

THE CORPORATION OF THE TOWNSHIP OF RED ROCK

BY-LAW 2023-1336

**Being a By-law to adopt procedures
with respect to Integrity Commissioner Inquiry Protocol**

WHEREAS the Council of the Township of Red Rock deems it advisable to establish procedures with respect to Integrity Commissioner Inquiries within the Township of Red Rock;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF RED ROCK ENACTS AS FOLLOWS:**

1. That a procedure with respect to Integrity Commissioner Inquiries within the Township of Red Rock be established as set out in Schedule "A" of this By-law
2. That this By-law be cited for all purposes as "Township of Red Rock Integrity Commissioner Inquiries Procedures By-law"
3. This by-law shall come into force and take effect on the date of final passing

Read a first and second time

This 11th day of September, 2023

Read a third time and finally passed

This 11th day of September, 2023



Mayor



Chief Administrative Officer/Clerk

**By-Law 2023-1336
SCHEDULE "A"**

SECTION 1: Provisions of the Municipal Act, 2001 Regarding Closed Meeting Investigations

Meetings open to public

239. (1) Except as provided in this section, all meetings shall be open to the public.

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

Other criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act.

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- 1. The meeting is held for the purpose of educating or training the members.
- 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.

Exception

- (6) Despite section 244, a meeting may be closed to the public during a vote if,
 - (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

Record of meeting

(7) A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.

Same

- (8) The record required by subsection (7) shall be made by,
 - (a) the clerk, in the case of a meeting of council; or
 - (b) the appropriate officer, in the case of a meeting of a local board or committee.

Record may be disclosed

(9) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1).

Investigation

239.1 A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in subsection 239.2 (1); or
- (b) by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator referred to in subsection 239.2 (1).

Investigator

239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation.

Powers and duties

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.

Matters to which municipality is to have regard

(3) In appointing an investigator and in assigning powers and duties to him or her, the municipality shall have regard to, among other matters, the importance of the matters listed in subsection (5).

Same, investigator

(4) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5).

Same

- (5) The matters referred to in subsections (3) and (4) are,
- (a) the investigator's independence and impartiality;
 - (b) confidentiality with respect to the investigator's activities; and
 - (c) the credibility of the investigator's investigative process.

Delegation

(6) An investigator may delegate in writing to any person, other than a member of council, any of the investigator's powers and duties under this Part.

Same

(7) An investigator may continue to exercise the delegated powers and duties, despite the delegation.

Status

- (8) An investigator is not required to be a municipal employee.

Application

(9) Subsection 223.13 (6) and sections 223.14 to 223.18 apply with necessary modifications with respect to the exercise of functions described in this section.

Report and recommendations

(10) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the investigator shall report his or her opinion and the reasons for it to the municipality or local board, as the case may be, and may make such recommendations as he or she thinks fit.

Publication of reports

(11) The municipality or local board shall ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are made available to the public.

SECTION 2: Provisions of the Municipal Act, 2001 Regarding Integrity Commissioners

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize 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:

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, the municipality and the public 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).

Powers and duties

(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.

Delegation

(3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part.

Note: see limitation in Personal Service Agreement specifically 3.10 – Delegation of Authority

Same

(4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation.

Status

(5) The Commissioner is not required to be a municipal employee

Inquiry by Commissioner

223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member.

Powers on inquiry

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry.

Information

(3) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry.

Same

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry.

Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.

Same

(6) The local board may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if the municipality has not imposed a penalty on the member under subsection (5) in respect of the same contravention.

Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act*

223.4.1 (1) This section applies if the Commissioner conducts an inquiry under this Part in respect of an application under subsection (2). 2017, c. 10, Sched. 1, s. 21.

Application

(2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board. 2017, c. 10, Sched. 1, s. 21.

No application for inquiry during regular election

(3) No application for an inquiry under this section shall be made to the Commissioner during the period of time starting on 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. 2017, c. 10, Sched. 1, s. 21.

Timing

(4) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 1, s. 21.

Exception

(5) Despite subsection (4), 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:

1. 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.
2. 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*. 2017, c. 10, Sched. 1, s. 21.

Content of application

(6) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where an applicant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection (5), a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time. 2017, c. 10, Sched. 1, s. 21.

Inquiry

(7) The Commissioner may conduct such inquiry as he or she considers necessary. 2017, c. 10, Sched. 1, s. 21.

Public meeting

(8) If the Commissioner decides to conduct an inquiry, the Commissioner may have a public meeting to discuss the inquiry. 2017, c. 10, Sched. 1, s. 21.

Powers on inquiry

(9) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2017, c. 10, Sched. 1, s. 21.

Information

(10) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 1, s. 21.

Same

(11) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 1, s. 21.

Termination of inquiry when regular election begins

(12) 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. 2017, c. 10, Sched. 1, s. 21.

Same

(13) If an inquiry is terminated under subsection (12), 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 who made the application or the member or former member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out. 2017, c. 10, Sched. 1, s. 21.

Timing

(14) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (12). 2017, c. 10, Sched. 1, s. 21.

Completion

(15) Upon completion of the inquiry, the Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for

a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act. 2017, c. 10, Sched. 1, s. 21.

Notice to applicant re decision not to apply to judge

(16) The Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge. 2017, c. 10, Sched. 1, s. 21.

Reasons after inquiry

(17) After deciding whether or not to apply to a judge, the Commissioner shall publish written reasons for the decision. 2017, c. 10, Sched. 1, s. 21.

Costs

(18) The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of council of a municipality, the municipality.
2. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of a local board, the local board. 2017, c. 10, Sched. 1, s. 21.

Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.

Exception

(2) Despite subsection (1), information may be disclosed in a criminal proceeding as required by law or otherwise in accordance with this Part.

Section prevails

(3) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

Report to council

223.6 (1) If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.

Report about conduct

(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report.

Publication of reports

(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public.

Testimony

223.7 Neither the Commissioner nor any person acting under the instructions of the Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under this Part.

Reference to appropriate authorities

223.8 If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code* (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to council.

SECTION 3: Municipality's Code of Conduct

1. Purpose

The purpose and intent of this policy, is to establish guidelines for ethical and interpersonal standards of conduct for Members of Council.

2. Standard of Conduct

It is understood that attaining an elected position is a privilege which carries significant responsibilities and obligations. It is further understood that Council members are to held to a higher standard of behavior and conduct that the general public. Council members must be independent, objective and responsible to the people. Members are to be expected to act with integrity and fairness that will bear the closest scrutiny.

Members can become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

At the commencement of each term, Members of Council will be expected to sign two copies of the Code of Conduct, and convey to each other and all stakeholders that they read, understand, accept, and agree to abide by it.

3. Conflict of Interest

Members must follow the letter and spirit of provisions of the *Municipal Act (2001)* and the *Municipal Conflict of Interest Act*.

4. Communication

- a) Members will accurately and adequately communicate the decisions of Council, even if they disagree with a majority decision.
- b) Members are to respect the decision making processes of Council.
- c) Councillors must convey and conduct Council business in an open and public manner {other than those matters excluded by section 239(2) Municipal Act (2001)} so that stakeholders may learn the process, logic and rationale which are used to reach conclusions or decisions.
- c) Council members will speak respectfully of each other, staff, the municipality, and all Council decisions.
- d) Councillors will not comment on other members or staff in a manner which casts aspersions on their professional competence and/or credibility.

5. Confidential Information

Every municipal Council Member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the municipality. The following shall be considered breaches of the Code of Conduct:

To use confidential information, which is not available to the general public, and to which Members of Council have access by reason of his/her position with the municipality to further his/her personal interests or the interests of others.

To disclose, either directly or indirectly, release, make public or in any way divulge any such information (verbal or written) or any aspect of the "In-Camera" session deliberations to anyone, unless expressly authorized by Council or Required by law to do so.

To disclose to unauthorized persons confidential information to which the Member of Council has access by reason of his/her position as a Member of Council with the municipality.

Council shall comply with the *Municipal Freedom of Information and Protection of Privacy Act* at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

6. Relationship with Staff

Only Council as a whole can direct staff members to carry out specific

functions.

Council members agree that staff members have a duty to the whole Council rather than any individual member.

Members shall be respectful of the role of staff to advise based on objectivity and without undue influence from any individual member of Council.

No Member shall use, or attempt to use, their authority or influence for the purposes 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.

7. Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other members of Council, Town employees, volunteers, individuals providing services on contract, students on placements and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

8. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability. "Age", "disability", "family status", "same sex partnership" shall be as defined in the *Human Rights Code*.

9. Not to Engage in Harassment

Harassment shall mean engaging in a course of vexatious comment or conduct or conduct that is known or ought reasonable to be known to be unwelcome.

Harassment includes harassment prohibited by Human Rights Code, Occupational Health & Safety Act and the Township Anti-Harassment Policy. Members of Council shall not:

1. Make racial, homophobic, sexist or ethnic slurs.
2. Display offensive or derogatory material.
3. Make offensive or suggestive gestures.
4. Make written or verbal abuse or threats.
5. Vandalize personal property.

6. Make unwelcome or demeaning remarks, gestures, jokes which cause embarrassment or awkwardness.
7. Make unwanted physical contact, including touching, patting or pinching or demand sexual favours or requests.
8. Display patronizing behavior which undermines self-respect or adversely affects work performance.

10. Use of Town Property

The Township of Red Rock strictly prohibits the use of Township of Red Rock buildings, equipment and property for conducting unapproved business for any personal, alternate sources of employment, compensated or otherwise, or for any home-based business.

11. Breach of Policy

Any member of Council including the Mayor may submit a confidential written allegation of a breach of the Code of Conduct for Council to the Chief Administrative Officer.

The Chief Administrative Officer shall hold the allegation in confidence and shall place the personal matter on the next Regular or Special Meeting of Council Agenda In-Camera session.

When the matter is addressed at the next Council Meeting In-Camera, the party that is subject of the allegation may ask to have the matter tabled to allow said party to obtain legal counsel. In such case, a second meeting of Council In-Camera will be held during the next regular meeting of Council. The Party, so alleged, may then introduce evidence including witnesses and legal counsel to support his or her position.

Should Council determine that a Member has potentially breached a policy of the Code of Conduct, Council shall report that such a determination has been made and pass a resolution as to the outcome and the consequences. This resolution shall be ratified by resolution in open session.

Should Council feel that a breach may have occurred, but is unable to make a determination, Council may pass a resolution requesting a Judge of the Ontario Superior Court of Justice to conduct an investigation.

Should a breach occur consequences for such breach may include, but are not limited to, removal from Committee assignments either permanently or for an interim period of time, barring member from attendance of a closed session meeting either permanently or for an interim period, bar the member from being circulated/informed of confidential materials/matters,

withhold honorarium for a period not longer than 3 months or demand an apology.

All breaches under this By-Law will be fair and in keeping with the severity of the infraction.

Nothing in this section restricts or attempts to countermand a Councilor's legal right to challenge a decision by Council.

SECTION 4: Approved Complaint Response/Investigation Procedure

Part One: General:

Engagement of Integrity Commissioner

If the Integrity Commissioner is engaged to pursue a formal complaint, they shall investigate the matter impartially, interviewing such witnesses, and reviewing such documents, as they consider necessary to undertake a fair and equitable investigation with due diligence, implementing the requirements of natural justice and procedural fairness.

Integrity Commissioner Jurisdiction

Integrity Commissioners investigate 3 distinct types of matters: (a) Complaints that a member of Council has violated the Council Code of Conduct; or (b) Complaints that a member of Council has violated the Municipal Conflict of Interest Act; and (c) Complaints that a Council has undertaken meetings that disallowed attendance by members of the public ("closed meetings") without lawful authority.

All Matters: Informal Proceedings Remain Available

Regardless of the type of the complaint, an informal resolution may be possible, even after the formal proceeding has begun. The Integrity Commissioner will, if the parties agree, attempt to resolve matters informally. Should informal resolution remain elusive, the formal procedure will re-commence.

Complaints Outside Integrity Commissioner Jurisdiction

If the complaint involves something other than the Council Code of Conduct, the Municipal Conflict of Interest Act, or the closed meeting provisions of the Municipal Act, the complainant shall be advised that the investigation of the complaint is not within the jurisdiction of the Integrity Commissioner.

If the complaint, on its face, is an allegation of a criminal nature pursuant to 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.

Part Two: Informal Complaint Procedure:

Any person who has reasonable grounds to believe that a member of Council has contravened the Code of Conduct, or has contravened the Municipal Conflict of Interest Act, or believes that the Council has entered one or more closed session meetings inappropriately, may proceed through an Informal Complaint Procedure. Informal resolution is to be encouraged, wherever possible.

(a) Code of Conduct Matters:

Any individual who identifies or witnesses behaviour or activity by a sitting member of Council, that appears to be in contravention of the Code of Conduct for Members of Council may address the prohibited behaviour or activity themselves in the following manner:

The Complainant shall:

- a) advise the member of Council that their behaviour or activity appears to contravene the Code;
- b) request that the member of Council immediately discontinue the prohibited behaviour or activity and take steps to avoid future occurrences of the prohibited behaviour or activity;
- c) keep a written record of the incident including date, time, location, other persons present, and any other relevant information;
- d) if applicable, advise the member of Council regarding their satisfaction with the response, or, if applicable; advise the member of Council of their dissatisfaction with the response; and,
- e) consider the need to pursue the matter in accordance with the formal complaint procedure outlined below, or in accordance with an applicable judicial process.

An individual is encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code.

However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing the formal complaint procedure.

(b) Municipal Conflict of Interest Act Matters:

Any individual who identifies or witnesses behaviour or activity by a sitting member of Council, that appears to be in contravention of the Municipal Conflict of Interest Act may address the prohibited behaviour or activity themselves in the following manner:

The Complainant shall:

- a) Advise the member of Council that their behaviour or activity appears to contravene the legislation;
- b) Request that the member of Council immediately identify the issue to the Clerk, and make a written record of the contravention;
- c) Keep a written record of the incident including date, time, location, other persons present, and any other relevant information;
- d) If applicable, advise the member of Council regarding their satisfaction with the response, or, if applicable; advise the member of Council of their dissatisfaction with the response; and,
- e) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined below, or in accordance with an applicable judicial process.

An individual is encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the legislation. However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing the formal complaint procedure.

(c) Closed Session Meeting Matters:

Any individual who believes that the Council has entered into a meeting that excludes attendance by members of the public, in contravention of the Municipal Act, may address the issue themselves in the following manner:

The Complainant shall:

- a) Advise the Clerk of their concerns, being specific in terms of dates and times of meetings, and the nature of the discussions alleged to have taken place in contravention of the Municipal Act;
- b) Request that the Clerk respond in writing;
- c) Receive and review the Clerk's written response; and,
- d) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined below, or in accordance with an applicable judicial process.

The Clerk, upon receiving the complaint, shall investigate the circumstances and shall report back to the complainant, in writing, with a copy to all members of Council. The time frame within which the Clerk shall respond may vary in accordance with the nature

of the complaint, but in no case will exceed sixty (60) days.

An individual is encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the legislation. However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing the formal complaint procedure.

Informal Conclusion

If the matter is resolved informally to the parties' satisfaction, no report is provided to the Council.

If the matter is not resolved informally, the complainant shall consider whether they wish to:

- a) discontinue further investigation of the complaint;
- b) proceed to a formal complaint procedure; or
- c) consider the need to pursue the matter in accordance an applicable judicial process.

Part Three: Formal Complaint Procedure

Any person who has reasonable grounds to believe that a member of Council has contravened the Code of Conduct, or has contravened the Municipal Conflict of Interest Act, or believes that the Council has entered one or more closed session meetings inappropriately, may proceed through a Formal Complaint Procedure. A formal complaint may be submitted whether or not an Informal Complaint has been pursued.

All Matters: Formal Proceedings

Formal investigation shall proceed firstly with an initial review. This is undertaken by the Clerk, however, the Clerk may consult with the Integrity Commissioner if they have questions. This initial review will determine whether or not the complaint is complete, and whether or not the complaint is within the jurisdiction of the Integrity Commissioner.

If the complaint is incomplete, the Clerk shall respond to the complainant, detailing any further information required. If the complaint is not within the Integrity Commissioner's jurisdiction, the Clerk shall advise the complainant. If the complaint is complete and is within the Integrity Commissioner's jurisdiction, the Clerk shall proceed to engage the Integrity Commissioner.

Note that the Integrity Commissioner may not be able to retain the identity of the complainant in confidence, however, if the Integrity Commissioner determines that confidentiality is not to be afforded, they shall tell the complainant, in writing, of that decision, and the reasons for it, and shall allow the complainant a reasonable time to either concur or to withdraw their complaint.

(a) Code of Conduct Matters

Individuals who have reasonable grounds to believe that a member of Council has contravened the Code of Conduct may proceed through a Formal Complaint Procedure.

The Complainant shall:

- a) make their complaint, legibly, in writing, addressed to the Clerk, detailing the person(s) who have allegedly violated the Code of Conduct, and the nature of the activities which are alleged to make up the violation;
- b) indicate whether informal resolution was attempted before the formal complaint was made;
- b) set out reasonable and probable grounds for the allegation; and
- c) indicated whether they wish their identity to be confidential, and, if so, why.

(b) Municipal Conflict of Interest Act Matters:

Any individual who identifies or witnesses behaviour or activity by a sitting member of Council, that appears to be in contravention of the Municipal Conflict of Interest Act may formally address the prohibited behaviour or activity themselves in the following manner:

The Complainant shall:

- a) make their complaint, legibly, in writing, addressed to the Clerk, detailing the person(s) who have allegedly violated the legislation, and the nature of the activities which are alleged to make up the violation;
- b) Indicate whether informal resolution was attempted before the formal complaint was made;
- b) set out reasonable and probable grounds for the allegation; and
- c) indicated whether they wish their identity to be confidential, and, if so, why.

The Integrity Commissioner may determine that the matter is serious enough that it should proceed to court. If so, they have full authority to undertake the court application, at the cost of the Township.

If the Integrity Commissioner determines that a court application is not required, they

must include, in their written report to the Council, the reasons for determining that the court application is not required.

(c) Closed Session Meeting Matters:

Any individual who identifies or witnesses circumstances where they believe that the Council entered into a closed session meeting without Municipal Act authority may formally address the matter in the following manner:

The Complainant shall:

- a) make their complaint, legibly, in writing, addressed to the Clerk, detailing the meeting(s) for which the legislation was allegedly violated, and the nature of the activities which are alleged to make up the violation;
- b) Indicate whether informal resolution was attempted before the formal complaint was made;
- b) set out reasonable and probable grounds for the allegation; and
- c) indicated whether they wish their identity to be confidential, and, if so, why.

All Matters: Report to Council

The Integrity Commissioner shall undertake their investigation, following the rules of procedural fairness and natural justice. They shall make a formal written report of their findings, and provide it to the Clerk for presentation to Council.

Council shall review the report of the Integrity Commissioner and may:

- a) Receive the report for information, with no further action required;
- b) Agree with the findings of the Integrity Commissioner, but not accept any recommendations of the Integrity Commissioner relating to sanctions for wrongdoing;
- c) Agree with the findings of the Integrity Commissioner and accept the recommendations of the Integrity Commissioner relating to sanctions for wrongdoing; or
- d) Disagree with the findings of the Integrity Commissioner.