

**The Corporation of the
Town of Arnprior**

By-law Number 7401-23

A By-law to adopt a Code of Conduct for the Council and Local Boards of the Town of Arnprior and to Repeal By-law No. 6222-13

Whereas section 11 of the Municipal Act, 2001, as amended authorizes municipalities to enact by-laws regarding Accountability and Transparency of the municipality and its operations; and

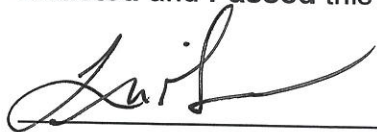
Whereas section 223.2(1) of the Municipal Act, 2001, as amended requires municipalities to establish a code of conduct for members of council and local boards; and

Whereas the Council of the Corporation of the Town of Arnprior deems it expedient to establish a new code of conduct for members of council and local boards;


Therefore the Council of the Town of Arnprior enacts as follows:

1. **That** Council adopts a code of conduct for council and local boards as set forth in Schedule "A" attached hereto and forming part of this by-law.
2. **That** this by-law may be referred to as the "Council Code of Conduct".
3. **That** a vote of two-thirds of the members present be required to amend or repeal this bylaw.
4. **That** By-law Number 6222-13 is hereby repealed and where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provision of the by-law shall prevail.
5. **That** this By-law shall come into full force and effect on the date of its passing.

Enacted and Passed this 26th day of June, 2023



Lisa McGee, Mayor



Maureen Spratt, Town Clerk



TOWN OF ARNPRIOR
Code of Conduct
Council and Local Boards
Schedule A – By-law No. 7401-23

Date: June 2023

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Section 1 – Definitions

Ad Hoc Committee – means a special purpose committee of limited duration and scope, created by Council to inquire and report on a particular matter or concern, and which dissolves automatically upon submitting its final report unless otherwise directed by Council.

Advisory Committee – means a Committee of Council comprised of one or more Members of Council and/or members of the public appointed by Council for a specific purpose or mandate.

Chair – means the Member responsible for presiding at the meeting, and may also be referred to as the Presiding Officer.

Chief Administrative Officer – means the individual appointed as Chief Administrative Officer of the Town of Arnprior pursuant to Section 229 of the *Municipal Act, 2001* and may be referred to as the CAO herein.

Child - means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat at a child of his or her family.

Clerk – means the individual appointed as the Clerk of the Town of Arnprior pursuant to Section 228 of the *Municipal Act, 2001*; or in the absence of the Clerk, the Deputy Clerk, of the Town of Arnprior pursuant to Section 228(2) of the *Municipal Act, 2001*.

Closed Session Meeting – means that part of a meeting that is closed to the public in accordance with Section 239 of the *Municipal Act, 2001*, other than those persons specifically invited to remain, and may also be referred to as “In Camera.”

Committee – means an Advisory Committee or any other Committee of the Town of Arnprior.

Complainant means a person who has filed a complaint in accordance with this Code;

Complaint – means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member.

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

Confidential information - means any personal information or records that are in the possession, in the custody or under control of a Councillor related to a constituent who has contacted their office and any information that the Town is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedural By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation.

Council – means the Council of the Corporation of the Town of Arnprior comprised of duly elected officials.

Council Code of Conduct – means the Town of Arnprior Council Code of Conduct, which operates alongside other statutes governing the conduct of Members of Council, Boards and Committees of the Town of Arnprior; may also be referred to as “Code of Conduct.”

Frivolous – means of little or no weight, worth or importance; not worthy of serious notice.

Gift means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly or indirectly to the performance of the Member’s duties.

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

Harassment – as defined in the Town of Arnprior’s Workplace Harassment Policy and Program as well as in the *Ontario Human Rights Code*.

Integrity Commissioner – means the individual appointed as the Integrity Commissioner of the Town of Arnprior, pursuant to Section 223.3 of the *Municipal Act, 2001*.

Mayor – means the head of Council as set out in the *Municipal Act, 2001, S.O. 2001*.

Meeting – means a regular, special, or other meeting convened of Council or Committee as permitted under this by-law.

Member – means a Member of Council; elected by general vote or wards, or by any combination thereof, in accordance with the *Municipal Act, 2001, c. 25*, as amended. In this by-law “Member” shall also mean a member of town committees, agencies, boards and commissions, as defined in Section 223.1 of the *Municipal Act, 2001*.

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

Parent - means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

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

Policy – means any policy or by-law passed by the Town of Arnprior Council.

Presiding Officer – means the Mayor, or in the absence of the Mayor, the Deputy Mayor, at a regular or special meeting of Council, or the Member of Council appointed as the Chair of a Committee or Board, or in the absence of either, another Member of Council appointed in accordance with the Procedure By-law 6202-13, as amended. The Presiding officer may also be referred to as the Chair.

Rules of Order – means the rules to regulate debate and the conduct of Members of Council, Committee, staff and public during an actual meeting of the Council or Committee.

Sexual Harassment - as defined in the Town of Arnprior's Workplace Harassment Policy and Program.

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

Spouse - means either of two persons who,

- (a) are married to each other;
- (b) have together entered into a marriage that is voidable or void, in good faith on the part of a person relying on this clause to assert any right; or
- (c) are not married to each other and have cohabited,
 - (i) continuously for a period of not less than three years, or
 - (ii) in a relationship of some permanence, if they are the parents of a child as set out in section 4 of the *Children's Law Reform Act*.

Staff - means direct employees of the Town whether full-time, part-time, contract or casual, seasonal and volunteer as well as agents and consultants acting in furtherance of the Town's business and interest;

Town – means the Corporation of the Town of Arnprior, which may also be referred to as the municipality, the Town or the Town of Arnprior.

Town property includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Town.

Vexatious – means instituted without sufficient grounds and serving only to cause annoyance to the defendant.

Violence – as defined in the Town of Arnprior's Workplace Violence Prevention Policy and Program.

Section 2 – Purpose

This Code of Conduct sets standards for the conduct of Members of the Council of the Town of Arnprior, as well as, all Town committees, agencies, boards and commissions, as defined in Section 223.1 of the *Municipal Act, 2001*. It has been developed to assist Council and Members to:

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

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

Section 3 – Roles & Responsibilities

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

3.1 - Legislated Responsibilities & Compliance

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

3.2 - Interaction with Staff

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

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

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

3.3 - Media Communications

It is understood that the Mayor as Head of Council, as per section 226(1)(c) of the Municipal Act, 2001, is the primary spokesperson, which does not prohibit other Members of Council from accurately communicating the Town's position. Therefore the following shall apply:

- a. Members will accurately communicate the decisions of the Town of Arnprior Council, even if they disagree with the majority decision of Council, and by doing so affirm the respect for and integrity in the decision-making process of Council. A Member may state that he/she did not support the decision, or voted against the decision.
- b. Members shall refrain from making judgemental or critical comments about other Members of Council or staff, or about the Town Council's processes and decisions.
- c. Members at all times shall refrain from speculating or reflecting upon the motives of other Members of Council or staff, when communicating with the media.
- d. Members of Council will keep all confidential information confidential, until such a time arises that the matter can properly be made public. A breach of confidentiality by Members diminishes public confidence.

3.4 - Legislation

This Code of Conduct is a complement to the existing legislation governing the conduct of Members. The following federal, provincial legislation governs the conduct of members of Council:

- The Municipal Act, 2001;
- The Municipal Conflict of Interest Act (MCIA);
- The Municipal Elections Act (MEA);
- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
- The Ontario Human Rights Code (OHRC);
- The Criminal Code of Canada (CCC);
- The Occupational Health and Safety Act (OHSA) – including Bill 168;
- The Accessibility for Ontarians with Disabilities Act (AODA)
- The Provincial Offences Act;
- The by-laws and policies of Council as adopted and amended from time to time.

Section 4 – Rule of Etiquette

4.1 - Meetings & Quorum

- a. The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. The Presiding Officer should never allow Members or delegations at a Council, Committee, or Board meeting to publicly criticize identifiable employees or other individuals. It is the responsibility of the Presiding Officer to ensure that both parliamentary procedure and rules of etiquette are observed by those in attendance at all times.
- b. Quorum is defined as the majority of the total number of the Voting Members of the Council or Committee, or as may be specifically set out in Council approved Terms of Reference for a Committee. Therefore, Council shall only conduct its business in a duly constituted meeting of Council, as per the Procedure By-Law.
- c. There shall be no “Off the Record” or Secret Meetings of Council.

4.2 - Operational Inquiries/ Complaints

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

Section 5 – Behaviour of Members

5.1 Interpersonal Behaviour

- a. Treat Every Person with Dignity, Understanding and Respect:
 - Members shall refrain from abusive conduct, personal charges, verbal attacks, discrimination or gossip upon the character or motives of municipal employees, Councillors, Committee Members, Volunteers, or the public. Members shall abide by the Town of Arnprior's Workplace Violence Prevention and Workplace Harassment Policies and Programs, as well as the Ontario Human Rights Code, and shall take these policies and legislation and their contents into account at all times when considering etiquette. All dealings with any person are to exhibit a high degree of professionalism and are to be based on honesty, dignity, understanding, respect, impartiality and fairness.
- b. Do not Discriminate:
 - In accordance with the Ontario Human Rights Code, Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. These forms of discrimination listed, shall be as defined in the Ontario Human Rights Code.
- c. Do not Engage in Violence or Harassment of Any Kind:
 - No Member shall engage in any form of Violence or Harassment, as defined in Section 1 of this document, taken from the Town of Arnprior's Workplace Violence Prevention and Workplace Harassment Policies and Programs and the Ontario Human Rights Code.

Section 6 – Use of Municipal Property and Resources

- a. No member shall use the municipality's property, equipment, supplies, services or social media sites, which are not available to the general public, for purposes other than those which are necessary for the discharge of their official duties. This clause does not prohibit incidental responsible personal use of Town cell phones or computers.
- b. No Member shall obtain any direct or indirect personal benefit or financial gain from the use or sale of Town or Local Board property or resources, as the case may be, whether licensed, leased, or owned by the Town or Local Board, including: land, facilities, equipment, supplies, services, Staff, Town or Local Board-developed intellectual property (for example, inventions, creative writings, graphic designs, computer programs and technical drawings), technical innovations, Town or Local Board owned images, logos, or coat of arms.
- c. All such property or resources remain exclusively that of the Town or the Local Board, as the case may be. For greater clarity, "personal benefit" shall include

any direct or indirect benefit provided with the Member's knowledge to a Family Member.

Section 7 – Municipal Elections

- a. During a Municipal election, Members of Council must conduct themselves in accordance with the provisions of the *Municipal Elections Act*, in addition to legislation and policies in place during their term of office. Members are accountable under the provisions of these statutes.
- b. Members of Council will expect the Town Clerk to manage the Municipal Election process and meet all statutory requirements in accordance within the *Municipal Elections Act*. Members of Council shall respect the role of the Town Clerk and municipal staff in the election process, shall not interfere with the Town Clerk or municipal staff's discharge of their duties during the election process, and understand that their role is to ensure that all candidates are treated equally.
- c. No Member shall use the facilities, equipment, supplies, services, or other resources of the Town for any election campaign-related activities.
- d. In a municipal election year, commencing on Nomination Day until the date of the election, no Member or other candidate for elected office, may book directly or indirectly, any facility for any purpose that might be perceived as an election campaign purpose if that facility is being used as a polling station.
- e. No Members shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the Town.

Section 8 – Confidentiality

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

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

Section 9 – Gifts, Hospitality & Other Benefits

The objective of the contents presented in this section of the Council Code of Conduct is to ensure that Councillors make Council decisions based on impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality or entertainment.

In this policy, gifts, commission, hospitality, reward, advantage or benefit of any kind, may be interchanged and shall be deemed to include all of the aforementioned:

- a. The stipend paid to each Member of Council is intended to fully remunerate them for service to the Corporation of the Town of Arnprior.
- b. Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration.

- c. The above statements do not preclude Members of Council from accepting:
 - i. Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a Committee, for speaking at an event or for representing the Corporation of the Town of Arnprior at an event.
 - ii. Political contributions that are otherwise offered, accepted, and reported in accordance with applicable law.
 - iii. Food and beverages at meetings, banquets, receptions, ceremonies, or similar events.
 - iv. Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or be local government boards or commissions.
 - v. A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council.
 - vi. Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations.
 - vii. Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office.
 - viii. Services provided without compensation by persons volunteering their time for election campaign

Section 10 - Use of Social Media

- a. Members may participate in social media of their own accord, in compliance with, the Code of Conduct and Town Policies. Members are welcome to like/follow official town sites and are encouraged to share content that has already been officially posted to the town's website and social media accounts.
- b. Under Council's Code of Conduct the Mayor is the official spokesperson for Town Council and this also applies to social media. As the Head of Council, the Mayor will reflect the position taken by Town Council on any specific issue. But this does not prohibit other Members of Council from accurately communicating the Town's position on any specific issue.
- c. Members of Council should clearly identify where they are expressing personal views, and not necessarily the views of the town.
- d. Members are expected to act with decorum on Social Media.

- e. Members must never use Social Media as a platform to treat one another, Municipal Staff, Local Board Staff, or members of the public without respect, or to make false or defamatory statements about one another, Municipal Staff, Local Board Staff or members of the public. Members of Council and Local Boards shall refrain from using Social Media to malign a debate or decision or otherwise erode the authority of Council or the Local Board, as the case may be.
- f. Members of Council and Local Boards shall not engage in or encourage any form of Violence or Harassment, as defined in Section 1 of this document, taken from the Town of Arnprior's Workplace Violence Prevention and Workplace Harassment Policies and Programs and the Ontario Human Rights Code, as amended.
- g. A member of Council or Local Board's title may only be used for Town purposes and not for campaign purposes. Where a member maintains a personal Social Media account, that account must contain a statement, in a clearly visible place, that the views expressed on the account are those of the account holder alone and not those of the Town, its Council, or local board.
- h. Members shall ensure that their posts on Social Media are accurate, not misleading, and do not reveal confidential information. Members must not post content on Social Media that discloses information or conduct during in camera or other confidential meetings or other confidential information acquired in the course of their duties as a member of Council or Local Board.
- i. Without limiting the generality of the foregoing, members shall refrain from posting private or confidential information about fellow Councillors, Local Board members, Municipal Staff, Local Board Staff or members of the public.
- j. At no time shall a Member post or circulate (including via-e-mail) any correspondence from Municipal Staff or Local Board Staff, except for any public report, without the express permission of the author. Specifically, e-mail messages and voice messages are typically drafted with a specific audience in mind, and the publication of such messages without the appropriate context could lead to public misunderstanding

Section 11 - Improper Use of Influence

- a. Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- b. Members shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person.

Section 12 - Breach of Policy/ Code of Conduct

12.1 - Integrity Commissioner

- a. The *Municipal Act, 2001* authorizes the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to, the application of:
 - i. the Code of Conduct for Members of Council and Members of Local Boards and Committees; and
 - ii. any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members
 - iii. Notwithstanding the foregoing, with respect to Ad-hoc, Advisory, and/or any other volunteer Committees, the Integrity Commissioner will have no jurisdiction over complaints concerning these volunteer Members. Investigations will be completed by the Clerk's office, and decided on by Council.
- b. The *Municipal Act, 2001* also outlines that the Integrity Commissioner may also exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.
- c. The Integrity Commissioner serves the public interest and is granted authority under the *Municipal Act, 2001* to educate, advise, and investigate the conduct of Members of the municipality.
- d. All complaints on breach of conduct, by Members of the Town of Arnprior will be reported to the Town Clerk and then, if necessary, to the Integrity Commissioner.
- e. The Integrity Commissioner shall be independent from both Council and staff.
- f. The Integrity Commissioner is appointed by Council for a term of not less than 4 years to straddle an election by approximately two (2) years on either side and is responsible for performing in an independent manner the functions assigned by the municipality with respect to this Code of Conduct and the procedures, rules, and policies of the municipality.
- g. The Integrity Commissioner has the power to conduct an inquiry if requested by Council, any other Member, or a member of the public, about whether there has been a contravention of this Code of Conduct or any other Town policy.
- h. Pursuant to the *Municipal Act, 2001*, no application for an inquiry by the Integrity Commissioner of an alleged contravention of the Code or MCIA shall be made between Nomination Day and six weeks after Voting Day in a regular election, except as provided in section 223.4 and 223.4.1 of the Municipal Act, 2001. Furthermore, any investigation not completed prior to Nomination Day in a regular election shall be terminated by the Integrity Commissioner on that day.
- i. The Integrity Commissioner shall not re-commence an enquiry terminated as the result of an election unless, within six weeks of Voting Day in a regular election, the person who made the original request submits a written request to the Integrity Commissioner asking that the inquiry be re-commenced.

- j. The Integrity Commissioner is entitled to free access to all books, accounts, and records, property, or any other necessary thing belonging to the municipality, as well as personnel or other Members which he/she feels is necessary to the investigation process.
- k. The Integrity Commissioner will be reimbursed for reasonable expenses incurred in the performance of their investigation/ duties.
- l. Records of the Integrity Commissioner must be retained permanently.

12.2 - Duty to Report Violation

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

12.3 - Breach of Policy/ Code of Conduct

- a. Should the Integrity Commissioner determine that a member has breached the Council Code of Conduct after completing a proper investigation; the Integrity Commissioner shall report that such a determination has been made at an open regular Council meeting. Council shall then determine an appropriate sanction which shall be delivered by way of a resolution in open Council.
- b. Although the Integrity Commissioner's report must be made public, pursuant to the *Municipal Act, 2001*, some parts of the investigations may be confidential, and thus confidential information will not be made public.
- c. Council may impose either of the following penalties on a Member if the Integrity Commissioner reports to the municipality that, in his or her opinion, the Member has contravened this Council Code of Conduct and/or a Town policy:
 - i. A reprimand
 - ii. Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or local board, as the case may be for a period of up to 90 days.
- d. Council may also take the following additional actions:
 - i. Remove or not appoint the Member from/to an Advisory Committee or Board.
 - ii. Remove or not appoint the Member as Chair of a Committee or Board.
 - iii. Repay or reimburse the compensation received.
 - iv. Return property or reimburse for the value of it.
 - v. Request for a written, verbal or public apology to Council, the complainant, or both.

- vi. Require the Member to comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.
 - vii. Any other fair and reasonable sanction given the circumstances.
- e. All sanctions under this By-law will be fair and in keeping with the severity of the infraction, giving due regard to the Member's previous conduct.

12.4 - Investigation / Complaint Procedure

Part A - Informal Complaint Procedure

Any individual who identifies or witnesses behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or activity themselves in the following manner by following the Informal Complaint Procedure:

- (a) document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
 - (b) advise another person about the concerns regarding the Member's actions, to corroborate the incident;
 - (c) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - (d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - (e) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
 - (f) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to settle or resolve the issue;
 - (g) if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
 - (h) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in accordance with any other Applicable judicial or quasi-judicial process or complaint procedure.
2. Individuals are strongly encouraged to pursue the Informal Complaint Procedure as the first means of remedying behaviour or activity of a Member that they believe violates the Code of Conduct.
 3. The Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator on issues relating to a complaint.
 4. The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out below.

Part B - Formal Complaint Procedure

A request for an investigation of a complaint that a member has contravened this Code of Conduct or policy shall be in writing.

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

12.5 - Integrity Commissioner Reporting to the Municipality

- a. Where the complaint is sustained in whole or part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or his or her recommendation as to any penalties.
- b. The Integrity Commissioner shall file a copy of the final report on an investigation with the Town Clerk, who will then provide a copy of the report to the complainant and the Member whose conduct it has addressed. The Integrity Commissioner may disclose in the report such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.
- c. The Town Clerk shall submit the Integrity Commissioner's report to Council within the next two regular meetings and the Integrity Commissioner shall appear to present his or her report to Council.
- d. The Integrity Commissioner shall report annually to Council on the number of complaints filed by way of a memo to Council, in November of each calendar year. The Integrity Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.

Section 13 - Review

Council shall review this Code in the second year following an election.

Acknowledgement of Understanding and Compliance

The undersigned Member of Council, a Committee, and/or Board of the Town of Arnprior hereby acknowledges receipt of a copy of the Council Code of Conduct By-law No. 7108-20 and agrees to abide by its contents. The Member also acknowledges this form will be kept on file with the Town of Arnprior, and a copy of this signed form was retained by the Member themselves.

Printed Name

Signature of Member

Date