

**CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE**

**BY-LAW NO. 2024-82**

Being a By-Law to adopt the Council Code of Conduct of the Corporation of the Township of McNab/Braeside

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**WHEREAS** the Municipal Act, 2001 confers broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 8 of the Municipal Act, 2001 as amended, provides that a municipality has the capacity, rights and powers of a natural person for the purpose of exercising its authority under this or any other Act.

**THEREFORE BE IT RESOLVED THAT** the Corporation of the Township of McNab/Braeside hereby enacts as follows:

1. **THAT** Council of the Corporation of the Township of McNab/Braeside hereby adopt the "Council Code of Conduct" attached hereto and marked as Schedule "A" to this By-Law.
2. **THAT** this By-law shall come into full force and effect upon the passing thereof.

**BE IT FURTHER ENACTED**, that all By-Laws or parts thereof, and all or any resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

**READ** a first time this **3<sup>rd</sup> day of December, 2024**.

**READ** a second time this **3<sup>rd</sup> day of December, 2024**.

**READ** a third and final time and passed this **3<sup>rd</sup> day of December, 2024**.

  
MAYOR

  
CAO/CLERK

**CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE**

**BY-LAW NO. 2024-82**

Schedule A  
"Council Code of Conduct"

**CORPORATION OF THE TOWNSHIP OF McNab/Braeside**

Policy Manual

<b>SECTION NAME</b> Council	<b>POLICY</b> Council Code of Conduct	<b>POLICY NO.</b> A-7
<b>SCOPE</b> All members of Council	<b>EFFECTIVE DATE</b> April 2015	<b>PAGE</b> 1 of 18
<b>IMPLEMENTATION</b>	<b>REVISIONS</b> December 2024	

**POLICY**

The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council, Local Boards and Committee Members in the individual conduct of their official duties.

The Code represents general standards. The Code does not replace Member's roles, responsibilities, actions and behaviors required by various statutes, by-laws and policies.

**PROCEDURE**

**Statements of Principle:**

A written Code of Conduct helps to ensure that the members share a common basis of acceptable conduct. These standards are designed to supplement the legislative parameters within which the members must operate. These standards are intended to enhance public confidence that the Township of McNab/Braeside elected and appointed officials operate from a basis of integrity, justice and courtesy.

**Specific Policy Requirements:**

**Section 1: Overview**

- 1.1 The Corporation of the Township of McNab/Braeside Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern the members' conduct.

**Section 2: Statutory Provisions Regulating Conduct**

- 2.1 This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. Six pieces of provincial legislation govern the conduct of members, those being:

- a) Municipal Act, 2001, S.O. 2001, c. 25;
- b) Municipal Conflict of Interest Act, R.S.O 1990, c.M. 50;
- c) Municipal Freedom of Information and Protection of Privacy Act, R.S.). 1990, c.M. 56;
- d) Municipal Elections Act, 1996, S.O. 1996, c. 32;

- e) The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009; and
- f) Human Rights Code.

### **Section 3: Application**

- 3.1 This Code of Conduct and the references within it, shall apply to all members of the Township of McNab/Braeside Council and members of Local Boards and Council Committees including those citizens and/or staff appointed by Council to any Local Board or Council Committee.

### **Section 4: Definitions**

- 4.1 For the purpose of this Code of Conduct,
- a) “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.
  - b) “Township” means The Corporation of the Township of McNab/Braeside.
  - c) “Township property” means items, services or resources which are the property of the Township including but not limited to: materials, equipment, vehicles, facilities, logos, intellectual property and supplies.
  - d) “Clerk” means the Clerk of The Corporation of the Township of McNab/Braeside.
  - e) “Code” means this Code of Conduct as it applies to members of Council, Local Boards and/or Council Committees.
  - f) “committee member” means citizens and/or staff appointed by Township Council to Committees of Council.
  - g) “complaint” means an alleged contravention of this Code.
  - h) “confidential information” includes information in the possession of the Township that is not publicly available and which the member is privy to by virtue of their official duties and which is marked confidential, is described as confidential, was obtained in a closed session or 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:

- ix. Disclosed or discussed at a Closed Session meeting of Council;
  - x. That is circulated to Members of Council and marked "Confidential"; and
  - xi. That is given verbally in confidence in preparation of or following a meeting that is closed to the public and includes, but is not limited to the following types of information:
    - Personal matters about an identifiable individual(s);
    - Information about suppliers provided for evaluation which might be useful to other suppliers;
    - Matters relating to legal affairs of the Township; sources of complaints where the identity of the complainant is given in confidence; items under negotiations; and
    - Matters identified as solicitor-client privileged.
- i) "Corporation" means Corporation of the Township of McNab/Braeside.
  - j) "Council" means the Council of the Township of McNab/Braeside.
  - k) "Council Committee" means an Advisory, Reference, Standing or Special Committee of Township Council, established in the Procedural By-law 2013-003 as amended from time to time.
  - l) "*employee*" means a person employed by The Corporation of the Township of McNab/Braeside or Local Board, including those employed on a personal services contract, and volunteers, but does not include Members.
  - m) "family member" includes a spouse, siblings same sex partner, parent, grandparent, aunt/uncle, first cousin and child, whether related by blood, marriage, adoption or the common law.
  - 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 standards of honesty, trust and sincerity.
- q) “hospitality” means instances where there is entertainment of or by outside parties for the furtherance of municipal business.
- r) “Local Board” means a local board as defined in section 223.1 of the *Municipal Act, 2001*.
- s) “member” means a member of Council, a Local Board or Committee member.
- t) “member of Council” means the Mayor or Councillor of The Corporation of the Township of McNab/Braeside.
- u) “office” means the authority and duties attached to the position of being an elected member of Council.
- v) “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 or Local Board's jurisdiction, and which are done for the purpose of providing good government with respect to those matters.
- w) “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.
- x) “pecuniary interests” are interests that have a direct or indirect financial impact on a member, as defined under the current Municipal Conflict of Interest Act as amended from time to time and includes:
  - 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 family member has a financial interest
- y) “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.
- z) “private interest” means all of the activities of a Member not included in the term defined as “Official Duties”.
- aa) “social media” means the various online, accessible communication channels or technologies that enable individuals to join and/or participate in online communities for the purpose of publicly sharing information, ideas, messages, pictures, etc. These channels can include Facebook, Twitter, YouTube, Instagram, LinkedIn, as well as blogs, mobile applications, websites, photo boards, discussion boards, or any other online location where commentary is publicly share and attributed to the corporation, an employee, or elected official.

bb) “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 Conflict of Interest Act as defined from time to time.

cc) “vexatious” means without reasonable or probable cause or excuse.

#### **Section 5: General Standards of Conduct**

- 5.1. Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council or members of the public.
- 5.2. Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, avoid aggressive, offensive or abusive conduct.
- 5.3. Members shall perform official duties and arrange their public affairs in a temperate and abstemious manner that promotes public confidence and respect and will bear close public scrutiny.
- 5.4. It shall be the duty of all Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member.
- 5.5. Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of Official Duties to the Township or Local Board.
- 5.6. Members shall be respectful of their relationship with staff, mindful of retaining at all times a professional working relationship only. Accordingly, members shall not appear to socialize with staff, maintaining a distance in accordance with their role as members of Council.
- 5.7. Members shall follow the Township’s professional dress code, and dress according to their role as representatives of the Township. Members shall exercise judgement with respect to social and professional functions.
- 5.8. Every Member in exercising his or her powers and in discharging his or her Official Duties shall, in accordance with the *Municipal Act, 2001*, and *Municipal Conflict of Interest Act*:
  - a) Seek to advance the common good of the Township of McNab/Braeside;
  - b) Truly, faithfully and impartially exercise his or her office to the best of his or her knowledge and ability;
  - c) Exercise the care, diligence and skill expected of a reasonably prudent member in comparable circumstances;
  - d) Exercise his or her powers only for the purpose for which they were intended; and
  - e) Competently exercise his or her office by educating themselves either formally or informally, in matters pertaining to their official duties.

Responsibilities of Council, the Mayor and Councilors

- 5.9 Council as a whole has 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.
- 5.10 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.
- 5.11 Members will:
- a) Accurately and adequately communicate the attitudes and decisions of Council even if they disagree with a majority decision of Council.
  - b) Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the Community and the media in an official capacity by the Mayor or designate
  - c) When appointed to committees and other bodies as part of their duties must make every effort to participate diligently in these bodies with good faith and care;
  - d) Must uphold the law and conduct themselves with the highest degree of ethical behavior and integrity;
  - e) Must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect;
  - f) May not make statements known to be false or make a statement with the intent to mislead Council or the public;
  - g) Are responsible in this Code for the actions of their staff, volunteers, agents or other representatives working on their behalf.

Committees, Local Boards and Members of Committees/Local Boards.

- 5.12 Committees and Local Boards operate only within meetings for which proper notice has been given pursuant to a set agenda unless otherwise mandated by Council.
- 5.13 No Committee member/Local Board member may act beyond the mandate of the committee/local board granted by Council. They must not undertake site visits, direct discussions with residents, informal meetings or communications including emails except:
- a) As granted the right to do so by Council;
  - b) Pursuant to the duties of a Member of Council; or
  - c) Otherwise if required by law.

Section 6: Respect For Decision Making Process

- 6.1 Members shall accurately and adequately communicate the decisions of Council and Local Boards such that respect for the decision and decision-making process is fostered.



- 6.2 Members shall not attempt directly or indirectly, to influence the decision-making process, as it relates to the award of contracts or settlement of claims. This includes but is not limited to direct or indirect personal contact or interaction with the parties administering or directly involved in such processes.
- 6.3 It is not the intent of this Code of Conduct to restrict the ability of a Member to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Municipality. In no event should a Member express a position that is disrespectful of the decision of the majority of Council, a Board or a Committee.
- 6.4 If Council has taken a position in a Local Planning Appeals Tribunal, or other tribunal or court, and instructed the Municipal Solicitor to appear at a hearing in support of such position, no Member who disagrees with such position shall give evidence at such hearing or otherwise work against the will of Council expressed in its direction to the Municipal Solicitor in such matter. For greater clarity, this provision shall not prevent a member from participating in a hearing or other proceeding where the subject matter is personal to the Member or involves the property of the Member.

#### **Section 7: Avoidance Of Waste**

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

#### **Section 8: Gifts 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 or her duties of office, unless permitted by the exceptions listed below.
- 8.2 For these purposes, a fee or advance, gift or benefit provided with the member's knowledge to a member's family member 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.
- 8.3 The following are recognized as exceptions:
- i) Compensation or benefit authorized by Council;
  - ii) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - iii) A political contribution otherwise reported by law;
  - iv) Services provided without compensation by persons volunteering their time;
  - v) A suitable memento of a function honoring the member;
  - vi) 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;
    - a) Food and beverages consumed at banquets, receptions or similar events, if:

- i) Attendance serves a legitimate business purpose;
  - ii) The Person extending the invitation or a representation of the organization is in attendance; and
  - iii) The value is reasonable and the invitations infrequent.
- b) Communication to the offices of a member, including unpaid subscriptions to newspapers and periodicals.

### **Section 9: Confidential Information**

- 9.1 No member shall disclose or release by any means to any member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberations acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council resolution to do so.
- 9.2 Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council, Local Board resolution (if so empowered), or required by law to do so.
- 9.3 Nor shall members 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 a member's family member or any person or corporation or cause detriment to the Township, Council, Local Board, or others. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Township property or assets.
- 9.4 Under the Township of McNab/Braeside Procedural By-law as amended from time to time a matter that has been discussed at an in-camera meeting remains confidential. Members have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members shall not either directly or indirectly, release, make public or in any way divulge the content of any such matter, or the substance of deliberations, of the in-camera meeting including memorandums and staff reports that are distributed for consideration during the in-camera meeting to anyone, unless specifically authorized by Township Council resolution or required by law.
- 9.5 Examples of the types of information that a member of Council must keep confidential include but are not limited to the following:
- a) Items under litigation, negotiation, or personnel matters;
  - b) Information that infringes on the rights of others (e.g., sources of complaints);
  - c) Price schedules in contract tender or Request For Proposal submissions if so specified;
  - d) Information deemed to be "personal information" under the Municipal Conflict of Interest Act; and
  - e) Statistical data required by law not to be released (e.g. certain census or assessment data).

- 9.6 Members of Council 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.
- 9.7 Members are only entitled to information in the possession of the Township 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. 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 10: Use Of Township Property, Services and Other Resources**

- 10.1 No member of Council shall use, or permit the use of Township Property, including land, facilities, equipment, supplies, services, staff or other resources (for example, Township -owned materials, computers, networks, websites, Corporate transportation) 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, Township owned images, logos, coat of arms, or other items capable of being patented, since all such property remains exclusively that of the Township.
- 10.2 Members shall conduct themselves in accordance with the Township of McNab/Braeside's Use of Corporate Resources for Election Purposes Policy.

#### **Section 11: Election Campaign Work**

- 11.1 Members are required to follow the provisions of the Municipal Elections Act, 1996 and Council's Policy with respect to the Use of Corporate Resources for Election Purposes.
- 11.2 No member shall use the facilities, equipment, supplies, services or other resources of the Township (including Councillor newsletters and Councillor websites linked through the Township's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on Township property. No member shall use the services of people for election purposes during hours in which those persons receive any compensation from the Township.

#### **Section 12: Municipal Conflict Of Interest Act**

- 12.1 Members shall conduct themselves in accordance with the Municipal Conflict of Interest Act as amended from time to time.

12.2 Conflict of Interest:

It is the responsibility of individual councillors to ensure that they are aware of and trained in the application of the Municipal Conflict of Interest Act. The onus is on the councillor to identify a conflict of interest and take the appropriate action to comply with their legal obligations.

In addition to conflicts of interest as defined in the Conflict of Interest Act, it is a breach of this Code of Conduct to vote on or in any way attempt to influence the vote related to a decision that may affect the pecuniary interest of a member's family member. The member shall declare their potential pecuniary interest as defined in this section in the same manner as if the pecuniary interest were one as defined in the Municipal Conflict of Interest Act.

**Section 13: Improper Use of Influence**

- 13.1 For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to that interest.
- 13.2 In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:
- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;
  - b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
  - c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
  - d) do not make decisions that create an obligation to any other person who will benefit from the decision;
  - e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
  - f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
  - g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.
- 13.3 Direct or indirect personal interests do not include:
- a) a benefit that is of general application across the Municipality;
  - b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
  - c) the remuneration of Council, a Member or benefits available to Council or Members.

13.4 Every Member has the following obligations:

- a) To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) To make Council or the Board or Committee aware of the potential conflict of interest and where appropriate declare the interest;
- c) To refuse to participate in the discussion of Council, the Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and
- e) If the matter which creates the conflict of interest is discussed in closed session, the Member may not attend that portion of the closed session where that matter is discussed.

13.5 Examples of prohibited conduct are the use of one's status as a member to improperly influence the decision of another person for the personal benefit of the member to the private advantage of the member or member's family member, staff members, friends, or associates (business or otherwise). This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for personal benefit or private advantage of the member or the member's family member.

13.6 For the purposes of this provision "private advantage" and personal benefit do not include a matter:

- a) That is of general application;
- b) That affects a member of Council, his or her family members, 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.

#### **Section 14: Conduct At Meetings Of Council**

14.1 Members shall conduct themselves with decorum at Council and Committee meetings.

#### **Section 15: Conduct Respecting Staff**

15.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.

- 15.2 Employees serve Council and 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 have no individual capacity to direct members of staff to carry out particular functions.
- 15.3 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.
- 15.4 Only Council as a whole and no single member including the Mayor has the authority to direct staff, approve budget, policy, committee processes and other such matters, unless specifically authorized by Council. If approached, direct to the CAO or designate.
- 15.5 Members shall be respectful of the role of staff 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, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Township.
- 15.6 Employees have a duty and obligation to act impartially, and in accordance with prescribed regulations or standards of conduct. Members shall refrain from any conduct which may deter, interfere or unduly influence Employees in the performance of such duties and obligations.
- 15.7 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. Nor shall any member 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.

**Section 16: Discreditable Conduct (Interpersonal Behaviours)**

- 16.1 All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members of Council shall ensure that their work environment is free from discrimination and of personal and sexual harassment.
- 16.2 The Ontario Human Rights Code applies, as does the Township of McNab/Braeside's policies adopted by Council.
- 16.3 Members shall abide by the provisions of the Human Rights Code, as amended, and, in doing so, shall treat every person, including other Members, employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect.
- 16.4 In accordance with the Human Rights Code, as amended, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
- 16.5 In accordance with the Human Rights Code, as amended, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

- 16.6 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.
- 16.7 Harassment which occurs in the course of, or is related to, the performance of Official Duties by Members is subject to this Code. If an Employee or a member of the public brings forward a harassment complaint against a Member, the complaint procedure under the Township's (or Local Board's, where applicable) Human Rights Program/Harassment Policy will apply. In all other cases involving a Member, complaints will be addressed in accordance with sections below.

#### **Section 17: Adherence To Council Policies And Procedures**

- 17.1 A number of the provisions of this Code of Conduct incorporate policies and procedures adopted By Council. More generally, Members are required to observe the terms of all policies and procedures established by Township Council.
- 17.2 This provision does not prevent a Member from requesting that Council grant an exemption from a policy.

#### **Section 18: Reprisals And Obstruction**

- 18.1 Members of Council shall respect the integrity of the Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his or her responsibilities, as, for example, providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or by the destruction of records which includes the erasing of electronic communications.

#### **Section 19: Compliance With The Code Of Conduct**

- 19.1 The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.
- 19.2 The Integrity Commissioner may also recommend that Council impose one of the following sanctions:
- a) Written and/or verbal public apology;
  - b) Return of property or reimbursement of its value or of monies spent;
  - c) Removal from membership of any Committee or Board;

- d) Removal as chair of a Committee or Board; and
- e) Other sanctions that are reasonably connected to the breach of this Code of Conduct and which the Integrity Commissioner believes in his or her sole discretion are necessary to modify the behavior of the Member

19.3 Any individual, including members of the public, employees, member that has reasonable grounds to believe that a member has breached a provision of the Code, may proceed with a complaint.

19.4 Complaints must be submitted within six weeks of the matter becoming known to the person making the complaint and no more than six months after the alleged violation occurring. No action will be taken on a complaint received beyond these deadlines.

#### **Section 20: Procedure – Complaints Informal Complaints**

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

- a) Advise the member that their behaviour or activity contravenes the Code;
- b) Encourage the member to stop the prohibited behaviour or activity;
- c) If applicable, confirm to the member your satisfaction or dissatisfaction with his or her response to the concern identified;
- d) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.

#### **Formal Complaints**

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

- a) All formal complaints must be made using the Township 's Complaints Form / Affidavit and shall be dated and signed by the complainant;
- b) The complaint must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation must be included with the Complaints Form/Affidavit;
- c) Any witnesses in support of the allegation must be identified on the Complaint Form/Affidavit;
- d) The Complaint Form/Affidavit must include the name of the member alleged to have breached the Code, the section of the Code allegedly contravened, the date, time and location of the alleged contravention and any other information as required on the Complaint Form/Affidavit;
- e) The complaint shall be filed with the Clerk who shall confirm that the information is complete as to a), b), c) and d) of this section. The Clerk will forward the Complaint Form/Affidavit to the Integrity Commissioner who will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies; and
- f) The Integrity Commissioner may request additional information from the complainant.



**Response Of Integrity Commissioner of Complaint Outside Jurisdiction**

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

**Refusal To Conduct an Investigation**

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

**Opportunity For Resolution**

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

**Section 21: Investigation**

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

**Section 22: Recommendation Report**

- 22.1 Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and the member on the results of his or her review within ninety days of receiving a complete Complaint Form/Affidavit. If the investigation process is going to take more than ninety days, the Integrity Commissioner shall provide an interim report to the complainant and member indicating when the complete report will be available.
- 22.2 If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty or other sanction authorized by this Code of Conduct.
- 22.3 If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.

**Section 23: Duty Of Council**

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

**No Complaints or Reports Prior to Election**

- 23.3 Notwithstanding section 20.2(e) no complaint regarding a Member who is a candidate in an election shall be referred to the Integrity Commissioner or forwarded by the Clerk for review and/or investigation between Nomination Day and Voting in any year in which a regular municipal election will be held. The Clerk shall forward any complaint received after Voting Day to the Integrity Commissioner in a regular election year and advise the complainant of this process.
- 23.4 Any reports would proceed to the first General Committee meeting held after the inaugural meeting of the new Council.

**Section 24: Confidentiality Of Complaint Documents**

- 24.1 The Integrity Commissioner and every person acting under his or her instructions shall preserve. The confidentiality of all documents, material or other information, whether belonging to the Township or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act*.
- 24.2 Pursuant to section 223.5(3) of the *Municipal Act*, this section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

- 24.3 If the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
- 24.4 If the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose confidential information that could identify a person concerned.