

**CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

BY-LAW NUMBER 18-073

**BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR
MEMBERS OF COUNCIL AND OF LOCAL BOARDS FOR THE
TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS.**

WHEREAS section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes municipalities to enact by-laws regarding Accountability and Transparency of the municipality and its operations.

AND WHEREAS Subsection 223.2(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, requires municipalities to establish a code of conduct for the Members of Council and of Local Boards.

AND WHEREAS Sections 9, 10, 11, and subsection 223.3(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorize municipalities 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 including the application of the code of conduct for Members of Council and of Local Boards.

AND WHEREAS the Council of the Corporation of the Township of Leeds and the Thousand Islands deems it advisable to adopt a Code of Conduct for Members of Council and of Local Boards for the purpose of identifying expectations of Council Members and Board Members and establishing guidelines for appropriate conduct.

NOW THEREFORE The Council of the Corporation of the Township of Leeds and the Thousand Islands enacts as follows:

1. **THAT** the Code of Conduct for Members of Council and of Local Boards set out in Schedule 'A' attached hereto and forming part of this by-law is hereby adopted.
2. **THAT** this By-law shall come into full force and effect on the date it is passed by the Council of the Corporation of the Township of Leeds and the Thousand Islands.
3. **THAT** By-law #16-028 is hereby repealed.

**READ A FIRST AND SECOND TIME THIS 10th DAY OF
DECEMBER, 2018.**

**READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF
DECEMBER, 2018.**


Corinna Smith-Gatcke, Mayor


Vanessa Latimer, Clerk



Schedule "A" to By-Law Number 18-073

Code of Conduct for Members of Council and of Local Boards

Purpose

1. The purpose of this Code of Conduct is to establish a minimum standard for the behaviour of Members of Council and of Local Boards in fulfilling their mandate while respecting each Member of Council's or Member of a Local Board's role to represent the public and the public interest to the best of their ability.

Principles upon which this Code of Conduct is Based

2. Improving the quality of municipal administration and governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials or appointees. In particular, the public is entitled to expect the highest standards of conduct from the Members whom they elect to local government. In turn, adherence to these standards will protect and maintain the Corporation of the Township of Leeds and the Thousand Islands' reputation and integrity.
3. Key statements of principles that underlie the Code of Conduct are as follows, Members shall:
 - a) Serve and be seen to serve their constituents in a conscientious and diligent manner;
 - b) Be committed to performing their functions with integrity, avoiding the improper use of the influence of their office;
 - c) Perform their duties in office and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
 - d) 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; and,
 - e) Seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the by-laws and policies adopted by the Council.

Definitions

4. In this Code of Conduct:
 - a) "child" means a child born within or outside marriage and includes an adopted child and a person whom a Member has demonstrated a settled intention to treat as a child;
 - b) "Code of Conduct" means this Code of Conduct for Members of Council and other rules which govern the conduct of Members established pursuant to the authority of sections 9, 10, 11 and subsection 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25;
 - c) "complaint" means a written request to investigate the conduct of any Member for a possible violation of the Code of Conduct filed in accordance with the Complaint Procedure;

- d) "confidential information" means any information in the possession of, or received in confidence by, the Corporation of the Township of Leeds and the Thousand Islands that the Corporation of the Township of Leeds and the Thousand Islands is prohibited from disclosing or has decided to refuse to disclose under the *Municipal Act, 2001*, S.O. 2001, c. 25 and/or the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, or any other law, which includes, but is not limited to:
- i. Information addressed in subsection 223.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25;
 - ii. any information considered by or made available to Council during a closed meeting pursuant to subsection 239(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25;
 - iii. information of a corporate, commercial, scientific, or technical nature received in confidence from third parties;
 - iv. personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56;
 - v. information that is subject to solicitor-client privilege;
 - vi. information that concerns any confidential matters pertaining to matters related to an identifiable individual, personal, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board; and,
 - vii. any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.
- e) "Council" means the council of the Corporation of the Township of Leeds and the Thousand Islands;
- f) "gift and/or benefits" means any cash or monetary equivalent, fee, object of value, service, travel, accommodation, or entertainment provided to the Member or, with the Member's knowledge, to a Member's spouse, child or parent, or to his or her Staff, that is connected directly or indirectly to the performance of the Member's duties;
- g) "information" means any record, video, picture, sound recording, document, data, material, correspondence, or evidence however recorded, whether oral or in printed form, on film, by electronic means or otherwise;
- h) "Integrity Commissioner" means the Integrity Commissioner appointed by the Council pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25;
- i) "Local Board" means a board, commission, committee, body or local authority defined as such under the *Municipal Act, 2001*, S.O. 2001, c. 25;

- j) "Member" means a member of the Council of the Corporation of the Township of Leeds and the Thousand Islands or of a Local Board, as defined by the *Municipal Act, 2001, S.O. 2001, c. 25*, as the context implies or requires;
- k) "parent" means a person who has demonstrated a settled intention to treat a Member as a child whether or not that person is the natural parent of the Member;
- l) "person" includes a corporation, partnership, association, and any other entity, as the context allows and expressly includes Staff and a Member as well as Council;
- m) "personal information" means recorded information about an identifiable individual as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*;
- n) "Corporation of the Township of Leeds and the Thousand Islands", "the Township of Leeds and the Thousand Islands", "Municipality", or any combination thereof means the Corporation of the Township of Leeds and the Thousand Islands;
- o) "spouse" means a person to whom a Member is married or with whom the person is living in a conjugal relationship outside marriage; and,
- p) "Staff" means the municipal administrative Staff of the Corporation of the Township of Leeds and the Thousand Islands and of its municipal corporations and local boards.

Application of this Code

- 5. This Code of Conduct applies to each Member of Council or of a Local Board.

Compliance with Declaration of Office

- 6. Every Member of Council shall act in accordance with his or her declaration of office sworn pursuant to section 232 of the *Municipal Act, 2001, S.O. 2001, c. 25*.

Adherence to Council Policies and Procedures

- 7. Every Member shall observe and comply strictly with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the Member, whether or not acting in his or her capacity as a Member of Council or of a Local Board.

Timing for Inquiries and Reports

- 8. If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.*, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within forty-two (42) days after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.*, the person or entity who made the request or the

Member or former Member whose conduct is the subject matter of the request, makes a written request to the Integrity Commissioner that the inquiry be re-commenced.

9. Between Nomination Day and Voting Day in a regular election:
 - a) There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct;
 - b) The Integrity Commissioner shall not report to Council on whether a Member has contravened the Code of Conduct; and,
 - c) Council shall not consider whether to impose penalties on a Member.

Conduct at Meetings

10. Every Member shall conduct himself or herself properly and in a civil manner at Council, committee, Local Board, and other meetings and in accordance with the provisions of the Corporation of the Township of Leeds and the Thousand Island's Procedure By-law, this Code of Conduct, and any other applicable law. The Integrity Commissioner shall have no authority to investigate or conduct an inquiry concerning any matter occurring at a meeting of Council or of a Committee of Council or a Local Board.

Conduct Respecting Others

11. Every Member has the duty and responsibility to treat all members of the public, other Members, and all Staff appropriately and without abuse, bullying, or intimidation and to ensure that the work environment is free from discrimination and harassment.
12. No Member shall:
 - a) use indecent, abusive, or insulting-words or expressions toward any other Member, any Staff, or members of the public;
 - b) speak in a manner that is discriminatory to any Member, Staff, or members of the public, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation or gender identification, age, colour, marital status, or disability; or,
 - c) Harass, abuse, bully, threaten, or intimidate any other Members, any Staff, or members of the public.

Conduct Respecting Staff

13. Every Member acknowledges that Staff operate under the direction of the senior municipal administration in accordance with the decisions of Council and are required to serve the Corporation of the Township of Leeds and the Thousand Islands as a whole, not the needs or desires of any individual Member.
14. Every Member shall:
 - a) Be respectful of the role of Staff to provide advice based on political neutrality and objectivity and without undue influence from any Member or group thereof; and

- b) Show respect for Staff and for their professional capacities and responsibilities.

15. No Member shall:

- a) Maliciously or falsely injure or impugn the professional or ethical reputation of any member of Staff;
- b) Compel any member of Staff to engage in partisan political activities or subject any member of Staff to threat or discrimination for refusing to engage in any such activity;
- c) Use, or attempt to further, his or her authority or influence by intimidating, harassing, bullying, threatening, coercing, or commanding any Staff member in a manner which interferes with any Staff members duties, including the duty to disclose improper activity; and,
- d) Improperly influence any Staff member.

Gifts and/or Benefits

16. In order to preserve the image and integrity of the Corporation of the Township of Leeds and the Thousand Islands, gifts and/or benefits are discouraged except those enumerated in section 24. Gifts and/or benefits should not be accepted which could be seen to compromise a Member's decision on a matter or create any obligation or special consideration to an individual, group or organization;

17. The attendance at public functions is considered a legitimate part of a Member's role. The object of this rule is not to prohibit Members from participating in events in their community, but rather to provide transparency around the receipt of gifts and/or benefits where the total value may be perceived as potentially influencing decision making.

18. If the value of any gift and/or benefit exceeds \$50.00, or if the total value of same received from any one source during the course of a calendar year exceeds the annual limit of \$100.00, Members shall file a disclosure statement with the Corporation of the Township of Leeds and the Thousand Islands' Clerk within 30 days of (i) receipt of the gift and/or benefit exceeding \$50.00 and/or (ii) of reaching the annual limit for gifts and/or benefits. Every disclosure statement shall indicate:

- a) The nature of the gift and/or benefit;
- b) Its source and date of receipt;
- c) The circumstances under which it was received, including by whom it was received;
- d) Its estimated value; and,
- e) What the recipient intends to do with any gift.

19. Every disclosure statement shall be a matter of public record and will be placed on the Corporation of the Township of Leeds and the Thousand Islands' website.

20. If a complaint is received regarding a gift and/or benefit, the Integrity Commissioner shall determine whether the receipt of the gift and/or benefit might, in his or her opinion, create a conflict between a private interest and the public duties of the Member. If the Integrity Commissioner makes that preliminary determination that the receipt of the gift and/or benefit might, in his or her opinion, create a conflict between a private interest and the public duties of the Member, the Member shall be asked to justify receipt of the gift and/or benefit.
21. If the Integrity Commissioner determines that receipt of the gift and/or benefit was inappropriate, he or she may direct the Member to return the gift and/or benefit, reimburse the donor for the value of any gift and/or benefit already consumed, forfeit the gift and/or benefit, or remit the value of any gift and/or benefit already consumed, to the Corporation of the Township of Leeds and the Thousand Islands.
22. There shall be no solicitation of gifts and/or benefits in recognition of the fulfillment of the Member's official duties;
23. If the refusal of any gift and/or benefit will strain the Corporation of the Township of Leeds and the Thousand Islands' business relationship, the Mayor and/or Chief Administrative Officer may accept it on behalf of the municipality with the appropriate acknowledgement. Generally, the Mayor and/or Chief Administrative Officer will be the official recipient of those gifts afforded to the Corporation of the Township of Leeds and the Thousand Islands for ceremonial, symbolic, protocol, or official business purposes. Members will turn over such a gift and/or benefit to the Mayor and/or Chief Administrative Officer and it shall become the property of the Corporation of the Township of Leeds and the Thousand Islands. Wherever possible, ceremonial, symbolic, protocol or official business gifts should be presented at a meeting of Council;
24. The following are not precluded from being accepted:
- a) Token gifts, souvenirs, mementos, or hospitality received in recognition for service on a committee, for speaking at an event, or for representing the Corporation of the Township of Leeds and the Thousand Islands at an event;
 - b) Food, lodging, transportation, entertainment provided by other levels of government, by other local governments, or by local government boards or commissions;
 - c) A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council; and,
 - d) An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event, or other similar event where the proceeds raised are to support a not-for-profit or charitable organization.

25. This section further does not preclude Members from soliciting funds or donations in support of charitable or philanthropic causes, organizations, or charities within the Corporation of the Township of Leeds and the Thousand Islands, provided that all funds and/or donations are provide directly to the recipient organization and/or charity.
26. Members are not required to provide a disclosure statement under this Code of Conduct for any of the following but may choose to at their own discretion:
- a) Any single gift and/or benefit that has a value of less than \$50.00 and any combination of gifts and/or benefits from a single source that do not exceed \$100.00 in a calendar year;
 - b) Political contributions that are otherwise offered, accepted, and reported in accordance with the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.* or other applicable law;
 - c) Services provided without compensation by persons volunteering their time for an election campaign;
 - d) Food and beverages at meetings, banquets, receptions, ceremonies, and similar events that is included in the ticket price for the event; and.
 - e) Reimbursement of reasonable expenses incurred in the performance of their office that are in accordance with any Council Expense or Mileage Expense Policy of the Corporation of the Township of Leeds and Thousand Islands.

Confidential Information

27. No Member shall:

- a) Disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form except when required or authorized by Council or otherwise by law to do so;
- b) Use confidential information for personal or private gain or benefit or for the personal or private gain or benefit of any other person or body except when authorized by Council or otherwise by law to do so;
- c) Disclose a matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless authorized by the Council or legislation to be released generally or subject to conditions and such conditions are complied with;
- d) Without limiting the generality of the foregoing, disclose or make personal use of, any of the following types of confidential information without lawful authority:
 - i. Information concerning litigation, negotiation, or personnel matters received in confidence;
 - ii. Information received in confidence, the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence),

- iii. Price schedules in any contract, tender, or proposal document while such remains a confidential document,
 - iv. Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56; and,
 - v. Any other information or statistical data required by law not to be released.
- and,
- e) Obtain access or attempt to gain access to confidential information in the custody of the Corporation of the Township of Leeds and the Thousand Islands except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

Use of the Corporation of the Township of Leeds and the Thousand Islands Property, Services, and Other Resources

28. Subject to 29 below, no Member shall:

- a) Use, or permit the use of, the Corporation of the Township of Leeds and the Thousand Islands land, facilities, equipment, supplies, services, Staff, or other resource, including any the Corporation of the Township of Leeds and the Thousand Islands-owned information, website, official Corporation of the Township of Leeds and the Thousand Islands logo, transportation delivery service, or funds allocated for Member expenses of his or her office, for any purpose or activity other than the lawful business of the Corporation of the Township of Leeds and the Thousand Islands; or
- b) Seek or acquire any personal financial gain from the use or sale of confidential information, or of any the Corporation of the Township of Leeds and the Thousand Islands-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, of which property remains exclusively that of the the Corporation of the Township of Leeds and the Thousand Islands.

29. Incidental and occasional personal, non-commercial use of email and/or internet and a personal communication device as described in any IT Policy of the the Corporation of the Township of Leeds and the Thousand Islands is permitted.

Conduct of Election Campaign

30. Every Member of Council shall comply with all applicable requirements of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched.

31.No Member shall:

- a) Use confidential information, facilities, equipment, supplies, services, or other resources of the the Corporation of the Township of Leeds and the Thousand Islands including any Member newsletter or website linked through the Corporation of the Township of Leeds and the Thousand Islands' website, for any election campaign or campaign-related activity;
- b) Undertake campaign-related activities on municipal property unless authorized by the Corporation of the Township of Leeds and the Thousand Islands; or,
- c) Use the services of any person for election-related purposes during hours in which that person receives any compensation from the Corporation of the Township of Leeds and the Thousand Islands.

No Improper Use of Influence

32.No Member shall:

- a) Use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for the Corporation of the Township of Leeds and the Thousand Islands purposes;
- b) Use his or her office or position to influence or attempt to influence the decision of any other person for the Member's private benefit or the private benefit the Member's parent, child, spouse, Staff, friend, or associates, business or otherwise, beyond activities in which Members normally engage on behalf of their constituents as part of their official duties;
- c) Attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties; or,
- d) Hold out the prospect or promise of future advantage through the Member's position or supposed influence within Council, in return for any action or inaction.

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

- a) Is of a general application;
- b) Affects a Member, his or her parents, children, spouse, Staff, friends or associates, business or otherwise, as one of a broad class of persons; or
- c) Concerns the remuneration or benefits of a Member.

34.Section 33 does not prevent a Member from requesting that Council grant a lawful exemption from the Corporation of the Township of Leeds and the Thousand Islands policy not including this Code of Conduct.

Communications and Media Relations

35. Members shall accurately communicate the decisions of Council or of a Local Board at all times and shall show respect for the decision-making process of Council or of the Board.

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

36. Every Member shall respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall cooperate in every way possible in securing compliance with its application and enforcement.

37. No Member shall obstruct the Integrity Commissioner, his or her designate, or any other Corporation of the Township of Leeds and the Thousand Islands official involved in applying or furthering the objectives or requirements of the Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective.

38. No Member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person under the Code of Conduct.

Statutes Regulating Conduct

39. Members acknowledge that in addition to this Code of Conduct, the following legislation governs the conduct of Members of Council, and may also govern the conduct of Members of a Local Board:

- a) *Municipal Act*, 2001, S.O. 2001, c. 25;
- b) *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;
- c) *Municipal Elections Act*, 1996, S.O. 1996, c. 32;
- d) *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56;
- e) *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1;
- f) *Human Rights Code*, R.S.O. 1990, c. H.19; and,
- g) *Criminal Code*, R.S.C. 1985, c. C-46.

40. In the case of any inconsistency between this Code of Conduct and a federal or provincial statute or regulation, the statute or regulation shall prevail.

41. All references to any statute, regulation, by-law, or legislation shall be deemed to be a reference to the statute, regulation, by-law, or legislation as amended, consolidated, replaced or superseded from time to time.

Integrity Commissioner

42. The Integrity Commissioner shall be responsible for performing the following functions as assigned by the Corporation of the Township of Leeds and the Thousand Islands in an independent manner:

- a) The application of the Code of Conduct; and

- b) The application of any procedures, rules, and policies of the Corporation of the Township of Leeds and the Thousand Islands governing the ethical behaviour of Members;

and without limiting the generality of the foregoing, unless prohibited by this Code of Conduct, shall be entitled to undertake investigations or not undertake investigations in accordance with provisions of Part V.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25.

43. In addition to the responsibilities set out above, the Integrity Commissioner shall also provide:

- a) Information to Council or a Local Board as to Members' obligations under the Code of Conduct and the Complaint Procedure;
- b) Advice to individual Members regarding specific situations as they relate to the application of the Code of Conduct;
- c) Advice to Council or a Local Board on other Corporation of the Township of Leeds and the Thousand Islands policies and procedures that relate to the ethical behaviour of Members;
- d) Information to the public regarding the Code of Conduct and the obligations of Members under the Code of Conduct; and,
- e) An annual report to Council on the activities of the Integrity Commissioner.

44. Without limiting the generality of the section above, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not. The Integrity Commissioner shall be entitled to summarily dismiss a complaint filed in accordance with the Complaint Procedure on the basis that it constitutes in his or her opinion, an abuse of process or is frivolous or vexatious.

45. All determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her own absolute discretion and shall be final and binding. The Integrity Commissioner, however, can only make recommendations concerning penalty, which are not binding.

46. A request by a Member of Council or of a Local Board for advice from the Integrity Commissioner shall be made in writing.

47. Where the Integrity Commissioner provides advice to a Member, the advice shall be in writing.

48. Where the Integrity Commissioner provides educational information to the public about the Corporation of the Township of Leeds and the Thousand Islands' Code of Conduct, the Integrity Commissioner may summarize advice he or she has provided, but shall not disclose confidential information that could identify a person concerned.

49. A final or interim report of the Integrity Commissioner regarding a complaint about a Member's alleged contravention of the Code of Conduct shall be submitted to the Clerk who shall add it to the next Council meeting agenda, which includes a standing committee of Council such as the General Purpose and

Administration or Planning and Community Affairs Committees, provided that the agenda for that meeting has not been posted. Reports shall be made available to the public after having been received by Council.

Complaints

50. All complaints made pursuant to the Code of Conduct shall be filed in accordance with the Complaints Procedure attached as Appendix "A" to this Code of Conduct.

Penalties

51. Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a Member who has been found to be in contravention of the Code of Conduct:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period of up to ninety (90) days.

The Local Board may impose either of a) or b) on its Member if the Integrity Commissioner reports to the Board that, in his or her opinion, the member has contravened the Code of Conduct, and if the Council has not imposed a penalty on the Member in respect of the same contravention.

52. For further clarification, if the Integrity Commissioner finds that the Member has not contravened the Code of Conduct, Council cannot impose a penalty outlined above on that Member. However, if the Integrity Commissioner finds that the Member has contravened the Code of Conduct, Council may impose the penalty recommended by the Integrity Commissioner or any other penalty within the above described limits or impose no penalty at all.

Annual Reports

53. The Integrity Commissioner shall submit an annual report to Council which shall include at a minimum, information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.

54. The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.

Appendix "A" to By-law #18-073

Corporation of the Township of Leeds and the Thousand Islands – Code of Conduct for Members of Council and of Local Boards

Complaint Procedure

Procedure – Informal Complaint

1. Any person who believes that a Member is in contravention of the Corporation of the Township of Leeds and the Thousand Islands' Code of Conduct for Members of Council and of Local Boards may address their concerns in the following manner:
 - a) Advise the Member that their behaviour or activity contravenes the Code of Conduct;
 - b) Encourage the Member to stop the prohibited behaviour or activity;
 - c) If applicable, confirm to the Member their satisfaction or dissatisfaction with the Member's response to the concern identified; and,
 - d) Keep written records of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
2. If any person is not satisfied with the response received through the aforementioned informal process, the person may proceed with a formal complaint through the Integrity Commissioner as outlined in Section 3 of the Complaint Procedure.

Procedure – Formal Complaint

3. Any person who has reasonable grounds to believe that a Member has contravened the Code of Conduct may address their concerns through the formal complaint process set out below:
 - a) All formal complaints ("Complaints") must be made using the the Corporation of the Township of Leeds and the Thousand Islands' Complaints Form / Affidavit (see Appendix "B") and shall be dated and signed by the person making the Complaint (the "complainant");
 - b) The Complaint must include an explanation as to why the issue raised may be a contravention of the Code of Conduct and any evidence in support of the allegation in the care and control of the person must be included with the Complaints Form / Affidavit;
 - c) Any witnesses in support of the allegation must be identified on the Complaint Form / Affidavit;
 - d) The Complaint Form / Affidavit must include the name of the Member alleged to have breached the Code of Conduct, the specific provision(s) of the Code of Conduct allegedly contravened, the date, time, and location of the alleged contravention(s), and any other information as required on the Complaint Form / Affidavit;

- e) The Complaint shall be filed with the Clerk who shall confirm that the information is complete as to Sections 3 (a), (b), and (d) and then forward the Complaint Form / Affidavit to the Integrity Commissioner who shall determine whether 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 policies; and,
 - f) The Complaint must be submitted to the Clerk no later than six (6) months from the date in which the alleged violation occurred and no action will be taken on a Complaint received after this deadline.
4. The Integrity Commissioner may request additional information from the complainant in order to properly assess the Complaint.
5. A complainant may at any time abandon a Complaint.

Response of Integrity Commissioner of Complaint outside Jurisdiction

6. If the Complaint received by the Integrity Commissioner does not relate to a non-compliance with the Code of Conduct, it will be deemed not to be a Complaint and the Integrity Commissioner shall advise the complainant in writing as follows:
- a) Criminal Matter – if the Complaint is an allegation of a criminal nature consistent with the Criminal Code, R.S.C. 1985, c. C-46, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
 - b) Municipal Conflict of Interest – if the Complaint is an allegation with respect to matters under the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, other than the application of sections 5, 5.1 and 5.2 thereof to a Member, the complainant shall be advised to review the matter with their own legal counsel;
 - c) Municipal Freedom of Information and Protection of Privacy – if the Complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, the complainant shall be referred to the Clerk to have the matter reviewed under that statute;
 - d) Conduct of Members during meetings of Council or of Local Boards – if the complaint relates to conduct of a Member during a Council or Board meeting, such conduct shall be governed by By-Law No. 15-015 or its equivalent, which is subject to enforcement by the Mayor, Board Chair, or appropriate designate. A Complaint received by the Integrity Commissioner relating to matters properly subject to By-Law 15-015 or its equivalent will not be accepted as a Complaint unless the *Municipal Act, 2001* or other legislation so requires. The Integrity Commissioner shall advise the Complainant and provide reasons or referrals as the Integrity Commissioner deems appropriate in the circumstances.

- e) Other Matters – if the matter is covered by other policies or legislation, the complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner

Refusal to Conduct an Investigation

- 7. If upon review of a Complaint, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious, or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the complainant and the Member identified in the Complaint Form / Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate.
- 8. If a Complaint relates to a matter which is also the subject of a court proceeding, Human Rights application, or other similar process, the Integrity Commissioner may, in accordance with any applicable legislation, hold any investigation in abeyance pending the result of the other proceeding.

Opportunity for Resolution

- 9. If at any time, following the receipt of a Complaint or during the investigation process, 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 made to achieve an informal resolution. The formal Complaint will be held in abeyance during such time.

Investigation

- 10. If the Integrity Commissioner determines that a formal investigation is required, he or she shall:
 - a) Provide a copy of the Complaint and any supporting materials that it is permitted to provide to the Member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner within ten (10) business days or such other amount of time that the Integrity Commissioner deems reasonable and appropriate given the context, nature of the Complaint, and other grounds the Integrity Commissioner deems reasonable;
 - b) Provide a copy of the response provided by the Member to the complainant with a request for a written reply within ten (10) business days or such other amount of time that the Integrity Commissioner deems reasonable and appropriate given the context, nature of the Complaint, and other grounds the Integrity Commissioner deems reasonable;
 - c) Have free access to all books, accounts, financial records, electronic data processing records, reports, files, and all other papers, things or property belonging to or used by the municipality that the Integrity Commissioner

reasonably believes to be necessary for an investigation;
and,

- d) Make interim reports to Council or the Local Board where necessary and as required to address any issues of interference, obstruction, delay, or retaliation, if any, encountered during the investigation.

11. The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009, S.O. 2009, c.33, Sched. 6*, in which case those sections apply to the investigation.

Co-Operation

12. A Member shall co-operate in every way possible with the Integrity Commissioner in any investigation of a Complaint and the enforcement of the Code of Conduct.

Suspension of Investigation

13. The Integrity Commissioner will cease the investigation if:

- a) A complainant abandons the request for an investigation, in which case the Integrity Commissioner shall report to Council or the Local Board as set out above; or
- b) The Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any other statute or of the Criminal Code, R.S.C. 1985, c. C-46., in which case the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge(s) have been finally disposed of and shall report the suspension to Council or the Local Board.

14. If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within forty-two (42) days after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

15. Between Nomination Day and Voting Day in a regular election:

- a) There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct;
- b) The Integrity Commissioner shall not report to Council or a Local Board on whether a Member has contravened the Code of Conduct; and,
- c) Council shall not consider whether to impose penalties on a Member.

Report Re Recommendation

16. The Integrity Commissioner shall report to the complainant and the Member on the results of his or her review within sixty (60) days of receiving a complete Complaint Form / Affidavit upon completion of an investigation. If the investigation process requires more than sixty (60) days, the Integrity Commissioner shall provide an interim report to the complainant and Member indicating when the complete report may be available within sixty (60) days of receiving a complete Complaint Form / Affidavit.
17. If the Complaint is withdrawn, sustained, or resolved during the investigation process, the Integrity Commissioner shall report to Council or the Local Board outlining the findings, the terms of any resolution and any recommended action within thirty (30) days of same.
18. If upon completion of the investigation, the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council or the Local Board including a recommendation as to the imposition of a penalty as set out in subsection 223.4(5) of the *Municipal Act, 2001 S.O. 2001, c.25*, namely either:
 - a) A reprimand; or
 - b) A suspension of remuneration paid to the Member for a period of up to ninety (90) days.
19. The report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
20. A final or interim report of the Integrity Commissioner regarding a complaint about a Member's alleged contravention of the Code of Conduct shall be submitted to the Clerk who shall add it to the next Council meeting agenda, which includes a standing committee of Council such as the General Purpose and Administration or Planning and Community Affairs Committees, provided that the agenda for that meeting has not been posted.

No Appeal of Integrity Commissioner's Decision

21. There is no appeal from the decision of the Integrity Commissioner.

Confidentiality

22. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, materials, or other information, whether belonging to the Corporation of the Township of Leeds and the Thousand Islands or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act, 2001*. Pursuant to subsection 223.5(3) of the *Municipal Act, 2001*, the duty of confidentiality prevails over the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*.

Delegation

23. The Integrity Commissioner may delegate in writing to any person, other than a Member, any of the Integrity Commissioner's powers and duties.

Appendix "B" to By-law #18-073

Corporation of the Township of Leeds and the Thousand Islands – Code of Conduct for Members of Council and of Local Boards

Formal Complaint Form / Affidavit

AFFIDAVIT OF _____(insert full name).

I, _____(insert full name), of the _____(insert City, Town of residence etc.) in the Province of Ontario,

MAKE OATH AND SAY (or AFFIRM):

1. 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.)_____

2. I have reasonable and probable grounds to believe that a Member of the Corporation of the Township of Leeds and the Thousand Islands Council or a Local Board, namely: _____ (insert name of Member and of the Local Board, if applicable) has contravened section(s) of the Code of Conduct of the Corporation of the Township of Leeds and the Thousand Islands. The particulars of which are as follows:

(If more room is required, please use pages below to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, C, etc. and attach them to this affidavit.)

This affidavit is made for the purpose of requesting that this matter be reviewed by the Corporation of the Township of Leeds and the Thousand Islands' Integrity Commissioner.

SWORN (or AFFIRMED) before me at the)
_____ **in the**)
Province of Ontario this _____ **day of**)
_____, **20**____)
)

) _____
(Signature)

) _____
(Signature of Commissioner)

A Commissioner for taking affidavits etc.

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation. Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and the Corporation of the Township of Leeds and the Thousand Islands Code of Conduct By-law and will be used to conduct an investigation on the details of the complaint. Questions about the collection of this information should be directed to the Clerk, 1233 Prince Street, Lansdowne, ON.

Appendix "B" (continued)

Additional Information (if needed)

To the affidavit required under By-law 18-073, being a by-law to establish a Code of Conduct for Members of Council and of Local Boards.

This Schedule "A" referred to in the affidavit of

_____ (full name)

SWORN (or AFFIRMED) before me at the)
_____ in the)
Province of Ontario this _____ day of)
_____, 20__)
)

) _____
(Signature)

) _____
(Signature of Commissioner)

A Commissioner for taking affidavits etc.

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation. Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and the Corporation of the Township of Leeds and the Thousand Islands Code of Conduct

By-law and will be used to conduct an investigation on the details of the complaint. Questions about the collection of this information should be directed to the Clerk, 1233 Prince Street, Lansdowne, ON.