

**CORPORATION OF THE TOWN OF MATTAWA**



**CODE OF CONDUCT POLICY  
FOR MEMBERS OF COUNCIL  
AND LOCAL BOARDS**

**BY-LAW 19-08**

## Code of Conduct Policy for Members of Council and Local Boards

### Contents

1. PURPOSE AND PRINCIPLES.....	3
2. DEFINITIONS.....	3
3. STATUTORY PROVISIONS .....	5
4. ACCESS TO INFORMATION AND CONFIDENTIALITY.....	6
5. GIFTS.....	6
6. USE OF MUNICIPAL PROPERTY .....	7
7. POLITICAL ACTIVITY.....	7
8. UNDUE USE OF INFLUENCE.....	8
9. BUSINESS RELATIONS .....	8
10. CONDUCT AT MEETINGS.....	8
11. REPRESENTING THE MUNICIPALITY.....	8
12. RESPECT FOR THE ROLE OF STAFF .....	8
13. HARRASSMENT .....	9
14. ROLE OF THE INTEGRITY COMMISSIONER .....	9
15. COMPLAINT PROCESS.....	10
16. PENALTIES.....	12
17. ATTESTATION .....	12
APPENDIX 'A' CODE COMPLAINT FORM.....	13
APPENDIX 'B' ATTESTATION .....	15

## **1. PURPOSE AND PRINCIPLES**

This policy outlines a written Code of Conduct which helps ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate. These standards should serve to enhance public confidence that the Town of Mattawa's elected representatives operate from a base of integrity, justice and courtesy.

The Town of Mattawa Code of Conduct is a general standard that augments the provincial and municipal laws that govern its conduct. It is not intended to replace a Members' personal ethics.

The key statements of principle that underline this Code are as follows:

- a) the decision-making process of Council is open, accessible and equitable and respects the municipality's governance structure;
- b) public office is not to be used for the financial benefit of any Member;
- c) residents of the Town of Mattawa should have confidence in the integrity of their local government and of their Members;
- d) the conduct of each Member is of the highest standard; and
- e) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

## **2. DEFINITIONS**

In this Code:

- a) "Clerk" means the Clerk of The Corporation of the Town of Mattawa;
- b) "Code" means this Code of Conduct as it applies to members of Council and as established by Council pursuant to Section 223.2 of the Municipal Act, 2001;
- c) "Committee" means a committee, board, ad hoc, task force or other body constituted and appointed by Council, including the Committee of the Whole;
- d) "Complaint" means an alleged contravention of this Council Code of Conduct;
- e) "Complainant" means a person who has filed a complaint in accordance with this Code;
- f) "Confidential Information" means information in the possession of the municipality that the municipality is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or other legislation which includes but is not limited to:
  - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;

- (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
  - (iii) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
  - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
  - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
  - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
  - (vii) sources of complaints where the identity of the complainant is given in confidence;
  - (viii) information circulated to Members and marked “confidential”; or
  - (ix) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- g) “Council” means the Municipal Council of The Corporation of the Town of Mattawa;
- h) “Discrimination” means any behavior by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, disability, marital status, or family status, and any other grounds under the provision of the Ontario Human Rights Code;
- i) “Family member” means as defined in the Municipal Conflict of Interest Act;
- j) “Gift” means, cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly to the performance of the Member’s duties;
- k) “Harassment” or “harass” involves engaging in a course of behaviour, 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 behaviour, 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.
- l) “Integrity Commissioner” means the Integrity Commissioner appointed by Council pursuant to Section 223.2 of the Municipal Act, 2001;
- m) “Local Board” means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include the following:
- A society as defined in subsection 2(1) of the Child and Family Services Act, 2017;
  - A board of health as defined in subsection (1) of the Health Protection and Promotion Act;
  - A Committee of management established under the Long-Term Care Homes Act, 2007;
  - A police service board established under the Police Services Act, 2018;
  - A corporation established in accordance with Section 203 of the Municipal Act, 2001.
- n) “Meeting” means any legally-constituted meeting of Council or a Committee;
- o) “Member” means a member of Council and includes the Mayor and Councillor;
- p) “Pecuniary Interest” means an interest as set out in the Municipal Conflict of Interest Act;
- q) “Staff” means direct employees of the municipality whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- r) “Municipality” means the Corporation of the Town of Mattawa; and
- s) “Municipal Property” includes but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the municipality.

### **3. STATUTORY PROVISIONS**

This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the conduct of members of Council:

- The Municipal Act, 2001;
- The Municipal Conflict of Interest Act
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.

The Criminal Code of Canada also governs the conduct of members of Council.

#### **4. ACCESS TO INFORMATION AND CONFIDENTIALITY**

Confidential information includes information in the possession of or received in confidence by the municipality that the municipality is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal of Information and Protection to 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.

The Municipal Act, 2001, as amended, allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the municipality or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so. Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

In accordance with the Procedure By-law a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of such matter, or the substance of deliberations, of the in-camera meeting until Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of information that a member of Council must keep confidential:

- Items under litigation, negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be “personal information” under MFIPPA; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the municipality unless it is necessary for the performance of their duties and not prohibited by Council policy.

#### **5. GIFTS**

No member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

The following are recognized as exceptions:

- a) Gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- b) Gifts that are not connected directly or indirectly with the performance or duties of office;
- c) Compensation authorized by-law;
- d) A reimbursement of reasonable expenses incurred and honourariums received in the performance of activities connected with a legitimate municipal purpose;
- e) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- f) Services provided without compensation by persons volunteering their time;
- g) A suitable memento of a function honouring the Member or the municipality;
- h) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country;
- i) Food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance; and
- j) Communications to offices of a Member including subscriptions to newspapers and periodicals.

## **6. USE OF MUNICIPAL PROPERTY**

No member shall use, or permit the use of municipal land, facilities, equipment,, supplies, services, staff or other resources (for example, municipal-owned materials, websites) for activities other than the business of the municipality.

Nor shall any member obtain personal financial gain from the use or sale of municipal developed intellectual property (e.g. inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the municipality.

## **7. POLITICAL ACTIVITY**

Members shall not use municipal resources for any type of political activity as outlined in the “Use of Municipal Resources for Election Purposes” policy (Schedule “A” to By-law 18-10) including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

## **8. UNDUE USE OF INFLUENCE**

No member shall use their status as a Member of Council to improperly influence the actions or decisions of staff or others to the private advantage of the member or his or her family, staff, friends or associates, business or otherwise.

## **9. BUSINESS RELATIONS**

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the municipality except in compliance with the terms of the Municipal Conflict of Interest Act.

A member shall not refer to a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

## **10. CONDUCT AT MEETINGS**

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings.

## **11. REPRESENTING THE MUNICIPALITY**

Members shall make every effort to participate diligently in the activities of the agencies, committees and local boards to which they are appointed.

## **12. RESPECT FOR THE ROLE OF STAFF**

Members shall be respectful of the fact that staff work for the municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective.

Members must not falsely or maliciously injure the professional reputation of staff members.

Members shall be respectful of the fact that staff carry out the directions of Council and administer the policies of the municipality and are required to do so without any undue influence from any individual member or group of members of Council.

Where a member has a concern about personnel matters, he or she should speak to the Mayor and/or CAO regarding the concern or alternatively raise the issue with Council during a closed session of council.

Members must not invite or pressure any member of staff to engage in partisan political activity nor subject staff to discrimination or reprisal for refusing to engage in such activities.



### **13. HARRASSMENT**

No member shall harass any other member, any staff, or any member of the public.

Any complaint of harassment involving a member shall be referred to the Integrity Commissioner.

### **14. ROLE OF THE INTEGRITY COMMISSIONER**

The municipality shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001, as amended, 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.

The Integrity Commissioner may provide some or all of the following services as determined by the municipality:

- a) Education and training;
- b) Investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;
- c) Investigation reports and recommendations, including periodic, interim or final reports and annual reports;
- d) Information to the public regarding the Code and the obligations of Members under the Code and other ethical guidelines or policies; and
- e) Proactive guidance upon request from Council or a Member.

Members seeking information about their responsibilities under this Code of Conduct are encouraged to request advice from the Integrity Commissioner. A request by a Member for advice from the Integrity Commissioner under the Code of Conduct, any procedure, rule or policy of the municipality or of the local board, as the case may be, or for advice respecting their obligations under the Municipal Conflict of Interest Act shall be made in writing. If the Integrity Commissioner provides such advice, the advice shall be in writing.

Advice provided by the Integrity Commissioner to a member may be released with the member's written consent. If a member releases only a part of the advice provided to the member by the Commissioner, the Commissioner may release part, or all of the advice provided to the member without obtaining the member's consent.

Provide an annual report to Council on the activities of the Integrity Commissioner by no later than March 1<sup>st</sup> of each year. Should no complaints be received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

## 15. COMPLAINT PROCESS

- 15.1 A complaint that a member has contravened the Code may be initiated by any person, any Member of Council or by Council as follows:
- a) a complaint shall be made in the form attached as Appendix A and is to be sent directly to the Integrity Commissioner by mail, email, fax or courier (if required, pre-addressed and postage paid envelopes are available from the Clerk's office);
  - b) a complaint shall be made in writing and 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);
  - c) the alleged violation shall have taken place within sixty (60) days of filing the complaint with the Integrity Commissioner;
  - d) 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.
- 15.2 The Integrity Commissioner shall undertake an initial review of the complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other municipal policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other municipal policy applying to Members or if the complaint relates to the following matters;
- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the Ontario Provincial Police;
  - (ii) **Municipal Conflict of Interest** – if the complaint relates to a matter under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with his or her own legal counsel; and
  - (iii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
  - (iv) **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 the Act.
- 15.3 If the Integrity Commissioner determines they do not have jurisdiction to investigate or otherwise deal with the complaint the Integrity Commissioner shall advise the complainant in writing accordingly.
- 15.4 The Integrity Commissioner may dispose a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to

Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavor to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.

- 15.5 If the Integrity Commissioner is of the opinion that a complaint 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 in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 15.6 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint 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 with a request for a written reply within ten (10) days.
- 15.7 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. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any municipal workplace relevant to the complaint, including any documents or records under the custody or control of the municipality.
- 15.8 The Integrity Commissioner shall complete an investigation within ninety (90) days. In circumstances where the Integrity Commissioner requires more than ninety (90) days to complete an investigation the following shall be notified accordingly:
  - a) the complainant;
  - b) the member to whom the complaint relates; and
  - c) the Clerk and presiding officer in the case of a complaint concerning the Head of Council.
- 15.9 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 15.10 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 has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, 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.

15.11 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.

## **16. PENALTIES**

16.1 Upon receipt of a final report 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 up to ninety (90) days; or
- c) Such other recommendation put forth by the Integrity Commissioner.

16.2 Council may also consider the following actions:

- a) removal of the Member from membership of a committee;
- b) removal of the member as Chair of the committee;
- c) repayment or reimbursement by the Member of the monies received;
- d) return of property by the Member or reimbursement of its value; or
- e) a request for a written and/or verbal apology by the member to Council, the complainant or both.

16.3 Council shall consider and respond to a report from the Integrity Commissioner within thirty (30) days after the day the report is laid before it. Any recommended corrective action shall be designed to ensure that the appropriate behavior or activity does not continue and any reprimand will be in accordance with section 223.4 of the Municipal Act, 2001.

## **17. ATTESTATION**

Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understood and accepted the Code.



### CODE COMPLAINT FORM

I, \_\_\_\_\_ hereby request the Integrity Commissioner for the Town of Mattawa to conduct an inquiry pursuant to Part V.1 of the Municipal Act, 2001 about whether or not the following Member(s) of Council has (have) contravened the Council Code of Conduct applicable to the Member(s):

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I have reasonable and probable grounds to believe that the above Member(s) has (have) contravened the Council Code of Conduct by reason of the following: please insert date, time and location of conduct, including the Rules contravened, together with particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached, (if more space is required, please attach additional pages as needed):

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I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the Municipal Act, 2001 with respect to the above conduct.

Attached are copies of documents and records relevant to the requested inquiry. Please mail, fax, email or otherwise deliver this request to:

Expertise for Municipalities  
1894 Lasalle Blvd  
Sudbury, ON  
P3A 2A4  
Office: 705-863-3306  
Fax: 705-806-4000  
Email: [peggy@E4m.solutions](mailto:peggy@E4m.solutions)

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(Signature of Requester)

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Date

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Name (please print)

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Address

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Home Phone

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Cell

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Fax

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Email



### **ATTESTATION**

I have read and understood this document and agree to abide by its terms. I understand that I may approach the Integrity Commissioner for binding confidential guidance and advice on interpretation of its provisions to prospective decisions that I might make.

With my signature, as a Member of Council, I confirm that I have read, understood and accept this Code of Conduct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date