



# **CODE OF CONDUCT**

FOR MEMBERS OF COUNCIL,  
LOCAL BOARDS  
AND  
COMMITTEES  
FOR THE  
CORPORATION OF  
THE TOWNSHIP OF LUCAN BIDDULPH

APPROVED BY  
LUCAN BIDDULPH COUNCIL  
ON JUNE 15, 2021

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## **CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND COMMITTEES FOR THE CORPORATION OF THE TOWNSHIP OF LUCAN BIDDULPH**

The Township of Lucan Biddulph is committed to achieving the highest quality of municipal administration and governance by encouraging high standards of conduct on the part of all elected officials. A Code of Conduct aims to ensure public trust and confidence in the Township's decision making and operations. Adherence to these standards will protect and maintain the Township's integrity and fairness in its decision-making process.

The Township of Lucan Biddulph Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council.

The following federal and provincial legislation governs the conduct of members:

- *the Municipal Act, 2001*
- *the Municipal Conflict of Interest Act*
- *the Municipal Elections Act, 1996*
- *the Municipal Freedom of Information and Protection of Privacy Act*
- *the Provincial Offences Act*
- *the Ontario Human Rights Code*
- *the Criminal Code of Canada*
- *the Occupational Health and Safety Act*
- the by-laws and policies of Council as adopted and amended from time to time

### **Part 1: Application and Purpose**

This Code of Conduct applies to all Council Members and Local Boards for the Corporation of the Township of Lucan Biddulph. Members have important obligations and responsibilities to those they represent, service and interact with in connection with carrying out the roles and duties attending a Member's office.

The purpose and intent of this Code of Conduct is as follows:

- i) To establish guidelines for ethical conduct required of Members:
- ii) To establish guidelines to encourage and ensure interpersonal conduct, communications and interactions consistent with legal requirements (i.e. *Occupational Health and Safety Act, Ontario Human Rights Code*); and
- iii) To provide mechanisms to ensure accountability and compliance with the required ethical and interpersonal conduct standards of this Code of Conduct.

### **Part 2: Definitions**

2.1 For the purpose of this Code of Conduct the following definitions apply:

- a) "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 as a child of his or her family;
- b) "Clerk" shall mean an Employee authorized to act as the Clerk of the Township.
- c) "Closed Meeting" shall mean a meeting or part of a meeting of Council not open to the public in accordance with the *Municipal Act, 2001*, as amended.
- d) "Committee" shall mean a Committee established by Council
- e) "Complaint" shall mean an alleged violation of this Code.
- f) "Confidential Information" includes information in the possession of the Township that the Township is prohibited from disclosing under the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act, 2004* and other applicable legislation. Confidential Information also means any information that is of a personal nature to Township employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Township or could

give the person to whom it is disclosed an advantage. Confidential Information includes items disclosed or discussed at closed sessions of Council and Committee meetings.

- g) "Council" shall mean the elected officials who constitute municipal council for the Corporation of the Township of Lucan Biddulph.
- h) "Employee" shall mean a person employed by the Township, including those employed on personal service contracts and volunteers, but does not include members of Council.
- i) "Gift and benefits" means any cash or monetary equivalent fee, object of value, service, forbearance, preferential treatment or personal benefit received from a third party.
- j) "Good faith" means in accordance with standards of honesty, trust and sincerity.
- k) "Integrity Commissioner" means the Integrity Commissioner appointed by Council pursuant to the *Municipal Act, 2001*.
- l) "Local Board" means a local board as defined in section 223.1 of the *Municipal Act, 2001*.
- m) "Member" means a member of Council or a Local Board or Committee member, unless the context otherwise requires.
- n) "Parent" means a person who is the natural parent of a child and includes a person who has demonstrated a settled intention to treat a child as a member of his or her family.
- o) "Spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.
- p) "Township" means the Township of Lucan Biddulph.

### **Part 3: General Integrity**

- 1.1 Members of Council are committed to performing their functions with integrity, accountability and transparency.
- 1.2 Members of Council are responsible for complying with all applicable legislation, by-laws and policies pertaining to their positions as elected officials.
- 1.3 Members of Council recognize that the public has a right to open government and transparent decision-making.
- 1.4 Members of Council shall at all times serve and be seen to serve the interests of their constituents and the Township in a conscientious and diligent manner and shall approach decision-making with an open mind.
- 1.5 Members shall avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.
- 1.6 In the discharge of their official duties, Members of Council shall not extend preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a Councillor's private or personal interest.
- 1.7 For greater clarity, this Code does not prohibit members of Council from properly using their influence on behalf of constituents.

## **Part 4: Conflict of Interest**

- 4.1 Members have strict obligations to avoid conflicts of interest by taking the following steps whenever a member has a direct or indirect pecuniary interest in any matter that is before Council in a meeting where the member is present:
- a) disclose the general nature of the member's interest prior to any consideration of the matter in the meeting;
  - b) refrain from participating in the discussion of the matter or in any vote on the matter; and,
  - c) refrain from attempting to influence the voting on the matter or question, before, during or after the meeting.
- 4.2 All members have important ethical and statutory obligations to adhere to the steps outlined above to ensure avoidance of any conflict of interest in connection with carrying out the obligations of the Member's office. Each Member must declare the conflict of interest and general nature thereof verbally at the beginning of each meeting and provide the Clerk with the signed declaration in accordance with *Appendix D* attached.
- 4.3 When an elector or person demonstratively acting in the public interest has reasonable grounds to believe that a Member of Council or a Member of a Local Board has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, 1990 (MCIA) a complaint can be submitted in writing to the Integrity Commissioner. A complaint must be made within six (6) weeks of the complainant becoming aware of the alleged contravention. All complaints must be signed by an identifiable individual (the "complainant") and must clearly indicate and include:
- a) The Member to whom the complaint relates;
  - b) An explanation with specific reference to sections of the MCIA as to why the issue raised is alleged to be a contravention of the MCIA;
  - c) Any evidence in support of the allegation;
  - d) Any witnesses in support of the allegation;
  - e) Contact information for the complainant during normal business hours; and
  - f) A sworn declaration attesting to the fact that the complainant became aware of the alleged contravention not more than six (6) weeks before the date of the Application.

The Integrity Commissioner shall undertake an initial review of the complaint and shall determine whether the matter relates to non-compliance with the MCIA. If it does not, or the Integrity Commissioner determines that he or she does not have jurisdiction to investigate the complaint, the complaint is frivolous, vexatious, or made in bad faith, or there is insufficient basis to conduct an investigation, the Integrity Commissioner shall inform the complainant in writing accordingly.

If the Integrity Commissioner deems the complaint to be within his or her jurisdiction under the MCIA and deems the request to have merit, the Integrity Commissioner will conduct an inquiry and, thereafter, will report to Council the details and results of such inquiry. Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge under Section 8 of the MCIA for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of that Act. The Integrity Commissioner shall advise the complainant if the Integrity Commissioner will or will not be making such an application to a judge.

## **Part 5: Confidential Information**

- 5.1 By way of their office, Members of Council acquire confidential information from a variety of different sources including but not limited to confidential personal information related to constituents who have contacted their office, confidential information relating to matters before Council, and personal information of Municipal employees.
- a) Confidential information includes information in the possession of, disclosed to, or received in confidence by the Township or Members of Council which, pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”), the *Municipal Act 2001*, the terms of a contract or a call for bids and tenders, or by operation of law, the Township is either prohibited from disclosing (for example, personal information), or is permitted to maintain in confidence (for example, legal advice).
  - b) A Member of Council shall not use or disclose information received or obtained in his or her capacity as a member which is not available to the general public to further or seek to further the member’s private interest or to improperly further or seek to further another person’s private interest.
  - c) Members of Council shall not disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.
  - d) For the sake of greater clarity, and without limiting the generality of the foregoing statements, where a matter has been discussed in closed session, and where the matter remains confidential, Members of Council shall not disclose the content of the matter or the substance of the deliberations of the closed session except when required by law or authorized by Council to do so.

## **Part 6: Conduct at Council/Committee Meetings**

- 6.1 Members of Council shall conduct themselves in a civil manner with decorum at all Council, Committee and other meetings in accordance with the provisions of the Procedure By-law, this Code and other applicable laws as amended from time to time.

## **Part 7: Discrimination and Harassment**

- 7.1 All Members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. In their dealings with other councillors, municipal staff and administration, and the general public, Members of Council are required to adhere to the *Ontario Human Rights Code* and the Township’s Respect in the Workplace (Harassment and Violence) Policy.

## **Part 8: Improper Use of Influence**

- 8.1 As elected officials Members of Council are expected to perform their duties of office with integrity, accountability and transparency. Members of Council should not use the status of their position to secure the exclusive or extraordinary provision of a municipal service or to influence the decision of another individual, to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise. Furthermore, no member of Council shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purpose.
- 8.2 In the same manner, Members of Council shall not attempt to use their position to interfere with employees, officers or other persons performing their statutory duties under the *Provincial Offences Act*, the *Building Code Act*, the *Fire*

*Protection and Prevention Act, the Planning Act, the Drainage Act or similar legislation.*

### **Part 9: Use of Municipal Property and Resources**

- 9.1 In order to fulfill their roles as elected representatives, Members of Council have access to municipal resources such as property, equipment, services, staff and supplies. No member of Council shall use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources (for example, municipally owned materials, websites, or a Member of Council allotment of budget) for activities other than purposes connected with the discharge of Council duties or municipal business, except in a manner and to the same extent that the use of such property and resources is available to all residents of the Township.
- 9.2 No Member shall obtain financial gain from the use or sale of municipal-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the Township.
- 9.3 Members of Council must also adhere to the Township's Use of Corporate Resources Policy.

### **Part 10: Conduct Respecting Staff**

- 10.1 The *Municipal Act, 2001* sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, and Integrity Commissioner.
- 10.2 The Township's Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the Chief Administrative Officer, the staff serves the Municipal Corporation as a whole and the combined interests of all Members as evidenced through the decisions of Council.
- 10.3 Municipal staff are expected to undertake research and provide advice to council on Municipal policies and programs, carry on the business of running the Township, implement council decisions, establish administrative practices and procedures to carry on municipal operations and implement council decisions, and carry out such other duties as may be required under the *Municipal Act, 2001*, and other relevant legislation.
- 10.4 Members of Council 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 of Council.
- 10.5 Members of Council are expected to:
  - a) Represent the public and to consider the well-being and interests of the Township;
  - b) Develop and evaluate the policies and programs of the Township;
  - c) Determine which services the Township provides;
  - d) Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
  - e) Ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
  - f) Maintain the financial integrity of the Township; and carry out the duties of council as set forth in the *Municipal Act, 2001* and other applicable legislation;
  - g) Respect the difference between the policy development role of Council and operational/implementation role of Administration;
  - h) Direct any criticisms of or concerns regarding staff to the Chief Administrative Officer and refrain from criticizing municipal staff in public or to the media;

- i) Be mindful of, respect and adhere to the Township's Respect in the Workplace (Harassment and Violence) Policy;
- j) Not be entering into private staff offices or municipal workspaces restricted to employee use or entry without invitation, permission or appointment.

10.6 Members of Council should not:

- a) Maliciously or falsely injure the professional or ethical reputation, or the prospects of staff;
- b) Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities;
- c) Use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff member's duties or compelling a staff member to perform a task outside of his or her assigned duties;
- d) Question or attempt to direct the activities of staff or departments except through the established channels of authority;
- e) Attempt to direct staff or departments or contact staff for reasons having to do with the affairs of the Township after business hours except in the event of an emergency.

**Part 11: Expenses**

11.1 Members of Council are required to adhere to any relevant policies, procedures and guidelines with respect to any expenses included in the budget (such as, but not limited to mileage reimbursement, conference and seminar attendance, and corporate promotional products).

11.2 Falsifying of receipts or signatures by a Member of Council is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

**Part 12: Gifts and Participation at Events**

12.1 No Member shall solicit or accept any gift or accept or receive a fee, advance, cash or personal benefit that is directly or indirectly connected with the performance of his or her duties of office. For the purposes of this provision any gift provided to a Member's child, parent or spouse with the Member's knowledge shall be deemed to be a gift accepted by that Member;

12.2 The Township recognizes that moderate hospitality and participation in charitable non-profit fundraising and business events is an accepted facet of community participation and business relationships. Accordingly, the following types of gifts are recognized as exceptions to the prohibition in Section 12.1:

- a) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibilities of office;
- b) token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee for speaking at an event or representing the Township at an event;
- c) food and beverages consumed at lunches, dinners, charity, fundraisers, banquets, receptions, ceremonies or similar events if the Member's attendance serves a legitimate municipal purpose;
- d) communications to the offices of a Member including subscriptions to newspapers and periodicals;
- e) compensation authorized by law;
- f) political contributions that are offered accepted and reported in accordance with applicable law;
- g) services provided without compensation by persons volunteering their time;
- h) gifts of admission to dinner, charity fundraisers, banquets, receptions, ceremonies, cultural events, sporting events, business galas, political events and similar events if the Member's attendance serves a legitimate municipal purpose;
- i) reasonable payment for participation in or organizing any reception, dinner, gala, golf tournament, or similar event to support charitable causes or a



political fundraising event and food, lodging, transportation or entertainment from a not for profit non-government organization;

- 12.3 Within 30 days of receipt of any gift described in Section 12.2, Members shall file a disclosure statement in accordance with the format set forth in Appendix A attached with the Integrity Commissioner for any gift that exceeds \$200 in value. If the value of any gift described in Section 12.2 exceeds \$500 or if the total value of such gifts received from any one source during one calendar year exceeds \$1,000 the Member shall file a disclosure statement with the Integrity Commissioner within 30 days of the receipt of the gift. Every disclosure statement shall indicate: Appendix A.
- (i) the nature of the gift;
  - (ii) its source and date of receipt;
  - (iii) the circumstances under which it was received; and
  - (iv) its estimated value.
- 12.4 Every disclosure statement to the Integrity Commissioner and as anticipated in 12.3 above shall be a matter of public record.
- 12.5 The Integrity Commissioner shall report to Council annually on all gifts received by Members that are disclosed in accordance with Section 12.2.
- 12.6 The Integrity Commissioner shall examine every disclosure statement filed with him or her to ascertain whether the receipt of the gift might in her or his opinion create a conflict between a private interest and the public duties of the Member.
- 12.7 If the Integrity Commissioner makes a preliminary determination of a conflict the Member shall be asked to justify receipt of the gift.
- 12.8 If the Integrity Commissioner determines that receipt of the gift was prohibited, he or she shall report the findings to Council.

### **Part 13: Election-Related Activity**

- 13.1 Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the Township's Use of Corporate Resources Policy. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

### **Part 14: Alleged Contravention**

- 14.1 Where there are reasonable grounds to believe, on the basis of information received by Council, that there has been a contravention of this Code of Conduct, Council may refer the matter to an Integrity Commissioner previously appointed by the Township, or appointed for that specific purpose, to undertake an independent investigation and/or inquiry pursuant to the *Municipal Act, 2001* and to report his or her findings to the Township. In such a case, and without limiting the independence of the Integrity Commissioner, reasonable efforts shall be made to follow the complaint procedure attached as Appendix A. Failure to strictly follow the procedure shall not invalidate the decision of Council to refer the matter to an Integrity Commissioner, nor affect the legitimacy of the resulting Investigation, Inquiry, or conclusions of the Integrity Commissioner.

### **Part 15: Sanctions**

- 15.1 Where an Integrity Commissioner has reported to Council that, in his or her opinion, there has been contravention of this Code of Conduct, The *Municipal Act, 2001* authorizes Council to impose one of the following sanctions:
- a) A reprimand;

- b) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

15.2 Where the Integrity Commissioner has found there to be a contravention of this Code of Conduct, the Integrity Commissioner may also, at his or her discretion, recommend and Council may impose one of the following sanctions on the Member in question:

- a) Formally request the Member to provide a written or oral public or private apology;
- b) Require that the Member return to the Township or reimburse the Township in respect of property, services, or money that has been taken, accepted, or used in contravention of this Code of Conduct;
- c) Remove the Member from his or her position as a member of or chair of a committee.

15.3 In exercising its powers to sanction the conduct of a Member, Council should endeavour to impose a sanction which is proportionate to the nature of the contravention, with due regard to mitigating and aggravating factors, prior findings of contravention, and the concept of graduated sanctions for repeat or more serious contraventions.

#### **Part 16: No Reprisal or Obstruction in the Application or Enforcement of this Code**

16.1 Every member of Council shall respect the integrity of this Code of Conduct, and any inquiries and investigations conducted under it, and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing information in response to, pertaining to or relevant to a complaint, investigation or inquiry is prohibited and is a contravention of this Code.

#### **Part 17: Procedure – Complaints**

##### **17.1 Informal Complaints**

Any organization or individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code may address their concerns in the following manner:

- a) Advise the Member that their behaviour or activity contravenes the Code;
- b) Encourage the Member to stop the prohibited behaviour or activity;
- c) If applicable, confirm to the Member your satisfaction or dissatisfaction with his or her response to the concern identified;
- d) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
- e) If not satisfied with the response received through the informal process, a complainant may proceed with a formal complaint through the Integrity Commissioner as outlined in section 17.2.

##### **17.2 Formal Complaints**

Any organization or individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code may address their concerns through the formal complaint process set out below.

- a) All formal complaints must be made using the Township's Complaints Form / Affidavit (see Appendix "B") and shall be dated and signed by the complainant;
- b) The complaint must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation must be included with the Complaints Form/Affidavit;
- c) Any witnesses in support of the allegation must be identified on the Complaint

Form/Affidavit;

- d) The Complaint Form/Affidavit must include the name of the member alleged to have breached the Code, the section of the Code allegedly contravened, the date, time and location of the alleged contravention and any other information as required on the Complaint Form/Affidavit;
- e) The complaint shall be filed with the Integrity Commissioner who shall confirm that the information is complete as to a), b), c) and d) of this section. The Commissioner will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies; and
- f) The Integrity Commissioner may request additional information from the complainant.

### 17.3 Response of Integrity Commissioner of Complaint Outside Jurisdiction

If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to non-compliance with the Code, the Integrity Commissioner shall advise the complainant in writing as follows:

- a) Criminal Matter – if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- b) Municipal Conflict of Interest – if the complaint is an allegation with respect to matters under the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with their own legal counsel;
- c) Municipal Freedom of Information and Protection of Privacy – if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the Clerk to have the matter reviewed under that Act; and
- d) Discrimination or Harassment – if the complaint is an allegation of discrimination or harassment, the complainant shall be advised to file a complaint pursuant to the Township of Lucan Biddulph's Respect in the Workplace Policy. The complainant will also be advised of his or her right to advance an application to the Ontario Human Rights Tribunal.

17.4 In the event that a resolution of the complaint is not achieved, any complainant or member may request the complaint be dealt with in accordance with Section 17.1 or 17.2 of this Code

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

### 17.6 Refusal to Conduct an Investigation

If upon review of a complaint, the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the complainant and the member identified in the Complaint Form/Affidavit.

### 17.7 Opportunity for Resolution

If at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be made to achieve an informal resolution.

## **Part 18: Investigation**

- 18.1 If the Integrity Commissioner determines that a formal investigation is required he or she shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under Parts I and II of the *Public Inquiries Act*.
- 18.2 The Integrity Commissioner shall provide a copy of the complaint and any supporting materials to the Member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner within fourteen days.
- 18.3 The Integrity Commissioner shall give a copy of the response provided by the Member to the complainant with a request for a written reply within fourteen days.
- 18.4 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any municipal work location relevant to the complaint for the purpose of investigation and potential resolution.
- 18.5 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
- 18.6 At any time, the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.

## **Part 19: Recommendation Report**

- 19.1 Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and the member on the results of his or her review within ninety days of receiving a complete Complaint Form/Affidavit. If the investigation process is going to take more than ninety days, the Integrity Commissioner shall provide an interim report to the complainant and member indicating when the complete report will be available.
- 19.2 If during the investigation process, the complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty days.
- 19.3 If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty as set out in the *Municipal Act, 2001* of: a reprimand; suspension of remuneration paid to the member for a period of up to ninety days.
- 19.4 If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the Member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.

## **Part 20: Duty of Council**

- 20.1 The Council shall consider the report of the Integrity Commissioner within 30 days of it being received by the Clerk and shall take the action it considers appropriate with regard to the recommendation(s) of the Integrity Commissioner.
- 20.2 In circumstances where the alleged breach of trust or other misconduct is serious in nature, Council may pass a resolution, pursuant to the *Municipal Act, 2001*, requesting a judicial investigation into the Member's conduct.

### No Complaints or Reports Prior to Election

- a) No complaint regarding a Member who is a candidate in an election may be accepted by the Integrity Commissioner for review and/or investigation between Nomination Day and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held. The Integrity Commissioner shall hold such complaint in abeyance until November 1 in a regular election year and advise the complainant of this process. The time elapsed between Nomination Day in a regular election year and the inaugural meeting of the newly elected Council shall not be included in the time calculation referred to in section 19.
- b) Notwithstanding section 19 of the Code, the Integrity Commissioner shall not make any report to the Council or a Committee thereof or to any other person after Nomination Day in any year in which a regular municipal election is to be held.
- c) Any reports would proceed to the first General Committee meeting held after the inaugural meeting of the new Council.

### **Part 21: Confidentiality of Complaint Documents**

- 21.1 The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Township or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act, 2001*.
- 21.2 Pursuant to section 223.5(3) of the *Municipal Act, 2001* this section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.
- 21.3 If the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
- 21.4 If the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose confidential information that could identify a person concerned.

### **Part 22: Other Duties of the Integrity Commissioner**

- 22.1 In addition, to conducting investigations regarding alleged breaches of the Code, the Integrity Commissioner shall have the following responsibilities:
  - a) Provide information to Council as to their obligations under the Code;
  - b) Provide advice to individual members regarding specific situations as they relate to the application of the Code;
  - c) Provide advice to Council on other policies and procedures that relate to the ethical behaviour of members;
  - d) Provide general advice on conflict of interest issues noting that this advice may not be used in defense of allegations related to conflict of interest;
  - e) Provide information to the public regarding the Code and the obligations of members under the Code; and
  - f) Provide an annual report to Council on the activities of the Integrity Commissioner.

### **Part 23: Requests for Advice**

- 23.1 Where an individual member is seeking to obtain advice from the Integrity Commissioner, the member shall submit to the Integrity Commissioner a completed Request for Advice Form (see Appendix "C") which shall be forwarded to the Integrity Commissioner for response.
- 23.2 The Integrity Commissioner shall provide his or her advice in writing to the member.

- 23.3 Any written advice given by the Integrity Commissioner to a member, as it relates to the Code, binds the Integrity Commissioner in any subsequent consideration of the member's conduct in the same matter provided the relevant facts known to the member were disclosed to the Integrity Commissioner.
- 23.4 Any written requests for advice and responses to such requests are covered under the *Municipal Freedom of Information and Protection of Privacy Act*.

**Part 24: Annual Report to Council**

- 24.1 In completing its annual report to Council, the Integrity Commissioner shall include information on the nature and volume of activity for the past year and provide examples that are anonymous in respect of advice provided and the nature of complaints received and responded to.
- 24.2 The annual report of the Integrity Commissioner shall be provided to the Council for information purposes. The report is a public document.



**Appendix A**

**Council Code of Conduct Disclosure Statement  
TOWNSHIP OF LUCAN BIDDULPH  
Council Code of Conduct**

Part 12 of the Council Code of Conduct regarding the acceptance of gifts and benefits, requires members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$200.00 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$1,000.00. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

Nature of Gift or Benefit Received:

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Source of Gift or Benefit:

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Circumstances under Which Gift or Benefit Received:

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Estimated Value of Gift or Benefit: \_\_\_\_\_

Date Gift or Benefit Received: \_\_\_\_\_

Signature of Member: \_\_\_\_\_ Date: \_\_\_\_\_

Date Statement Received by Clerk: \_\_\_\_\_



**Appendix B**

**Council Code of Conduct – Formal Complaint Form/Affidavit  
TOWNSHIP OF LUCAN BIDDULPH  
Council Code of Conduct**

AFFIDAVIT OF \_\_\_\_\_ (full name) I,  
 \_\_\_\_\_ (full name), of the \_\_\_\_\_ (City, Town  
 etc.) of \_\_\_\_\_ (municipality of residence) in the Province of  
 Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because

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*(insert reasons e.g. I work for... I attended a meeting at which... etc.)*

2. I have reasonable and probable grounds to believe that a member of the Township of  
 Lucan Biddulph Council \_\_\_\_\_ (specify name of member)  
 has contravened section(s) \_\_\_\_\_ specify section(s) of the  
 Council Code of Conduct of the Township of Lucan Biddulph. The particulars of which are  
 as follows:

*(Set out the statements of fact in consecutively numbered paragraphs in the space provided, with each  
 paragraph confined as far as possible to a particular statement of fact. If more space is required, please use  
 the 'Additional Information' page attached hereto). If you wish to include exhibits to support this complaint,  
 please refer to the exhibits as Exhibit "A", "B", etc. and attach them to this affidavit.)*

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This Affidavit is made for the purpose of requesting that this matter be reviewed by the  
 Township of Lucan Biddulph appointed Integrity Commissioner and for no other purpose.

SWORN (or Affirmed) before me )  
 at the \_\_\_\_\_ )  
 in the \_\_\_\_\_ )  
 In the Province of Ontario on \_\_\_\_\_ )  
 this \_\_\_\_\_ day of \_\_\_\_\_ )      Signature

\_\_\_\_\_  
 (A Commissioner for taking Affidavits, etc.)

*Please note that swearing a false affidavit may expose you to prosecution under section 131, 132 or 134 of  
 the Criminal Code, R.S.C. 1985, c. C-46, as amended, and also to civil liability for defamation.*









**Appendix D**

**Conflict of Interest Form  
TOWNSHIP OF LUCAN BIDDULPH  
Council Code of Conduct**

**DECLARATION OF INTEREST**

*MUNICIPAL CONFLICT OF INTEREST ACT,  
R.S.O. 1990 c. M.50*

Meeting Type:       Council                       Committee                       Local Board

Specify which Committee/Local Board, if applicable: \_\_\_\_\_

I, \_\_\_\_\_, hereby make a declaration of  
pecuniary interest (deemed/direct/indirect) with respect to Agenda Item No. \_\_\_\_\_,  
Item Title \_\_\_\_\_ on the Agenda dated  
\_\_\_\_\_.

**Reasons for Declaration:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Councillor Name (Print)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Councillor Signature**

For an "indirect pecuniary interest" see Section 2 of the *Municipal Conflict of Interest Act*.  
For a "deemed" direct or indirect pecuniary interest see Section 3 of the *Municipal Conflict of Interest Act*.