

**TOWN OF DEEP RIVER**  
**BY-LAW NUMBER 54-2014**

<b>A BY-LAW TO AUTHORIZE THE ADOPTION OF A COUNCIL CODE OF CONDUCT FOR THE CORPORATION OF THE TOWN OF DEEP RIVER</b>
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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.

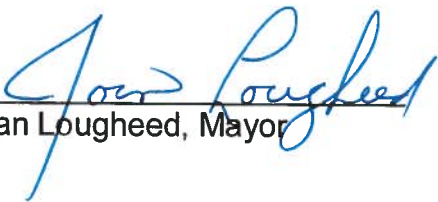
**AND WHEREAS** Council has determined that the establishment of a Council Code of Conduct and appointment of an Integrity Commissioner will enhance the Municipality's ability to govern the affairs and practices of the Town of Deep River;

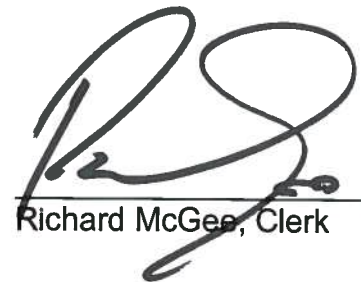
**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF DEEP RIVER HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Town of Deep River 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** Schedule "A" attached hereto shall be read with and form part of this by-law.

3. **THAT** this by-law may be referred to as the "Council Code of Conduct."
4. **THAT** the Council 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.
5. **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 Code of Conduct and all its contents, by signing and dating the Acknowledgement of Understanding and Compliance Form.
6. **THAT** any amendments to the Council 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.
7. **THAT** this Council Code of Conduct shall apply to all future Members of Council, Members of Committees, and Board Members of the Town of Deep River.
8. **THAT** a majority of all Members of Council be required to amend or repeal this by-law.
9. **THAT** Council is hereby authorized to appoint an Integrity Commissioner for the purposes outlined in this By-law and contained within Schedule "A", and
10. **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 21<sup>st</sup> day of January 2015.

  
Joan Lougheed, Mayor

  
Richard McGee, Clerk

**TOWN OF DEEP RIVER**

**COUNCIL CODE OF CONDUCT**

**Schedule A – By-law No. 2014-054**

**Date: December 17<sup>th</sup>, 2014**

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## **SECTION 1 – Definitions**

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

**Ad Hoc Committee** – means a special purpose committee of limited duration, created by Council to inquire and report on a specific matter or concern, and which dissolves as directed by Council. Ad Hoc Committees may include non-elected members.

**Chief Administrative Officer** – means the individual Chief Administrative Officer (CAO) of the Corporation of the Town of Deep River as appointed by by-law. The CAO is also the Clerk of the Town of Deep River.

**Clerk** – means the Clerk of the Corporation of the Town of Deep River as appointed by by-law.

**Closed Meeting** – means a session of Council, Committee of the Whole or a Committee, comprised of more than 50 percent of Members of Council, save and except identified disclosures of interest which is closed to the public in accordance with Section 239 of the Municipal Act.

**Committee** – means a Committee of Council and includes Standing Committees, Joint Committees, Ad Hoc Committees and Sub-Committees of the Town of Deep River.

**Complaint** – means a purported contravention of the Town of Deep River Council Code of Conduct and/or Policy.

**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 Council of the Corporation of the Town of Deep River comprised of duly elected officials.

**Council 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.

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

**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*.

**Integrity Commissioner** – means the individual appointed as the Integrity Commissioner of the Town of Deep River.

**Meeting** – means a regular, special, committee, or other meeting of Council.

**Member** – means the Mayor, Reeve and all Members of Council.

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

**Pecuniary Interest** – means relating to or connected with money, pursuant to the relevant Conflict of Interest Legislation.

**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.

**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.

**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 to the defendant.

**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 2 – Purpose**

This policy is intended to provide for governance that is accountable and transparent to its citizens, with opportunity for meaningful, accessible public participation, utilizing means such as technology, innovation and collaboration.

This Council 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.

This Code of Conduct has been developed to assist Council and Members to:

- (a) Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- (b) Fulfill their duty to act honestly and exercise reasonable care and diligence;
- (c) Act in a way that enhances public confidence in local government; and
- (d) Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

This Code of Conduct reinforces the commitment to Accountability & Transparency and outlines each individual's responsibility, as a Member of the municipality, to uphold these principles and values and act in the public interest.

## **SECTION 3 – Roles & Responsibilities**

The Role of Council and Staff is traditionally one of the first items to be clarified for a Council, in that Staff shall take direction from the Chief Administrative Officer (CAO). The CAO shall take direction from and be responsible to Council of the Town of Deep River, but shall not be instructed or directed by or be responsible to any individual member of the Council. The CAO shall consult with Council with respect to any matter of concern to the municipality or to any of its local boards or committees. Clearly defined roles, distinguishing between the concepts of 'governance' and 'management', are critical to the success of a municipality. It will be reinforced at the outset that Council sets the policy for the community; it does not engage or participate in the daily operations of the municipality.

### **Role of Council**

It is the role of Council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.

### **Role of Head of Council**

It is the role of the Head of Council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the Council;
- (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the Head of Council under this or any other Act. 2001, c. 25, s. 225; 2006, c. 32, Sched. A, s. 100.

### **Substitution**

A municipality may, with the consent of the Head of Council, appoint a Member of Council to act in the place of the Head of Council on any body, other than on the Council of another municipality, of which the Head of Council is a Member by virtue of being Head of Council. 2001, c. 25, s. 226.

### **Head of Council as Chief Executive Officer**

As Chief Executive Officer of a municipality, the Head of Council shall,

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents. 2006, c. 32, Sched. A, s. 101.

### **Municipal Administration**

It is the role of the officers and employees of the municipality,

- (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- (b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality. 2001, c. 25, s. 227.

### **Clerk**

A municipality shall appoint a Clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- (b) if required by any member present at a vote, to record the name and vote of every Member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality. 2001, c. 25, s. 228 (1).

### **Chief Administrative Officer**

A municipality may appoint a Chief Administrative Officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality. 2001, c. 25, s. 229.

### **3.1 - Legislated Responsibilities & Compliance**

The legislated responsibilities, outlined in the *Municipal Act, S.O. 2001*, the laws of Canada, and the Province of Ontario, and all policies and by-laws of the Town of Deep River are to be adhered to and carried out by all Members. Failure to do so constitutes an offence under this policy.

### **3.2 - Interaction with Staff**

The Town has worked diligently at creating a positive working relationship between Council and Staff. This has been successful, largely due to a mutual respect for each other's roles and responsibilities.

- (a) Only Council acting as a body, can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the community, and/or research such matters as the

Council deems necessary. Individual Council Members do not have authority to direct the CAO, Management, or staff.

- (b) The Role of the CAO and the Management is to direct the day to day management of the municipality, and assign duties to the staff placed under their supervision. To encourage the efficient management of the community, individual Council Members are requested to be mindful of that fact and are advised of the following:
- (i) Council will respect and adhere to the policies set by Council, and will under no circumstance take it upon themselves to circumvent or ask staff to circumvent established policies. Only Council as a body, at a formal meeting, has the authority to amend policies.
  - (ii) Council as a body, and as individuals, will liaise primarily with the CAO or Management in the absence of the CAO. This requirement is not designed to interfere with the normal flow of information with those staff members who have been assigned the responsibility of providing information to Council by the Management or CAO.
  - (iii) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered above, should be directed primarily to the CAO or in the absence of the CAO, to the Management.
  - (iv) The municipality does not provide secretarial and/or research services for individual Councillors. Should information be required by individual Council members, a request should be made of the CAO who will then determine which staff member is best suited to obtain the data.
  - (v) Members of Council are decision makers relating to procurement of Goods and Services over certain monetary values. Therefore, Members of Council should not allow themselves to be involved in the preparation and/or evaluation for the procurement of any Goods or Services to protect the integrity of the procurement and decision making process.
  - (vi) 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.

### **3.3 - Media Communications**

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. Therefore the following shall apply to all other Members of Council, Committees and Boards:

- (a) Members of Council will 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) Members shall refrain from making judgemental or critical comments about other Members of Council or staff, or about Council's processes and decisions.



- (c) Members at all times shall refrain from speculating or reflecting upon the motives of other Members of Council or staff, when communicating with the media.
- (d) Members of Council will 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.
- (e) The CAO or their designate will work/consult with the Council Members regarding media releases as necessary.

### **3.4 - Legislation**

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

- The Municipal Act
- The Municipal Conflict of Interest Act (MCIA)
- The Municipal Elections Act (MEA)
- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- The Ontario Human Rights Code (OHRC)
- The Criminal Code of Canada (CCC)
- The Occupational Health and Safety Act (OHSA) – including Bill 168
- The Accessibility for Ontarians with Disabilities Act (AODA)

Other legislation applicable to municipal services may also impact Council Members related to their decisions and responsibilities.

## **SECTION 4 – Rules of Etiquette**

### **4.1 - Meetings & Quorum**

- (a) The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. The Presiding Officer should never allow Members or delegations at a Council, Committee, or Board meeting to publicly criticize identifiable Members, employees or other individuals. It is the responsibility of the Presiding Officer to ensure that both parliamentary procedure and rules of etiquette are observed by all persons in attendance at all times.
- (b) Quorum is defined as a majority of Council Members or Committee Members. Therefore, Council shall only conduct its business in a duly constituted meeting of Council, as per the Procedural By-Law.
- (c) There shall be no “Off the Record” or secret meetings of Council.

### **4.2- Operational Inquiries/ Complaints**

- (a) Members of Council and/or other 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.

## **SECTION 5 – Behaviour of Members**

### **5.1 Interpersonal Behaviour**

- (a) Treat Every Person with Dignity, Understanding and Respect:

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. Members shall abide by the Town of Deep River's Workplace Violence and Harassment Policies and Programs, as well as the Ontario Human Rights Code, and shall take these policies and legislation and their contents into account at all times when considering etiquette. 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.

- (b) Do not Discriminate:

In accordance with the Ontario Human Rights Code, Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, 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.

- (c) Do not Engage in Violence or Harassment of any kind:

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.

## **SECTION 6 – Use of Municipal Property and Resources**

Council, Committees, Boards, and Commissions must not use the municipality's property, equipment, supplies or services, which are not available to the general public, for purposes other than those 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.

## **SECTION 7 – Municipal Elections**

- (a) During a Municipal election, Members of Council must conduct themselves in accordance with the provisions of the *Municipal Elections Act*, in addition to legislation and policies in place during their term of office. Members are accountable under the provisions of these statutes.
- (b) No Member shall use the facilities, equipment, supplies, services, or other resources of the Town of Deep River for any election campaign-related activities.
- (c) In a municipal election year, commencing on Nomination Day until the date of the election, no Member or other candidate for elected office, may book directly or indirectly, any facility for any purpose that might be perceived as an election campaign purpose if that facility is being used as a polling station.

- (d) No Member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the Town of Deep River or the County of Renfrew.
- (e) The Integrity Commissioner may at any time be consulted with regard to complying with any part of this Section of the Town of Deep River Council Code of Conduct. In particular they may rule on whether any activity by staff related to Councillor's office during an election year is prohibited election work, or permitted activity sufficiently unrelated to the election.

### **SECTION 8 – Confidentiality**

- (a) Members shall keep confidential any information:
  - (i) Disclosed or discussed at a meeting or part of a meeting of Council, Committee, or Board, that was closed to the public.
  - (ii) That is circulated to Members of Council, or other Members, that is marked confidential.
  - (iii) Return any documentation marked confidential to the CAO's office for destruction.
  - (iv) That is received in confidence verbally.
- (b) The obligation to keep information confidential applies even if the Member ceases to be a Council, Committee, or Board Member.
- (c) Protection of Privacy:

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.

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.

No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

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.

### **SECTION 9 – Gifts, Hospitality & Other Benefits**

The objective of this section of the Council Code of Conduct is to ensure that Councillors 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:

- (a) 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.
- (b) 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.
- (c) The above statements do not preclude Members of Council from accepting:
  - i) 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.
  - ii) Political contributions that are otherwise offered, accepted, and reported in accordance with applicable law.
  - iii) Food and beverages at meetings, banquets, receptions, ceremonies, or similar events.
  - iv) Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions.
  - v) A stipend from a board or commission that the Member serves on as a result of an appointment by Council or through enabling legislation.
  - vi) Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations.
  - vii) 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.
  - viii) Services provided without compensation by persons volunteering their time for an election campaign.

## **SECTION 10 – Breach of Policy/ Code of Conduct**

### **10.1- Integrity Commissioner**

- a) 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:
  - i) The Code of Conduct for Members of Council and Members of Local Boards and Committees; and

- ii) Any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members.
  - iii) 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.
- 
- b) 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.
  - c) 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.
  - d) All complaints on breach of conduct, by Members of the Council of the Town of Deep River will be reported to the Clerk and then, to the Integrity Commissioner.
  - e) The Integrity Commissioner shall be independent from both Council and staff.
  - f) The Integrity Commissioner is appointed by Council for a term of not less than 4 years to straddle an election by approximately two (2) years on either side and is responsible for performing in an independent manner the functions assigned by the municipality with respect to this Code of Conduct and the procedures, rules, and policies of the municipality.
  - g) 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.
  - h) 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.
  - i) The Integrity Commissioner will be reimbursed for reasonable expenses incurred in the performance of their investigation/ duties.
  - j) Records of the Integrity Commissioner must be retained permanently.

## **10.2 - Duty to Report Violation**

- a) No Member may directly or indirectly, induce, encourage, or aid a Member to violate any provision of this Code of Conduct.
- b) All Members have the duty to report a violation of this Council Code of Conduct.
- c) Neither Town of Deep River staff nor any Member of Council shall take or threaten to take, discharge, discipline, personally attack, harass, intimidate, etc. a person who has reported a violation of this Council Code of Conduct.

## **10.3 - Breach of Policy/ Code of Conduct**

- (a) Should the Integrity Commissioner determine that a Member has breached the Council 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 which shall be delivered by way of a resolution in open Council.
- (b) Although the Integrity Commissioner's report must be made public, pursuant to the Municipal Act, some parts of the investigations may be confidential, and thus confidential information will not be made public in accordance with relevant legislation.
- (c) Council may impose either of the following penalties on a Member if the Integrity Commissioner reports to the municipality that, in his or her opinion, the Member has contravened this Council Code of Conduct and/or a Town of Deep River policy:
  - (i) A reprimand
  - (ii) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or local board, as the case may be for a period of up to 90 days.
- (d) Council may also take the following additional actions:
  - (i) Remove the Member from an Ad-Hoc Committee, Committee or Board.
  - (ii) Remove as Chair of a Committee or Board.
  - (iii) Repay or reimburse the compensation received.
  - (iv) Return property or reimburse for the value of it.
  - (v) Request a public apology to Council, the complainant, or both.
  - (vi) Any other fair and reasonable sanction given the circumstances.
- (e) All sanctions under this By-law will be fair and in keeping with the severity of the infraction, giving due regard to the Member's previous conduct.

## **10.4 - Investigation/ Complaint Procedure**

- (a) A request for an investigation of a complaint that a member has contravened this Code of Conduct or policy shall be in writing, and may be filed by any member of the public as well as other Members of Council.
- (b) All complaints must be signed by an identifiable individual.

- (c) A complaint shall set out reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct and include a supporting affidavit that sets out the evidence in support of the complaint.
- (d) The request shall be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification. The Integrity Commissioner shall determine if the matter is, on its face, a complaint with respect to non-compliance with this Code of Conduct and/or not covered by other legislation or policy.
- (e) If the complaint is determined not to be a complaint with respect to non-compliance with this Code of Conduct or other policies, the complainant shall be advised that the matter is not within the jurisdiction of the Integrity Commissioner to process with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
- (f) If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or where that becomes apparent in the course of an investigation, terminate the investigation.
- (g) The Integrity Commissioner shall not issue a report finding a violation of this Code of Conduct on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction, provided that comment period after having been notified does not exceed 30 calendar days.
- (h) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the making of the complaint.
- (i) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, or recommended corrective action in open Council.
- (j) Where the complaint is dismissed, the Integrity Commissioner shall not report to Council, except as part of an annual or other periodic report.
- (k) A complaint will be processed in compliance with the confidentiality requirements of Section 223.5(1) of the *Municipal Act, 2001*, as amended.
- (l) If the Integrity Commissioner reports to Council his or her opinion about whether a Member has contravened this Code of Conduct, the Integrity Commissioner may disclose in the report such matters as, in the Integrity Commissioner's opinion, are necessary for the purposes of the report.

#### **10.5 - Integrity Commissioner Reporting to the Municipality**

- (a) The Integrity Commissioner shall file a copy of the final report on an investigation with the Clerk, who will then provide a copy of the report to the complainant and the Member whose conduct it has addressed.
- (b) The Clerk shall submit the Integrity Commissioner's report to Council within the next two regular meetings and the Integrity Commissioner shall appear to present his or her report to Council.



(c) The Integrity Commissioner shall report annually to Council on the number of complaints filed by way of a memo to Council, in November of each calendar year.

(d) The Clerk shall ensure confidentiality is maintained during and after the Integrity Commissioner's investigation.



**Acknowledgement of Understanding and Compliance**

I, \_\_\_\_\_ the undersigned Member of Council, a Committee, and/or Board of the Town of Deep River hereby acknowledge receipt of the Council Code of Conduct, By-law Number **54-2014** and agree to abide by the contents of this By-law and Code of Conduct. The Member also acknowledges this acknowledgement will be kept on file with the Town of Deep River, and a copy of this signed form will be retained by the signatory to this Acknowledgement.

\_\_\_\_\_  
**Printed Name**

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

\_\_\_\_\_  
**Date**