

Corporate Policies and Procedures			
DEPARTMENT: COUNCIL			POLICY #:
POLICY: COUNCIL CODE OF CONDUCT			
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Statement Code of Conduct for Members of Council: Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligation with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligation of its members, this code is established to govern and regulate the conduct of members of Council.

Policy Purpose: The purpose and intent of the Code of Conduct policy is to establish standards of conduct for members of Council, local Boards and Committee members in the conduct of their official duties. This Code is designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate. These standards should serve to enhance public confidence that The Town of Laurentian Hills Council operate from a base of integrity, justice and courtesy. All Members are expected to follow this Code, the Council Procedural By-law and other sources of applicable procedural law such as but not limited to:

- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- The Criminal Code of Canada

Sections of the Code of Conduct

Although areas of ethical exposure are generally consistent and understood in municipal governance, the following principles have been identified as being vital to the municipal political process:

1. Definitions
2. Roles and Responsibilities
3. Confidentiality
4. Communications
5. Relationship with Staff
6. Use of Town Property/Assets
7. Conduct Respecting Election Campaigns
8. Gifts, Hospitality and Benefits
9. Conflict of Interest
10. Transparency and Openness in Decision Making
11. Professional Development

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- 12. Conduct at Meetings
- 13. Harassment
- 14. Integrity Commissioner
- 15. Non-Compliance
- 16. Acknowledgement of Understanding and Compliance
- 17. Appendix A Complaint Protocol

1.0 Definitions:

Ad Hoc Committee means a special purpose committee of limited duration, created by council to inquire and reports on a particular matter or concern, and which dissolves as directed by Council. Ad Hoc Committees may include non-elected members.

By-Law means a law of the Municipality passed by the Municipal Council.

Chief Administrative Officer means the Chief Administrative Officer (CAO) of the Corporation of the Town of Laurentian Hills as appointed by By-Law. The CAO is also the Clerk of the Town of Laurentian Hills.

Clerk means the Clerk of the Town of Laurentian Hills or his/her designate as appointed by By-Law.

Closed Meeting means a session of Council, Committee of the Whole, or a Committee comprised of more than 50 percent of members of Council, which is closed to the public in accordance with the Municipal Act.

Code means the "Code of Conduct for Council Members" as established by Council pursuant to Section 223.2 of the Municipal Act, 2001.

Committee means a Committee of Council, Board, or other body constituted and appointed by Council, including the Committee of the Whole, Joint Committees, Ad Hoc Committees and Sub-Committees of the Town of Laurentian Hills.

Community Groups and Organizations means any group, club, society, or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation or any other purpose except profit. Including but not limited to registered charities and non-profit organizations as defined by the Canada Revenue Agency.

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

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

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

Confidential Information means any information in the possession of or received in confidence by the Town that the Town is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:

- a. information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
- b. information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
- c. personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
- d. advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Town;
- e. information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
- f. price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
- g. sources of complaints where the identity of the complainant is given in confidence;
- h. information circulated to Members and marked "confidential"; or
- i. any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.

Council means the elected members of Council of the Corporation of the Town of Laurentian Hills.

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

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

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

Harassment as defined in the Town's Workplace Harassment policy as well as in the *Ontario Human Rights Code*.

Integrity Commissioner means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001.

Local Board means a local board as defined in section 223.1 of the Municipal Act, 2001.

Mayor means the Head of the Council of the Town of Laurentian Hills.

Meeting means any legally-constituted meeting of Council or a Committee.

Member means a Member of the Council of the Town of Laurentian Hills.

Municipal Act means *The Ontario Municipal Act, S.O. 2001 C. 25 as amended*.

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

Policy means any policy or By-law passed by the Town of Laurentian Hills.

Staff means direct employees of the Town whether full-time, part-time, contract or casual employees including students.

Member means a Member of the Council of the Town of Laurentian Hills.

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

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2.0 Roles and Responsibilities

- 2.1. Members of Council are public figures not members of staff. Council as a whole represents the municipality and have the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
- 2.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.
- 2.4 Members of Council:
 - a. when appointed to committees and other bodies as part of their duties must make every effort to participate actively in these bodies with good faith and care.
 - b. must uphold the law and conduct themselves with the highest degree of ethical behavior and integrity,
 - c. must avoid conflict of interest, and
 - d. must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect, and
 - e. may not make statements known to be false or make a statement with the intent to mislead Council or the public.

3.0 Confidentiality

- 3.1 Members have a duty to hold confidential information received at closed meetings in strict confidence for a long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.
- 3.2 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 municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.
- 3.3 Members must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

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- 3.4 No Member shall seek or obtain by reason of his/her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

4.0 Communications

- 4.1 Members will accurately communicate the decisions of Council even if they disagree with the majority decision of Council. Members shall show respect for the decision-making process of Council.
- 4.2 Official information related to decisions and resolutions made by Council will normally be communicated to the community and the media in an official capacity by the Mayor or designate or through a press release issued by the Town.
- 4.3 Confidential information will be communicated only when determined by Council.

5.0 Relationship with Staff

- 5.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer. No Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Town.
- 5.2 Staff members work for the municipal Corporation under the direction of the Chief Administrative Officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions. Staff establish the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation within the resources at their disposal.
- 5.3 Council should expect a high quality of advice from staff based on political neutrality and objectively irrespective of party politics, the loyalties of persons in power, or their personal opinions. No Member shall compel any staff member to engage in activities that are contrary to the directions of Council or the policies of the municipality.
- 5.4 Inquiries of staff from Members should be directed to the Chief Administrative Officer or the appropriate senior staff as directed by the Chief Administrative Officer.
- 5.5 No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

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- 5.6 No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

6.0 Use of Town Property/Assets

- 6.1 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 6.2 Members respect that the powers of the municipality are exercised by Council. Council, as a whole, is responsible for decisions that direct staff and establish the parameters for use of corporate resources to address municipal issues and provide service. For tasks or actions that require the commitment of significant staff time and/or resources, Members will pursue such action through recommendation and decision of Council. By doing so, all Members of Council confirm that the Corporation's interests and business are being advanced in compliance with all applicable rules and policies respecting the use of corporate resources.
- 6.3 No Member shall use Town facilities, services or property for his or her personal or business use. No Member shall use the services of persons for his or her personal or personal business use during the working hours for which those persons receive compensation from the Town.

7.0 Conduct Respecting Election Campaigns

- 7.1 During a municipal election, Members must conduct themselves in accordance with the provisions of the Municipal Elections Act, in addition to legislation and policies that are in place during the term of office, including this Code of Conduct.
- 7.2 It is the personal responsibility of each Member, acting also as a candidate, to ensure that their election campaign is carried out in accordance with all applicable legislation.
- 7.3 No member of Council shall use the facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign-related activities in any Town facility for the purpose of seeking the support of Town employees working in that facility. No member of Council shall use the services of persons for his or her election campaign purposes during the working hours for which those persons received compensation from the Town.
- 7.4 Members of Council can expect that the Town Clerk will manage the municipal election process and meet all statutory requirements in accordance within the

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Municipal Elections Act. Members of Council respect that the role of the Town Clerk and municipal staff is to ensure all candidates are treated equally and similarly.

8.0 Gifts, Hospitality and Benefits

- 8.1 No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his/her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to, or a gift or benefit provided with the Member's knowledge to a Members' spouse, child or parent to a Member's staff that is connect directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. The following are recognized as exceptions:
- a. compensation authorized by by-law;
 - b. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.
 - c. food, lodging, transportation and entertainment provided by other levels of government, boards or commissions;
 - d. a political contribution otherwise reported by law;
 - e. services provided without compensation by persons volunteering their time;
 - f. a suitable memento of a function honoring the Member; and
 - g. food and beverages consumed at banquets, receptions or similar events, if attendance is in keeping with his or her representative role.
- 8.2 No Member shall seek or obtain by reason of his/her office any personal privilege or advantage with respect of Town services not otherwise available to the general public and not consequent to his or her official duties.

9.0 Conflict of Interest

Members of Council will recognize their obligations to follow and respect the provisions of the Municipal Conflict of Interest Act.

10.0 Transparency and Openness in Decision Making

Members of Council will endeavor to conduct and convey Council business in an open and public manner, other than for those issues that may be discussed in Closed Session as permitted under the Municipal Act, 2001, so that stakeholders can understand the process, logic and rationale which was used to reach decisions.

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11.0 Professional Development

Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible while carrying out their duties and responsibilities. Members should support, pursue and partake in opportunities for professional development.

12.0 Conduct at Meetings

During Council, committee or any advisory committee meetings, Members shall conduct themselves with decorum and in accordance with the Town of Laurentian Hills Procedural By-law. Respect for delegations, fellow Council Members and staff requires that all Members show courtesy and not distract from the business of Council during presentations and when other Members have the floor.

13.0 Harassment

- 13.1 Harassment of another Member, staff or any member of the public is prohibited under the Ontario Human Rights Code. In accordance with the Ontario Human Rights Code and the Town's Workplace Harassment Policy, it is the policy that all persons be treated with dignity and respect in the workplace in an environment free of discrimination and of personal and/or sexual harassment.
- 13.2 Harassment whether it occurs inside or outside the workplace but is related to the work environment or activities of elected office is considered to be harassment and is inappropriate behaviour for the purpose of this Code of Conduct.
- 13.3 Any complaints of harassment will be investigated in accordance with the procedures set out in the Town's Workplace Harassment Policy.

14.0 Integrity Commissioner

- 14.1 The Town shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who shall be independent from both staff and Council and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.
- 14.2 The Integrity Commissioner may provide some or all of the following services as determined by the Town:
 - a. education and training;
 - b. investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;

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- c. investigation reports and recommendations, including periodic, interim or final reports and annual reports;
- d. information to the public regarding the Code and the obligations of Members under the Code and other ethical guidelines or policies; and
- e. proactive guidance upon request from a member of Council.

15.0 Non-Compliance

- 15.1 Where a Member of Council, committee, local board, an employee of the Town or a member of the public has reasonable grounds to believe that a Member has breached this code, a complaint may be submitted to the Clerk's Department in prescribed form which will be forwarded to the Town's Integrity Commissioner who will process it in accordance with the Complaint Protocol attached hereto as Appendix 'A'.
- 15.2 The Integrity Commissioner is responsible for performing in an independent manner the functions assigned by the Town with respect to the application of the Code of Conduct.
- 15.3 All matters regarding allegations of transgression of the Code of Conduct shall be subject to the provisions of Section 239 of the Municipal Act and direction of Council shall be reported out in open Council as appropriate.

16.0 Acknowledgement / Understanding and Compliance

The undersigned member of Council, a Committee and/or board member of the Town of Laurentian Hills acknowledges receipt of a copy of the Council Code of Conduct By- Law No. _____ and agrees to abide by its contents. The member also acknowledged this form will be kept on file with the Town of Laurentian Hills and a copy of this signed form was retained by the member themselves.

Name (printed)

Date

Signature of Member

This Council Code of Conduct was delivered to and accepted by _____
On the _____ day of _____, _____

CAO/Clerk

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Appendix 'A' Complaint Protocol for Code of Conduct.

Integrity Commissioner

The Town of Laurentian Hills' Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:

- a. To provide written and oral advice to Members, staff and members of the public, concerning the interpretation of and compliance with, the Code of Conduct governing the ethical behaviour of Members.
- b. To provide Council with specific and general opinions, advice and education on the interpretation of the Code, including revisions thereto.
- c. To conduct enquiries into a request made by Council, committee, member of staff or member of the public into whether a Member has contravened any applicable provision of the Code of Conduct.
- d. To attempt to settle any complaint between the complainant and the Member before commencing an enquiry.

Procedure for Making a Complaint

1. All complaints or requests for enquiries shall be submitted to the Clerks Department in the form provided in Schedule '1' and the Clerk shall forward them to the Integrity Commissioner.
2. All complaints or requests for enquiries must clearly state:
 - a. the Member to whom the complaint relates;
 - b. the nature of the alleged contravention;
 - c. the specific provision(s) of the Code of Conduct allegedly contravened;
 - d. names of any witnesses to the alleged contravention; and
 - e. written material in support of the alleged contravention.
3. Upon receipt of a complaint or request for enquiry, the Integrity Commissioner shall first determine if it is within his/her jurisdiction and whether there is a procedure under other legislation or Town policy to deal with the complaint. If it is determined that other procedures apply, the Integrity Commissioner shall refer the complainant to the appropriate person or agency to follow that process.

This would include such matters as:

- a. the grievance provisions of a collective agreement;

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- b. the complaint provisions under the Ontario Human Rights Code;
 - c. a complaint of alleged criminal activity;
 - d. procedures in the Municipal Act or the Municipal Elections Act; and
 - e. the complaint provisions of the Respect in the Workplace Harassment Policy.
- Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with by the Integrity Commissioner and the time limits within the above processes will apply accordingly.

4. Upon receipt of a complaint or request to conduct an enquiry within his/her jurisdiction, the Integrity Commissioner will deliver a preliminary information report to be received in an open meeting of Council including the following:
 - a. The opinion of the Commissioner as to whether the enquiry is appropriate and whether it can be conducted within the law applicable to such an enquiry;
 - b. An indication as to whether it is the Commissioner's intention to conduct the enquiry under the Public Inquiries Act;
 - c. A preliminary indication of the members of staff and/or consultants needed to assist the Commissioner;
 - d. An estimated cost of the enquiry;
 - e. The estimated time required to complete the enquiry and prepare a final report; and
 - f. Where appropriate, the Commissioner may recommend that the alleged infraction be reported to the police and that the enquiry be suspended until the police investigation is completed.
5. 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 enquiry, the Commissioner shall not conduct an enquiry and shall state the reasons for not doing so in the preliminary report.

Confidentiality

1. The Integrity Commissioner shall carry out all enquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the Municipal Act.
2. All records of investigations shall be kept confidential and access limited to those in the Town with a need to know for the purposes of conducting a full investigation.

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Intake Procedures

1. Upon receipt of a complaint involving a Member other than the Mayor, the Chief Administrative Office/Clerk shall immediately advise the Mayor.
2. Upon receipt of a complaint involving the Mayor, the Chief Administrative Officer/Clerk shall immediately advise the Deputy Mayor.
3. The Integrity Commissioner may attempt to settle any complaint. Except where otherwise required by the Public Inquiries Act, the Commissioner shall provide a copy of the complaint and supporting material to the Member with a request for a written response to the allegation within ten days and provide a copy of such response to the complainant with a request for a written response also within ten days.

Investigations

After the presentation of the information report to Council, the Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any Town office for such purpose and consultation with Town staff with access to all information and records described in subsections 3 and 4 of Section 223.4 of the Municipal Act and may retain independent professional services if required.

1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days.
2. If the Integrity Commissioner requires more than 30 days to complete an investigation, the following shall be notified accordingly:
 - a. The complainant;
 - b. The individual to whom the complaint relates;
 - c. The Clerk; and
 - d. The Mayor in the case of a complaint concerning another Member or the Deputy Mayor in the case of a complaint concerning the Mayor.
3. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

Reporting the Results of an Investigation

1. The Integrity Commissioner shall report his/her findings to an open meeting of Council.
2. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct 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 judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

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3. The Integrity Commissioner shall give a copy of the final report to the complainant and the Member's whose conduct is concerned 15 days prior to the Council meeting at which it will be considered.

Actions by Council

1. In reviewing the final report, Council will determine whether it will impose any of the following penalties on a Member if the Integrity Commissioner reports that is in his/her opinion that the Member has contravened the Code:
 - a. issue a motion of reprimand;
 - b. suspension of the remuneration paid to the Member in respect of his services as a Member for a period of up to 90 days;
 - c. request the Member involved to return any gift or benefit received in contravention of the Code of Conduct;
 - d. request the Member involved to repay the value of the benefit;
 - e. remove the Member from committee appointments;
 - f. request a public apology to Council, the complainant or both; or
 - g. withhold confidential materials/matters for a period of time.
2. All penalties imposed by Council shall be delivered by way of a resolution at an open meeting of Council.
3. All penalties under this By-law will be fair and in keeping with the severity of the infraction, giving due regard to the Member's previous conduct.
4. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
5. Although the Integrity Commissioner's report must be made public, pursuant to the Municipal Act, some parts of the investigation may be confidential and will not be made public.
6. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to request for enquiries and for conducting the investigations. Town Council shall be responsible for determining penalties where appropriate.

Timing

An application may only be made within six weeks after the applicant became aware of the alleged contravention.

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Exception

An application may be made more than six weeks after the applicant became aware of the alleged contravention if all of the following conditions are satisfied:

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

No application for inquiry during regular election

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.

Termination of inquiry when regular election begins

1. 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.
2. If an inquiry is terminated the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.