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|  <p>Haldimand County</p> | <p>POLICY (2024-XX)</p> | |
| <p>Council Code of Conduct</p> | | |
| <p>Originating Report:</p> | <p>CLE-XX-2024</p> | |
| <p>Senior Management Team Approval:</p> | <p>Click here to enter a date.</p> | |
| <p>Council in Committee:</p> | <p>Click here to enter a date.</p> | <p>Recommendation #:</p> |
| <p>Council Approval:</p> | <p>Click here to enter a date.</p> | <p>Resolution #:</p> |
| <p>Revision History:</p> | <p>Click here for revision history</p> | |

1. PURPOSE

A legislated Council Code of Conduct helps ensure that the Members share a common basis for acceptable conduct. The Code of Conduct is not intended to replace personal ethics. The Code of conduct:

- Is designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate;
- Serves to ensure public confidence that the County’s elected representatives operate from a base of integrity and transparency
- Is administered by the County’s Integrity Commissioner, appointed by By-law, who is responsible for performing, in an independent manner, assigned functions with respect to the application of the Code, and of procedures, rules and responsibilities of the County governing the ethical behaviour of Members of Council.

2. POLICY

This policy is designed to provide clear expectations and standards and act as a supplement to the legal requirements within which Members must operate. The policy serves to enhance public confidence that Haldimand’s Members operate from a basis of integrity and accountability for others.

The Council Code of Conduct and related policies identify the expectations of Members and establishes rules for appropriate conduct to ensure that:

- Haldimand residents have confidence in the integrity of their elected and appointed Members and local government;
- Members shall serve and be seen to serve constituents in a conscientious and diligent manner;
- Members shall be committed to performing their functions with integrity, honesty and accountability, and to avoid the improper use of the influence of their office, and conflicts of interest, both real and apparent;

- The decision-making processes of Council and its Designated Boards and Committees are open, transparent, equitable and accountable;
- Decisions are made through appropriate channels of government structure;
- There is fairness and respect for differences and a duty to work together for the common good of the community and the residents;
- Members behave in a manner that is both ethical and accountable at all times in upholding the public interest and will withstand public scrutiny;
- Members behave in a manner that is respectful of the views and perspectives of other Members, however diverse those views and perspectives might be;
- Members demonstrate an understanding of the fundamental rights, privileges and obligations of their elected or appointed position;
- Members are provided with and able to readily obtain information and advice on the ethical propriety of conduct in different situations;
- Members seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the County;
- Members must recognize their responsibility to:
 - Represent the diversity of community views in a fair and respectful manner, while developing an overall strategy for the future of Haldimand;
 - Endeavour to demonstrate sound financial stewardship, planning and accountability;
 - Be aware of and understand statutory obligations imposed upon individual Members and Council as a statutory body.

Further, the *Municipal Conflict of Interest Act* sets out the following principles in relation to the duties of Members:

- Integrity, independence and accountability in local government decision making;
- Certainty in reconciling the public duties and pecuniary interests of members; and
- Performance of duties of office with integrity and impartiality in a manner that will bear the closest scrutiny;

Statutory Provisions Regulating Conduct:

The Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council and Members of County Committees, Designated Boards, and Task Forces (hereinafter referred to as Member or Members).

For clarity, such Designated Boards include, but are not limited to:

- Accessibility Advisory Committee
- Agriculture Advisory Committee
- Business Development and Planning Advisory Committee
- Caledonia Business Improvement Area
- Committee of Adjustment
- Diversity, Equity and Inclusion Advisory Committee
- Dunnville Business Improvement Area
- Hagersville Business Improvement Area
- Haldimand Museums Advisory Board

- Heritage Haldimand
- Seniors Advisory Committee
- Trails Advisory Committee
- Youth Advisory Committee

The following federal and provincial legislation governs the conduct of Members of Council and where applicable, Members of Designated Boards:

- 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 *Ontario Human Rights Code*;
- the *Occupational Health and Safety Act*;
- the *Provincial Offences Act*;
- the *Criminal Code of Canada*

Also governing the conduct of Members are by-laws and policies of Council as adopted and amended from time to time, including but not limited to the:

- Procedure By-law
- Council Staff Relations Policy
- Respectful Conduct Policy
- Respect in the Workplace Policy

Members seeking clarification on any part of this Code should consult with the Integrity Commissioner and submit such requests in writing. The Clerk can also provide general guidance on the complaint process under the Code.

Any advice given by the Integrity Commissioner to a Member shall be in writing and binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

In carrying out their responsibilities regarding the Code, the Integrity Commissioner is not limited to looking at the pecuniary interest of the Member and, for clarity, the Integrity Commissioner is specifically authorized to investigate issues of conflict of interest in a broad and comprehensive manner.

3. DEFINITIONS

3.1 Code of Conduct

Refers to the Council Code of Conduct (Code) approved by resolution and by-law of Haldimand County.

3.2 Confidential Information

Includes but is not limited to information in the possession of, or received in confidence by, Haldimand County that the municipality is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act or any other legislation.

3.3 Corporate Resource

Includes but is not limited to Haldimand equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, smart phone, cell phone, addresses, voice-mail, email address, email, facility and staff while undertaking duties as a Member, but does not include Haldimand Amenities as defined in this Code.

3.4 Family Member

Means a child, parent, or spouse of the Member, which terms have the same meanings as given to them in the *Municipal Conflict of Interest Act*, as follows:

“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;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage.

3.5 Decorum

Means Members are required to be held to a higher standard of behavior and conduct, and accordingly, their behaviour should be exemplary.

3.6 Frivolous

Means being of little or no weight, worth or importance; about a matter so trivial or one so meritless on its face that investigation would be disproportionate in terms of time and cost.

3.7 Gift or Benefit

Includes a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit and the use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved;

3.8 Haldimand

Means Haldimand County, either in the sense of the geographic area of the municipality or in the sense of the identity of the municipal corporation, as the context requires.

3.9 Haldimand Amenities

Means Haldimand facilities and infrastructure that are available to the public to rent, including but not limited to arenas, community halls, parks and pavilions, and outdoor sport venues.

3.10 Intake Review

Refers to the process undertaken by the Integrity Commissioner to determine whether the complaint or request for an inquiry is legitimate, within the public interest and the mandate of the Integrity Commissioner to review, and is not frivolous or vexatious.

- 3.11 Interest in Common with Electors Generally
Means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part.
- 3.12 Member(s)
Means an elected Member of Council, an appointed Member to any Haldimand Board, Committee or Task Force.
- 3.13 Social Media
Means any third-party hosted technologies that allow the creation and exchange of user-generated content to share opinions, information and documents, and includes but is not limited to, blogs, discussion boards and forums, microblogs, photo-sharing site, social networks and video sharing services.
- 3.14 Vexatious
Means instituted without sufficient grounds and serving only to cause annoyance, frustration or worry; that the complaint is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

4. SCOPE

This policy is applicable to Members of Council and Members of applicable boards and committees.

5. ROLES AND RESPONSIBILITIES

- 5.1 Members are responsible to ensure that they adhere to and uphold the Code.
- 5.2 Members shall ensure that their office is not used for personal gain by refraining from using it or the influence of it to:
- Further any purpose other than their official duties;
 - Exclusively advance their interests or the interests of any person or organization with whom or with which they are associated;
 - Obtain employment with the municipality for themselves or their family member(s).

6. CONFIDENTIALITY

- 6.1 Members shall not misuse confidential information such that it may cause detriment to the County, Council, board or others.
- 6.2 Members 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, or by means of electronic technology, except when required by law or authorized by Council.
- 6.3 No Member shall use confidential information for financial or other gain, or for the financial or other gain of a family member or any person or corporation.

- 6.4 No Member shall disclose the content of a matter that has been discussed at, or is or has been, the substance of deliberations at, a closed session meeting, except for content that has been authorized by Council, or otherwise by law, to be released to the public.
- 6.5 Members shall not access or attempt to gain access to confidential information in the possession of Haldimand unless it is necessary for the performance of their duties and not prohibited by law or Council policy.
- 6.6 Members shall not disclose any information that is subject to solicitor/client privilege between Council or Staff and a Haldimand solicitor, unless expressly authorized by Council or required by law to do so.

7. COMMUNICATIONS/MEDIA RELATIONS/PROMOTION/SOCIAL MEDIA

COUNCIL DECISIONS

- 7.1 Members shall conduct themselves with decorum at all times while acting in their role as a Member.
- 7.2 Members shall show respect for the decision-making process of Council and its Designated Boards and Committees. Information concerning policies, procedures and decisions of Council shall be conveyed openly, accurately and fairly.
- 7.3 Members shall accurately communicate the decisions of Council and the Designated Boards and Committees even if they disagree with the decision.
- 7.4 Members may communicate a position that is contrary to that determined by Council. In doing so, Members will accurately communicate the decisions of Council and refrain from making disparaging comments about other Members or about Council's processes and decisions.

MEDIA COMMUNICATIONS

- 7.5 In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.
- 7.6 At all times, Members will take steps to ensure that their communications and presence on all forms of social media will be fully compliant with the requirements of this Code of Conduct.

SOCIAL MEDIA

- 7.7 When communicating on social media, Members shall not publicly post or share content that they know or reasonably ought to know to:
- be false or communicated with the intent to mislead or disparage other Members, Staff, Committee and/or Board Members, or the public;
 - be of a disparaging nature or make unfounded or speculative accusations about the motives of other Members, Committee and/or Board Members, Staff, or a member of the public.
 - be discriminatory to any individual based on any protected grounds within the Ontario Human Rights Code;

- disclose confidential information;
- compromise the safety or security of members of the public, local committee and/or board, or the public; and
- solicit business for a commercial enterprise for the purposes of securing business with Haldimand;

8. GIFTS, BENEFITS AND HOSPITALITY

- 8.1 No Member shall accept, solicit, offer or agree to accept a gift or benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in section 8.3 below.
- 8.2 For the purpose of this Code, a gift or benefit provided with the Member's knowledge to a friend, family member that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a gift to that Member.
- 8.3 Members are not precluded from accepting:
- a) Compensation authorized by law;
 - b) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
 - c) Food and beverage at banquets, receptions, ceremonies or similar events, if:
 - a. Attendance serves a legitimate business purpose;
 - b. The person extending the invitation as a representative of an organization is in attendance; and
 - c. The value is reasonable and the invitations infrequent;
 - d) Services without compensation by persons volunteering their time;
 - e) Food, lodging, transportation, hospitality and entertainment provided by other levels of government, by other local governments, boards or commissions or by a foreign government within a foreign country;
 - f) A reimbursement of reasonable expenses incurred in the performance of duties or office;
 - g) A reimbursement of reasonable expense incurred and honorariums received in the performance of activities connected with municipal associations;
 - h) Token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the corporation at an event; and
 - i) Gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.
- 8.4 In the case of exceptions claimed under 8.3 (c), (e), (h) and (i), if the value of the gift, hospitality or benefit exceeds \$300.00, or if the total value of gifts, hospitality or benefits received from one source during the course of a calendar year exceeds \$300.00, the Members shall within 30 days of receipt of the gift, hospitality or benefits or reaching the annual limit, complete a disclosure statement in a form prescribed by the Integrity Commissioner and file it with the Integrity Commissioner. A disclosure statement shall be a matter of public record.
- 8.5 On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift, hospitality or benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity

Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the gift or benefit.

- 8.6 If the Integrity Commissioner finds that receipt of the gift or benefit is contrary to the Code, the Commissioner shall issue a written explanation as to why the gift or benefit cannot be accepted and the recipient Member shall return the gift or benefit which does not comply with this Code.
- 8.7 Members can contact the Integrity Commissioner regarding advice and education on matters related to acceptable gifts or benefits under the Code.

9. CONFLICT OF INTEREST – PECUNIARY INTEREST

- 9.1 Members of Council will recognize their obligations to follow and respect the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50. Members must publicly declare their direct or indirect pecuniary interest and file a statement of the conflict and the general nature of it with the Municipal Clerk, as soon as possible after becoming aware of the conflict.
- 9.2 In considering whether or not to declare a conflict, Members should be guided by the overall purpose of the Code. Members should consider whether the matter in question would meet the test of a pecuniary interest or a perceived pecuniary interest.
- 9.3 Members of Council will not be required to declare a pecuniary interest when the interest is an interest in common with electors generally.
- 9.4 Members must refrain from influencing, discussing, or voting on a matter in which they have a pecuniary interest. Members should be aware of the exceptions to what constitutes a pecuniary interest as set out in the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50.
- 9.5 Members shall leave the Council chamber when a debate or vote is to take place on a matter in which they have declared a direct or indirect pecuniary interest prior to the earliest of the commencement of the debate or vote, as the case may be.
- 9.6 If the matter is of a confidential nature, Members shall retire from the confidential meeting for the entire duration of the discussion. Members shall not vote on any aspect of the matter in question in which the Member has an interest and shall refrain from any comment regarding the matter at any time, whether in a Council, Council in Committee, or elsewhere on the issue.
- 9.7 Members may seek guidance from the Integrity Commissioners on matters of pecuniary interest.

10. CONDUCT AT MEETINGS

- 10.1 During Council or Committee, Members shall conduct themselves with decorum and in accordance with the Haldimand's Procedure By-law and this Code of Conduct.
- 10.2 Members shall not act as an agent before Council or any committee or local board.

11. USE OF MUNICIPAL PROPERTY AND RESOURCES

- 11.1 No Member shall use, or permit the use of corporate resources for activities other than purposes connected with the discharge of Council or corporate business.

- 11.2 Members are permitted to apply to rent Haldimand Amenities as long as the process to do so is the same as the one available to residents of Haldimand County and does not violate this Code or any other municipal policy or by-law.

12. ELECTION RELATED ACTIVITY

- 12.1 Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the policies and by-laws approved by Council.

13. RELATIONS WITH EMPLOYEES

- 13.1 Members are required to conduct themselves in accordance with the *Council/Staff Protocol* and the policies and by-laws approved by Council.

14. INTEGRITY COMMISSIONER

- 14.1 The Integrity Commissioner reports directly to Council and is responsible for performing, in an independent manner, the following functions with respect to the behaviour of Members:
- a) the application of this Code of Conduct;
 - b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members;
 - c) requests from Members for advice respecting their obligations under the Code of Conduct and procedures, rules, or policies of the municipality governing the ethical behaviour of members; and
 - d) other functions assigned by Haldimand County.
- 14.2 No Member shall obstruct the Integrity Commissioner in the carrying out of their duties and responsibilities.
- 14.3 No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code or against a person who provides information to the Integrity Commissioner in any investigation.
- 14.4 No Member shall destroy any documents or erase any electronic communications or refuse to respond to the Integrity Commissioner after becoming aware that a formal complaint has been lodged under the Code.
- 14.5 The Integrity Commissioner may recommend that Municipal Council impose one of the following sanctions:
- a) public apology;
 - b) return of property or reimbursement of its value or of monies spent;
 - c) removal from membership of a committee;
 - d) removal as a chair of a committee;
 - e) any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

- 14.6 Upon receipt of a recommendation from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose by resolution either:
- a) a reprimand; or
 - b) a suspension of the remuneration paid to the Member in respect of their services as a Member of Council, as the case may be, for a period of up to 90 days.
- 14.7 The Integrity Commissioner has the authority to apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints or initiate an investigation of suspected violations of the Act. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge for determination of the questions of whether a Member has contravened section 5, 5.1 or 5.2 of the Act.

15. COMPLIANCE WITH THE CODE – COMPLAINT PROTOCOL

- 15.1 At all stages of the complaint process, from Intake Review by the Integrity Commissioner, to any investigative processes undertaken by the Integrity Commissioner, and the reporting thereof to Council, confidentiality pertaining to the identity of the complainant shall be respected, subject only to sections 20 and 21 of this Code.

Option A – Informal Complaint Procedure

- 15.2 Any individual who identifies or witnesses behaviour or activity by a sitting Member of Council that appears to be in contravention of the Code or the law may address the prohibited behaviour or activity themselves in the following manner:
- 15.3 The complainant, or the Clerk and/or the Integrity Commissioner on behalf of the complainant at the complainant's request, may:
- a) Advise the Member that their behaviour or activity appears to contravene the Code or the law;
 - b) Request that the Member immediately discontinue the prohibited behaviour or activity and 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 regarding their satisfaction with response, or, if applicable, advise the Member of their dissatisfaction with the response; and
 - e) Consider the need to pursue the matter in accordance with the formal complaint or inquiry outlined in Options B and C.
- 15.4 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 or the law. However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing a formal complaint/inquiry procedure in Option B or C.

Option B – Formal Complaint Procedure – To the Integrity Commissioner – Complaint Review Request

- 15.5 Any individual who identifies or witnesses behaviour or an activity by a sitting Member of Council that they believe is in contravention of the Code of Conduct, may file a formal complaint directly with the Integrity Commissioner in accordance with the following conditions:
- a) All complaints shall be made in writing, using a supporting form, and shall be dated and signed by an identifiable individual.
 - b) The supporting form must include reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and evidence in support of the allegation.
 - c) A complaint must be made within six weeks from when the complainant became aware of the alleged contravention. The Integrity Commissioner may accept a complaint submitted six weeks after the complainant became aware of the alleged contravention if the complainant includes a reasonable excuse for their delay in making the complaint and there would be no prejudice to the Member.
 - d) If the complainant is a Member of Council, their identity shall not be protected if the Integrity Commissioner finds that the complaint was not made in good faith.
 - e) A deposit of \$200.00 to initiate a formal request is paid to Haldimand County using a municipally accepted method of payment. The deposit will be refunded if it is determined by the Integrity Commissioner that the complaint warrants proceeding to the investigation stage. The deposit will not be refunded if the Integrity Commissioner finds the request to be vexatious or frivolous.

Filing of Complaint and Classification by Integrity Commissioner

- 15.6 The complaint shall be filed with the Integrity Commissioner for initial classification (the Intake Review) to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies. If the matter pertains to an alleged breach of The *Municipal Conflict of Interest Act*, Option C of this code applies.
- 15.7 If the complaint does not include a supporting form, the Integrity Commissioner may defer the classification or subsequent investigation until a form is received.

Complaints Outside Integrity Commissioner Jurisdiction at Intake Review Stage

- 15.8 If the complaint is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation (except the *Municipal Conflict of Interest Act*), or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

- 15.9 If the complaint on its face is an allegation of a criminal nature consistent with 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. The Commissioner's inquiry will be suspended until any resulting police investigation and charge have been finally disposed of.

Municipal Freedom of Information and Protection of Privacy Act

- 15.10 If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the Municipal Clerk.

Other Policy Applies

- 15.11 If the complaint appears to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

Lack of Jurisdiction

- 15.12 If the complaint is for any other reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

Matter Already Pending

- 15.13 If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding related to the *Municipal Conflict of Interest Act*, a Human Rights complaint or similar process, the Integrity Commissioner may, in their sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

Option C - Inquiry Procedure – To the Integrity Commissioner – The Municipal Conflict of Interest Act

- 15.14 Any individual (i.e. a person entitled to vote or a person “demonstrably acting in the public interest”) may apply in writing to the Integrity Commissioner, pursuant to the *Municipal Conflict of Interest Act*, for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1, 5.2 of the *Municipal Conflict of Interest Act*, except during the regular election period, i.e. between nomination day and election day.
- 15.15 The procedures to be followed for such an application shall be the same as provided for in section 18 of this Code.

As is the case with formal complaints under the Code of Conduct, the Integrity Commissioner will determine (the Intake Review) whether to conduct an inquiry, and if such an inquiry is undertaken, the inquiry will follow the same general processes and procedures and use the same powers and authorities as apply under this Code of Conduct. If in the opinion of the Integrity Commissioner a request for an inquiry under the *Municipal Conflict of Interest Act* would be more appropriately addressed under this Code of Conduct, the Integrity Commissioner shall proceed accordingly. The Integrity Commissioner has 180 days to complete an inquiry and report in response to an application under the *Municipal Conflict of Interest Act*.

- 15.16 Upon completion of an inquiry, the Integrity Commissioner may, at their discretion:
- a) Apply to a Judge for a determination as to whether the member has contravened sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

- b) Advise the applicant if the Integrity Commissioner will not be making an application to a judge.
- c) In either case, the Integrity Commissioner will publish written reasons, in the form of a report to Council, for the decision.

16. REFUSAL TO CONDUCT INVESTIGATION OR INQUIRY FOLLOWING THE INTAKE REVIEW

- 16.1 If the Integrity Commissioner is of the opinion that the referral of a matter is Frivolous, Vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation or inquiry and, where this becomes apparent in the course of an investigation, shall terminate the investigation or inquiry.
- 16.2 At the discretion of the Integrity Commissioner, they may discontinue an inquiry at any stage of the process if they determine that the matter does not warrant further action, or that it would not be in the public interest to take further steps.

17. OPPORTUNITIES FOR RESOLUTION

- 17.1 Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

18. INVESTIGATION

- 18.1 The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act* or any other relevant statute:
 - a) Provide the complaint and supporting material to the member whose conduct is in question (the respondent) with a request that a written response to the allegation be provided within ten business days; and
 - b) Provide a copy of the response provided by the respondent to the complainant with a request for a written reply within ten business days.
 - c) If, in the sole discretion of the Integrity Commissioner, any further steps in the exchange of documents is necessary or warranted to provide the Integrity Commissioner with a full understanding of the circumstances, the Integrity Commissioner may seek further written comments from the parties, prior to finally reviewing the materials.
- 18.2 If necessary, after reviewing the submitted materials, the Integrity Commissioner may initially speak to relevant staff, access and examine any other documents or electronic materials and may enter any Haldimand work location relevant to the complaint for the purpose of investigation and potential resolution.
- 18.3 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.

- 18.4 The Integrity Commissioner shall retain all records related to the complaint and investigation for a period of two years from the later of when the complaint was received or from when the Integrity Commissioner submits a related report to Council in accordance with section 19.4.

19. REPORTS TO COUNCIL

Annual Report

- 19.1 The Integrity Commissioner shall report to Council annually on the work undertaken by the office for the preceding year including a summary of all complaints received, by type of complaint, and their disposition (including complaints deemed not to be within the jurisdiction of the Integrity Commissioner) as well as a summary of the number of requests for advice, training, education and information provided by the Integrity Commissioner in that year. The report shall outline the cost of the services provided in the preceding year, itemized by type of complaint, request for advice, and training & education.

Investigation and Inquiry Report

- 19.2 The Integrity Commissioner shall report to the complainant and the respondent Member generally no later than 90 days after the official receipt of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.
- 19.3 If during the course of the investigation any new information is provided to the Integrity Commissioner, the Integrity Commissioner may in the interest of procedural fairness provide notice to the respondent Member of the new information.
- 19.4 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any sanctions recommended by the Integrity Commissioner as well as any recommended corrective actions.
- 19.5 The Municipal Clerk shall give a copy of the report referred to in section 19.4 to the complainant and the respondent Member. Subject to the conditions in section 19.7, that respondent Member shall have the right of reply when the report is considered by Council.
- 19.7 If the report of the Integrity Commissioner recommends sanctions of a pecuniary nature, such as the replacement of property or its value, of monies spent or suspension of remuneration paid to the Member, then the Member shall have a right to respond to the report during its consideration by the Council but shall not have the right to vote on the report.

Member not Blameworthy

- 19.9 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 may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act*.

No Reports Prior to Municipal Election

19.10 Notwithstanding any other provision of this procedure, the Integrity Commissioner shall not make any report to Council or to any other person after nomination day as established under the *Municipal Act* until the first meeting of Council following the election.

20. DUTY OF COUNCIL

20.1 The Municipal Clerk shall submit any investigation report by the Integrity Commissioner to Council at its next meeting and the report shall be considered in Open Session.

21. PUBLIC DISCLOSURE

21.1 The Integrity Commissioner, Municipal Clerk and every person acting under their jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol. The *Municipal Act* sets out specific rules about confidentiality.

21.2 Persons filing a complaint or application for an inquiry under this Code of Conduct and the *Municipal Conflict of Interest Act* are urged at all times to keep those actions and associated documents confidential, in order to not interfere with the course of any subsequent investigation or inquiry.

21.3 In accordance with the Haldimand's Record and Information Management Policy, all reports from the Integrity Commissioner to Council will be made available to the public on the Haldimand's website.

REVISION HISTORY

Report:

Council in Committee Date:
Council in Committee Recommendation #:
Council Date:
Council Resolution #:
Details:

Report:

Council in Committee Date:
Council in Committee Recommendation #:
Council Date:
Council Resolution #:
Details: