



THE CORPORATION OF THE TOWNSHIP OF MUSKOKALAKES
TOWNSHIP COUNCIL POLICY

**Township Code of Conduct
 for Members of Council and
 Local Boards**

AUTHORITY: Township Council	APPROVED: Res. No: Date:	C-5-06/02/06 February 6, 2006	REVISED: Res. No: Date: Res. No: Date: Res. No: Date:	C-12-17/07/15 July 17, 2015 C-7-16/03/18 March 16, 2018 C-5-15/03/19 March 15, 2019
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PURPOSE:

The purpose and intent of this Code of Conduct is to establish minimum standards of conduct for Members of Council and Members of Local Boards of the Township of Muskoka Lakes. The Code does not replace Council / Local Boards Members' roles and responsibilities required by various statutes, by-laws and policies.

A written Code of Conduct helps to ensure that the Members of Council and Local Boards share a common understanding of what represents acceptable conduct.

POLICY:

The Code is intended to enhance public confidence that The Township of Muskoka Lakes' elected officials and Local Board Members will always operate from a basis of integrity, justice, courtesy and respect for the democratic process.

STANDARDS:

Section 1: Statutory Provisions Regulating Conduct

- 1.1 This Code of Conduct operates as a supplement to applicable Provincial statutes. Members shall conduct their affairs in accordance with all applicable provincial legislation and without limiting the generality of the foregoing, applicable provincial legislation includes:
- Municipal Act, 2001, S.O. 2001, c. 25 (the "Municipal Act");
 - Municipal Conflict of Interest Act, R.S.O 1990, c. M. 50 (the "Municipal Conflict of Interest Act");
 - Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56 (the "Municipal Freedom of Information and Protection of Privacy Act");
 - Municipal Elections Act, 1996, S.O. 1996, c. 32 (the "Municipal Election Act");
 - The Occupational Health and Safety Act, R.S.O 1990, c .O.1.(the "Occupational Health and Safety Act"); and
 - Human Rights Code, R.S.O. 1990, c. H. 19 (the "Human Rights Code").



- 1.2 The Township of Muskoka Lakes' Procedure By-law as enacted from time-to-time addresses the conduct of Council during a Council or Committee meeting.
- 1.3 The Criminal Code of Canada also governs the conduct of members.

Section 2: Application

- 2.1 This Code applies to every Member. This Code shall be applied to Members of Local Boards, who are not members of Council, with necessary modifications as applied at the discretion of the Integrity Commissioner.

Section 3: Definitions

- 3.1 For the purpose of this Code of Conduct,
 - a. "Applicant" means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the *Municipal Conflict of Interest Act*.
 - b. "Application" means a written request for an investigation with respect to an alleged contravention of the *Municipal Conflict of Interest Act*.
 - c. "Child" means a child born within or outside a 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 or as defined under the current Municipal Conflict of Interest Act as amended from time-to-time.
 - d. "Clerk" means the Clerk of the Township of Muskoka Lakes.
 - e. "Code" means this Code of Conduct.
 - f. "Complainant" means a person who has filed a Complaint in accordance with this Code.
 - g. "Complaint" means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member.
 - h. "Confidential information" includes information in the possession of the Township that the Township is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation.

Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is subject to solicitor-client privilege and information that is deemed to be personal information. Under MFIPPA, "personal information" means recorded information about an identifiable individual, including:

- i. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- ii. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- iii. Any identifying number, symbol or other particular assigned to the individual;
- iv. The address, telephone number, fingerprints or blood type of the individual;

- v. The personal opinions or views of the individual except if they relate to another individual;
- vi. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- vii. The views or opinions of another individual about the individual; and
- viii. The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

It 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 Corporation or could give the person to whom it is disclosed an advantage.

Confidential information includes, but is not limited to information that is:

1. Disclosed or discussed at a Closed Session meeting of Council or Committee;
 2. Circulated to Members of Council and marked "Confidential"; and
 3. Given verbally in confidence in preparation for or following a meeting that is closed to the public and includes, but is not limited to the following types of information:
 - a) Personal matters about an identifiable individual(s);
 - b) Information about suppliers provided for evaluation which might be useful to other suppliers;
 - c) Matters relating to legal affairs of the Township;
 - d) Sources of complaints where the identity of the complainant is given in confidence;
 - e) Items under negotiation; and
 - f) Matters identified as being subject to solicitor-client privilege.
- i. "Corporate Policy" means procedures, rules, and policies.
 - j. "Corporation" means The Township of Muskoka Lakes.
 - k. "Council" means the Council of the Township of Muskoka Lakes.
 - l. "Mayor" means the person elected as the head of Council.
 - m. "Employee" means a person employed by The Township of Muskoka Lakes including those employed on a personal services contract, and volunteers, but does not include Members.
 - n. "Frivolous" means something that is not worthy of serious consideration, or that is of little or no importance, due to its lack of seriousness or sense.
 - o. "Gifts and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.
 - p. "Good faith" means in accordance with high standards of honesty, trust and sincerity.



- q. "Hospitality" means instances where there is entertainment of or by outside parties.
- r. "Local Board" is hereby defined as in Section 1(1) and Section 223.1 of the *Municipal Act*, as amended.
- s. "Member" means a member of Council, including the Mayor or a member of a Local Board.
- t. "Office" means the authority and duties attached to the position of being a member of Council.
- u. "Official duties" means the public duties of a member and includes functions performed by members necessary to demonstrate responsible and accountable government with respect to matters within The Township of Muskoka Lakes' jurisdiction, and which are done for the purpose of providing good government with respect to those matters.
- v. "Parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child, or as defined under the current *Municipal Conflict of Interest Act* as amended from time-to-time.
- w. "Pecuniary interests" are interests that have a direct or indirect financial impact, or as defined under the *Municipal Conflict of Interest Act* as amended or any successor thereto and they include:
 - i. Any matter in which the Member has a financial interest;
 - ii. Any matter in which the Member is a shareholder, director or senior officer of or holds a controlling interest in a corporation that does or does not offer its securities to the public, and such corporation has a financial interest;
 - iii. Any matter in which the Member is a partner of a person or is in the employment of a person that has a financial interest; and
 - iv. Any matter in which a parent, spouse, same sex partner or any child of the Member has a financial interest, if known to the Member.
- x. "Personal benefit" means forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member and includes the private interests of a Member.
- y. "Private interest" means all of the activities of a Member not included in the term defined as "Official Duties".
- z. "Spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage or as defined in the current *Municipal Conflict of Interest Act*, as amended or any successor thereto.
- aa. "Township" means The Township of Muskoka Lakes.
- bb. "Township Property" means items, services or resources, which are the property of the Township including but not limited to: materials, equipment, vehicles, facilities, land, technology, Township developed computer programs or technological innovations, databases, intellectual property, Township owned images, logos, coat of arms, and supplies.
- cc. "Vexatious" means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

Section 4: General Standards of Conduct

- 4.1 Members are responsible for making honest statements and shall not make a statement they know to be false or that is intended to be misleading.
- 4.2 Members will conduct their dealings with each other in ways that maintain public confidence, focus on issues rather than personalities, and avoid aggressive, offensive or abusive language or conduct.
- 4.3 Members shall perform their official duties with integrity, accountability, ethics and transparency.
- 4.4 It shall be the duty of all Members to abide by all applicable legislation, by-laws, policies and procedures pertaining to their position as a member.
- 4.5 Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of their Official Duties on behalf of the Township.
- 4.6 Council has the authority to approve budgets, policies or processes, including the structures and procedures for committees. The authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
- 4.7 Council is responsible for and dedicated to providing good, effective and ethical government for the public in an open, accountable and transparent manner.
- 4.8 Members of Council or Local Boards:
 - a. May not impugn or malign a debate or decision or otherwise erode the authority of Council or a Local Board;
 - b. Must make every effort to participate diligently, in good faith and care;
 - c. Must conduct themselves with the highest degree of ethical behaviour and integrity and be conscious of how their actions are perceived by the public;
 - d. Must understand and avoid conflict of interest;
 - e. Must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect;
- 4.9 Members shall at all times respect the important and key functions performed by Local Boards in the governance of the Township and will foster respect for the decision-making process.
- 4.10 If members of the public are appointed to Local Boards, they are appointed at the pleasure of Council. They do not hold office nor do they represent a constituency within the community, nor do they represent Council or the Local Board unless mandated to do so. Members of the public appointed to Local Boards must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.
- 4.11 Local Boards operate only within meetings for which proper notice has been given pursuant to a set agenda, unless otherwise mandated by Council. Local Board Members shall ensure that they do not hold a meeting or by their actions create a circumstance that may be interpreted as holding a meeting of the Local Board in the absence of proper notice pursuant to a set agenda whether by discussions in person or by telephone or electronic means.
- 4.12 No appointed Local Board Member may act beyond the mandate of their Local Board as granted by Council.

Section 5: Respect for Decision-Making Process

- 5.1 Members shall accurately and adequately communicate the decisions of Council in such a way that respect for the decision and decision-making process is fostered and promoted.
- 5.2 Members shall not, in their official capacity, attempt, directly or indirectly, to influence the decision-making process relating to the award of contracts, settlement of claims or other decisions. This includes but is not limited to direct or indirect personal contact or interaction with the parties administering or directly involved in such processes.

Section 6: Avoidance of Waste

- 6.1 Members shall avoid waste, abuse and extravagance in the provision or use of public resources or any other Township Property.

Section 7: Gifts and Benefits

- 7.1 No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of their official duties, unless permitted by the exceptions listed below.
- 7.2 For these purposes, a fee or advance, gift or benefit provided with the Member's knowledge to a Member's spouse, child or parent or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that member.
- 7.3 The following are recognized as exceptions to section 7.1 and 7.2:
- a. Compensation or benefit authorized by Council;
 - b. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol;
 - c. A political contribution otherwise reported by law;
 - d. Services provided without compensation by persons volunteering their time;
 - e. A suitable memento of a function honouring the Member;
 - f. Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country;
 - g. Food and beverages consumed at banquets, receptions or similar events, if:
 - i. Attendance serves a legitimate Township purpose;
 - ii. The person or representative of the organization extending the invitation is in attendance; and
 - iii. The value is reasonable and the invitations infrequent.
 - h. Communication to the offices of a Member, including unpaid subscriptions to newspapers and periodicals.
- 7.4 Except in the case of 7.3, a) or f), a Member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500.

Section 8: Confidential Information

- 8.1 No Member shall disclose or release, by any means, to any member of the public, any confidential information, including personal information, information subject to solicitor-client privilege, or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except as required by law or if authorized by Council resolution to do so.
- 8.2 Members shall not use confidential information, including information that they have knowledge of by virtue of their position, that is not in the public domain, including e-mails and correspondence from other Members, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or to cause detriment to the Township, Council, or Township employee.
- 8.3 Members shall not disclose, use or release information in contravention of any applicable privacy law.
- 8.4 Members shall not, either directly or indirectly, release, make public or in any way divulge any information received during closed session meetings, or the substance of deliberations, including memorandums, documents or staff reports that are distributed for consideration during the closed session meeting to anyone before, during or after such meeting, unless specifically authorized by Council resolution or required by law.
- 8.5 Members shall not access or attempt to gain access to confidential information in the custody of the Township unless it is necessary for the performance of their duties and not prohibited by Council policy.
- 8.6 Members are only entitled to information in the possession of the Township that is relevant to matters before the Council or a Local Board. 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. As one example, no Member should have access to documents or receive any information related to a particular procurement process while the process is ongoing.

Section 9: Use of Township Property, Services and Other Resources

- 9.1 No Member shall use, or permit the use of Township Property for activities other than the business of the Corporation. Nor should any Member obtain personal benefit or financial gain from the use or sale of Township Property.
- 9.2 Members shall conduct themselves in accordance with the provisions of all policies of the Township relating to the use of technology.

Section 10: Election Campaign Work

- 10.1 No Member shall use the facilities, equipment, supplies, services or other resources of the Township for any election campaign or campaign related activities pursuant to the Township Council Policy for the Use of Municipal Resources, as amended from time to time. No Member shall undertake campaign related activities on Township property unless specified otherwise in the Township Council Policy for the Use of Municipal Resources, as amended from time to time. No Member shall use the services of persons during hours in which those persons receive any compensation from the Township.

Section 11: Improper Use of Influence

- 11.1 For the purposes of this section “private advantage” does not include a matter:



- a. that is of general application;
 - b. that affects a Member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
 - c. that concerns the remuneration or benefits of a Member of Council as authorized by Council.
- 11.2 No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.
- 11.3 No Member shall hold out the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.

Section 12: Business Relations

- 12.1 No Member shall act as a paid agent before Council or Local Boards.

Section 13: Expenses

- 13.1 Members shall comply with all Township policies relating to expenses as are applicable as may be amended from time-to-time.

Section 14: Conduct Respecting Current and Prospective Employment

- 14.1 No Member shall allow the prospect of their future employment by a person or entity to detrimentally affect the performance of his or her duties to the Township.

Section 15: Conduct at Meetings

- 15.1 Members shall conduct themselves with decorum at Council and Local Board meetings and in accordance with the provisions of the Township's Procedure By-law as amended from time to time.
- 15.2 Members shall at all times treat other Members, Township employees and members of the public with respect, civility and decorum at all meetings and shall not act in a manner that will bring the process into disrepute.

Section 16: Conduct Respecting Employees

- 16.1 Members shall encourage and promote mutual respect and cooperation so as to achieve Township goals and implement the Council's strategic priorities through the work of employees.
- 16.2 Only Council as a whole and no single Member, including the Mayor, Deputy Mayor or Acting Deputy Mayor, have the authority to direct staff, unless specifically authorized by Council. Employees serve Council and work for the Corporation under the direction of the Chief Administrative Officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Notwithstanding the foregoing, the Mayor shall be permitted to provide direction to staff whose function is, in whole or in part, to assist or provide support to the Mayor, for the purpose of conducting the day-to-day affairs and duties of that office, so long as that direction is in the best interests of the Township.
- 16.3 Inquiries of employees from Members should be directed to the Chief Administrative Officer or the appropriate senior staff member as directed by the Chief Administrative Officer.
- 16.4 Members shall be respectful of the role of employees to advise based on political neutrality and

objectivity and without undue influence from any individual Member or faction of the Council. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, and all Members shall show respect for the professional capacities of the employees of the Township.

- 16.5 Members shall refrain from any conduct, which may insult, intimidate, bully, deter, interfere with or unduly influence employees in the performance of such duties and obligations.
- 16.6 Certain employees are employed within the administration of justice. Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.
- 16.7 No Member shall compel employees to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- 16.8 No Member shall use, or attempt to use, their authority or influence for the purpose or in a manner that is intimidating, threatening, coercing, commanding, or influencing any employee with the intent of interfering with that person's duties, including the duty to disclose improper activity.

Section 17: Discreditable Conduct (Interpersonal Behaviours)

- 17.1 All Members have a duty to treat all persons appropriately and without abuse, insult, bullying or intimidation. All Members shall do everything possible to ensure that their work environment is free from discrimination and of personal and sexual harassment.
- 17.2 Members shall abide by the provisions of the *Human Rights Code* as amended and, in doing so, shall treat every person with dignity, understanding and respect.
- 17.3 Members shall not discriminate against or engage in the harassment of anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.
- 17.4 Without limiting the generality of the foregoing, Members shall not:
 - a. Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
 - b. Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
 - c. Make threats or engage in any abusive activity or course of conduct towards others;
 - d. Vandalize the personal property of others;
 - e. Commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
 - f. Refuse to converse or interact with anyone based on any ground listed in the *Human Rights Code*, as amended.

Section 18: Failure to Adhere to Council Policies and Procedures

- 18.1 Members are required to observe the terms of all policies and procedures established by Council.
- 18.2 This provision does not prevent a Member from requesting that Council grant an exemption from a policy.

18.3 With respect to Social Media;

a. A member shall:

- i. adhere to any and all Township policies and guidelines, regarding social media use; and
- ii. always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Township when using social media.

b. No member shall:

- i. use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

Section 19: Reprisals and Obstruction

19.1 Members shall respect the integrity of this Code of Conduct. Any reprisal or threat of reprisal against a complainant / applicant or anyone for providing relevant information relating to a breach of the Code of Conduct is therefore prohibited. It is also a violation of the Code of Conduct to provide inaccurate or misleading information, or to refuse to answer inquiries relating to alleged breaches of the Code of Conduct, or to destroy records or documents, or to erase electronic communications.

Section 20: Informal Complaint Investigation

20.1 Any 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 informal complaint process set out below.

- a. Contact the Member and advise that their behavior or activity may contravene 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. Notify the Township Clerk of the informal complaint and provide the complainant's contact information and the nature of the complaint;
- e. The Township Clerk will notify the Integrity Commissioner of the informal complaint;
- f. Request the Integrity Commissioner to act as a mediator providing both parties agree;
- g. 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; and
- h. If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint / application process through the Integrity Commissioner as outlined in Section 21.

20.2 Complaints must be raised within six weeks of the matter becoming known to the individual making the complaint and no more than six months after the alleged violation occurred. No action will be taken beyond the deadlines.



Section 21: Formal Complaint / Application Process

Complaint Process – Township Code of Conduct

- 21.1 A Complaint that a Member of Council or a Local Board has contravened the Code or a corporate policy applicable to the member, may be initiated by a member of the public, a Member of Council, or by Council, or a Complaint that a Member of a Local Board has contravened the Code or a corporate policy applicable to the member, may be initiated by any Member of a Local Board, or by a Local Board, as follows:
- a. A Complaint shall be made in writing in the form attached to this Code as Appendix A and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - b. A Complaint must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation); and
 - c. A Complaint shall include:
 - i. an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
 - ii. any evidence in support of the allegation; and
 - iii. any witnesses in support of the allegation must be identified.

Application Process - *Municipal Conflict of Interest Act*

- 21.2 An Application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") by a Member, may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:
- a. An Application shall be made in writing in the form attached to this Code as Appendix B and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - b. An Application must be signed and dated by the Applicant who shall be an identifiable individual (Applications may not be submitted by any group, organization or corporation); and
 - c. An Application shall include:
 - i. an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
 - ii. any evidence in support of the allegation;
 - iii. any witnesses in support of the allegation must be identified; and

- iv. a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention not more than six weeks before the date of application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.
- d. An application may only be made within six weeks after the applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

Complaint / Application - Review and Reporting

- 21.3 The Integrity Commissioner shall undertake an initial review of a complaint or an application that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members or compliance with the MCI. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint or application, if it is not alleging such a contravention, or if the complaint relates to the following matters:
- 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 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 or designate to have the matter reviewed under that Act.
 - c. **Discrimination or Harassment** – If the complaint is an allegation of discrimination or harassment the complainant shall be advised to file a complaint directly to the Human Rights Program. The complainant will also be advised of his or her right to advance an application to the Ontario Human Rights Tribunal.
 - d. **Municipal Elections Act** – If the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.
- 21.4 If the Integrity Commissioner determines that, he or she does not have jurisdiction as described in Section 21.3 the Integrity Commissioner shall advise the complainant/applicant in writing accordingly.
- 21.5 If the matter is covered by other policies with a complaint procedure or legislation, the complaint will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.
- 21.6 The Integrity Commissioner may dispose of a complaint or application on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant/applicant and shall endeavour to apprise the complainant/applicant of subsequent steps and the processing of the complaint or application and any ensuing investigation.
- 21.7 If the Integrity Commissioner is of the opinion that a complaint or application is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for

conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint/application in a summary manner. The Integrity Commissioner shall advise the complainant/applicant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.

- 21.8 If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the *Public Inquiries Act, 2009*, if applicable), the Integrity Commissioner shall provide a copy of the complaint or application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the complainant/applicant with a request for a written reply also within ten (10) days. A complainant/applicant may request that his/her complaint remain anonymous and, if approved by the Integrity Commissioner, the name will not be released.
- 21.9 The Integrity Commissioner shall review the written responses and may, if necessary, discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint/application. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3)(4) and 223.4.1(10)(11) of the *Municipal Act, 2001* and may access any Township workplace relevant to the complaint, including any documents or records under the custody or control of the Township.
- 21.10 Before finalizing a report to Council which recommends penalties, the Integrity Commissioner shall provide the Member with the basis for their findings and any penalties that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and penalties.
- 21.11 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- a. issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended penalties, or any settlement; and
 - b. provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 21.12 Upon conclusion of an application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.
- 21.13 The Integrity Commissioner shall:
- a. advise the applicant if he or she will not be making an application to a judge; and
 - b. after deciding whether or not to apply to a judge, publish a written report providing reasons for the decision.
- 21.14 The Integrity Commissioner's report on a complaint or an application shall be placed on an agenda for consideration at a public meeting of Council, in accordance with the Township Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

Section 22: Election Blackout Period

22.1 No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day and six weeks after voting day, as set out in the *Municipal Elections Act*, as amended, except as provided in s.223.4 and 223.4.1 of the *Municipal Act*.

Section 23: Confidentiality of Complaint Documents

23.1 The Integrity Commissioner and every person acting under his or her instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation, except as required by law in a criminal proceeding and the confidentiality of all documents, material and other information, whether belonging to the Township or not, that come into his or her possession or to his or her knowledge during the course of their duties as required by section 223.5 of the *Municipal Act*, 2001.

23.2 Pursuant to Sec 223.5(3) of the *Municipal Act*, 2001, this section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

23.3 All reports from the Integrity Commissioner to Council will be made available to the public.

23.4 If the Integrity Commissioner reports to 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.

23.5 If the Integrity Commissioner issues an annual or other periodic report to Council on their activities, the Integrity Commissioner shall summarize the advice they have given, but shall not disclose confidential information that could identify a person concerned.

Section 24: Role of the Integrity Commissioner

24.1 The Township shall appoint an Integrity Commissioner under Section 223.3 of the *Municipal Act* who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the *Municipal Act* and any other functions assigned by Council, in an independent manner.

24.2 The Integrity Commissioner, shall provide the following services:

- a. The application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them.
- b. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them.
- c. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council or of local boards.
- d. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member. All requests for such advice and the advice in response thereto, shall be provided in writing.
- e. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be,

governing the ethical behaviour of members. All requests for such advice and the advice in response thereto, shall be provided in writing.

- f. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*. All requests for such advice and the advice in response thereto, shall be provided in writing.
- g. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

Section 25: Penalties

- 25.1 Upon receipt of a final report with respect to a complaint and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties:
- a. a reprimand; or
 - b. suspension of remuneration paid to the Member in respect of his or her services as a Member for a period of up to ninety (90) days.
- 25.2 Council may, based on the recommendation from the Integrity Commissioner, also take the following actions:
- a. provide a written or verbal apology;
 - b. removal from membership of a committee / local board;
 - c. removal as chair or vice chair of a committee / local board;;
 - d. request the repayment or reimbursement of monies received;
 - e. request the return of property or reimbursement of its value;
 - f. comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

LEGAL REFERENCES: Municipal Act, 2001 as amended

CROSS REFERENCES: Management & Services Res. #MSC-3-17/01/06, Confirming By-law #2006-22;
Committee of the Whole Res. #COW-12-16/06/15, Confirming By-law #2015-93;
Committee of the Whole Res. #COW-15-15/02/18, Confirming By-law #2018-32;
Committee of the Whole Res.#COW-12-14/02/19, Confirming By-law#2019-31;



**Township Code of Conduct for Members of Council and Local Boards
Township Council Policy C-GG-06 - Appendix "A"**

Formal Complaint Form – Township Code of Conduct

I, _____ of the _____
(Full name) (Municipality)

in the Province of Ontario have reasonable and probable grounds to sign this complaint form and the following contents of this form are true and correct:

Permanent place of residence: _____

Mailing address (if different from above): _____

E-mail address: _____

Business Phone: _____

I have personal knowledge of the facts as set out in this form because (insert reasons e.g. I work for... I attended a meeting at which... etc.) _____

I have reasonable and probable grounds to believe that _____
(specify name of Member)

has contravened section(s) _____ of the Township Code of Conduct for Members of Council and Local Boards of the Township of Muskoka Lakes. The particulars of which are as follows:

With respect to the alleged contravention(s), set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. 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 form.)

**Township Code of Conduct for Members of Council and Local Boards
Township Council Policy C-GG-06 - Appendix "B"**

Formal Application Form – *Municipal Conflict of Interest Act*

I, _____ of the _____
(Full name) (Municipality)

in the Province of Ontario, have reasonable and probable grounds to sign this application form and I SOLEMNLY DECLARE THAT the following contents of this form are true and correct:

Permanent place of residence: _____

Mailing address (if different from above): _____

E-mail address: _____

Business Phone: _____

I have personal knowledge of the facts as set out in this form because (insert reasons e.g. I work for... I attended a meeting at which... etc.) _____

I have reasonable and probable grounds to believe that _____
(specify name of Member)

has contravened section(s) _____ of the *Municipal Conflict of Interest Act*, RSO 1990, Chapter M.50, as amended. I became aware of the facts constituting the alleged contravention(s) not more than six (6) weeks before the date of this application. The particulars of which are as follows:

With respect to the alleged contravention(s), set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this application, please refer to the exhibits as Exhibit A, B etc. and attach them to this form.)
