



BY – LAW No. 20-13

The Corporation of the United Counties of Leeds and Grenville

A BY-LAW TO ADOPT A COUNCIL CODE OF CONDUCT

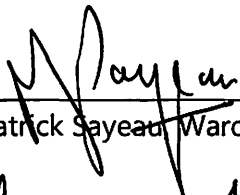
WHEREAS Section 223.2 of the Municipal Act, 2001, S.O., c. 25, as amended, states that a municipality shall establish codes of conduct for members of the Council of the municipality and of its local boards; and

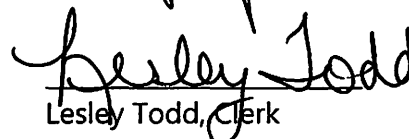
WHEREAS the United Counties of Leeds and Grenville deems it desirable to adopt a Council Code of Conduct.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE UNITED COUNTIES OF LEEDS AND GRENVILLE HEREBY ENACT AS FOLLOWS:

1. **THAT** the Council Code of Conduct attached to this by-law be adopted.
2. **THAT** any by-laws or parts of by-laws contrary to or inconsistent with this by-law are hereby repealed.
3. **THAT** this by-law shall come into force and take effect on the date of its passing.

By-law read a first, second and third time, and finally passed this 19th day of March, 2020.


Patrick Sayean, Warden


Lesley Todd, Clerk

**CODE OF CONDUCT FOR MEMBERS OF COUNCIL
UNITED COUNTIES OF LEEDS AND GRENVILLE**

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CODE OF CONDUCT FOR MEMBERS OF COUNCIL
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AUTHORITY

In accordance with Section 223.2(1) of the Municipal Act, 2001, S.O. 2001, c.25 "a municipality shall establish codes of conduct for members of the Council of the municipality and of its local boards".

PREAMBLE

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all elected and appointed officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the United Counties of Leeds and Grenville's reputation and integrity.

The key statements of principle that underline the *Code of Conduct* are as follows:

- Members shall serve and be seen to serve constituents in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity and to avoid conflicts of interest, both apparent and real;
- Members shall perform their duties in a manner that upholds public confidence; and
- Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and the Federal and Provincial Parliament and the laws and policies adopted by Counties Council.

I. DEFINITIONS

"Counties" means the United Counties of Leeds and Grenville.

"Family Member" includes:

- a) A Spouse of the Member;
- b) A Child of the Member;
- c) A Parent of the Member;
- d) A Sibling of the Member, whether by birth, marriage, or adoption;
- e) A Grandchild, grandparent, aunt, uncle, niece, or nephew of the Member;

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- f) A Parent-in-law of the Member; and
- g) Any person who lives with the Member on a permanent basis.

“Local Board” means a local board as defined in section 1 of the Municipal Act, as amended, other than,

- (a) a society as defined in subsection 2 (1) of the Child, Youth and Family Services Act, 2017;
- (b) a board of health as defined in subsection 1 (1) of the Health Protection and Promotion Act;
- (c) a committee of management established under the Long-Term Care Homes Act, 2007;
- (d) a police services board established under the Police Services Act;
- (e) a board as defined in section 1 of the Public Libraries Act;
- (f) a corporation established in accordance with section 203;
- (g) such other local boards as may be prescribed by the Municipal Act, as amended.

“Member” means a member of Counties Council (by election or by appointment) or of a Local Board to which a person has been appointed by Council.

II. STATUTORY PROVISIONS REGULATING CONDUCT

This Code of Conduct functions in addition to existing legislation and policies governing the ethical behaviour of members of council and of local boards including, but not limited to:

- Council Procedural By-Law and the Joint Services Committee Rules of Procedure Policy
- Council Staff Relations Policy
- Employee Code of Conduct
- Municipal Act
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- Criminal Code of Canada, and
- All applicable municipal, provincial, and federal legislation and policies.

III. APPLICATION

This *Code of Conduct* applies to all members of Counties Council, being the Warden and each Councillor, and to members of Local Boards. It also applies to all members of the

public appointed to committees of Counties Council, where applicable.

IV. GIFTS AND BENEFITS

The objective of the gift provisions is to ensure that Members make Council decisions based on impartial and objective assessments of each situation, free from influence of gifts, favours, hospitality, or entertainment.

The term gifts, commissions, hospitality, rewards, advantages or benefits of any kind, may be used interchangeably and shall be deemed to include all of the aforementioned.

Any stipend paid to a Member is intended to fully remunerate the Member for service to the Municipality.

Members are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commissions, hospitality, rewards, advantages or benefits of any kind, personally or through a Family Member or associate (business or otherwise), 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 by the Member.

Members are prohibited from accepting, directly or indirectly, any gifts, hospitality, or other benefits that are offered by persons, groups, or organizations having dealings with the Municipality.

The above policy does not preclude Members from accepting:

- a) Token gifts, souvenirs, mementoes, or hospitality received in recognition for service on a committee, for speaking at an event, or for representing the Municipality at an event;
- b) Political contributions that are otherwise offered, accepted, and reported in accordance with applicable law;
- c) Food, lodging, transportation, beverages or entertainment provided at meetings, banquets, receptions, ceremonies, or similar events; at which:
 - I. attendance serves a legitimate business purpose;
 - 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

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- d) Food, lodging, transportation, beverages or entertainment provided by other levels of governments, by other local governments, or by local government boards, commissions, and committees;
- e) A stipend from a board or commission that the Member serves on as a result of an appointment by Council;
- f) Reimbursement of reasonable expenses incurred in the performance of office;
- g) Reimbursement of reasonable expenses incurred and honorariums received, in the performance of activities connected with municipal associations;
- h) 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; and
- i) Services provided without compensation by persons volunteering their time for election campaign, provided the services are properly valued in accordance with the *Municipal Elections Act*.

Where it is not possible to decline unauthorized gifts, hospitality or other benefit, Members shall report the matter to the Chief Administrative Officer. The gift shall become the property of the Municipality and the Chief Administrative Officer may require that the gift be retained by the Municipality or be disposed of for charitable purposes in the Chief Administrative Officer's sole discretion.

V. CONFIDENTIAL INFORMATION

Members have a duty to hold information received at closed meetings or provided in strict confidence for as long as and broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

Members must not disclose, use, or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the Counties that is relevant to matters before Council or its committee. Otherwise, they enjoy the same level of access rights to information as any other member of the public and must follow the same processes as any private citizen.

Members must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

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Members shall have regard to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Members shall not use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

VI. USE OF COUNTIES PROPERTY, SERVICES AND OTHER RESOURCES

No Member shall use or permit the use of Counties' land, facilities, equipment, supplies, services, staff, or other resources for activities other than the business of the Corporation. Nor should any Member obtain personal financial gain from the use or sale of Counties' developed intellectual property, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Counties.

VII. ELECTION CAMPAIGN WORK

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No Member shall use the facilities, equipment, supplies, services, or other resources of the Counties for any election campaign or campaign-related activities. No Member shall use the services of Counties staff for municipal campaign-related purposes.

VIII. IMPROPER USE OF INFLUENCE

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

IX. CONFLICT OF INTEREST

Members must be familiar with and comply with the Municipal Conflict of Interest Act, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, a Board, or Committee. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.

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For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the Municipal Conflict of Interest Act as if the Act applied to that interest.

In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- a) in making decisions, always place the interests of the taxpayers and the Counties first and, in particular, place those interests before your personal interests and the interests of other Members, Staff, friends, business colleagues or Family Members;
- b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
- c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
- d) do not make decisions that create an obligation to any other person who will benefit from the decision;
- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues, or Family Members, or any organization that might indirectly benefit such individuals;
- f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues, or Family Members, or any organization that might indirectly benefit such individuals; and
- g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.

Direct or indirect personal interests do not include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council, a Member or benefits available to Council or Members.

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Every Member has the following obligations:

- a) To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) To make Council or the Board or Committee aware of the potential conflict of interest and where appropriate declare the conflict of interest;
- c) To refuse to participate in the discussion of Council, the Board, or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings, or introductions to Staff or Members, or providing advice to any person who would materially advance the matter; and
- e) If the matter, which creates the conflict of interest, is discussed in an In-Camera session, the Member may not attend that portion of the In-Camera session where that matter is discussed.

X. CONDUCT AT COUNTIES COUNCIL AND COMMITTEE MEETINGS

Members shall conduct themselves with decorum at Counties Council and committee meetings in accordance with the provisions of Part VI Section 25 of By-law No. 18-73, a By-law to Govern the Proceedings of Council and Its Committees (Procedural By-law) as amended from time to time. Respect and dignity will be provided to Members, delegations, staff, and members of the general public.

Members shall not distract from the business of Council during presentations or when other Members have the floor.

Members have a responsibility to ensure such decorum occurs, both through their own conduct and by bringing to the attention of the Chair any offensive conduct observed.

Counties Council as a whole has the authority to approve budgets, policy, or process, including the structure and procedures of committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council, resolution, or by-law.

Counties Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable, and transparent manner.

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Members:

- When appointed to Local Boards or other bodies as part of their duties, must make every effort to participate actively in these bodies with good faith and care
- Must uphold the law and conduct themselves with the highest degree of ethical behaviour and integrity
- Must avoid conflict of interest
- Must seek to advance the public interest with honesty and treat members of the public with dignity, understanding, and respect, and
- May not make statements known to be false or make a statement with the intent to mislead Counties Council or the public.

XI. CONDUCT RESPECTING STAFF

The role of Council is to lead through setting policy and budget. The role of staff is to implement Council's decisions and strategies. Mutual respect and cooperation are required to achieve Council's decisions and strategies.

Staff members serve the Counties under the direction of the Chief Administrative Officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council or committee. Members have no individual capacity to direct members of staff to carry out particular functions, except for the Chief Administrative Officer.

Inquiries of staff from Members should be directed to the Chief Administrative Officer, or the appropriate senior staff member as directed by the Chief Administrative Officer.

Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members.

Members shall not:

- Maliciously or falsely injure the professional, or ethical reputation, or the prospects or practice of staff;
- Compel staff to engage in partisan political activities or be subject to threat or discrimination for refusing to engage in such activities;
- Use, or attend to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties; and

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- Obstruct staffs' professional standards and legal obligations, where applicable, so that it does not adversely affect their abilities to perform their duties, and recognize these support the professional standards, Code of Conducts and Ethics already in place for many employees.

XII. DISCREDITABLE CONDUCT

All Members have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies and if applicable, the Counties' Ontario Human Rights Code Violation, Respect in the Workplace, and Misconduct in the Workplace policies.

XIII. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Counties Council. More generally, Members are required to observe the terms of all policies and procedures established by Counties Council, which govern the ethical behaviour of Members.

This provision does not prevent a Member from requesting an exemption from a policy. Council shall exercise its decision by resolution.

XIV. REPRISALS AND OBSTRUCTION

Members shall 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 therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

XV. ACTING ON ADVICE OF INTEGRITY COMMISSIONER

Members may request advice or opinions from the Integrity Commissioner with respect to:

- a) The obligations of the Member under the Municipal Conflict of Interest Act;

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- b) The obligations of the Member under this Code; or
- c) The obligations of the Member under a procedure, rule, or policy of the Municipality governing the ethical behavior of the Member.

Every request for advice or opinion shall be submitted in writing to the County Clerk, who shall forward the request to the Integrity Commissioner for a response.

The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.

Members shall be mindful of the cost to the Municipality to obtain the advice or opinion of the Integrity Commissioner and shall not abuse this entitlement.

The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the Member shares only a portion of an opinion or advice the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.

Council may require any Member to undertake training with the Integrity Commissioner where Council determines that the Member has requested opinions and advice more frequently than is reasonable in the circumstances. The nature of the training will be to better explain the Member's obligations under this Code and the Municipal Conflict of Interest Act to better enable the Member to govern his or her conduct without seeking advice unnecessarily.

XVI. ROLE OF INTEGRITY COMMISSIONER

The Integrity Commissioner shall be appointed by By-law of the Municipality.

The Integrity Commissioner shall operate independently of Council in accordance with all of the authority and powers granted by the Municipal Act and the Public Inquiries Act.

The Integrity Commissioner may delegate his or her duties and powers to any person, other than a Member. The delegation shall be in writing, shall be disclosed to the County Clerk and shall set out the precise delegation, including the duration of the delegation.

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Any delegation shall be at the sole discretion of the Integrity Commissioner, provided the delegate is qualified and capable of independently undertaking the work.

The Integrity Commissioner shall make an assessment prior to undertaking any investigation as to whether the complaint gives rise to the need for another entity to undertake an investigation. In those circumstances where the allegations disclose a potential Criminal Code offence or the breach of other legislation (other than the Municipal Conflict of Interest Act), the Integrity Commissioner shall refer the investigation to the appropriate entity and shall not conduct his or her own investigation unless the entity determines that no investigation is required.

The Integrity Commissioner shall prepare and submit to Council an Annual Report that shall include at a minimum:

- a) A break-down of costs incurred for the following categories of work performed (advice/investigations/dispute resolution/training);
- b) A summary of the nature of requests made and the resolution of the matters, without providing any Confidential Information in the Report; and
- c) Any recommendations for improvements to this Code or processes or any procedure, rule or policy of the Municipality governing the ethical behavior of the Member.

XVII. COMPLIANCE WITH THE CODE OF CONDUCT

Every Member shall comply with this Code. Any breach of this Code may be investigated by the Integrity Commissioner in accordance with this Code and Council shall determine whether to impose any penalty or sanction on a Member found to have breached any provision of this Code.

Every Member has an obligation to cooperate with any investigation.

The Municipal Act authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member that has contravened this Code of Conduct:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect to his or her services as a Member of Council, local Board or Committee, as the case may be, for a period of up to 90 days.

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The Integrity Commissioner may also recommend that Council impose any of the following sanctions:

- a) Written and/or verbal public apology;
- b) Return of property or reimbursement of its value or of monies spent;
- c) Removal from membership of any Committee or Board;
- d) Removal as chair of a Committee or Board;
- e) Other sanctions that are reasonably connected to the breach of this Code of Conduct and which the Integrity Commissioner believes in his or her sole discretion are necessary to modify the behavior of the Member.

XVIII. COMPLAINT PROTOCOL

Any person who has reasonable grounds to believe that a Member has breached this Code may proceed with a complaint and request an investigation. Complaints must be submitted within ninety (90) days after the alleged violation occurred or the alleged violation came to the attention of the complainant. No complaint may be filed under any circumstances where the alleged violation occurred more than six (6) months prior to the complaint being filed.

Appendix I outlines the informal and formal complaint procedure that shall be followed.

APPENDIX I

COMPLAINT PROTOCOL FOR COUNCIL AND LOCAL BOARD CODE OF CONDUCT

PART A: INFORMAL COMPLAINT PROCEDURE

1. Informal complaints can be addressed by any person who believes that the activity of a Member has breached this Code of Conduct or the Municipal Conflict of Interest Act, but the person does not want to initiate a formal complaint. Any person may:
 - a) Advise the Member that his or her behavior or activity appears to constitute a contravention;
 - b) Encourage the Member to acknowledge and agree to stop the prohibited behavior or activity and avoid future occurrences of the prohibited behavior or activity;
 - c) Where the Member agrees to cease the behavior, confirm in writing that the agreement is satisfactory;
 - d) Where the Member's response is not satisfactory, advise the Member of your dissatisfaction with the response; and
 - e) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B.

2. Individuals are encouraged to pursue the informal complaint procedure as the first means of remedying behavior or an activity that they believe violates the Code of Conduct.

PART B: FORMAL COMPLAINT PROCEDURE

FORMAL COMPLAINTS

1. Any individual who identifies or witnesses behavior or an activity by a Member that they believe is in contravention of this Code of Conduct or the Municipal Conflict of Interest Act, may file a formal complaint.
2. Any person may file a complaint with the Municipality by submitting in writing the prescribed Complaint Form to the County Clerk. The form must contain an attestation from the complainant that they believe that the facts as set out in the complaint are true to the best of their knowledge and belief and that they make those statements as if they were under oath.
3. Every complaint shall include the following:
 - a) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct or the Municipal Conflict of Interest Act and specify the provision(s) of the Code and/or Municipal Conflict of Interest Act alleged to have been breached.
 - b) Any witnesses in support of the allegation must be identified in the complaint.
 - c) The Integrity Commissioner may request additional information from the complainant prior to making an assessment.
4. The complaint shall be filed with the County Clerk, who shall forward the matter to the Integrity Commissioner. The County Clerk shall also provide notice to Council by way of confidential internal communication that a complaint has been filed, but no details of the complaint shall be provided other than the fact of a complaint and whether it is a complaint under this Code of Conduct, the Municipal Conflict of Interest Act, or other policy.
5. If the complaint is not, on its face, a complaint with respect to non-compliance with this Code of Conduct or the Municipal Conflict of Interest Act, or the complaint is covered by other legislation or complaint procedure under another policy, the Integrity Commissioner shall refer the complainant to the appropriate entity for investigation, advise the complainant in writing, suspend the investigation until

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after the matter has been finally disposed of, and report the suspension of the investigation to Council.

REFUSAL TO CONDUCT INVESTIGATION

6. 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 and, where this becomes apparent in the course of an investigation shall terminate the investigation. The Integrity Commissioner shall communicate this position in writing to the complainant and the Member identified in the complaint.

OPPORTUNITIES FOR RESOLUTION

7. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution at the discretion of the Integrity Commissioner.

PRELIMINARY REVIEW/INVESTIGATION

8. The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
 - a) provide the complaint and supporting material to the Member whose conduct is in question within 10 business days of the determination that an investigation will proceed. A request will be included that the Member provide any written response to the Integrity Commissioner within 10 business days;
 - b) provide a copy of any response from the Member to the complainant within 10 business days. A request will be included that the complainant provide any written response to the Member's response within 10 business days;
 - c) provide a copy of any response from the complainant to the Member within 10 business days. A request will be included that the Member provide any written response to the complainant's response within 10 business days;

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- d) If, after reviewing all materials as part of the preliminary review, the Integrity Commissioner proceeds with a formal investigation, the following steps may be utilized as part of the investigation process;
- e) the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any work location of the Municipality relevant to the complaint for the purpose of investigation and potential resolution;
- f) the Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay, or retaliation encountered during the investigation; and
- g) the Integrity Commissioner may extend deadlines at his discretion.

TIMING OF COMPLAINTS IN RELATION TO MUNICIPAL ELECTIONS

- 9. The report for completed investigations must be submitted to Council on or before Nomination Day in the year of a municipal election.
- 10. Investigations of complaints that are not completed as of Nomination Day in an election year shall be terminated on Nomination Day.
- 11. The complainant, or the Member, or former Member whose conduct was at issue may re-commence the complaint within six (6) weeks of Voting Day by submitting a written request to the Integrity Commissioner, who shall, provided the request is received on or before six (6) weeks from Voting Day, recommence the investigation.
- 12. In addition, on or after Nomination Day until the end of Voting Day in the year of a municipal election:
 - a. no complaint shall be filed;
 - b. the Integrity Commissioner shall not report to the Municipality about an ongoing investigation; and
 - c. the Municipality shall not consider whether to impose any penalty on a Member subsequent to an investigation.

COMPLAINTS UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

13. After March 1, 2019, an elector as defined in section 1 of the Municipal Conflict of Interest Act, or a person demonstrably acting in the public interest, may submit a request to the Integrity Commissioner to conduct an investigation concerning an alleged contravention of section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act by filing with the County Clerk a completed and signed complaint form.
14. No request may be submitted more than six (6) weeks after the complainant became aware of the alleged contravention.
15. A request for an investigation in an election year may only be submitted prior to Nomination Day or after Voting Day.
16. In the event that a complainant becomes aware of the alleged contravention within the period of time starting six (6) weeks before Nomination Day in an election year, the complainant may apply to the Integrity Commissioner within six (6) weeks after the day after Voting Day, provided that the complainant includes in their written request for an investigation a statutory declaration attesting to the fact that the complainant became aware of the contravention not more than six (6) weeks before the date of the request, or in the case where a complainant became aware of the alleged contravention prior to Nomination Day, a declaration that the facts were not known to the complainant more than six (6) weeks prior to Nomination Day.
17. The Integrity Commissioner has all the powers set out in the Municipal Act and the Public Inquiries Act when undertaking an investigation under this section and shall follow the investigation process established in paragraph 8 above.
18. Where an investigation has not been completed before Nomination Day in an election year, the Integrity Commissioner shall terminate the investigation on that day.
19. An investigation terminated pursuant to paragraph 18 above shall not be recommenced unless the person who made the request, or the Member whose conduct is at issue, applies in writing to the Integrity Commissioner to recommence the investigation.

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20. The Integrity Commissioner shall complete the investigation within 180 days of receipt of the complaint, unless the investigation is terminated in accordance with paragraph 18 above.
21. The Integrity Commissioner may, after completing an investigation, apply to a judge in accordance with the Municipal Conflict of Interest Act for a determination under the Act. Prior to making an application to Court, the Integrity Commissioner shall present to Council a request to make the application and allow Council to provide recommendations to the Integrity Commissioner as to whether such an application should be made. The Integrity Commissioner is not bound by the advice or recommendation of Council and shall refer the matter to a judge in his or her sole discretion.

RECOMMENDATION REPORT

22. The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the official receipt of the complaint (180 days in the case of a compliant under the Municipal Conflict of Interest Act). If the investigation process takes more than 90 (180) days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.
23. After completing the investigation, the Integrity Commissioner shall prepare a report which, shall make findings of fact and conclusions as to whether a breach of this Code of Conduct or the Municipal Conflict of Interest Act occurred, as the case may be, make recommendations to Council, and in the case of a Municipal Conflict of Interest Act investigation, make a determination as to whether or not the matter will be referred to the court, and include written reasons for the decision.
24. The report of the Integrity Commissioner shall be published by posting the report on the Municipal website and making a copy available to all Members of Council and the Members of the Board or Committee, as applicable.

MEMBER NOT BLAMEWORTHY

25. If the Integrity Commissioner determines that there has been no contravention of this Code of Conduct or the Municipal Conflict of Interest Act, or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity

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OF THE UNITED COUNTIES OF LEEDS AND GRENVILLE**

Commissioner may so state in the report and may make appropriate recommendations.

26. Where a Member has sought and followed advice from the Integrity Commissioner and is subsequently the subject of a complaint, the Integrity Commissioner may refer to the earlier advice and, provided that the facts as set out in the earlier advice are still applicable, determine in a summary manner that there has been no breach of this Code of Conduct or the Municipal Conflict of Interest Act.

PUBLIC DISCLOSURE

27. The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
28. The Integrity Commissioner shall retain all records related to the complaint and investigation.
29. At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as Confidential Information if the Integrity Commissioner finds that it is necessary to disclose that person's identity.

(Date)

(Signature of Member)

Please send all requests for advice directly to the Integrity Commissioner, Tony Fleming, **by e-mail** at t Fleming@cswan.com.

The Clerk will be informed by the Integrity Commissioner that a request for advice has been received by you, but no other details will be shared as advice provided to a member is confidential to the member.

United Counties of Leeds and Grenville
25 Central Ave. West, Suite 100
Brockville, ON, K6V 4N6

REQUEST FOR INQUIRY FORM:
CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND
COMMITTEES OF THE MUNICIPALITY

Name: _____

Home Address _____
(Street name, house #, P.O. Box #, city, postal code)

Mailing Address _____
(if different from home address)

Home phone #: _____

Phone/Cell phone #: _____

Email address: _____

I, _____, hereby request the Integrity Commissioner for the United Counties of Leeds and Grenville to conduct an inquiry pursuant to section 223.4 of the *Municipal Act*, 2001. The particulars of the request for inquiry regarding the code of conduct of a member of Council, of a Local Board or of a Committee of the Municipality are as follows:

[Please provide section(s) of the alleged contravention(s) of the Code of Conduct, date(s), time(s) and location(s) of conduct, name(s) of member(s) and of all persons alleged to be involved, including witness names and their contact information including home and cell phone numbers. If you require more space, please use the attached Schedule "A" form. Please attach copies of all documents relevant to the requested investigation]:



Schedule "A"

United Counties of Leeds and Grenville

25 Central Ave. West, Suite 100

Brockville, ON, K6V 4N6

APPLICATION FOR INQUIRY FORM/AFFIDAVIT
MUNICIPAL CONFLICT OF INTEREST ACT, R.S.O. 1990, c. M.50

Name: _____

Home Address _____
(Street name, house #, P.O. Box #, city, postal code)

Mailing Address _____
(if different from home address)

Home phone #: _____

Cell phone #: _____

Email address: _____

***It is an offence under the Criminal Code of Canada to knowingly swear a false affidavit**

I, _____ [Print full name] of
_____ [municipal address] in the
Province of Ontario MAKE OATH AND SAY [or AFFIRM]: that [place an "X" next to **one of the following**]:

_____ I became aware of the alleged contravention(s) not more than six weeks prior to the date of this application; OR

_____ I became aware of the alleged contravention(s) within the period of time starting six weeks before nomination day for the municipal election and ending on voting day. **[NOTE: An application brought under this exception may only be made within six weeks after the day after voting day]**

SCHEDULE "A"