



Policy #120  
Council Code of Conduct for Elected or Appointed Officials

March 28, 2019

---

**Definitions and Interpretation Rules**

Wherever a word is used in this Policy with its first letter capitalized, the term is being used as it is defined in this Section. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended. Defined terms may be used throughout this policy in different grammatical contexts.

Information in this policy is organized under the following headings:

1. Definitions
2. Purpose
3. Scope
4. General Integrity
5. Conduct at Council/Committee Meetings
6. Discrimination Harassment
7. Conduct Respecting Staff
8. Conduct Respecting Fellow Members
9. Improper Use of Influence
10. Use of Township Property and Resources
11. Conduct Respecting Lobbying
12. Confidential Information
13. Gifts, Benefits and Hospitality
14. Social Media
15. Election-Related Activity
16. Compliance with the Code of Conduct
17. Enforcement of the Code of Conduct
18. Other Duties of the Integrity Commissioner
19. Procedure – Informal Complaint (Optional)
20. Procedure – Formal Complaint
21. Complaint – Municipal Conflict of Interest Act (MCIA)
22. Refusal to Conduct an Investigation
23. Response to Complaint Outside the Jurisdiction of the Integrity Commissioner
24. Election Blackout Period
25. Policy, Procedure and Implementation

## 1. Definitions

**“Clerk”** shall mean an employee authorized to act as the Clerk of the Township of Minden Hills.

**“Child”** has the same meaning as that in the *Municipal Conflict of Interest Act*.

**“Closed Meeting”** shall mean a meeting or part of a meeting not open to the public in accordance with the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended.

**“Code”** means this Council Code of Conduct as it applies to members of Council of The Corporation, members of any Quasi-Judicial Committees or any Committees (as defined under the *Municipal Act, 2001*) of the Township of Minden Hills.

**“Committee”** as defined under section 238 (1) of the *Municipal Act, 2001*, means any advisory or other Committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;

**“Complaint”** means an alleged contravention of this Council Code of Conduct.

**“Confidential Information”** includes any information in the possession of the Township that the Township is prohibited from disclosing. Confidential Information also means any information that is not available to the public and that, if disclosed, could result in loss or damage to the Township of Minden Hills or could give the person to whom it is disclosed an advantage. Confidential Information also includes items disclosed or discussed at Closed Meeting of Council and Committee meetings.

**“Council”** means the Council of The Corporation of the Township of Minden Hills.

**“Township Property”** means items, services or resources which are the property of the Township, including, but not limited to, materials, equipment, facilities, technology, Township-developed computer programs or technological innovations, databases, intellectual property and supplies.

**“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.

**“Gifts and Benefits”** means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.

**“Good Faith”** means in accordance with standards of honesty, trust and sincerity.

**“Harassment” or “Harass”** involves engaging in a course of behavior, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes, but is not limited to, any behavior, conduct or comment by a Member that is directed at or is offensive to another person:



- i. on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- ii. which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

**“Hospitality”** means instances where there is entertainment of, or by outside parties, for the furtherance of municipal business.

**“Integrity Commissioner”** means the Integrity Commissioner appointed by the Council of The Corporation of the Township of Minden Hills.

**“Member”** means a member of the Council of The Corporation of the Township of Minden Hills, any member of a Quasi-Judicial Committee, or a Committee of Council (as defined under the *Municipal Act, 2001*) appointed by the Township of Minden Hills.

**“Municipal Act”** means *Municipal Act, 2001, S.O. 2001, c.25*.

**“Non-Pecuniary Interest”** means a private or personal interest that a Member may have that is non-financial in nature but that arises from a relationship with a person, persons or entity that would be considered by a reasonable person, acting reasonably and apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the nonpecuniary interest arises;

**“Office”** means the authority and duties attached to the position of being an elected member.

**“Parent”** has the same meaning as that in the *Municipal Conflict of Interest Act*.

**“Quasi-Judicial”** means a Committee created by Council to exercise a legislative or quasi-judicial power under the *Planning Act*, *Municipal Act* or an Act so prescribed, and includes a Committee of Adjustment under the *Planning Act*, a Property Standards Committee required under the *Building Code Act*, and a Compliance Audit Committee required under the *Municipal Elections Act*.

**“Social Media”** means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video.

**“Spouse”** has the same meaning as that in the *Municipal Conflict of Interest Act*.

**“Staff”** means all full-time and part-time persons hired by the Township, including the Chief Administrative Officer, Directors, Managers, Supervisors, Salaried Employees, Administrative Staff, contract and temporary employees, students and co-op placement Staff.

**“Township”** means The Corporation of the Township of Minden Hills.

“**Vexatious**” means without reasonable or probable cause or excuse.

## **2. Purpose**

The purpose of this Policy is to provide for a Code of Conduct for members of The Township of Minden Hills Council.

The Council of the Township of Minden Hills is committed to achieving the highest standards of conduct in its actions, which is essential to maintaining and ensuring public trust and confidence in the Township’s decision-making and operations. Township Council members shall act in an accountable and responsible manner, with integrity and fairness in the decision-making process.

## **3. Scope**

This Code of Conduct applies to all Members of the Council of the Township of Minden Hills, all members of any Quasi-Judicial Committees and all members of any Committees (as defined under the *Municipal Act, 2001*) established by the Township of Minden Hills. It is the responsibility of all members to be aware and comply with this Code and other policies adopted by Township Council.

## **4. General Integrity**

- 4.1 Members are committed to performing their functions with integrity, accountability and transparency.
- 4.2 Members are responsible for complying with all applicable legislation, by-laws and policies that pertain to their positions as an elected official.
- 4.3 Members recognize that the public has the right to open government and transparent decision-making.
- 4.4 Members shall at all times serve and be seen to serve the interests of their constituents and the Township in a conscientious and diligent manner, and shall approach decision-making with an open mind.
- 4.5 Members will conduct their dealings with each other in ways that maintain public confidence in the position to which they have been elected or appointed.
- 4.6 Members will be open and honest, focus on issues rather than personalities, and avoid aggressive, offensive or abusive conduct.
- 4.7 Members shall refrain from making disparaging remarks about other members of Council, Staff, members of the public, or Council’s decisions.
- 4.8 Members shall avoid the improper use of the influence of their Office and shall avoid pecuniary conflicts of interest, direct or indirect, in accordance with, and as



defined by, the *Municipal Conflict of Interest Act* and non-pecuniary conflicts of interest.

- 4.9 Members shall not extend in the discharge of their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a private or personal interest.
- 4.10 For greater clarity, this Code does not prohibit members from properly using their elected office to represent views on behalf of constituents.
- 4.11 In accordance with the *Municipal Act* and the *Municipal Conflict of Interest Act*, every member shall exercise his or her power and discharge his or her official duties in accordance with the following guiding principles:
  - a) Seek to advance the common good of the Township;
  - b) Exercise care, diligence and skill that a reasonable person would exercise in similar circumstances;
  - c) Exercise his or her powers only for the purposes for which they were intended; and,
  - d) Truly, faithfully and impartially exercise his or her Office to the best of his or her knowledge and ability.

## **5. Conduct at Council/Committee Meetings**

- 5.1 During Council and other meetings where they are representing the Township, members shall conduct themselves with decorum and in accordance with the Township's Procedural By-law.

## **6. Discrimination and Harassment**

- 6.1 All members have a duty to treat members of the public, one another, and Staff with respect and without abuse, bullying or intimidation, and to ensure that the work environment is free from discrimination and Harassment. No member shall engage in a course of Vexatious comment or conduct against a worker in a workplace that is known or ought to be known to be unwelcome to any other member, any Staff, or any member of the public.

## **7. Conduct Respecting Staff**

- 7.1 Members shall acknowledge the fact that Staff work for the Township as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate objectives. Township Council has the authority to approve budget, policy, governance, and other such matters.

- 7.2 Under the direction of the Chief Administrative Officer, Township Staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council as recorded in the minutes and resolutions.
- 7.3 Members shall acknowledge and respect the fact that Staff carry out directions of Council as a whole and administer the policies of the Township, and are required to do so without any undue influence from any individual member or group of members.
- 7.4 Members shall refrain from publicly criticizing individual members of Staff in a way that casts aspersions on their professional competence and credibility. The role of Staff is to provide advice and services based on political neutrality, objectivity and professional judgement which may not necessarily reflect the opinion or position of a single member of Council.
- 7.5 Members of Council have no individual capacity to direct Staff to perform specific functions. Inquiries of Staff from members of Council shall be directed to the Chief Administrative Officer or the appropriate Manager.
- 7.6 The *Municipal Act* sets out the roles of members of Council and the municipal administration, including specific roles for statutory/officers such as the Chief Administrative Officer, Clerk, Treasurer and the Integrity Commissioner.
- 7.7 **Members of Council are expected to:**
- a) Represent the public and to consider the well-being and interests of the Township;
  - b) Develop and evaluate policies and programs of the Township;
  - c) Determine which services the Township provides;
  - d) Ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
  - e) Ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
  - f) Maintain the financial integrity of the Township; and
  - g) Carry out the duties of Council under the *Municipal Act* or any other Act.
- 7.8 **Municipal Staff is expected to**
- a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
  - b) Undertake research and provide advice to Council on the policies and programs of the Township; and,



- c) Carry out other duties required under the *Municipal Act* or any Act and other duties assigned by the Township.
- 7.9 Members shall be respectful of the role of Staff to provide advice based on political neutrality, professional judgement and objectivity.
- 7.10 Members shall not:
  - a) Maliciously or falsely injure the professional, personal or ethical reputation, or the prospects or practice of Staff;
  - b) Compel Staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
  - c) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any Staff member with the intent of interfering in Staff's duties.

## **8. Conduct Respecting Fellow Members**

- 8.1 Council Members will establish a working relationship with fellow members that recognizes and respects the diversity of opinion and achieves the best possible outcomes for the community.

Members will:

- a) honour the role of the chair in maintaining order at the table;
- b) be respectful that other members (as applicable) have taken the same Oath of Office as they have, and have the right to a different point of view providing it is appropriately and responsibly shared;
- c) not publicly speak disrespectfully, disparagingly or negatively about a fellow Member in a way that casts aspersions on their personal or professional competence and credibility;
- d) demonstrate a cooperative and effective problem solving approach;
- e) practice civility and decorum in discussions and debate.

## **9. Improper Use of Influence**

- 9.1 As elected officials, members are expected to perform the duties of their Office with integrity, accountability and transparency.
- 9.2 Members shall not use the status of their position to influence the decision of another individual to the private advantage of oneself, one's Parents, Child, or Spouse, Staff members, friends, or business or other associates.
- 9.3 In the same manner and as outlined in the *Provincial Offences Act*, members shall not attempt to influence or interfere, either directly or indirectly, financially,

politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

## **10. Use of Township Property and Resources**

- 10.1 Members have access to municipal resources such as property, equipment, services, Staff and supplies, in order to fulfill their roles as elected or appointed representatives.
- 10.2 No member shall use, or permit the use of Township property, equipment, services, Staff or other resources (such as the Township website) for any activity other than purposes connected with the discharge of Township Council duties or Township Council business.
- 10.3 No member shall obtain financial gain from the use or sale of Township-developed intellectual property, computer programs, technological innovations, or other kinds of property, while they are an elected or appointed official or thereafter.
- 10.4 Any equipment or supplies purchased by the Township in the exercise of the member's duties (e.g. computers, cell phones) is Township Property and will be returned to the Township at the end of a member's term and/or restitution made as outlined in any relevant policy.
- 10.5 No member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her official duties.

## **11. Conduct Respecting Lobbying**

Members, as elected or appointed representatives, are often approached by various individuals attempting to influence their decisions. While lobbying is an acceptable practice, members must be aware that it is their responsibility to make decisions based on impartial and objective assessment of each situation, free from the influence of group agencies, individuals, associations or likewise for approval or decision-making.

## **12. Confidential Information**

- 12.1 All information, documentation or deliberation received, reviewed or taken in Closed Meetings of Council (and its Committees as applicable) is confidential.
- 12.2 Members shall not disclose or release by any means to any member of the public either in verbal or written form any personal and Confidential Information or material acquired by virtue of their Office, except when required by law to do so. Where a matter has been discussed in a Closed Meeting and the information remains confidential, Members shall not disclose the content of the matter or the substance of deliberations of the Closed Meeting.



- 12.3 Requests for information should be referred to appropriate Staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

### **13. Gifts, Benefits and Hospitality**

- 13.1 Members are expected to represent the public and the interests of the Township, and to do so with impartiality and objectivity. The acceptance of a Gift, Benefit or Hospitality can imply favouritism, bias, or influence on the part of the Member. At times, the acceptance of a gift, benefit or Hospitality occurs as part of the social protocol or community events linked to the duties of an elected or appointed official and their representative role of the Township.
- 13.2 Members shall not accept Gifts 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. For these purposes, a Gift, Benefit or Hospitality provided with the member's knowledge to a Member's Spouse, Child or Parent that is connected directly or indirectly to the performance of the Member's duties is deemed to be a Gift to that Member.
- 13.3 Members are not precluded from accepting:
- a) Personal Gifts, Benefits, rewards, commissions or advantages from any person or organization which are wholly unconnected with the performance of the Member as an elected or appointed representative;
  - b) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
  - c) Services provided without compensation by persons volunteering their time;
  - d) Invitations from charity or not-for-profit organizations to attend their events;
  - e) Communication to the offices of a Member, including subscriptions to newspapers and periodicals;
  - f) Gifts of a nominal value, defined as a value of under \$100.00 (e.g. baseball cap, t-shirt, book, etc.);
  - g) Food and beverages at banquets, receptions, ceremonies or similar events;
  - h) A memento received by a Member of Council at a function honouring the Member;

- i) A memento received as a result of being a speaker, participant or representative of the Township at an event;
- j) Gifts or Benefits received as a result of social protocol, customs or social obligations that normally accompany the performance of official duties;
- k) Food, lodging, transportation and entertainment provided by other levels of government or other local governments, boards or commissions; and,
- l) Sponsorships and donations for community events organized or run by a Member or a third party on behalf of a Member.

13.4 Those Gifts received by Members which have significance historical value for the Township of Minden Hills shall be left with the Township of Minden Hills when the Member ceases to hold Office.

13.5 It is recognized that the extension and acceptance of forms of Hospitality (including invitations to events, outings, engagements, performances, etc.) is within the activity suite of Members. Any Hospitality should fall within the following parameters:

- a) Members do not allow themselves to reach a position whereby they might be, or deemed by others to have been, influenced in making a decision as a consequence of the offering or acceptance of such Hospitality;
- b) It serves a legitimate business purpose related to the responsibilities of the Member;
- c) The person extending the invitation or a representative of the organization, is in attendance; and,
- d) The value and frequency is reasonable.

13.6 Members shall return any Gifts or Benefits or not accept Hospitality, which does not comply with these guidelines, along with an explanation of why the Gifts, Benefits, or Hospitality cannot be accepted.

#### **14. Social Media**

14.1 The Township recognizes that Social Media applications are widely being utilized as communication tools with the potential to provide the public with timely information. Such information is necessary for all who live, work and play in the Township of Minden Hills and the Township is committed to disseminating information in a range of formats to reach a variety of audiences.

14.2 Members who chose to participate in Social Media communications regarding Township business activities will conduct themselves in accordance with the following:



- a) Understands by using a Member's municipal email address, communicating in an official capacity, or discussing municipal business on corporate Social Media sites constitutes conducting municipal business;
- b) Members will conduct themselves in a positive, professional, honest, ethical and fair manner at all times and in accordance with this policy and all related policies in the best interest of the Corporation;
- c) The Township of Minden Hills' website ([www.mindenhills.ca](http://www.mindenhills.ca)) will remain the Township's primary and predominant internet presence for in-depth information, forms and online documents. All Social Media sites used will direct visitors back to the appropriate section of the website.

14.3 Council Members will refrain from posting the following to their personal Social Media pages:

- a) Content which violates the Criminal Code of Canada or the Ontario Human Rights Code;
- b) Proprietary and confidential municipal information;
- c) Discriminatory, disrespectful, disparaging, negative statements involving or against the Township, a Staff member, a member of the public or any member of Council;
- d) Content which violates any of the Township's policies;
- e) The Township's logo, trademark or graphics without the Township's prior written consent (sharing the Township's social media and website posts is permitted).
- f) Information or comments which are contrary to the decision(s) of Council and which could mislead the public as to Council's decision.

## 15. **Election-Related Activity**

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

## 16. **Compliance with the Code of Conduct**

### 16.1 Members are expected to adhere to the provisions of the Code of Conduct.

16.2 Where Council has received a report by its Integrity Commissioner that in their opinion there has been a violation of the Code of Conduct, the Municipal Act, 2001 provides Council with the authority to impose the following sanctions:

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

### 16.3 **Other Actions**

Council, may also take the following actions following a report by the Integrity Commissioner:

- a) Remove a member from their membership on any committee of the Council.
- b) Remove a Chair of any committee or subcommittee of the Council.
- c) Require the repayment or reimbursement of moneys improperly received by the member or received by another person at the direction of the member.
- d) Require the return of a gift or benefit or reimbursement of its value.
- e) Request for an apology, Council, any committee, the complainant, or to a combination of any of them.

## 17. **Enforcement of the Code of Conduct – Integrity Commissioner**

17.1 The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code (or any applicable corporate policy).

17.2 Any person, including members of the public, Township employees and members of Council, who has reasonable grounds to believe that a Member has breached a provision of the Code or applicable corporate policy may proceed with a Complaint. Complaints cannot be made by groups, organizations or corporations.

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

17.4 A complainant may wish to pursue the informal Complaint process as established by this Code, but is not required to prior to proceeding with the formal Complaint process set out in this Code.

17.5 No Member shall obstruct the Integrity Commissioner in the carrying out of his or her responsibilities.



- 17.6 Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is prohibited.

**18. Other Duties of the Integrity Commissioner**

- 18.1 In addition to conducting investigations regarding alleged breaches of the Code of Conduct and other related policies adopted by Township Council, the Integrity Commissioner shall have the following responsibilities:
- a) Provide information to Council as to their obligations under the Code.
  - b) Provide advice to individual Members regarding specific situations as they relate to the application of the Code.
  - c) Provide advice to Council on other policies and procedures that relate to the ethical behavior of Members.
  - d) Provide advice on conflict of interest issues. Provide information to the public regarding the Code and the obligations of Members under the Code.
  - e) Provide an annual report to Council on activities of the Integrity Commissioner.
- 18.2 The Integrity Commissioner shall provide his or her advice in writing to the Member. Any written advice given by the Integrity Commissioner to a Member, as it relates to the Code, binds the Integrity Commissioner in any subsequent consideration of the Member's conduct in the same matter provided the relevant facts known to the Member were disclosed to the Integrity Commissioner.
- 18.3 Any written requests for advice and responses to such requests are covered under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 18.4 The Integrity Commissioner's annual report to Council shall include information on the nature and volume of activity for the past year and provide anonymized examples with respect to the advice provided and the nature of complaints received and responded to.
- 18.5 The annual report of the Integrity Commissioner shall be provided to Council for information. The report is a public document.
- 18.6 The Integrity Commissioner shall file their annual report no later than six months after his or her initial appointment and annually thereafter.

## **19. Procedure – Informal Complaint (Optional)**

- 19.1 Any individual who has identified or witnessed behavior or activity by a Member that appears to be in contravention of the Code may address their concerns as follows:
- a) Advise the Member that their behavior or activity contravenes the Code of Conduct.
  - b) Encourage the Member to stop the prohibited behavior or activity.
  - c) If applicable, confirm to the Member satisfaction or dissatisfaction with his or her response to the concern identified.
  - d) Keep a written record of the incident(s), including dates, times, locations, other persons present and any other relevant information, including steps taken to resolve the matter.
  - e) If not satisfied with the response received from the Member through the optional informal process, an individual may proceed with a formal Complaint through the Integrity Commissioner as outlined in the Formal Complaint Procedure.
- 19.2 Notwithstanding the above, if the individual is not comfortable proceeding with the informal Complaint procedure they may proceed with their Complaint directly to the Integrity Commissioner.

## **20. Procedure – Formal Complaint**

- 20.1 Any individual who has identified or witnessed behavior or activity by a Member that appears to be in contravention of the Code may address their concerns through the formal Complaint process as follows:
- a) A Complaint shall be made in writing, on the prescribed form/affidavit attached as Appendix B, and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
  - b) A Complaint must be signed in the presence of a Commissioner for Taking Oaths and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation).
  - c) All formal Complaints 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.
  - d) Any witnesses in support of the allegation must be identified.
  - e) The Complaint 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 relevant information.



- f) The Complaint shall be filed directly with the Integrity Commissioner who shall confirm that the information is complete to their satisfaction. The Integrity Commissioner will determine whether the matter is, on its face, a Complaint with respect to non-compliance with the Code and not covered by other legislation or policies.
- g) The Integrity Commissioner may request additional information from the complainant.
- h) Complaints must be submitted within six weeks of the matter becoming known to the individual and no more than six months after the alleged violation occurring. No action will be taken on a complaint received beyond these deadlines.

## **21. Complaint – Municipal Conflict of Interest Act (MCIA)**

21.1 If filed with the Integrity Commissioner after March 1, 2019, 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”) 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) A complaint shall be made in writing, on the prescribed form/affidavit attached as Appendix C 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);

A Complaint shall include:

- 1. 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;
- 2. any evidence in support of the allegation; and
- 3. any witnesses in support of the allegation must be identified; and
- 4. 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.
- 5. an application may only be made 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.

## **22. Refusal to Conduct Investigation**

- 22.1 If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is Frivolous, Vexatious or not made in Good Faith or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- 22.2 Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any Complaint described above, except as part of an annual or other periodic report.

## **23. Response to Complaint Outside of the Jurisdiction of the Integrity Commissioner**

- 23.1 If the Complaint received by the Integrity Commissioner is deemed not to be a Complaint with respect to non-compliance with the Code, or other corporate policy applying to the Members or compliance with the MCIA, the Integrity Commissioner shall advise the complainant in writing, as follows:
1. 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.
  2. Municipal Freedom of Information and Protection of Privacy – if the Complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk to have the matter reviewed under that Act.
  3. 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.

If the matter is covered by other Township policies or legislation, the complainant will be advised and directed to proceed in a manner that is considered appropriate by the Integrity Commissioner.

## **24. Election Blackout Period**

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, except as provided in s. 223.4 and 223.4.1 of the *Municipal Act*.



**25. Policy, Procedure and Implementation**


The Acknowledgment statement attached as Schedule "A" to this Code will be signed following the Inaugural Meeting and/or following the adoption of any replacement Code of Conduct.

The Code of Conduct shall be reviewed by each Council no later than one year following a municipal election.

Adopted by Council this 28th day of March, 2019



Brent Devolin, Mayor



Dawn Newhook, Clerk

**APPENDIX A  
POLICY #74**

**ACKNOWLEDGEMENT**

**CODE OF CONDUCT**

I confirm that I have read and understand the Township of Minden Hills Code of Conduct for Council.

I agree to comply with the terms of the Code of Conduct of Council in my undertakings relating to my position as a member of Council.

As a member of the Township of Minden Hills Council, I am committed to discharging my duties conscientiously and to the best of my ability.

Name of Council Member: \_\_\_\_\_  
(Please print)

Signature of Council Member: \_\_\_\_\_

Signed and witnessed by the Clerk on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

\_\_\_\_\_  
Clerk



APPENDIX "B"

**Council Code of Conduct for Elected or Appointed Officials  
Formal Complaint Form/Affidavit  
Township of Minden Hills**

<b>Complainant Information</b>		
Name:		
Mailing Address:		
Town/City:	Province:	Postal Code:
Home Telephone:	Cell Number:	
Email Address:		

Affidavit  
of \_\_\_\_\_

(full name)

I, \_\_\_\_\_ of \_\_\_\_\_  
(full name), (City, Town, etc.)

in the County/District/Region of \_\_\_\_\_ in the Province of  
Ontario

Make Oath and Say (or affirm):

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

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

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

2. I have reasonable and probable grounds to believe that a member of the  
Township of Minden Hills Council/Committee, Member  
\_\_\_\_\_ (specify name of member) has contravened section(s)  
\_\_\_\_\_ (specify section(s)) of the Council Code  
of Conduct for the Township Minden Hills for Elected or Appointed Officials.

The particulars of which are as follows: (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 require  
more space please use the attached Schedule B.1 form (Additional Information  
form).

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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

---

Page 20





# APPENDIX "C"

## Municipal Conflict of Interest Act Complaint Form and Affidavit Township of Minden Hills

<b>Complainant Information</b>		
Name:		
Mailing Address:		
Town/City:	Province:	Postal Code:
Home Telephone:		Cell Number:
Email Address:		

Affidavit

of \_\_\_\_\_

(full name)

I, \_\_\_\_\_ of \_\_\_\_\_

(full name)

(City, Town, etc.)

in the County/District/Region of \_\_\_\_\_ in the  
Province of Ontario

Make Oath and Say (or affirm):

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

---

---

---

---

---

---

---

---

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

3. I have reasonable and probable grounds to believe that a member of the  
Township of Minden Hills Council/Committee Member  
\_\_\_\_\_ (specify name of member) has contravened section(s)

\_\_\_\_\_ (specify section(s) of the *Municipal Conflict of Interest Act* (i.e. Section 5, 5.1,  
and/or 5.2)

Please include the date, time and location of the alleged contravention and any  
other relevant information.

---

---

---

---



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this Affidavit).**

3. I 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.
4. This Affidavit is made for the purpose of requesting that this matter be reviewed by the Township of Minden Hills appointed Integrity Commissioner and for no other purpose.

Sworn before me at the

\_\_\_\_\_

this \_\_\_\_ day of \_\_\_\_\_ 20 . \_\_\_\_\_ Commissioner of Oaths/Affidavits, etc.

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