

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 04-2023

A BY-LAW TO AUTHORIZE THE ADOPTION OF A COUNCIL AND COMMITTEE CODE OF CONDUCT FOR THE CORPORATION OF THE TOWN OF DEEP RIVER
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WHEREAS Section 8. (1) of the *Municipal Act, S.O. 2001*, states that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

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

AND WHEREAS Section 11. (1) of the *Municipal Act, S.O. 2001* states that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11. (2) 2 of the *Municipal Act, S.O. 2001* states that a lower-tier municipality may pass by-laws, respecting accountability and transparency of the municipality and its operations and of its local boards and their operations;

AND WHEREAS Section 223.3 (1) of the *Municipal Act, S.O. 2001*, authorizes the municipality to establish codes of conduct for Members of the Council of the municipality and of local boards of the municipality;

AND WHEREAS Section 223.2 (1) of the *Municipal Act, S.O. 2001*, authorizes the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to:

- a. The application of the Code of Conduct for Members of Council and the Code of Conduct for Members of local Boards or of either of them;
- b. The application of any procedures, rules and policies of the municipality and local Boards governing the ethical behaviour of Members of Council and of local Boards or of either of them;
- c. Both of clauses (a) and (b). 2006, c. 32 Sched. A, s. 98.

AND WHEREAS Council has determined that the establishment of a Council Code of Conduct and appointment of an Integrity Commissioner will enhance the Municipality's ability to govern the affairs and practices of the Town of Deep River;


NOW THEREFORE BE IT RESOLVED THAT The Council of The Corporation of the Town of Deep River hereby enacts as follows:

1. **THAT** the Town of Deep River Council and Committee Code of Conduct, attached as Schedule "A" to this by-law is hereby adopted as an official policy document of the Corporation of the Town of Deep River.
2. **THAT** the Corporate Policies and Procedures Manual is hereby amended to include Policy Number C-002: Council Code of Conduct.
3. **THAT** By-Law Number 54-2014 is hereby repealed.
4. **THAT** Schedule "A" attached hereto shall be read with and form part of this by-law.
5. **THAT** this by-law may be referred to as the "Council and Committee Code of Conduct."
6. **THAT** the Council and Committee Code of Conduct shall apply to the Mayor, Reeve and all Members of Council, and shall apply equally to all Committee Members, and all Board Members of the Corporation of the Town of Deep River.
7. **THAT** the Mayor, Reeve and all Members of Council, Committee Members, and Board Members of the Town of Deep River shall acknowledge their receipt and understanding of the Council and Committee Code of Conduct and all its contents, by signing and dating the Acknowledgement of Understanding and Compliance Form.
8. **THAT** any amendments to the Council and Committee Code of Conduct shall be authorized by by-law and be acknowledged by Members of Council, Committee and Board Members of the Town of Deep River by re-signing and dating the Acknowledgement of Understanding and Compliance Form.
9. **THAT** this Council and Committee Code of Conduct shall apply to all future Members of Council, Members of Committees, and Board Members of the Town of Deep River.
10. **THAT** a majority of all Members of Council be required to amend or repeal this by-law.
11. **THAT** Council is hereby authorized to appoint an Integrity Commissioner for the purposes outlined in this By-law and contained within Schedule "A", and
12. **THAT** this by-law shall come into full force and effect upon the passing thereof.

READ a FIRST, SECOND AND THIRD TIME and finally passed this 15th day of February, 2023.



Suzanne D'Eon, Mayor



Jackie Mellon, Clerk

**COUNCIL AND COMMITTEE CODE OF CONDUCT
SCHEDULE "A" TO BY-LAW NUMBER 04-2023**

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Section 1.00: Introduction and Statements of Principle

- 1.1 In serving the public, Members recognize that ethics and integrity are at the core of public confidence in government and in the political process. Members are expected to meet the highest standards of conduct to maintain and foster the Town of Deep River's reputation and integrity.
- 1.2 In order to enhance public trust with respect to the obligations of its Members, this Code of Conduct is consistent with the principles of transparent and accountable government, and ensures that Members of Council, municipal committees and boards share a common basis and understanding for acceptable conduct, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework.
- 1.3 In establishing this *Council and Committee Code of Conduct*, Council recognizes the following key statements of principle that underlie the interpretation of its provisions and their role:
 - (a) Members should serve, and be seen to serve, their constituents with integrity and accountability in a conscientious and diligent manner.
 - (b) Members should perform their duties of office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real.
 - (c) Members should perform their duties of office and arrange their private affairs in a manner that promotes public confidence and bears close public scrutiny.
 - (d) Members should serve the public interest by upholding both the letter and the spirit of federal and provincial laws and the bylaws and policies adopted by Council.
 - (e) Members should recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to the public as possible
 - (f) Members should recognize there is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.
 - (g) The Town of Deep River is committed to being a respectful and productive workplace. The Town strives to maintain a professional working relationship between and amongst members of Council, municipal committees and the officers and employees of the municipality, in furtherance of their respective roles established by statute, municipal by-laws and policies, corporate administrative direction, and operating conventions.

Section 2.00: Purpose

2.1 This Code of Conduct is intended to:

- (h) Ensure that all members share a common basis for acceptable conduct in the fulfillment of their duties. This Code of Conduct sets standards for the behaviour of Council Members, as well as Members of Committees and Boards of the municipality, in carrying out their functions under the commitment to standards of good government that reflect the public trust.
- (i) Augment and not replace Council Member's roles, responsibilities, actions and behaviours as required by the Procedure By-law, various statutes, by-laws and policies.
- (j) Reinforce the commitment to Accountability & Transparency and outline each individual's responsibility, as a Member of the municipality, to uphold these principles and values and act in the public interest.

- (k) Assist Council and Committee Members to:
 - i. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
 - ii. Fulfill their duty to act honestly and exercise reasonable care and diligence;
 - iii. Act in a way that enhances public confidence in local government; and
 - iv. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

Section 3.00: Scope

3.1 This Code of Conduct applies to Members of the Town of Deep River Council and to Members of the public appointed to Municipal Committees and/or Ad Hoc Committees and/or Local Boards when such members are acting in their official municipal capacity.

Section 4.00: Definitions

4.1 **Definitions:** For the purposes of this Council and Committee Code of Conduct:

Accountability means established rules & guidelines to ensure members of the public have an understanding of the actions of the Municipality.

Ad Hoc Committee is any special purpose Committee created by resolution of Council with approved Terms of Reference.

Associate of the Member includes any family member, friend, business associate, campaign worker or volunteer, political donor, staff member or other associate of the Member and also includes a corporation or partnership.

Chief Administrative Officer means the Chief Administrative Officer of the Town as defined by the Municipal Act, and appointed by by-law, or his/her Designate.

Clerk means the person within the administration of the Town of Deep River, appointed by by-law, as required and defined by the Municipal Act, or his/her designate.

Closed Session means any Meeting or portion of a Meeting not open to the public and held in accordance with Section 239 of the Municipal Act.

Committee means any Committee as established by Council.

Committee Member means a Council Member, citizen and/or staff appointed by Council to Committees of Council.

Complaint means an alleged/purported contravention of the Town of Deep River Council and Committee Code of Conduct.

Complainant means an identifiable person who has filed a complaint in accordance with section 8.4 of this Code.

Conflict of Interest means a conflict of interest of a Member as set out in the *Municipal Conflict of Interest Act, R.S.O., c. M.50* and any other Applicable Law.

Council means the Municipal Council for the Town of Deep River.

Councillor means a person elected or appointed as a member of Council, other than the Mayor.

Council Committee means an Advisory, Reference, Standing or Special Committee of Council, established under the Procedural By-law 31-2022 as amended from time to time.

Council and Committee Code of Conduct means the Town of Deep River Code of Conduct, which operates alongside other statutes governing the conduct of Members of Council, Boards and Committees of the Town of Deep River; and may also be referred to as "Code of Conduct."

Frivolous means of little or no substance, worth or importance; not worthy of serious notice or consideration, due to its lack of seriousness or sense.

Gifts and benefits mean any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.

Good Faith means in accordance with standards of honesty, trust, and sincerity.

Harassment as defined in the Town of Deep River's Workplace Violence and Harassment Policy and Program as well as in the Ontario Human Rights Code.

Hospitality means instances where there is entertainment of or by outside parties for the furtherance of municipal business.

Integrity Commissioner means the Integrity Commissioner appointed by the Town pursuant to Section 223.3 of the Municipal Act, 2001, who is responsible for performing in an independent manner all of the functions described in Subsection 223.3(1) of the Municipal Act, 2001;

Mayor means the "Head of Council" and Presiding Officer for the Corporation of the Town of Deep River.

Meeting means any Regular, Special, Council Information, Inaugural, Public, Committee of the Whole or other Committee Meeting of Council where some or all members may attend in person, via electronic participation, video teleconference, audio teleconference, or telephone.

Member means a Member of the Council and includes the Head of Council. Where the term is used in reference to a Committee, it refers to only those Members of the Committee itself. Where the term is used in reference to an Ad Hoc Committee made up of persons who are not Members of the Council, the term also includes those persons.

Municipal Act means the Ontario Municipal Act, S.O. 2001, c. 25, as amended.

Municipal Election means a general, Town wide Municipal election or by-election.

Municipal Staff means the CAO and all employees, dependent contractors and volunteers of the Town of Deep River.

Pecuniary Interest means relating to or connected with money, pursuant to the relevant Conflict of Interest Act legislation as amended from time to time.

Policy means any policy or by-law passed by the Town of Deep River.

Presiding Officer shall in all cases refer to the Mayor, or in the absence of the Mayor, the Reeve, or in the absence of the Reeve, the Member of Council chosen by a majority vote of Members present to act as Presiding Officer for the purpose of presiding over a meeting of Council or Committee until the arrival of the Presiding Officer.

Private Advantage includes an interest whether pecuniary or non-pecuniary. It does not, however, include;

- (a) An interest in a matter that is of general application;
- (b) An interest possessed by a Member or an Associate of the Member as one of a broad class of persons;
- (c) The Member's interest in the remuneration or benefits of the Member as a Member of Council;
- (d) The Member's interest in a Code of Conduct matter that involves the Member.

Rules or Rules of Procedure means the rules and regulations provided in the Town of Deep River's Procedural By-law.

Sexual Harassment as defined in the Town of Deep River Workplace Violence and Harassment Policy and Program, as well as in the *Ontario Human Rights Code*.

Social Media means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video.

Town, Town of Deep River means the Corporation of the Town of Deep River and includes its entire geographic area.

Transparency Council and Municipal information is accurate, timely and readily available with decisions being completed in an open public forum, other than as subject to financial, legal, legislative and privacy constraints.

Vexatious means instituted without sufficient grounds and serving only to cause annoyance, frustration and worry.

Violence as defined in the Town of Deep River's Workplace Violence and Harassment Policy and Program, as well as in the *Ontario Human Rights Code*

Section 5.00: Interpretation, Statutes, Severability and Statutory Provisions Regulating Conduct

5.1 Interpretation Rules:

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word "include" is not to be read as limiting the phrases or descriptions that precede it.

- 5.2 **Statutes:** References to laws in this By-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.
- 5.3 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.
- 5.4 **Statutory Provisions Regulating Conduct:** This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council, municipal committees and boards. The following federal and provincial legislation governs the conduct of Members of Council and Committees:
- (a) The Municipal Act, 2001;
 - (b) The Municipal Conflict of Interest Act;
 - (c) The Municipal Elections Act, 1996;
 - (d) The Municipal Freedom of Information and Protection of Privacy Act;
 - (e) The Provincial Offences Act;
 - (f) The Occupational Health and Safety Act;
 - (g) The Ontario Human Rights Code;
 - (h) The Criminal Code of Canada;
 - (i) The by-laws and policies of Council as adopted and amended from time to time; and
 - (j) The laws and regulations of the Governments of Canada and Ontario as passed and amended from time to time.

Section 6.00: Rules of Conduct

6.1 Behaviour of Members:

- 6.1.1 All members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure their work environment is free from discrimination and harassment.
- 6.1.2 No member shall engage in any form of Violence or Harassment, as defined in Section 1 of this document, taken from the Town of Deep River's Workplace Violence and Harassment Policies and Programs and the Ontario Human Rights Code, as amended.
- 6.1.3 No Member shall discriminate against anyone on the basis of race, ancestry, place of origin, color, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. These forms of discrimination listed, shall be as defined in the Ontario Human Rights Code.

- 6.1.4 Members shall refrain from abusive conduct, personal charges, verbal attacks, discrimination or gossip upon the character or motives of municipal employees, Councillors, Committee Members, Volunteers, or the public. All dealings with any person are to exhibit a high degree of professionalism and are to be based on honesty, dignity, understanding, respect, impartiality and fairness.
- 6.1.5 Members of Council are expected to adhere to a dress code while in attendance at meetings. All Members shall wear business attire to Meetings of Council and Business Casual Attire to all other Meetings where they are representing the municipality in an official capacity.

6.2 **Conduct Respecting Staff:**

- 6.2.1 The *Municipal Act, 2001* sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, Auditor and the Integrity Commissioner.
- 6.2.2 Members of Council are expected to:
- (a) represent the public and to consider the well-being and interests of the municipality;
 - (b) develop and evaluate the policies and programs of the municipality;
 - (c) determine which services the municipality provides;
 - (d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (f) maintain the financial integrity of the municipality; and
 - (g) carry out the duties of council under the Municipal Act, 2001 or any other Act.
- 6.2.3 The Municipal Administration is expected to:
- (a) implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
 - (b) undertake research and provide advice to council on the policies and programs of the municipality; and
 - (c) carry out other duties required under the Municipal Act, 2001 or any Act and other duties assigned by the municipality.
- 6.2.4 Deep River Council as a whole, has the authority to approve budget, policy, governance, and other such matters. Under the direction of the CAO, town

staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council.

6.2.5 Members of Council shall be respectful of the role of the municipal administration to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council.

6.2.6 Only Council acting as a whole can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the municipality, and/or research such matters as the Council deems necessary. Individual Council Members do not have the authority to, and therefore shall not, direct the CAO, management, or staff.

6.2.7 Members of Council should not:

- (a) Maliciously or falsely injure or impugn the professional or ethical reputation, or the prospects or practice of municipal staff;
- (b) Compel municipal staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities;
- (c) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any municipal staff member with the intent of interfering in staff's duties; or,
- (d) Engage staff in lengthy or frequent conversations, emails or phone calls that may take an excessive amount of time and/or otherwise divert Staff from their duties.

6.3 **Conduct at Council / Committee Meetings:**

Members of Council shall conduct themselves with decorum at all Deep River Council, Committee or Task Force meetings in accordance with the provisions of the Town of Deep River *Procedural By-law 31-2022*. No member shall:

6.3.1 Speak disrespectfully of the Reigning Sovereign or the Lieutenant-Governor of any province, or of a fellow Member, staff, or other identifiable individual;

6.3.2 Use offensive words or unparliamentary language;

6.3.3 Speak on any subject other than the subject in debate; or

6.3.4 Disobey the Rules of Procedure, or a decision of the Mayor, or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

6.4 Confidential Information and the Protection of Privacy:

- 6.4.1 Confidential information includes information in the possession of, or received in confidence by the Municipality that the Municipality is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, or other legislation. Generally, the MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.
- 6.4.2 No Member shall disclose or release by any means to anyone, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.
- 6.4.3 No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
- 6.4.4 A matter that has been discussed at an in-camera (closed) meeting remains confidential. No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting unless the Council, Committee, or Board discusses the information at a meeting that is open to the public or releases the information to the public in accordance with applicable law.
- 6.4.5 The obligation to keep information confidential applies even if the Member ceases to be a Council, Committee, or Board Member.

6.5 Operational Inquiries / Complaints:

Members of Council and/or Committee Members who are approached by the public with inquiries / complaints regarding operational matters should direct these inquiries / complaints to the CAO, or Management in the absence of the CAO, who will then contact the appropriate Department or individual for review of the matter.

6.6 Improper Use of Influence:

As an elected official, Members of Council are expected to perform their duties of office with integrity, accountability and transparency.

- 6.6.1 No Member shall use their office and the influence of their Office for any purpose other than for the lawful exercise of Official Duties and other municipal purposes.
- 6.6.2 No Member shall use his or her Office or position as a Member to improperly influence or attempt to improperly influence the decision of another person

for the Member's private advantage, or the private advantage of any Associate of the Member.

6.6.3 In the same manner, and as outlined in the *Provincial Offences Act – Conflict of Interest Policy*, Members shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

6.6.4 No Member shall take part in any official decision that presents the opportunity to further the private advantage the Member or any Associate of the Member.

6.6.5 No Member shall attempt to secure preferential treatment for self or any other person beyond activities in which Members normally engage on behalf of their constituents as part of their Official Duties.

6.6.6 No Member shall solicit or accept, in return for any action or inaction of the Member or in return for any exercise of influence by the Member, anything that would further a private advantage of the Member or any Associate of the Member.

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

- (a) An interest in a matter that is of general application;
- (b) An interest possessed by a Member or an Associate of the Member as one of a broad class of persons;
- (c) The Member's interest in the remuneration or benefits of the Member as a Member of Council;
- (d) The Member's interest in a Code of Conduct matter that involves the Member; or,
- (e) An interest in a matter that is of general application.

6.7 **Respect for the Decision-making Process:**

6.7.1 Members shall accurately and adequately communicate the decisions of Council and Local Boards such that respect for the decision and decision-making process is fostered.

6.7.2 Members shall not attempt directly or indirectly, to influence the decision-making process, as it relates to the award of contracts or settlement of claims. This includes but is not limited to, direct or indirect personal contact or interaction with the parties administering or directly involved in such processes.

6.8 **Use of Municipal Property and Resources:**

- 6.8.1 In order to fulfill their roles as elected representatives, Members of Council have access to municipal resources such as property, equipment, services, staff and supplies. Members must not use the municipality's property, equipment, supplies, or services, which are not available to the general public, for purposes other than this which are necessary for the discharge of their official duties. This clause does not prohibit incidental responsible personal use of Town cell phones or electronic devices.
- 6.8.2 No Member shall obtain financial gain from the use or sale of Town-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the Municipality.

6.9 Gifts, Hospitality & Other Benefits:

The objective of this section of the Council and Committee Code of Conduct is to ensure that Members make Council decisions based on impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality or entertainment. In this policy, gifts, commission, hospitality, reward, advantage or benefit of any kind, may be interchanged and shall be deemed to include all of the aforementioned.

- 6.9.1 The financial compensation paid to each Member of Council is intended to fully remunerate them for service to the Corporation of the Town of Deep River.
- 6.9.2 Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration.
- 6.9.3 Notwithstanding Section 7.9.2, Members of Council are not precluded from accepting:
- (a) Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a Committee, for speaking at an event or for representing the Corporation of the Town of Deep River at an event;
 - (b) Political contributions that are otherwise offered, accepted, and reported in accordance with applicable law;
 - (c) Food and beverages at meetings, banquets, receptions, ceremonies, or similar events;
 - (d) Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions;
 - (e) A stipend from a board or commission that the Member serves on as a result of an appointment by Council or through enabling legislation;

- (f) Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- (g) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office; or,
- (h) Services provided without compensation by persons volunteering their time for an election campaign.

6.10 Avoidance of Waste:

6.10.1 Members shall avoid waste, abuse and extravagance in the provision or use of public resources or any other Town Property.

6.11 Public and Media Communications:

6.11.1 It is understood that the Mayor as Head of Council, as per section 226.1(a) of the Municipal Act, is the primary spokesperson for the Council.

6.11.2 All Members of Council, Committees and Boards shall, in all public and media communications, including social media:

- (a) Accurately communicate the decisions of the Council of the Town of Deep River, even if they disagree with the majority decision of Council, and by doing so affirm the respect for and integrity in the decision-making process of Council. A Member may state that he/she did not support the decision, or voted against the decision.
- (b) Treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.
- (c) Refrain from making judgmental, disparaging or critical comments about other Members of Council or municipal staff, or about Council's processes and decisions.
- (d) Refrain from speculating or reflecting upon the motives of other Members of Council or staff.
- (e) Keep all confidential information confidential, until such a time arises that the matter can properly be made public. A breach of confidentiality by Members diminishes public confidence.

6.11.3 The CAO or their designate may work / consult with Members regarding media releases as necessary.

6.12 Municipal Elections:

- 6.12.1 Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996 and the Town's Election-Related Resources Policy.
- 6.12.2 The use of municipal resources, both actual municipal property, municipal staff time, Town logo or crest for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office

Section 7.00: Compliance with the Code of Conduct

7.1 Integrity Commissioner

- 7.1.1 The *Municipal Act* authorizes the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to, the application of:
- (a) The Code of Conduct for Members of Council and Members of Local Boards and Committees; and,
 - (b) Any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members.
- 7.1.2 Notwithstanding the foregoing, with respect to Ad-hoc, Advisory and/or any other volunteer Committees, the Integrity Commissioner will have no jurisdiction over complaints concerning these volunteer Members. Investigations will be completed by the Clerk's office, and decided on by Council.
- 7.1.3 The *Municipal Act* also outlines that the Integrity Commissioner may also exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.
- 7.1.4. The Integrity Commissioner serves the public interest and is granted authority under the *Municipal Act* to educate, advise, and investigate the conduct of Members of the municipality.
- 7.1.5 The Integrity Commissioner has the power to conduct an inquiry if requested by Council, any other Member, or a member of the public, about whether there has been a contravention of this Code of Conduct or any other Town of Deep River policy.
- 7.1.6 The Integrity Commissioner shall be independent from both Council and staff.

- 7.1.7 The Integrity Commissioner is entitled to free access to all books, accounts, and records, property, or any other necessary thing belonging to the municipality, as well as personnel or other Members which he/she feels is necessary to the investigation process.
- 7.1.8 The Integrity Commissioner may at any time be consulted by a Member with regard to complying with any part or section of the Town of Deep River Council and Committee Code of Conduct.
- 7.1.9 The Integrity Commissioner is appointed by Council for a term of not less than four (4) years to straddle an election by approximately two (2) years on either side.
- 7.1.10 The Integrity Commissioner will be reimbursed for reasonable expenses incurred in the performance of their investigation / duties.
- 7.1.11 Records of the Integrity Commissioner must be retained permanently.

7.2 Compliance with the Code of Conduct

- 7.2.1 Members of Council are expected to adhere to the provisions of the Code of Conduct, and to formally and informally review their adherence to the Code on a regular basis or when requested by Council.
- 7.2.2 Members are expected to understand their obligations under this Code of Conduct, and are encouraged to contact the Integrity Commissioner for any clarification needed.
- 7.2.3 The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code of Conduct.
- 7.2.4 Any individual, including members of the public, Town employees and members of Council, who has reasonable grounds to believe that a Member has breached a provision of the Code, may proceed with a complaint, either through the Informal or Formal Complaint processes outlined in Section 8.4 below.
- 7.2.5 A complainant does not have to pursue the Informal Complaint Process set out in Section 8.4.1 prior to proceeding with the formal complaint process set out in Section 8.4.2.
- 7.2.6 Complaints must be submitted no more than six (6) weeks after the alleged violation occurring. No action will be taken on a complaint received beyond these deadlines.

7.3 Breach of Policy / Code of Conduct

- 7.3.1 Should the Integrity Commissioner determine that a Member has breached the Council and Committee Code of Conduct after completing a proper investigation, the Integrity Commissioner shall report that such a determination has been made at an Open Regular Council Meeting. Council shall then determine an appropriate sanction or remedial action which shall be delivered by way of Resolution in Open Council Session.
- 7.3.2 *The Municipal Act, 2001* authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:
- (a) A reprimand; and/or,
 - (b) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council, Committee or a local board, as the case may be, for a period of up to 90 days.
- 7.3.3 The Integrity Commissioner may also recommend that Council take appropriate remedial action including but not limited to the following:
- (a) Written or verbal public apology to Council, the complainant, or both;
 - (b) Return of property or reimbursement of its value or of monies spent;
 - (c) Removal from membership of a Committee or Board;
 - (d) Removal as chair of a Committee or Board; and,
 - (e) Any other action that remedies the effect of the contravention.
- 7.3.4 The Integrity Commissioner has the final authority to recommend any of the remedial actions at his or her discretion.
- 7.3.5 Although the Integrity Commissioner's report must be made public, pursuant to the Municipal Act, some parts of the investigation may be confidential, and thus confidential information will not be made public in accordance with relevant legislation.

8.0 Procedure - Complaints

8.1 Informal Complaint Process:

- 8.1.1 Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code of Conduct may address their concerns in the following manner:
- (a) Advise the Member that their behaviour or activity contravenes the Code;
 - (b) Encourage the Member to stop the prohibited behaviour or activity;
 - (c) If applicable, confirm to the Member your satisfaction or dissatisfaction with their response to the concern identified;

- (d) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
- (e) If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner as outlined.

8.1.2 Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or an activity that they believe violates the Code of Conduct. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, the informal process is not a precondition or a prerequisite to pursuing the formal complaint procedure outlined in Section 9.2.

8.2 **Formal Complaints:**

- 8.2.1 Any individual who identifies or witnesses behaviour or an activity by a Member, that they believe is in contravention of the Council and Committee Code of Conduct, may file a formal complaint in accordance with the following conditions:
- (a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual.
 - (b) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct. A supporting affidavit setting out the evidence in support of the allegation must also be included.
 - (c) If the complainant is a Member of Council their identity shall not be protected if the Integrity Commissioner finds that the complaint was not made in good faith.
 - (d) Town Council may also file a complaint and/or request an investigation of any of its membership by public motion.
- 8.2.2 The complaint shall be filed directly with the Integrity Commissioner via email for initial classification 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 policies as described in Section 9.2.4.
- 8.2.3 If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the classification until an affidavit is received.
- 8.2.4 If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the

complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

- (a) Criminal Matter: If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.
- (b) Municipal Freedom of Information and Protection of Privacy Act: 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 for Access and Privacy review.
- (c) Other Policy Applies: If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.
- (d) Lack of Jurisdiction: 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.
- (e) Matter Already Pending: If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

8.2.5 The Integrity Commissioner may refuse to investigate a complaint or may terminate an investigation, if the Integrity Commissioner is of the opinion that there are no grounds or insufficient grounds for an investigation; the complaint is frivolous, vexatious or not made in good faith; or an investigation, or continuation of an investigation, would serve no useful purpose.

8.2.6 Following receipt and review of a formal complaint, or at any time during the investigation, 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, efforts may be pursued to achieve an informal resolution.

8.2.7 The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:

- (a) Provide the complaint and supporting material to the Member whose conduct is in question with a request that a written response to the allegation be provided within fifteen (15) business days; and,

- (b) May provide a copy of the response, or portions thereof, to the complainant with a request for a written reply within fifteen (15) business days.
- 8.2.8 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any Town work location relevant to the complaint for the purpose of investigation and potential resolution.
- 8.2.9 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 investigation.
- 8.2.10 If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the Municipal Elections Act, 1996, the Integrity Commissioner shall terminate the inquiry on that day.
- 8.2.11 If an investigation is terminated in accordance with Section 9.2.9 the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after Voting Day in a regular election, the complainant who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.
- 8.2.12 Notwithstanding any other provision of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the Municipal Elections Act, 1996.
- 8.2.13 The Integrity Commissioner shall provide a verbal report to Council, the complainant and the member generally no later than 90 days after the intake process has been completed and an investigation has been commenced.
- 8.2.14 Following the completion of an investigation, the Integrity Commissioner shall provide the Member with a copy of a draft report and offer the Member the opportunity to provide comments within five business days.
- 8.2.15 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended corrective action.

- 8.2.16 The Integrity Commissioner shall give a copy of the report to the complainant and the Member whose conduct is concerned. The Member shall have the right of reply when the report is considered by Council.
- 8.2.17 Where the complaint is not sustained, except for in exceptional circumstances, the Integrity Commissioner shall not report to Council the result of the investigation except as part of an annual or other periodic report.
- 8.2.18 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 judgment made in good faith, the Integrity Commissioner shall so state in the report and may make appropriate recommendations pursuant to the Municipal Act, 2001.
- 8.2.19 Upon receipt of a report, the Clerk shall indicate, on the next agenda of Council, notice of Intent from the Integrity Commissioner to submit a report for consideration at the following regular meeting of Council.
- 8.2.20 Notwithstanding any other provision of this Protocol, the Integrity Commissioner shall not make any report to Council or to any other person during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the Municipal Elections Act, 1996.
- 8.2.21 Council shall consider and respond to the report at the next meeting of Council after the day the report is laid before it.
- 8.2.22 Council shall not consider whether to impose sanctions on a Member, where the Integrity Commissioner makes a report to Council regarding a contravention of the Code of Conduct, during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the Municipal Elections Act, 1996.
- 8.2.23 The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- 8.2.24 The Integrity Commissioner shall retain all records related to the complaint and investigation.
- 8.2.25 At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as

confidential information if the Integrity Commissioner finds that a breach has occurred.

8.2.26 All reports from the Integrity Commissioner to Council will be made available to the public on the Town's website.

8.2.27 The Integrity Commissioner shall report to Council annually by way of a Memorandum to Council in November of each calendar year, on all complaints received and on their disposition (including complaints deemed not to be within the jurisdiction of the Integrity Commissioner). This Memorandum is a public document.
