No. 2007-29, Town Policies POL.AD.07.01 through and including POL.AD.07.06, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

**Consequences of Non-Compliance**

Penalties described in subsection 223.4(5) of the *Municipal Act, 2001* that a municipality may impose if a member has contravened a Code of Conduct include:

- 1. A reprimand.
- 2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or local board, as the case may be, for a period of up to 90 days.

**Review Cycle**

This policy will be reviewed in each term of Council by the C.A.O. in conjunction with Council.





# Staff Report

## Human Resources

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**Report To:** Special Meeting of Council

**Meeting Date:** August 22, 2016

**Report Number:** FAF.16.84

**Subject:** Proposed Update to Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07 – Public Comments

**Prepared by:** Jennifer Moreau

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### A. Recommendations

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THAT Council receive Staff Report FAF.16.84 “Proposed Update to Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07 – Public Comments” for information purposes.

AND THAT Staff recommend Council revise the Council Code of Conduct as attached to this report.

### B. Overview

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This is a report that details the comments received by the public for the proposed changes to the Code of Conduct for Members of Council Policy No. POL.COR.07.07. This report makes recommendations to Council on acting on the comments received by the public.

### C. Background

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On August 19, 2016, the Town held a Public Meeting to provide the public with the opportunity to comment on the proposed revisions to the Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07. The Town received comments from:

1. Ron Hartlen, Clarksburg – Written Submission
2. Duncan McKinlay – Written Submission
3. Rosemary Goselin – Written Submission (read in person at Public Meeting)
4. Betty Wallace – Read in Person
5. Janice Burton – Read in Person
6. Mike Stoneham
7. Alar Soever
8. Viv Alper

**D. Analysis**

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The public comments received state support for the appointment of an Integrity Commissioner and a more fulsome review of the Code of Conduct beyond the changes to the draft proposed. We recommend a two stage approach.

1. Staff recommend adopting the policy revisions currently before council allowing the appointment of an integrity commissioner (Staff Report FAF 16.78).
2. The *Municipal Act 2001, S.O. 2001* is currently under review, specifically to address changes and enhancements to *Part V.1 Accountability and Transparency*. Staff suggest conducting a best practice review of Code of Conducts for Council Members across Ontario (including those specifically mentioned by members of the Public), incorporating best practice for a fulsome redraft of the Code of Conduct for Council Members and incorporating any legislative changes required with the revised Municipal Act. Staff will bring forward recommendations to revise the Code of Conduct for Members of Council once the Province enacts changes to the Municipal Act later this year.

**E. The Blue Mountains Strategic Plan**

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- Goal #4: Promote a Culture of Organizational & Operational Excellence - Constantly Identify Opportunities To Improve Efficiencies and Effectiveness

**F. Environmental Impacts**

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N/A

**G. Financial Impact**

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Costs related to the appointment of the Integrity Commissioner will be dependent on the number of complaints received.

**H. In consultation with**

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N/A

**I. Attached**

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1. Report FAF.16.78 Proposed Update to Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07 with the revised Code of Conduct for Members of Council attached.

2. Written Submissions

Special Meeting of Council  
FAF.16.84

August 22, 2016  
Page 3 of 3

1. Ron Hartlen
2. Duncan McKinlay
3. Rosemary Gosselin
4. Betty Wallace
5. Janis Burton

Respectfully Submitted,

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Jennifer Moreau  
HR Manager

For more information, please contact:

Jennifer Moreau

[jmoreau@thebluemountainins.ca](mailto:jmoreau@thebluemountainins.ca)

519-599-3131 extension 244

This document can be made available in other accessible formats as soon as practicable and upon request

**STAFF REPORT: HUMAN RESOURCES**

**REPORT TO:** Council  
**MEETING DATE:** July 22, 2016  
**REPORT NO.:** FAF.16.78  
**SUBJECT:** Proposed Update to Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07  
**PREPARED BY:** Jennifer Moreau

**A. Recommendations**

THAT Council receive Staff Report FAF.16.78 "Proposed Update to Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07";

AND THAT Council direct staff to provide notice to the public to receive comments on the proposed amendments to the Code of Conduct for Members of Council Policy, POL.COR.07.07 as included in Staff Report FAF.16.78

**B. Background**

Sections 223.1 to 223.23 were added to the Municipal Act in 2006 via Bill 130. These sections contain accountability and transparency measures which allow the Town to establish a code of conduct for members of council and local boards; appoint an Integrity Commissioner to investigate and report on alleged violations of the Code of Conduct; appoint an Ombudsman; create a lobbyist registry and appoint a Registrar for it; and to appoint an Auditor General.

Specifically, sections 223.3 and 223.4 of the Act provide authority for the Integrity Commissioner to conduct an investigation of an alleged contravention of the Code of Conduct by members of council or local boards.

Subsection 223.4(5) sets out penalties that may be imposed if a contravention is found to have occurred:

223.4(5) The municipality may impose either of the following penalties on a member of a council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services of a member of council or of the local board, as the case may be, for a period of up to 90 days.

In the current version of the Code of Conduct for Members of Council the Code prevents the appointment of an Integrity Commissioner. The Code has been updated to include the appointment of an Integrity Commissioner and their role in a complaint investigation.

**C. The Blue Mountains' Strategic Plan**

Goal #4. Promote a culture of organizational and operational excellence

- Constantly Identify Opportunities To Improve Efficiencies and Effectiveness

**D. Environmental Impacts**

N/A

**E. Financial Impact**

N/A

**F. In Consultation With**

Corrina Giles, Town Clerk

Jody E. Johnson, LL.B., M.P.A., AMCT, Aird Berlis

**G. Attached**

Code of Conduct for Members of Council Policy, Policy No. POL.COR.07.07

Respectfully submitted,

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Jennifer Moreau, Manager Human  
Resources

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## TOWN OF THE BLUE MOUNTAINS

## POLICY &amp; PROCEDURES

Subject Title: Code of Conduct for Members of Council

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.07
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2009 - 86
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved:	December 14, 2009	Staff Report:	A.09.11

**Policy Statement**

Policy direction for the behaviour of members of Council in the performance of their duties and responsibilities as elected community representatives.

**Purpose**

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct. ~~Such an appointment is not contemplated by this Policy at this time.~~

The Code of Conduct sets minimum standards for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

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.

**Application**

This policy applies to members of the Council of The Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as elected community representatives, as well as members of Town Committees and Local Boards.

**Definitions**



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

Members – means members of The Blue Mountains Council, Town Committees and Local Boards of the municipality.

Committee - means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

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 does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

**Integrity Commissioner** -The person appointed by Town Council 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 and Local Boards.

## Procedures

### 1. Statement of Principle

A written Code of Conduct helps to ensure that the members of Council, Committees and Local Boards of the municipality share a common basis 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 should serve to enhance public confidence that The Blue Mountain's elected and appointed representatives operate from a base of integrity, justice and courtesy.

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 and the public.

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. (ie 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 of Council.

All members whom this Code of Conduct applies to shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

## **2. Gifts and Benefits**

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2 shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the Chair of the Finance and Administration Committee shall approve the exception.

## **3. Confidentiality**

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are 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.

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:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Town of The Blue Mountains;
- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;

- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. 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*.

#### **4. Use of Town Property**

Subject to Section 5, no member shall use for personal purposes any Town property, equipment, 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 exclusive property of the Town of The Blue Mountains.

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. 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 licence.

#### **6. Work of a Political/Personal Nature**

Members shall comply with Town Policy A.POL.01, Use of Corporate Resources for Election purposes and no member shall use Town facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.

No member shall use Town facilities, services or property for his or personal business gain. No member shall use the services of Town employees for his or her personal business during the hours in which the employees are in the paid employment of the Town.

## **7. Conduct at Meetings**

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Town's Procedural By-law.

Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council, Committees and Local Boards during presentations and when other members have the floor.

## **8. Representing the Town**

Members shall make every effort to participate diligently in the activities of the Agencies, Committees and Local Boards to which they are appointed. Members are encouraged to attend openings and charity events.

## **9. Influence on Staff**

Members shall comply with Town Policy HR.06.02, Respectful Workplace, and shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall be further respectful of the fact that staff carry out 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 of Council.

## **10. 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 Committee or Local Board of Council or any Agency at which the Town is represented.

## **11. 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 out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

## **12. 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.

### 13. Harassment

Members shall comply with Town Policy HR.06.01, Discrimination and Harassment-Free Workplace. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

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

### 14. Interpretation

Members seeking clarification of any part of this Code should consult with their solicitor.

### 15. Complaints

~~The Mayor may commence an investigation of any potential breach of this Code on his or her own accord or in response to a written complaint in the following manner:~~

- ~~a) Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.~~
- ~~b) Determine if a member or members have committed a breach of the Code.~~
- ~~c) Recommend disciplinary action as set out in the *Municipal Act, 2001*.~~

~~The Mayor may consult with legal counsel or any other person as may be required in determining points of law or any other matter.~~

~~In the event that the complaint relates to the Mayor, the written submission will be made to the Finance and Administration Committee who shall have the duties and responsibilities of the Mayor to investigate following the provisions of this Section.~~

Where a member of Council or local board, an employee of the Town or a member of the public has reasonable grounds to believe that a Member has breached this code, a complaint may be submitted to the Clerks Department in written form. This complaint will be forwarded within 48 business hours to the Town's Integrity Commissioner who will process it in accordance with Section 223.3 of the Municipal Act, 2001.

#### **Confidentiality**

1. The Integrity Commissioner shall carry out all enquiries 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*.

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

#### **Investigations**

The Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any Town office for such purpose and consultation with Town 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.

1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days.

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

- a. The complainant;
- b. the individual to whom the complaint relates; and
- c. the Mayor in the case of a complaint concerning another Member; or the three longest serving members of Council in the case of a complaint concerning the Mayor.

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#### **Reporting the Results of an Investigation**

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

2. 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.

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

#### **Actions by Council**

1. 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:

- a. Issue a motion of reprimand
- b. Suspension of the remuneration paid to the Member in respect of his services as a Member for a period of up to 90 days

; or such other recommendation put forth by the Integrity Commissioner

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

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

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**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 of Conduct has occurred.

**Exclusions**

None

**References and Related Policies**

The *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, Procedural By-law No. 2007-29, Town Policies POL.AD.07.01 through and including POL.AD.07.06, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

**Consequences of Non-Compliance**

Penalties described in subsection 223.4(5) of the *Municipal Act, 2001* that a municipality may impose if a member has contravened a Code of Conduct include:

~~1.~~ A reprimand.

~~2.~~ Suspension of the remuneration paid to the member in respect of his or her services as a member of council or local board, as the case may be, for a period of up to 90 days.

or such other recommendation put forth by the Integrity Commissioner

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**Review Cycle**

This policy will be reviewed in each term of Council by the C.A.O. in conjunction with Council.

***Comments and Suggestions re Council Code of Conduct***

Qualification: These comments are based on the official document provided by TBM, but any reference to Grey County is based only upon a newspaper item (OS Sun Times on line).

It makes little or no sense for each Municipality to develop its own Code. Ideally a Code of Conduct should be the same for any Municipality or other level of Government. The issues faced are generally the same, and the follow-up processes should be the same, minor details aside. It is noted that Grey County is also preparing a Code at this time. This presents an opportunity to make the two Codes virtually identical. Why should anyone sitting on both bodies be faced with two different Codes?

It seems the Grey County Code will "encourage people to follow informal complaint procedures before making a formal complaint or going to the Provincial ombudsman". Making the effort to achieve a resolution informally, pre-empting any formal process, seems an important common-sense step. The TBM document does not mention anything like this; it should do so. This would help assure that issues are identified, brought to the attention of the subject of any complaint and potentially resolved, at an early stage.

The TBM document mentions that Council members should "act in a way that enhances public confidence in local government". As written, this is somewhat vague, and possibly open to subjective and arbitrary interpretation. Speaking up on legitimate concerns should never be a potential violation of a Code of Conduct.

Item 14, Interpretation, states "Members seeking clarification of any part of this Code should consult with their solicitor". From the common-sense viewpoint of a bystander layman, this seems absolutely bizarre. The Code is supposed to provide guidance to Councillors. Surely it should be presented in such a way, and in such language, so as to be easily understood. And doesn't common sense dictate that anyone seeking clarification should simply go back to whomever wrote the Code?. This point alone suggests the document needs some revision. It should not be approved until every Councillor fully understands exactly what it means.

Ron Hartlen

Clarksburg

# Duncan McKinlay



8/12/2016

Dear Mayor and Council,

I read about your revised Code of Conduct public meeting in the little Blue Mountains News sheet. I will not be able to attend due to the workday time schedule but hope you may consider a written submission.

- 1) Would there be value to council and the public in some additional information on other mechanisms to regulate council action and transparency. They are mentioned in the draft but some examples might be informative. For example how are Library Board, Conservation Authority etc. managed?
- 2) Would there be value in provision for review by the Commissioner of matters which might also be regulated elsewhere? Other mechanisms are difficult for the public to access, may require considerable resources on behalf of the public, may take a long time and may provide little useful resolution. The public might be quite satisfied if say a Municipal Act issue was investigated by the commissioner, with the commissioners report suggesting a council consequence if applicable and providing information on how a complainant might further pursue the issue within the Act . A local solution to a local issue.
- 3) Re #5 Use of technology- would a reference to policy which guides online activities, such as twitter or e mail content or restricted sites give clarity for council and the public ( Careful here, Grey County restricted access to Lake Huron Rod and Gun re "Guns and Ammo " content – not reflective of the Community need for livestock protection tools)



Re #8 recommending attendance at charity events. Has policy matured on how many of council can attend an event and how they may interact at an event ?

- 5) Confidentiality – do any controls exist beyond the term of council?  
Are clear expectations given to councilors and are logical consequences defined for actions which do not follow expectations? Here again a local policy and local consequences would have many advantages in engaging the public and timely and satisfactory investigation and reporting.
- 6) As a taxpayer I support this review and the regular review in the future.

Yours Truly  
Duncan McKinlay





To the Mayor and Members of Council:

I fully support and welcome the appointment of an Integrity Commissioner for the Town of The Blue Mountains.

Since the summary firings of our library staff in March, public trust in our government has been compromised.

Would it not be appropriate for our Mayor and Council to be proactive in trying to heal this breach?

Not by "taking over", but by following due process, lending a receptive ear to the legitimate concerns of our community, engaging and offering creative solutions?

Reasonable requests from constituents should be acknowledged and responded to.

Constituents ought not to be scolded for asking questions regarding the accountability of those elected to serve us.

I urge the Town to be proactive in promoting a culture of communication and engagement with the public. Let us not succumb to a culture of silence and secrecy.

Respectfully submitted,  
Rosemary Gosselin  
August 11, 2016

## **Town of Blue Mountains: Proposed Changes to Code of Conduct By-law**

**I agree with the recommendations that were presented to you by the previous speakers. I also agree that the Town of Blue Mountains should hire an Integrity Commissioner and implement a revised Code of Conduct. The focus of this Code should be on conflict resolution to enhance the Council's operation and promote public confidence in Council.**

**With regard to the proposed changes to the Town's Code of Conduct, I would like Council to consider the following points in their review:**

- 1) It should not be necessary for staff to spend considerable time re-inventing & rewriting the Code of Conduct when there are excellent and current examples readily available through public access in our immediate area. Both Collingwood and Barrie have recently updated their Codes and these could be used as a basic template for our town's Code. The revised Code should also adhere to the one developed by Grey County so no conflicts occur. Any additional items needed to customize the Code specifically for the Town of Blue Mountains could be included. In this way, the best possible result would be ensured.**
- 2) Greater detail is needed in this revised Code. For example – a Definitions section that would make certain behaviours and terms clearly understood by all readers is integral to its effective use (ie Harassment and Discrimination, with examples of what is and isn't acceptable). This Code should also include a more detailed complaint protocol so that the steps for complaints investigation and resolution are clearly outlined, including the form needed to submit a complaint. This could then be the same protocol that a member of the Public would use, if a complaint concerning these matters should arise.**
- 3) I wasn't able to find the Town internal HR policies that are referred to in the draft; maybe they should be included with this Code or posted separately for residents' reference. Policies regarding required conduct of staff in their dealings with Town Council, individual Councillors, each other, business representatives and community members should be readily available to the public, preferably on the Town's website. Individuals should not need to request these policies in writing or in person.**

4) I see that this was a Corporate Policy document that was adopted as a By-law (No. 2009-87) in December 2009. Will this revised Code now replace the current Bylaw? I believe it should. As well, it might make sense that the review cycle for the Code should coincide with a date early in the first year of a newly elected Council. The review discussion alone would help newly elected Members of Council familiarize themselves with this policy and the resources available to assist them (ie, the Integrity Commissioner).

In closing, I believe TBM Residents would like to see more transparency and greater detail with regard to the Code of Conduct and the processes used by Council and staff to deal with harassment, discrimination, lobbyists, and business relations issues. Open access to information and positive conflict resolution between all parties is crucial for good government. The updating and coordinating of this document with Grey County's Code is a good start.

Betty S Wallace

August 19, 2016



## Code of Conduct By-law - Public Meeting, Aug 19<sup>th</sup>, 2016

Comments presented by Janis Burton – 150 Brooker Blvd, Blue Mountains, Ont.

1. In order to provide “informed feedback” at this public meeting, I read up on the Municipal Act 2001, Sections 224 and 227 which sets out the roles and duties of Members of Council as well as the Municipal Staff. Each has very distinct roles.

The Gov’t amended the Municipal Act in 2006 and I found a good overview of the various changes and why they were being introduced. This is when they introduced the optional role of an Integrity Commissioner, among others.

It said that the work of municipal gov’t is complex and often involves multiple competing interests. There is some overlap. Members of Council, in particular, have legal, ethical, and political accountabilities that often collide. It is not always easy for public officials to know how to act properly in accordance with the high standards that are expected.

Since mutual respect and co-operation are required to achieve Council’s corporate goals and implement Council’s priorities, etc through the work of town staff, it makes sense to have a neutral, independent Integrity Commissioner to oversee compliance of the Code of Conduct, arbitrate disputes, and promote public confidence.

Members of Council and Local Boards should be able to consult this person to provide confidential advice about how best to meet these standards. And, any individual should be able to ask the Integrity Commissioner to resolve or adjudicate disputes about allegations that the standards have been contravened. This person would also be able to provide policy advice and educational programs to Council and Local Boards on issues of ethics and integrity.

If it was complicated 10 years ago in 2006, it is even more so now. So I support the appointment of an Integrity Commissioner.

2. I then took the time to read many other Code of Conduct Bylaws passed by other Ontario municipalities for comparison purposes and for best practices. There is some excellent, well-written Code of Conduct Bylaws out there. Most use a very similar headings and wording. In order to ensure that Blue Mountains has the best Code of Conduct possible and using some ideas from Collingwood’s (passed Sept 2015) and Barrie’s (2013), I’d like to suggest some changes as follows:
  - a. Pg 3 – Item 2 – Gifts and Benefits – the standard now seems to include the wording that “if the value of the gift or benefit exceeds \$300 (they chose \$200) or if the total value received from any one source over a 12 month period exceeds \$300, the member shall within 30 days of receipt of the gift or of reaching the annual limit, file a disclosure statement with the Clerk which will be made public”. I for one would be interested in seeing who the large “gift givers” are to Members of Council and how often. Also, I’m not sure that a ‘blanket’ acceptance of all gifts valued over \$300 becoming the property of the town is correct. Wouldn’t that decision be something that the Integrity



Commissioner should be consulted about? Maybe the gift should be returned. Also, all permitted exceptions should be clearly listed in the Code and if so, the last sentence about additional exceptions as being approved by the Mayor – should be removed as this also should be a responsibility of the new Integrity Commissioner.

- b. #3 - Confidentiality – The Collingwood version is certainly more descriptive and detailed. Also Barrie has two additional items (10.8 & 10.9) that should be considered and added.
  - c. Just before #7, you may want to include a section on “Improper Use of Influence”. Both Barrie and Collingwood’s Codes use identical wording and include good examples of what this means.
  - d. #14 – Interpretation – Members seeking clarification of any part of this Code should be able to check with the Integrity Commissioner. Why should a Member incur legal costs for a clarification?
3. The biggest concerns I have is with the “Complaint Protocol” (#15) – this section is so brief as to seem incomplete. Usually both an “Informal” and “Formal” complaint processes is outlined. Also, the role of the Integrity Commissioner and his/her other duties are explained including how requests for advice will be handled, and there is usually a Complaint form included. This section in Collingwood’s Code is 7 pages long, Barrie’s is 8. In this draft, it is only 1.5 pages.

The public and Members of Council need to be able to read and understand this document and use it if necessary. Clarity should not be sacrificed for brevity. In my opinion, this draft needs further review and revision before passing.

Thank you.



# Staff Report

## Human Resources

**Report To:** Committee of the Whole  
**Meeting Date:** May 14, 2018  
**Report Number:** FAF.18.74  
**Subject:** **Proposed Changes to the Code of Conduct for Members of Council and Local Boards Policy Public Meeting Comments**  
**Prepared by:** Jennifer Moreau, Human Resources Manager

### A. Recommendations

THAT Council receive Staff Report FAF.18.74, entitled "Proposed Changes to the Code of Conduct for Members of Council and Local Boards Policy Public Meeting Comments"; and

THAT Council approve the revisions to the Code of Conduct for Members of Council and Local Boards, POL.COR.07.07.

### B. Overview

This report provides Council with a summary of themes from Public Comment received and asks Council to consider approving the revisions to the Code of Conduct recommended by our Integrity Commissioner.

### C. Background

On November 14, 2016 at a Committee of the Whole meeting Staff Report FAF.16.99 Town's Workplace Harassment and Violence Program was presented for consideration of Council. The report provided a recommendation to Council to approve a revision to the Town's Workplace Harassment and Violence Program.

On November 28, 2016 at a Council meeting Councilor John McGee moved the following motion:

*THAT Council receive correspondence from Patrick Delaney dated November 24, 2016 regarding the Town's proposed changes to the Workplace Harassment and Violence Policies;*

*AND THAT Council direct staff to compile the written concerns of residents regarding the proposed changes to the Workplace Harassment and Violence Policies and summarize the same in a staff report to Council before changes to the policy are made.*

The motion was seconded by Councilor Gamble and approved by Council.

A subsequent Staff Report FAF.17.02 provided Council with a summary of themes from Public Comment received and asked Council to consider as a next step having the policy reviewed by our Integrity Commissioner.

On January 23, 2017 at a Council meeting Councilor Bob Gamble moved the following motion:

*THAT Council receive Staff Report FAF.17.02 “Workplace Harassment and Violence Program Public Comments”;*

*AND THAT Council provide staff direction to engage our Integrity Commissioner, Janet Leiper, to provide recommended revisions to the Workplace Violence and Harassment Program, Code of Conduct Policy for Members of Council, and Complaint Protocol.*

The motion was seconded by Councilor McGee and approved by Council.

On February 21, 2018 the Integrity Commissioner attended our Committee of the Whole Meeting to present her revisions and suggestions to Council. On March 5, 2018 Council directed staff to move forward through the public process to seek feedback from the public regarding proposed changes to the policy. On May 7, 2018 a Public Meeting was held to receive feedback from the public regarding the proposed changes.

## **D. Analysis**

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In response to the revision to the Code of Conduct for Members of Council and Local Boards the Town received two pieces of correspondence written letters, e-mail and PowerPoint presentations. The main areas of concern are broken down in the themes listed below. It should be noted that this list is intended to provide a summary only. The actual comments received are attached to this report.

1. Suggestions to expand the role of the Integrity Commissioner, guiding online activity of Council members, question about confidentiality beyond the role of the Council term.
2. There should be no mention of an apparent conflict of interest as a Council member should have the right to maintain both a private and public community presence.

Staff recommend adopting the revisions reviewed and recommended to the policy by our Integrity Commissioner as they meet the standards of the Municipal Act and are best practise within the province.

## **E. The Blue Mountains Strategic Plan**

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Goal #2: Engage Our Communities & Partners

- Objective #1 Improve External Communication With Our Constituents
- Objective #2 Strengthen Partnerships

Goal #4: Promote a Culture of Organizational & Operational Excellence

- Objective #3 To Consistently Deliver Excellent Customer Service
- Objective #5 Constantly Identify Opportunities To Improve Efficiencies and Effectiveness

## **F. Environmental Impacts**

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Not Applicable

## **G. Financial Impact**

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Although there are no financial figures associated with the approval of this policy it is noted that a properly worded policy based on best municipal practice as recommended by our Integrity Commissioner, can help aid in mitigating legal costs for both the Town, Council and Members of Local Boards.

## **H. In Consultation With**

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- Janet Leiper, Integrity Commissioner
- Ruth Prince, Director Finance & IT Services
- Michael Benner, Director Planning & Development Services
- Reg Russwurm, Director Infrastructure & Public Works
- Shawn Everitt, Interim Chief Administrative Officer
- Rob Collins, Director Enforcement and Fire Services

## **I. Attached**

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1. Public Comments Received:
  - Michael Martin
  - Duncan McKinlay
2. Current Code of Conduct for Members of Council and Local Boards, POL.COR.07.07,
3. Proposed Revised policy, Code of Conduct for Members of Council and Local Boards, POL.COR.07.07;

Respectfully submitted,

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Jennifer Moreau  
Manager of Human Resources

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Shawn Everitt  
Interim Chief Administrative Officer

For more information, please contact:  
Jennifer Moreau  
[hr@thebluemountains.ca](mailto:hr@thebluemountains.ca)  
519-599-3131 extension 244

**From:** [Corrina Giles](#)  
**To:** [Michael Martin](#)  
**Cc:** [council](#); [SMT](#)  
**Subject:** RE: Janet Leiper presentation  
**Date:** Monday, March 19, 2018 9:44:24 AM

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Good morning Councillor Martin,  
I acknowledge receipt of your comments below regarding the proposed changes to the Council Code of Conduct. I confirm that a Public Meeting will be scheduled to receive comments, and that your comments will be included in the record of the Public Meeting.

Corrina Giles, CMO  
Town Clerk  
Town of The Blue Mountains

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**From:** Michael Martin  
**Sent:** Thursday, March 15, 2018 4:42 PM  
**To:** Corrina Giles <[REDACTED]>  
**Cc:** council <council@thebluemountains.ca>  
**Subject:** Re: Janet Leiper presentation

Hello Corrina: Thanks for providing Janet Leiper's comments. Before this Code of Conduct is approved. My comment is that the proposed additions to the Statement of Principle (3) page 5 of 6 are too vague and elastic without definition or examples. As a motion if council further considers the "Code", I recommend deleting the following phrases: 1. "both apparent and real"; 2. "and arrange their private affairs"; 3. "and will bear public scrutiny".

Reasons: Municipal government and general has no business in members **private affairs** whatever they may be. I have no idea of what constitutes **public scrutiny** or what an **apparent conflict** is or possibly may be?

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**From:** Corrina Giles  
**Sent:** Tuesday, March 13, 2018 1:42 PM  
**To:** council  
**Cc:** Shawn Everitt  
**Subject:** Janet Leiper presentation

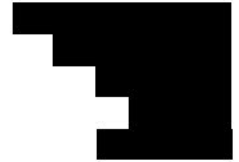
Hello Council,  
I am attaching for your information, Integrity Commissioner Janet Leiper's presentation of February 21.

Corrina Giles, CMO  
Town Clerk

Town of The Blue Mountains  
32 Mill Street, P.O. Box 310  
Thornbury, Ontario  
N0H 2P0  
Tel: 519-599-3131 ext 232  
Toll Free: 1-888-258-6867  
Fax: 519-599-7723  
[townclerk@thebluemountains.ca](mailto:townclerk@thebluemountains.ca)

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<http://www.thebluemountains.ca/subscribe.cfm>

# Duncan McKinlay



8/12/2016

Dear Mayor and Council,

I read about your revised Code of Conduct public meeting in the little Blue Mountains News sheet. I will not be able to attend due to the workday time schedule but hope you may consider a written submission.

- 1) Would there be value to council and the public in some additional information on other mechanisms to regulate council action and transparency. They are mentioned in the draft but some examples might be informative. For example how are Library Board, Conservation Authority etc. managed?
- 2) Would there be value in provision for review by the Commissioner of matters which might also be regulated elsewhere? Other mechanisms are difficult for the public to access, may require considerable resources on behalf of the public, may take a long time and may provide little useful resolution. The public might be quite satisfied if say a Municipal Act issue was investigated by the commissioner, with the commissioners report suggesting a council consequence if applicable and providing information on how a complainant might further pursue the issue within the Act . A local solution to a local issue.
- 3) Re #5 Use of technology- would a reference to policy which guides online activities, such as twitter or e mail content or restricted sites give clarity for council and the public ( Careful here, Grey County restricted access to Lake Huron Rod and Gun re "Guns and Ammo " content – not reflective of the Community need for livestock protection tools)





- 4) Re #8 recommending attendance at charity events. Has policy matured on how many of council can attend an event and how they may interact at an event ?
- 5) Confidentiality – do any controls exist beyond the term of council?  
Are clear expectations given to councilors and are logical consequences defined for actions which do not follow expectations? Here again a local policy and local consequences would have many advantages in engaging the public and timely and satisfactory investigation and reporting.
- 6) As a taxpayer I support this review and the regular review in the future.

Yours Truly  
Duncan McKinlay



## TOWN OF THE BLUE MOUNTAINS

### POLICY & PROCEDURES

Subject Title: Code of Conduct for Members of Council

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.07
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2009 - 86
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved:	December 14, 2009	Staff Report:	A.09.11
Date Revised:	August 22, 2016	Staff Report:	FAF.16.84

#### Policy Statement

Policy direction for the behaviour of members of Council in the performance of their duties and responsibilities as elected community representatives.

#### Purpose

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct.

The Code of Conduct sets minimum standards for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

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.

#### Application

This policy applies to members of the Council of The Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as elected community representatives, as well as members of Town Committees and Local Boards.

## Definitions

**Municipality** – means The Corporation of the Town of The Blue Mountains.

**Members** – means members of The Blue Mountains Council, Town Committees and Local Boards of the municipality.

**Committee** - means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

**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 does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

**Integrity Commissioner** -The person appointed by Town Council 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 and Local Boards.

## Procedures

### 1. Statement of Principle

A written Code of Conduct helps to ensure that the members of Council, Committees and Local Boards of the municipality share a common basis 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 should serve to enhance public confidence that The Blue Mountain's elected and appointed representatives operate from a base of integrity, justice and courtesy.

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 and the public.

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. (ie 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 of Council.

All members whom this Code of Conduct applies to shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

## **2. Gifts and Benefits**

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2 shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the Chair of the Finance and Administration Committee shall approve the exception.

## **3. Confidentiality**

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are 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.

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:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Town of The Blue Mountains;
- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;

- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. 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*.

#### **4. Use of Town Property**

Subject to Section 5, no member shall use for personal purposes any Town property, equipment, 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 exclusive property of the Town of The Blue Mountains.

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. 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 licence.

#### **6. Work of a Political/Personal Nature**

Members shall comply with Town Policy A.POL.01, Use of Corporate Resources for Election purposes and no member shall use Town facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.

No member shall use Town facilities, services or property for his or personal business gain. No member shall use the services of Town employees for his or her personal business during the hours in which the employees are in the paid employment of the Town.

## **7. Conduct at Meetings**

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Town's Procedural By-law.

Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council, Committees and Local Boards during presentations and when other members have the floor.

## **8. Representing the Town**

Members shall make every effort to participate diligently in the activities of the Agencies, Committees and Local Boards to which they are appointed. Members are encouraged to attend openings and charity events.

## **9. Influence on Staff**

Members shall comply with Town Policy HR.06.02, Respectful Workplace, and shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall be further respectful of the fact that staff carry out 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 of Council.

## **10. 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 Committee or Local Board of Council or any Agency at which the Town is represented.

## **11. 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 out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

## **12. 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.

### **13. Harassment**

Members shall comply with Town Policy HR.06.01, Discrimination and Harassment-Free Workplace. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

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

### **14. Interpretation**

Members seeking clarification of any part of this Code should consult with their solicitor.

### **15. Complaints**

Where a member of Council or local board, an employee of the Town or a member of the public has reasonable grounds to believe that a Member has breached this code, a complaint may be submitted to the Clerks Department in written form. This complaint will be forwarded within 48 business hours to the Town's Integrity Commissioner who will process it in accordance with Section 223.3 of the Municipal Act, 2001.

### **Confidentiality**

1. The Integrity Commissioner shall carry out all enquiries 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*.
2. All records of investigations shall be kept confidential and access limited to those in the Town with a need to know for the purposes of conducting a full investigation.

### **Investigations**

The Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any Town office for such purpose and consultation with Town 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.

1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days.
2. If the Integrity Commissioner requires more than 30 days to complete an investigation, the following shall be notified accordingly:
  - a) The complainant;

- b) The individual to whom the complaint relates; and
- c) The Mayor in the case of a complaint concerning another Member; or the three longest serving members of Council in the case of a complaint concerning the Mayor.

### **Reporting the Results of an Investigation**

1. The Integrity Commissioner shall report his/her findings to an open meeting of Council and where the enquiry relates to a local board the report will be submitted to both Council and the local board.
2. 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.
3. The Commissioner shall give a copy of the final report to the complainant and the Member whose conduct is concerned 15 days prior to the Council meeting at which it will be considered

### **Actions by Council**

1. 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:
  - a) Issue a motion of reprimand
  - b) Suspension of the remuneration paid to the Member in respect of his services as a Member for a period of up to 90 days; or such other recommendation put forth by the Integrity Commissioner
2. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
3. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations. 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 of Conduct has occurred.

### **Exclusions**

None



## **References and Related Policies**

The *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, Procedural By-law No. 2007-29, Town Policies POL.AD.07.01 through and including POL.AD.07.06, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

## **Consequences of Non-Compliance**

Penalties described in subsection 223.4(5) of the *Municipal Act, 2001* that a municipality may impose if a member has contravened a Code of Conduct include:

A reprimand.

Suspension of the remuneration paid to the member in respect of his or her services as a member of council or local board, as the case may be, for a period of up to 90 days or such other recommendation put forth by the Integrity Commissioner.

## **Review Cycle**

This policy will be reviewed in each term of Council by the C.A.O. in conjunction with Council.



# Code of Conduct for Members of Council and Local Boards

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POL.COR.07.07

**Policy Type:** Corporate Policy  
**Date Approved:** Currently Under Review  
**Last Revision:** August 22, 2016  
**Department:** Administration  
**Staff Report:**  
**By-Law No.:**

## Policy Statement

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Policy direction for the behaviour of Members of Council in the performance of their duties and responsibilities as elected community representatives.

## Purpose

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Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for Members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct.

Subsection 223.2(1) of the *Municipal Act, 2001* will require a municipality to establish codes of conduct for Members of the council of the municipality and of local boards. 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 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 of council and of local boards, the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards, requests for advice by members of council and of local boards 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 of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of local council and members of local boards and about the *Municipal Conflict of Interest Act*.

Where a municipality has not appointed an Integrity Commissioner, subsection 223.3(1.1) of the *Municipal Act* requires it to make arrangements for all of the responsibilities set out in subsection 223.3(1) to be provided by the Commissioner of another municipality.

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

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.

### Application

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This policy applies to Members of the Council of The Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as elected community representatives, as well as Members of Town Committees and Local Boards.

### Definitions

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**Municipality** – means The Corporation of the Town of The Blue Mountains.

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**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 does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

**Integrity Commissioner** -The **person(s)** appointed by Town Council 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 and Local Boards.

## **1. Statement of Principle**

A written Code of Conduct helps to ensure that the Members of Council, Committees and Local Boards of the municipality share a common basis 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 Blue Mountain's elected and appointed representatives will serve the public with integrity, justice and courtesy.

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 and the public.

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 of Council. Members are expected to uphold the letter and spirit of the laws of Canada, Ontario and the laws and policies adopted by Council.

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

## **1. Gifts and Benefits**

No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor. In particular, Members shall decline any gift, payment, hospitality or entertainment paid for by a person or persons seeking to do



business with the Town or of anyone known to the Member to be lobbying a Member on behalf of such a person.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

This section does not apply to compensation authorized by law, services provided without compensation by persons volunteering their time, a political contribution otherwise reported by law, in the case of Members running for office or 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 organizer where the Member is either speaking or attending in an official capacity.

No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

## 2. Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are 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.

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:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Town of The Blue Mountains;
- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;
- Price schedules in contract tender or Request for Proposal submissions if so specified;

## Code of Conduct for Members of Council and Local Boards

- Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. 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*.

### **3. Use of Town Property**

Subject to Section 5, no Member shall use for personal purposes any Town property, equipment, 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 his or her duties that is not available to the general public for any purposes other than his or her official duties.

### **4. 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 licence.

### **5. Work of a Political/Personal Nature**

Members shall comply with Town Policy A.POL.01, Use of Corporate Resources for Election purposes and no Member shall use Town facilities, services or property for his or her re- election campaign. Further, no Member shall use the services of Town employees for his or her re- election campaign, during hours in which the employees are in the paid employment of the Town.

No Member shall use Town facilities, services or property for his or personal business gain. No Member shall use the services of Town employees for his or her personal business during the hours in which the employees are in the paid employment of the Town.



POL.COR.07.07

Code of Conduct for Members of Council and Local Boards

## 6. Conduct at Meetings

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Town's Procedural By-law.

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

## 7. Representing the Town

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

## 8. Respect for the Role of Staff

Members shall be respectful of the fact that staff 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 staff Members. Members shall be respectful of the fact that staff 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 of Council.

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

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

## 9. 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 Committee or Local Board of Council or any Agency at which the Town is represented.

## 10. 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 out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

## **11. 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, committees or local Boards which apply to the conduct of Members.

## **13. Discrimination and Harassment**

Members have a duty to treat members of the public and one another with respect and without abuse, bullying or intimidation.

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 workplace harassment.

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

Members are responsible for communications that may constitute harassment, whether in person, in writing, by public comment and on-line, including via social media.

## **14. 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. 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 Commissioner, the Commissioner may release part or all of the advice provided to the Member without obtaining the Member's consent.

## **15. 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.



### Consequences of Non-Compliance

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Where Council or a Local Board (as applicable) receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member of Council or Local Board, Council or the Local Board 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 his or her services as a Member of Council for a period up to 90 days.

Council or the Local Board as the case may be, may, on the basis of a recommendation from the Integrity Commissioner take any or all of the following actions and require that the Member:

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

### References and Related Policies

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The *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, Procedural By-law No. 2018-20, Town Policies:

- POL.COR.07.01 Accountability & Transparency;
- POL.COR.07.02 Sales & Other Disposition of Land;
- POL.COR.07.03 Provision of Notice & Manner of Giving Notice;
- POL.COR.07.04 Delegation by Council of Powers & Duties;
- POL.COR.07.05 Purchase of Goods & Services;
- POL.COR.07.06 Hiring of Employees;
- POL.COR.18.01 Use of Corporate Resources for Election Purposes
- POL.COR.18.xx Protocol Policy for Complaints Related to Members of Council and Local Boards;
- Town of The Blue Mountains Strategic Plan.

### Review Cycle

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This policy will be reviewed in each term of Council by Council in conjunction with the Integrity Commissioner.



# Policy

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## **POL.COR.07.07**

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

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# Policy

## POL.COR.07.07

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

**Policy Type:** Corporate Policy (Approved by Council)

**Date Approved:** May 28, 2018

**Last Revision:**

**Department:** Administration

**Staff Report:**

**By-Law No.:**

#### Policy Statement

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

#### 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:

1. Understand the standards of conduct that are expected of them, and the law that applies in relation to these standards;

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

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

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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

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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

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**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.

**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.

**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.

**Assault:** is the act of inflicting physical harm or unwanted physical contact upon a Person or, a threat or attempt to commit such an action. Assault is a criminal offence under section 265 of the Criminal Code of Canada. Assault occurs when a Person applies force to another Person, without permission. Assault may include physical Violence, attempts or threats to use force (including gestures that imply a serious threat), stalking or conduct that causes that other Person to fear for their safety or the safety of anyone known to them. Complaints that include Assault shall be reported to the local authorities immediately.

**Bullying:** Bullying is usually seen as acts or verbal or written comments that could 'emotionally' hurt or isolate a Person who is the target of such comments. Sometimes, Bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade, humiliate or isolate a particular Person or group of people. It has also been described as the assertion of power through aggression.

**Business Hospitality:** means food and beverages consumed at industry and professional association events, banquets, receptions, festivals, community, cultural and sporting events if:

- i. Attendance as a representative of the Municipality serves a legitimate business purpose;
- ii. the Person extending the invitation, or a representative of the organization is in attendance; and
- iii. the value is reasonable and such invitations from the same party are infrequent.

**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.



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

**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:

- 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.

**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.

**Immediate Relative:** As per the Municipal Conflict of Interest Act Immediate Relative shall mean parent, spouse or child.

**Integrity Commissioner :** The Person(s) appointed by Town Council 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 and Advisory Committees.

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

**Intimidation:** is intentional behavior that would cause a reasonable Person to fear injury or harm. It is the threat of harm generally involving a perception of injury, physical or mental damage, act or instance of injury, or a material and detriment or loss to a Person. Intimidation includes incivility, which is low intensity behavior with ambiguous intent to harm the target, usually characterized by rude or discourteous behaviour displaying a lack of regard for others. An action that was not repetitive or so serious that it rises to the threshold of Harassment, nevertheless, can constitute Intimidation.

**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.

**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:** An entity recognized by law as separate and independent, with legal rights and existence including the ability to sue and be sued, to sign contracts, to receive gifts, to appear in court either by themselves or by lawyer and, generally, other powers incidental to the full expression of the entity in law. Shall be deemed to include corporations and associations existing under or authorized by law.

**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 who is alleged to be in violation or non-compliant of the Code of Conduct.

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

**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.

**Violence:**

- physically threatening behaviour, such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- verbal or written threats to physically attack a worker;
- leaving threatening notes or sending threatening e-mails;
- wielding a weapon;
- stalking someone; and
- physically aggressive behaviours, including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual Assault.

**Gifts and Benefits**

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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;
- 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

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

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

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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.

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

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

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

### 1. Use of Town Technology Resources

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

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**

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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**

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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 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:

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

- 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*.

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**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.

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**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.

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**Representing the Town**

Members shall make every effort to participate diligently in the regularly scheduled activities of the

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

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. 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

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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

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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

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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.



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

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;
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; 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 will 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

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

provides information to the Integrity Commissioner during an investigation.

### 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

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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

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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;
- 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

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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.

## References and Related Policies

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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

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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**

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### **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.

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

## 2. 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.

## 2. 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.

**3. 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.

**4. 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.



## 5. 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
- (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.

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

**6. 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:
  - a) A reprimand;
  - b) 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:

- a) provide a written or verbal apology;
  - b) return property or make reimbursement of its value of money spent;
  - c) be removed from the Membership of a Committee; or
  - d) 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

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

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.

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

**7. 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*.

**8. Duty of Council**

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

**9. 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.
- (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.

**10. 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*.

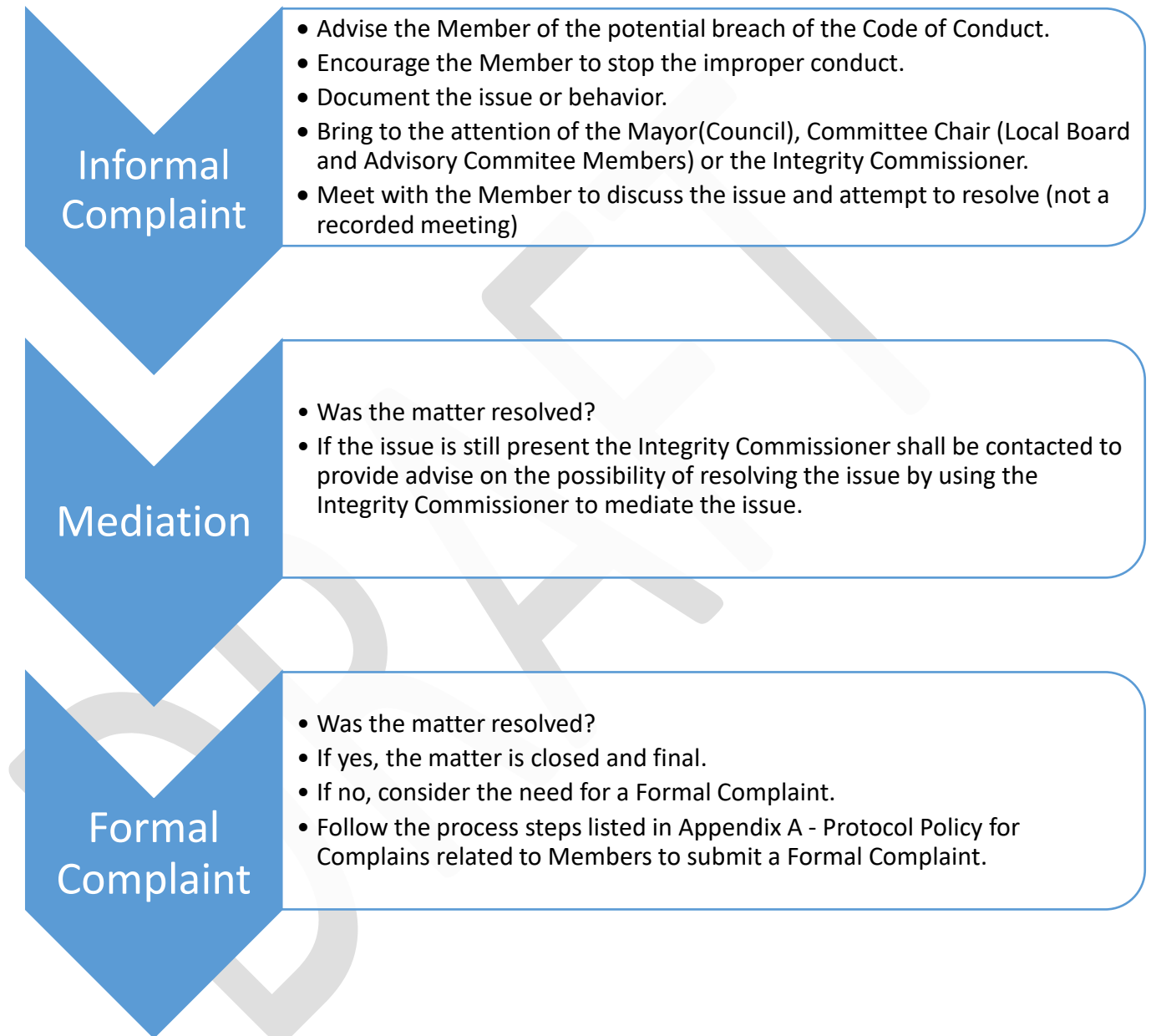
The Integrity Commissioner shall retain all records related to the Complaint and investigation.

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

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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:

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Source of Gift or Benefit:

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Circumstances under which Gift or Benefit received:

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

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Estimates Value of Gift or Benefit: \$ \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date received

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

**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.)

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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.)

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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**

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

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**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)

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**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....

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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 made 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**

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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 &amp; 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**

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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**

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

The Blue Mountains Property Standards Committee

The Blue Mountains Attainable Housing Corporation (only to be included if they adopt this policy)

The Blue Mountains Abandoned Orchard Advisory Committee

The Blue Mountains Committee of Adjustment

Blue Mountains Housing Committee

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.

## Code of Conduct Definition References

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**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

**Assault:** abbreviated from [Criminal Code of Canada section 265](#)

**Bullying:** abbreviated from [Canadian Centre of Occupational Health & Safety](#)

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

**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](#)

**Intimidation:** sourced from 423 of the [Criminal Code of Canada](#) and written by Integrity Commissioner Suzanne Craig

**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](#)

**Violence:** sourced from the Town's employment policy POL.COR.18.08 Workplace Violence and Harassment Policy and written by the Director of Human Resources and Justice Janet Leiper.