

THE CORPORATION OF THE VILLAGE OF OIL SPRINGS

By-law No. 730 of 2016

A By-Law of the Corporation of The Village of Oil Springs to establish a Code of Conduct for Members of Council and Complaint Protocol

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations;

AND WHEREAS section 223.2 of the Municipal Act 2001, S.O. 2001, c 25, authorizes the municipality to establish codes of conduct for members of council of the municipality and of local boards of the municipality;

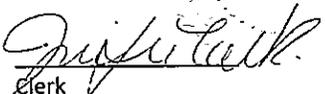
AND WHEREAS Council enacted by resolution a Code of Ethics for members of Council, later defined as a Code of Conduct;

NOW THEREFORE the Council of The Corporation of the Village of Oil Springs enacts as follows:

1. **THAT** the Council of the Village of Oil Springs does hereby adopt the Code of Conduct attached hereto as Schedule 'A', forming part of this by-law.
2. **THAT** the Integrity Commissioner and/or Clerk be authorized to make minor amendments to Schedule 'A' as may be appropriate from time to time.
3. **THAT** this By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed and rescinded insofar as it is necessary to give effect to the provisions of this By-law.

BY-LAW read a first, second and third time and finally passed this 1st day of November, 2016.


Mayor


Clerk





Approved By Council: Oct 4, 2016

Department: All

Effective: Oct 5, 2016

Subject: Code of Conduct

Next Review: Oct 2017

Policy No.: 2016-006

Code of Conduct

Purpose

The purpose and intent of the Code of Conduct is to establish standards of conduct for Members of Council, Municipal Boards & Committees Members in the individual conduct of their official duties.

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1 Introduction

Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council (comprising the Mayor, and four (4) Councillors) are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

A Code of Conduct reinforces the Village of Oil Springs's Accountability and Transparency Policy and other relevant legislation within which all Members of Council, Local Boards and Committees must operate. The Code of Conduct serves to enhance public trust and improve the quality of public administration and governance by encouraging high standards of conduct on the part of all government officials, ensuring that those Members share a common standard of integrity through adherence to its principles.

The Code of Conduct is intended to supplement and be compatible with the laws governing the conduct of Members. The key principles include:

- Members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity without using the influence of their office;
- Members shall avoid all conflicts of interest;
- Members are expected to perform their duties of office and to arrange their private affairs in a manner that promotes public confidence and will bear close legal and public scrutiny;
- Members are responsible for making honest statements and shall not make any statement when they know that statement is false, or with the intent to mislead other Members or the public; and,
- Members shall serve the public interest by upholding the laws and policies established by the Federal Parliament, Ontario Legislature, and the laws and policies adopted by the Village.

This Code of Conduct is intended to provide a guideline for elected officials in exercising their policy-making role having regard to the statements and ideals as expressed hereunder.

2 Definitions

In the Code of Conduct, the terms "child", "parent" and "spouse" have the same meanings as in the *Municipal Conflict of Interest Act*.

"Advisory Committee" means a committee established by Council to advise on matters which Council has deemed appropriate for the committee to provide recommendations for Council's review, including any ad hoc, subcommittee or task force.

"Code of Conduct" means the "Village of Oil Springs Code of Conduct for Members of Council, Local Boards and Committees".

"complainant" means a person who has filed a complaint under the Code of Conduct.

"**complaint**" means an alleged contravention of the Code of Conduct.

"**Council**" means the council of the Village of Oil Springs;

"**Integrity Commissioner**" shall mean the Integrity Commissioner appointed by the Council to provide independent and consistent complaint investigation and resolution respecting the application of the Code of Conduct;

"**immediate relative**" "Immediate relative" shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law as well as step-relationships and half relationships;

"**spouse**" shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage; this definition shall also include any other person(s) that are living with the employee on a full-time basis whom the member/employee (appropriate to the document) has demonstrated a settled intention to treat as an immediate relative.

"**Local Board**" shall mean one of the following boards / quasi-judicial committees established by the Council:

- Enniskillen/Oil Springs Fire Commission
- Village of Oil Springs Cemetery Board
- Village of Oil Springs Emergency Management Group
- Village of Oil Springs Heritage Advisory Committee
- Village of Oil Springs Parks & Recreation Committee

"**Member of Council**" or "**Member**" means any person duly elected or appointed to serve on the Council of the Village of Oil Springs, Local Board or Committee.

"**Committee**" means any committee or similar entity of which at least 50 per cent of the Members are also Members of one or more of the Council or Local Boards as prescribed in the Village's Procedural By-law.

"**Village**" means The Corporation of the Village of Oil Springs.

Any reference in this Code of Conduct to a statute, regulation, by-law, guideline, policy or other enactment shall be deemed to include any amendment, replacement, successor or consolidation of such statute, regulation, by-law, guideline, policy or other enactment.

3 **Statutory Provisions Regulating Conduct**

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct.

The following federal and provincial legislation governs the conduct of Members of Council:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*

- *Municipal Freedom of Information and Protection of Privacy Act*
- *Provincial Offences Act*
- *Human Rights Code*
- *Criminal Code*
- by-laws and policies of Council as adopted and amended from time to time, including but not limited to the procedural by-law, and procurement by-law.

4 **Application**

This Code of Conduct shall apply to all Members of Council, Committees and Local Boards. In recognizing that Advisory Committees are comprised largely of citizen volunteers from across the Village who have been appointed by Council to provide advice and expertise, some of the provisions outlined herein may not be applicable to those Members. Accordingly, the conduct of Members of Advisory Committees shall be governed by the provisions of the Advisory Committee Members' Code of Conduct, attached hereto as Appendix 'A'.

5 **Conduct at Meetings**

Members shall conduct themselves with decorum at all meetings in accordance with the provisions of the Village's Procedural By-law or the applicable procedural by-law of that Local Board. Respect for delegations, fellow Members and staff requires that all Members show courtesy and not distract from the business of the Village during presentations and when other Members have the floor. Use of electronic equipment during meetings should be limited for use/access for meeting purposes.

6 **Transparency and Openness in Decision Making**

Members will conduct and convey Council or Local Board business in an open and public manner so that the process, logic and rationale which were used to reach conclusions or decisions are available to the stakeholders.

7 **Improper use of Influence**

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

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

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

- a) is of general application;
- b) affects a Member, his or her immediate relative, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- c) concerns the remuneration or benefits of a Member as a Member of Council of a Local Board.

8 Discreditable Conduct

All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All Members shall ensure that their work environment is utterly free and completely devoid of discrimination, and personal and sexual harassment.

The Ontario *Human Rights Code* applies, as does the Village’s Workplace Harassment and Violence Policy which recognize the right of every employee to work in an environment that is free from discrimination and harassment, by the employer, agent of the employer, another employee, or any other person with whom s/he comes into contact in the normal performance of his/her duties.

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

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

In accordance with the *Human Rights Code*, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

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

- a) make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
- b) display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
- c) make threats or engage in any abusive activity or course of conduct towards others;
- d) vandalize the personal property of others;
- e) commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
- f) refuse to converse or interact with anyone based on any ground listed in the *Human Rights Code*.

9 Conduct Respecting Staff

Members shall acknowledge that only Council or the applicable Local Board as a whole has the authority to approve budget, policy, processes and other such matters unless such authority has been delegated. Members shall direct requests outside of Council or Local Board approved budget, process or policy, to the appropriate Committee or Clerk-Treasurer.

Under the direction of the Clerk-Treasurer, staff serve the Council or the Local Board as a whole, and the combined interests of all Members as evidenced through the decisions of Council or the Local Board. Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council or the Local Board. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of staff.

No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity. Members and staff shall be respectful of each others time and arrange appropriate opportunities to discuss matters before formal meetings, where possible, which can be included and/or further discussed at the meeting.

In practical terms, there are distinct and specialized roles carried out by Council or the Local Board as a whole and by Members when performing their duties. The key requirements of these roles include dealing with constituents and the general public, participating as Committee Members, participating as Chairs of Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Village staff in both the carrying out of their responsibilities and in dealing with the Council or the Local Board.

10 Communications and Media Relations

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

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

11 Conduct Regarding Current & Prospective Employment

No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Village or the Local Board.

12 Confidential Information

Confidential information includes information in the possession of, or received in confidence by the Village or the Local Board that the Village or the Local Board is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (referred to as “MFIPPA”), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties that is of a corporate, commercial, scientific or technical nature and is provided expressly or implicitly in confidence, information that is personal, and information that is subject to solicitor-client privilege.

The *Municipal Act, 2001* allows information concerning personnel, labour relations, litigation, property disposal and acquisition, the security of the property of the municipality or a local board, and matters authorized on other legislation, to remain confidential. For the purposes of the Code of Conduct, “confidential information” also includes this type of information.

No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council or the Local Board to do so. Nor shall Members use confidential information for personal or private gain, or for the gain of immediate relatives or any person or corporation.

Under the Village’s or the Local Board’s Procedural By-law, 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 until the Council or committee or the Local Board discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a Member must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- information deemed to be “personal information” under MFIPPA; and
- statistical data required by law not to be released (e.g. certain census or assessment data).

The above list is provided as an example and is not exclusive. Requests for information will be referred to the Clerk-Treasurer to be addressed as either an informal request for access to municipal records, or as a formal request under MFIPPA.

Members should not access or attempt to gain access to confidential information in the custody of the Village or the Local Board unless it is necessary for the performance of their duties and not prohibited otherwise.

13 Gifts and Benefits

Members shall not accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to an immediate relative, friends, or associates, business or otherwise or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.

The following are recognized as exceptions:

- a) compensation authorized by by-law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law, in the case of Members running for office; (i.e. disclosure related to election campaign contributions that are required to be otherwise reported.)
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the Member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event where the Member is either speaking or attending in an official capacity;
- g) food and beverages consumed at banquets, receptions or similar events, if:
 - i. attendance is resultant to protocol or social obligations that accompanies the responsibility of office;
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitations infrequent; and
- h) communication to the offices of a Member, including subscriptions to newspapers and periodicals.

In the case of categories (b), (e), (f), (g) and (h), if the value of the gift or benefit exceeds \$200, or if the total value received from any one source over a twelve (12) month period exceeds \$200, the Member shall within thirty (30) days of receipt of the gift or of reaching the annual limit, file a disclosure statement with the Clerk-Treasurer.

The disclosure statement must indicate:

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

All disclosure statements will be a matter of public record.

On receiving a disclosure statement, the Clerk-Treasurer shall make the disclosure statement public. If a member of the public believes the Member has not conformed to the requirements of the Code of

Conduct with respect to accepting gifts and benefits, s/he may request the Integrity Commissioner examine the statement to ascertain whether the receipt of gift or benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, s/he shall call upon the Member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, s/he may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Village.

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

14 **Professional Development**

Members have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to:

- FCM Conferences
- AMO Conferences
- OSUM
- Ministry of Municipal Affairs and Housing seminars
- Provincial Professional Association Training Institutes (OGRA, AMCTO, PRO, etc.)
- Provincial Municipal Council orientation sessions

Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

15 **Use of Village Property, Services and Other Resources**

Members should not use, or permit the use of Village or Local Board property, land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Village or Local Board.

Members are required to follow the provisions of the *Municipal Elections Act, 1996* with respect to elections. Members shall not use the property, land, facilities, equipment, supplies, services or other resources of the Village or the Local Board (including but not limited to Councillor newsletters and websites linked through the Village's website) for any election campaign or campaign-related activities. No Member shall undertake campaign-related activities on Village property during regular working hours unless permitted by Village policy (e.g., all candidates meetings). No Member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the Village or the Local Board.

16 Public Input

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

17 Implementation

At the beginning of each term, Members of Council will be expected to sign the Code of Conduct to convey to each other and all stakeholders that they have read, understand and accept it.

A Code of Conduct component will be included as part of the orientation workshop for each new Council.

Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

18 Complaint Protocol

If an Integrity Commissioner is appointed, the following complaint protocol applies. The Integrity Commissioner will only enforce the Code of Conduct with respect to members of Council.

Any individual, organization, Village or Local Board employee, and Member, who has reasonable grounds to believe that a Member has breached a provision of the Code of Conduct, may file a complaint. Complaints must be submitted within six (6) weeks of the matter first becoming known to the complainant and cannot be filed more than six (6) months after the alleged violation occurred. No action will be taken on a complaint received beyond either of the foregoing deadline.

A complainant does not have to pursue the informal complaint process set out in Section 18.1 prior to proceeding with the formal complaint process set out in Section 18.2.

18.1 Informal Complaints

Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code of Conduct are encouraged to address his or her 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 his or her satisfaction or dissatisfaction with the Member's response to the concern identified;
- d) 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 in Section 18.2.

Any individual filing a complaint should 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.

18.2 Formal Complaints

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 his or her concerns through the formal complaint process set out below:

- a) all formal complaints must be made using the Complaints Form / Affidavit (see Appendix "C") and shall be dated and signed by the complainant;
- b) the complaint must include a concise explanation as to why the issue raised may be a contravention of the Code of Conduct and any and all evidence in support of the allegation 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 section of the Code of Conduct allegedly contravened, the date, time and location of the alleged contravention and any and all other information as required on the Complaint Form/Affidavit;
- e) the complaint shall be filed with the Integrity Commissioner who shall confirm that the information is complete as to a), b), c) and d) of this section;
- f) the Integrity Commissioner will determine whether the matter is, on its face, a complaint with respect to compliance with the Code of Conduct and is not covered by any other applicable legislation or policy; and
- g) the Integrity Commissioner may, but shall not be obligated, to request additional information from the complainant.

18.3 Response of Integrity Commissioner of Complaint Outside Jurisdiction

If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to the Code of Conduct, 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*, 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*, that the matter should be pursued in accordance with the Act through a court application;
- 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*, that the matter will be referred to the Clerk-Treasurer to have the matter reviewed under statute; and
- d) **Discrimination or Harassment** – if the complaint is an allegation of discrimination or harassment, that a complaint should be filed directly to the Human Resources Department. The person will also be advised of his or her right to advance an application to the Ontario Human Rights Tribunal.

If the matter is covered by other policies with a complaint procedure or legislation, the complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

18.4 Refusal to Conduct an Investigation

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 determination in writing to the complainant and the Member identified in the Complaint Form/Affidavit.

18.5 Opportunity for Resolution

If at any time, following the receipt of a formal 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.

18.6 Investigation

If the Integrity Commissioner determines that a formal investigation is required s/he shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under ss. 33 and 34 of the *Public Inquiries Act, 2009*, as contemplated by subsection 223.4(2) of the *Municipal Act, 2001*, at which time the identity of the person filing the complaint is no longer considered confidential.

The Integrity Commissioner shall provide a copy of the complaint and any supporting materials 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 fourteen (14) days.

The Integrity Commissioner shall give a copy of the response provided by the Member to the complainant with a request for a written reply within fourteen (14) days.

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 Village or Local Board work location relevant to the complaint for the purpose of investigation and potential resolution.

The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.

At any time the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.

18.7 No Complaints or Reports Prior to Election

If the Integrity Commissioner receives a complaint between nomination day as defined in the *Municipal Elections Act, 1996* and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held respecting a Member who is seeking re-election and he is of the opinion that it is politically motivated, he may stay the investigation until after the inaugural meeting of the newly-elected Council and shall not be required to adhere to the time calculation referred to in Section 18.

18.8 Confidentiality of Complaint Documents

The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Village 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 section 223.5(3) of the *Municipal Act*, this section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

When the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.

When the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose confidential information that could identify a person concerned in the case of informal complaints or those formal complaints that have been dismissed and did not proceed to a formal investigation.

19. Reporting and General Compliance

19.1 Recommendation Report

Upon completion of an investigation, the Integrity Commissioner may report to the complainant and the Member on the results of his or her review within ninety (90) days of receiving a complete Complaint Form/Affidavit. If the investigation process is going to take more than ninety (90) days, the Integrity Commissioner shall provide an interim report to the complainant and Member indicating when the complete report will be available.

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 including a recommendation as to the imposition of a penalty as set out in subsection 223.4 of the *Municipal Act, 2001*. The Council may impose either of following two penalties on a Member if a report by the Integrity Commissioner determines that the Member has violated the Code of Conduct:

- a) a reprimand; or
- b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or a Local Board, as the case may be, for a period of up to ninety (90) days.

The Integrity Commissioner shall provide the Member who is the subject of the complaint with notice in writing of the proposed finding and any recommended sanction at least ten (10) days prior to the report being provided to the Municipal Clerk. An opportunity to comment shall be provided to the Member on the proposed finding and any recommended sanction prior to the report being published.

19.2 Annual Report

The Integrity Commissioner's annual report shall consist of:

- a) all informal and formal complaints dismissed by the Integrity Commissioner;
- b) all complaints received not within the jurisdiction of the Integrity Commissioner;
- c) all formal complaints that underwent a formal investigation and conclusions; and
- d) a cost breakdown with respect to services provided within the reporting year by the Integrity Commissioner.

The annual report shall be provided not less than sixty (60) days after December 31 of the calendar year that is being reported.

19.3 Failure to Adhere to Council Policies and Procedures

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, Members are required to observe the terms of all policies and procedures established by Council, as the case may be. However, this provision does not prevent a Member from requesting that Council grant an exemption from a policy, other than this Code of Conduct.

19.4 Reprisals and Obstructions

Members should respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is strictly prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his or her responsibilities.

19.5 Duty of Council

The Council shall consider any report submitted by the Integrity Commissioner within thirty (30) days of it being received by the Municipal Clerk and shall take the action it considers appropriate with regard to the recommendation(s) of the Integrity Commissioner as described in Section 17.1 of the Code of Conduct.

19.6 Acting on Advice of the Integrity Commissioner

Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

19.7 Integrity Commissioner Vacancy

Should the office of Integrity Commissioner become vacant, the Code of Conduct remains in effect and all Members shall continue to abide by the provisions set out therein. When a vacancy occurs, all formal complaints shall be held until such time as a new Integrity Commissioner has been appointed; or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of time.

20 **Role of the Integrity Commissioner**

- a) Review the Code of Conduct and other Village policies and procedures relating to the ethical behaviour of Council, as requested, to ensure they continue to meet the needs of the Village.
- b) Provide educational training to members of Council on its Code of Conduct and on matters of integrity, as requested;
- c) Provide advice to members of Council, in respect of its Code of Conduct either collectively or individually (*at the members expense as budgeted*) and assisting with the general interpretation of the *Municipal Conflict of Interest Act*, as required
- d) Investigate and report on complaints and alleged breaches of the Code of Conduct

APPENDIX 'A' - Advisory Committee Members' Code of Conduct

1. The purpose of an Advisory Committee is to provide informed advice and guidance, as well as to facilitate public input to Village Council on programs and policies. In recognition of the impartial and objective advice received from Advisory Committees, as well as the challenges and inherent restrictions placed upon these same individuals in assessing and recommending various options in a conscientious and ethical manner, the following Code of Conduct is provided as a general standard for all Advisory Committee Members to ensure they are acting in a manner that is appropriate with regard to his or her committee.
2. The Advisory Committee Members' Code of Conduct shall be applicable to all members of the Village of Oil Springs' Advisory Committees, including any subcommittees or ad hoc committees established.
3. Advisory Committee Members shall, when conducting committee business, preparing written correspondence, interacting with the media, members of Council, staff or members of the public, act in a manner that accomplishes the following:
 - a) fulfils the mandate and mission statement of his or her Advisory Committee;
 - b) respects due process and the authority of the Chair, Vice-Chair or Presiding Officer;
 - c) demonstrates respect for all fellow Advisory Committee Members, Council, staff and the public;
 - d) respects and gives fair consideration to diverse and opposing viewpoints;
 - e) demonstrates due diligence in preparing for meetings, special occasions, or other committee related events;
 - f) demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
 - g) conforms with all relevant legislation, by-laws, policies and guidelines; and,
 - h) contributes in a meaningful manner, offering constructive comments to Council, staff and fellow Advisory Committee Members
4. A member of an Advisory Committee shall not:
 - a) place them self in a position where the member is under obligation to any person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
 - b) accord, in the performance of his or her official duties, preferential treatment to relatives or to organizations in which the member, his or her relatives have an interest, financial or otherwise;
 - c) deal with an application to the Town for a grant, award, contract, permit or other benefit involving the member, his or her immediate relative;
 - d) place them self in a position where the member could derive any direct benefit or interest from any matter about which they can influence decisions; and,
 - e) benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public.
5. An Advisory Committee Member shall disclose immediately to the committee or the Clerk or Secretary, who would disclose to the committee, that the member could be involved in either a real or conflict of interest as prohibited by the Code; and shall abide by any decision made by the committee, with respect to such conflict of interest without recourse.
6. If an Advisory Committee Member is known to have a conflict of interest as prohibited by the Code and has not disclosed this to the committee; then that matter may be brought forward for the committee's consideration. When such a matter has been brought forward, the committee,

through a majority vote, would determine if the Member is in a conflict position in accordance with the provisions of Section 2 of this Code.

7. Where an Advisory Committee Member believes or has been advised by the committee that they have a conflict of interest in a particular matter, s/he shall:
 - a) prior to any consideration of the matter, disclose his or her interest and the general nature thereof;
 - b) leave the room for the duration of time that the matter is being considered;
 - c) not take part in the discussion of, or vote on any question or recommendation in respect of the matter; and
 - d) not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.
8. Where the number of Advisory Committee Members who, by reason of conflict, are incapable of participating in a meeting such that the remaining Members no longer constitute a quorum; then the remaining members shall be deemed to constitute a quorum provided there are not less than two Members present.
9. Advisory Committee Members of who are seeking consideration of an application, permit or appeal are permitted to address the committee regarding their application, permit or appeal; but are prohibited from taking part in the committee's deliberation and / or voting regarding that matter.
10. Should a member of an Advisory Committee breach any of the clauses set out herein, the Village Clerk-Treasurer may refer the matter to Council who will consider whether to take any of the possible corrective actions, as outlined in the Code of Conduct for Members of Council, Local Boards and Advisory Committees.

APPENDIX 'B' - Disclosure Statement

Section 13 of the Code of Conduct regarding the acceptance of gifts and benefits, requires Members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$200 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$500. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the Clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit.

Disclosure Statements are a matter of public record.

Nature of Gift or Benefit received:

Source of Gift or Benefit:

Circumstances under which Gift or Benefit received:

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

Estimates Value of Gift or Benefit: \$ _____

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

Signature of Member

Date

Signature of Clerk

Date received

APPENDIX 'C' - Formal Complaint Form / Affidavit

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

Permanent place of residence: _____

Mailing address (if different from above):

I have personal knowledge of the facts as set out in this Affidavit because:
(insert reasons e.g. I work for... I attended a meeting at which... etc.)

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

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

Schedule A attached Yes No

This affidavit is made for the purpose of requesting that this matter be reviewed by the Village of Oil Springs appointed Integrity Commissioner and for no other purpose.

Sworn (or Affirmed) before me at the Village of Oil Springs, in the County of Lambton, in the Province of Ontario on the _____ day of _____, _____.

A Commissioner, etc.

Signature of Complainant
(to be witnessed by Commissioner)

NOTE: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. THE CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years

(sections 131, 132) or by summary conviction (section 134). Signing a false affidavit may expose you to prosecution under section 131 and 132 or 134 of the Criminal Code, R.S.C 1985, c. C-46 and also to civil liability for defamation.

