

	<b>THE CORPORATION OF THE TOWN OF TILLSONBURG</b>		
	<b>CODE OF CONDUCT</b>		
	<b>Policy Number</b>	2-003	
	<b>Approval Date</b>	December 14, 2015	<b>Revision Date</b> May 27, 2019
	<b>Schedules</b>	Form A – Disclosure Statement Form B – Formal Complaint Form/Affidavit	

**Policy Statement:**

Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council (comprising the Mayor, Deputy Mayor and 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.

**Purpose:**

A Code of Conduct will reinforce the Town of Tillsonburg's Accountability and Transparency Policy and other relevant legislation within which all Members of Council, Local Boards and Advisory 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.

**Scope:**

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 Town.

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 enunciated hereunder.

## 1. 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" or "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.

**"Clerk"** means the Municipal Clerk for the Corporation of the Town of Tillsonburg.

**"CAO"** means the Chief Administrative Officer for the Corporation of the Town of Tillsonburg.

**"Code of Conduct"** means the “Code of Conduct” for Members of Council, Local Boards and Advisory 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 submitted to an Integrity Commissioner appointed by the Council of the Town of Tillsonburg.

**"Council"** means the Council of the Town of Tillsonburg.

**"Integrity Commissioner"** means the officer appointed by council pursuant to Section 223.3 of the Municipal Act, 2001.

**"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:

- Downtown Tillsonburg Business Improvement Area (BIA) Board of Management
- Property Standards Appeal Committee
- Committee of Adjustment

**"Meeting"** means any regular, special or other meetings of council, of a local board or a committee of either of them, where a quorum is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the council, local board or committee.

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

“**Town**” means The Corporation of the Town of Tillsonburg.

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.

## **2. Statutory Provisions Regulating Conduct**

This Code of Conduct is meant to supplement existing legislation governing the conduct of Members, including but not limited to:

- Municipal Act
- Municipal Conflict of Interest Act
- Municipal Elections Act
- 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 the Tillsonburg Purchasing Policy.

## **3. Application**

This Code of Conduct shall apply to all Members of Council, Local Boards and Advisory Committees.

## **4. Conduct at Meetings**

Members shall conduct themselves with decorum at all meetings in accordance with the provisions of the Town’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 Town during presentations and when other Members have the floor. Use of electronic equipment during meetings should be limited for use/access for meeting purposes.

## **5. Transparency and Openness in Decision Making**

Members will conduct and convey Council, Committee 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.

## **6. 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, Committee 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' (such as taxation which affects residents, owners or tenants of land within the Town as a whole); or
- c) concerning the remuneration or benefits of a Member as a Member of Council or of a Local Board.

## **7. 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 Town's Discrimination and Harassment-Free Workplace 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.

## **8. 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 Chief Administrative Officer of the Corporation.

Under the direction of the Chief Administrative Officer, Staff serve the Council, Committee or the Local Board as a whole, and the combined interests of all Members as evidenced through the decisions of Council, Committee 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, Committee 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 other's 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, Committees 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, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Town staff in both the carrying out of their responsibilities and in dealing with the Council or Committee or the Local Board.

## **9. 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.

## **10. Conduct Regarding Current And 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 Town or the Local Board.

## **11. Confidential Information**

Confidential information includes information in the possession of, or received in confidence by the Town, Committee or the Local Board that the Town, Committee 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 Town’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

The above list is provided as an example and is not exclusive. Requests for information will be referred to Municipal Clerk 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 Town or the Local Board unless it is necessary for the performance of their duties and not prohibited otherwise.

## **12. 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, advance, gift or personal benefit provided with the Member’s knowledge to an immediate relative or business 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.

The disclosure statement (see Form A) must indicate:

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

All disclosure statements will be a matter of public record.

On receiving a disclosure statement, the Clerk shall make the disclosure statement public. If a member of the public believes the Member has not conformed to the requirements of the Code of Conduct with respect to accepting gifts and benefits, he or she may request the Chief Administrative Officer 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 Chief Administrative Officer makes that preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit.

Should the Chief Administrative Officer 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 Town.

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.

### **13. Use of Town Property, Services and Other Resources**

Members should not use, or permit the use of Town or Local Board property, land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Town 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 Town or the Local Board (including but not limited to Councillor newsletters and websites linked through the Town's website) for any election campaign or campaign-related activities. No Member shall undertake campaign-related activities on Town property during regular working hours unless permitted by Town 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 Town or the Local Board.

### **14. Implementation**

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

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

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.

### **15. Complaint Protocol**

Any individual, organization, Town 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 an application to the Integrity Commissioner using the Formal Complaint Form. An application may only be made within six weeks after the applicant became aware of the alleged contravention. An application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

- a) The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, and ending on voting day in a regular election, as set out in section 5 of that Act.
- b) The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the Municipal Elections Act, 1996.

A complainant does not have to pursue the informal complaint process set out in Section 15.1 prior to proceeding with the formal complaint process set out in Section 15.2.



### 15.1 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 15.2.

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.

### 15.2 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 Form "B") 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.

### 15.3 Response of Integrity Commissioner of Complaint outside Jurisdiction

If the complaint received by the Integrity Commissioner, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

- a) **Criminal Matter** – if the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the

complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police service;

- b) **Municipal Freedom of Information and Protection of Privacy** – if the complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter must be referred to the Municipal Clerk for review under statute; and
- c) **Discrimination or Harassment** – if the complaint is an allegation of discrimination or harassment, then the complaint should be filed directly with 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.
- d) **Other Policy Applies** – if the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.
- e) **Lack of Jurisdiction** – if the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
- f) **Matters Already Pending** – if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding related to a Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

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.

#### **15.4 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 not sufficient 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.

#### **15.5 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.

#### **15.6 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 Town 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.

#### **15.7 Termination of inquiry when regular election begins**

If the 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*, the Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

#### **15.8 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 Town 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*.

Advice provided by the Commissioner to a member under paragraph 4, 5 or 6 of subsection 223.3 (1) 5 of the *Municipal Act, 2001* may be released with the member's written consent. If a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 223.3 (1), the Commissioner may release part or all of the advice without obtaining the member's consent.

The Commissioner may disclose such information as in the Commissioner's opinion is necessary,

- a) for the purposes of a public meeting under subsection 223.4.1 (8);
- b) in an application to a judge referred to in subsection 223.4.1 (15); or
- c) in the written reasons given by the Commissioner under subsection 223.4.1 (17). 2017, c. 10, Sched. 1, s. 22.

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 the report 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.

## **16. Reporting and General Compliance**

### **16.1 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(5) of the Municipal Act, 2001. The Council may impose either of the following 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.

### **16.2 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.

### **16.3 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.

### **16.4 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.

### **16.5 Duty of Council**

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 16.1 of the Code of Conduct.

### **16.6 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.

### **16.7 Integrity Commissioner Vacancy**

Should the office of Integrity Commissioner be 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, the municipality shall make arrangements for all of the responsibilities of the Integrity Commissioner to be provided by a Commissioner of another municipality.

## **17. Roles of Integrity Commissioner**

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.

6. Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. The provision of educational information to members of council, members of local boards and the municipality about the municipality's codes of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act. 2017, c. 10, Sched. 1, s. 19 (1).

It shall be noted that if the municipality has not appointed a Commissioner, the municipality shall make arrangements for all of the responsibilities set out above to be provided by a Commissioner of another municipality.

### **18. Statutes Regulating the Conduct Of Councillors**

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 to the extent of the inconsistency.

**Code of Conduct Form A – Disclosure Statement**

Section 12 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:

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Source of Gift or Benefit:

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Circumstances under which Gift or Benefit received:

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

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

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

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

\_\_\_\_\_  
Date





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

Sworn (or Affirmed) before me at the Town of Tillsonburg, in the County of Oxford, in the Province of Ontario on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
A Commissioner for taking affidavits, 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.